

From: Povarchuk, Rebecca J.

Sent: 10/5/2016 6:37:12 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 86769992 - FIBERLOCK - 104701.00076 - Request for Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 18

Files: vivigensou.jpg, vivigenspec.jpg, nvisionsou.jpg, nvisionspec.jpg, allograft.jpg, magnifuseapp.jpg, magnifusespec.jpg, seaspine spec.jpg, seaspinesou.jpg, bio4aau.jpg, bio4spec.jpg, cerafixapp.jpg, cerafixspec.jpg, biozesou.jpg, biozespec.jpg, dynagraft89.jpg, dynagraftspec.jpg, 86769992.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86769992

MARK: FIBERLOCK



CORRESPONDENT ADDRESS:

JACQUELINE M. LESSER

BAKER & HOSTETLER

2929 ARCH ST FL 12

PHILADELPHIA, PA 19104-2891

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Blackstone Medical, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

104701.00076

CORRESPONDENT E-MAIL ADDRESS:

BHIPDocket@bakerlaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 10/5/2016

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a).

The following requirement(s) and/or refusal(s) made final in the Office action dated April 1, 2016 are maintained and continue to be final: (1) proper specimen; (2) proper classification of the goods. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. See below for more details. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

Classification of the Goods

As specified in the January 21, 2016 and April 1, 2016 Office actions, the goods are misclassified in Class 10. They are Class 5 items, as supported by the Trademark ID Manual entries of record (attached to the April 1, 2016 Office action and herein). Applicant has not addressed this issue.

Specimen

Contrary to applicant's simplified assertion that "an appropriate specimen of use...identified the product with the owner of the mark," it is well-established that a trademark specimen must be a label, tag, or container for the goods, or a display associated with the goods. 37 C.F.R. §2.56(b)(1).

Applicant's brochure, however, is mere advertising. Despite applicant's persistence in calling the brochure a "display," A display must be associated directly with the goods offered for sale. It must bear the trademark prominently. See *In re Marriott Corp.*, 459 F.2d 525, 173 USPQ 799 (C.C.P.A. 1972); *Lands' End Inc. v. Manbeck*, 797 F. Supp. 511, 24 USPQ2d 1314 (E.D. Va. 1992). In order to rely on such materials as specimens, an applicant must submit evidence of point-of-sale presentation.

Applicant has submitted no evidence of the brochures as actually used in a display. Instead, applicant's statements support that the materials are mere advertising, including the submission of a statement

from a marketing employee of applicant's. The statement refers generally to the brochures being "places in the offices, waiting rooms and medical facilities", however, applicant has submitted no actual evidence on this point, such as a photograph of such displays as required. Applicant's conclusory statements on this issue are inadequate.

Applicant states that "medical personnel, when viewing this literature are induced to make a purchase." This merely states the obvious, e.g., the purpose of advertising literature is to encourage applicant's business success in sales. However, it is well established that advertising materials are unacceptable as specimens.

Applicant states that "...because of the nature of the product, it would be impossible to put the FIBERLOCK brand name of the packaging for the product." This conclusory statement is not supported by any evidence about the nature of the product, nor the standard practices in the industry. It is insufficient simply to allege that it is impossible to place the mark on the packaging for the product.

Indeed, attached are examples of third party specimens for goods of a nature similar to applicant's. These images clearly show containers and labels for the relevant goods bearing the trademark. Applicant has not explained how its product is packaged, whether any writing may fit or appear on the package, or why applicant cannot apply the trademark to the packaging in a manner consistent to meet the requirements for a specimen.

/Rebecca Povarchuk/

Law Office 115

571-270-1529

Rebecca.Povarchuk@uspto.gov

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85740840
LAW OFFICE ASSIGNED	LAW OFFICE 119
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/85740840/large
LITERAL ELEMENT	VIVIGEN
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	LifeNet Health
STREET	1864 Concert Drive
CITY	Virginia Beach
STATE	Virginia
ZIP/POSTAL CODE	23453
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	Human cadaveric bone tissue for use in dental applications in a patient; human cadaveric tissue and bone tissue, cleaned and processed to remove cellular elements, for implantation into a patient to correct a defect or injury; cadaveric tissue grafts in the nature of processed cadaveric bone grafts; human tissue used to stimulate new bone formation in spine, orthopedic, and trauma surgical applications, all of the foregoing excluding intravenous immunoglobulins for use in treatment of immunodeficiency disorders and in immune replacement therapy
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	03/27/2014
FIRST USE IN COMMERCE DATE	03/27/2014
SPECIMEN FILE NAME(S)	\TICRS.EXPORT16\IMAGEOUT_16\857408\85740840.xml8_SOU0002.JPG
SPECIMEN DESCRIPTION	product label
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Daniel Osborne/
SIGNATORY'S NAME	Daniel Osborne
SIGNATORY'S POSITION	Vice President of Marketing
DATE SIGNED	10/22/2014
SIGNATORY'S PHONE NUMBER	202.739.5664
FILING INFORMATION	
SUBMIT DATE	Wed Oct 22 10:20:57 EDT 2014
TEAS STAMP	USPTO/SOU-X.XX.XXX.XX-201 41022102057167030-8574084 0-5005d957caefc91412f8ebe 16e453ea984b130964b78dc97 5e3ab9ace1c8-DA-7443-2014 1022100515464431

ViviGenTM



Code: BL-1500-002



Cellular Bone Matrix

Size: 5 CC

ID: 99999999-9003



Store at or below -70C

Caution: See package insert for precautionary and preparation information.

EXP: JAN 25 2019



For LNH Internal Use Only: BL-1500-002

FMT-0090

ViviGenTM
Cellular Bone Matrix
5 CC

ID: 99999999-9003



Code: BL-1500-002



ViviGen

Exp: JAN 25 2019



ID: 99999999-9003



Code: BL-1500-002



ViviGen

Exp: JAN 25 2019



Case Id
86534570

Document Description
5. Statement of Use

Mail/Create Date
Mar. 09, 2016

Prev Doc 1 of 6 Next Page

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1552 (Rev. 02/2013)
OMB No. 0851-0054 (Exp. 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86534570
LAW OFFICE ASSIGNED	LAW OFFICE 114
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86534570/large
LITERAL ELEMENT	LIFE TO THE NTH DEGREE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	NVision BioMedical Technologies, LLC
INTERNAL ADDRESS	Suite 120
STREET	18618 Tuscany Stone
CITY	San Antonio
STATE	Texas
ZIP/POSTAL CODE	78258
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	Biological devices, namely, regenerative cells for medical or clinical use and regenerative soft tissue and bone intended for subsequent implantation
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	11/30/2014
FIRST USE IN COMMERCE DATE	11/30/2014
SPECIMEN FILE NAME(S)	\TICRS\EXPORT16\IMAGEOUT_16_865345_86534570.xml115\SOU0002.JPG \TICRS\EXPORT16\IMAGEOUT_16_865345_86534570.xml115\SOU0003.JPG
SPECIMEN DESCRIPTION	mark shown on packaging that holds the Biological devices listed in each of classes 005 and 010.
INTERNATIONAL CLASS	010
CURRENT IDENTIFICATION	Medical and biological devices, namely, devices that aid spinal fusion and devices that alleviate pressure on the spinal cord and nerve roots to alleviate back and joint pain
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	11/30/2014
FIRST USE IN COMMERCE DATE	11/30/2014
SPECIMEN FILE NAME(S)	\TICRS\EXPORT16\IMAGEOUT_16_865345_86534570.xml115\SOU0004.JPG \TICRS\EXPORT16\IMAGEOUT_16_865345_86534570.xml115\SOU0005.JPG
SPECIMEN DESCRIPTION	mark shown on packaging that holds the Medical and Biological devices listed in each of classes 005 and 010.
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	200
SIGNATURE SECTION	
DECLARATION SIGNATURE	/David J. Hrina/
SIGNATORY'S NAME	David J. Hrina
SIGNATORY'S POSITION	Attorney of record, Ohio bar member
DATE SIGNED	03/09/2016
SIGNATORY'S PHONE NUMBER	330-643-0212





Trademark ID Manual

Refine Search:

Return results with status: A - Added M - Modified X - Examples D - Deleted

[Click here](#) for more information about Manual entry statuses and using the status checkboxes.

Documents: 1 - 4 of 4

Hit No.	Class	Description	Status	Effective Date	Type	Note	TM5
1	005	Allograft tissue reconstitution solution kits	A	07 Feb 08	G	N	
2	005	Human allograft bone and tissue	A	25 Oct 07	G	N	
3	005	Human allograft tissue	A	06 Aug 01	G	N	
4	037	Cleaning and disinfection of allograft bone and tissue samples	A	01 Jul 04	S	N	

[Return to ID Manual Main Page](#) [Return to Top to Refine Search](#)



Trademark/Service Mark Application, Principal Register

Serial Number: 85120666

Filing Date: 09/01/2010

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85120666
MARK INFORMATION	
*MARK	\\TICRS\EXPORT1\IMAGEOUT 11\851\206\85120666.xml1\APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	MAGNIFUSE
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word "MAGNIFUSE" appearing in stylized font below a grid of squares which begins above the letter "I" and extends upward and outward in a diamond shape.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	350 x 350
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Osteotech, Inc.
*STREET	51 James Way
*CITY	Eatontown
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	07724
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	005
*IDENTIFICATION	Biological implants, namely, bio-resorbable implants comprising mineralized and demineralized bone tissue; allograft material, namely, human tissue and bone for surgical implants; biological implants, namely, bio-resorbable implants comprising mineralized and demineralized bone tissue sold as a unit with a bio-resorbable device for delivery of bone implants for use in surgical procedures; allograft material, namely, human tissue and bone for surgical implants sold as a unit with a bio-resorbable device for delivery of bone implants for use in surgical procedures.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/14/2010
FIRST USE IN COMMERCE DATE	At least as early as 01/14/2010
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT1\IMAGEOUT 11\851\206\85120666.xml1\APP0003.JPG
SPECIMEN DESCRIPTION	digital photograph of applicant's product packaging bearing the mark
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 3807859.

Case Id
85120666

Document Description
8. Specimen

Mail/Create Date
Sep. 01, 2010



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1553 (Rev 03/2003)
OMB No. 0551-0054 (Exp 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86459554
LAW OFFICE ASSIGNED	LAW OFFICE 103
EXTENSION OF USE	YES
MARK SECTION	
MARK	http://img-al.uspto.gov/resting2/api/img/86459554/large
LITERAL ELEMENT	SEASPINE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	SeaSpine, Inc.
STREET	2302 La Mirada Dr.
CITY	Vista
STATE	California
ZIP/POSTAL CODE	92081
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	Biological bone tissue intended for subsequent implantation; Human allograft bone and tissue; Implants comprising living tissue; Surgical implants comprising living tissue
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	06/01/2002
FIRST USE IN COMMERCE DATE	11/30/2015
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-719414413-20151228123441711663_-_SeaSpine_-_Class_5_specimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TCRS\EXPORT16\IMAGEOUT16\86459554\86459554.xml9.SOU0002.JPG
SPECIMEN DESCRIPTION	image of a sample product packaging bearing the subject mark
INTERNATIONAL CLASS	010
CURRENT IDENTIFICATION	Bone implants composed of artificial materials; Bone void fillers consisting of artificial materials; Bone void fillers consisting primarily of synthetic materials and also incorporating biological materials; Prosthetic and filling materials, namely, putty for use in the replacement of bones; Prosthetic and filling materials, namely, artificial materials for use in the replacement of bones; Synthetic bone grafts; Bone implants composed of artificial materials; Medical devices, namely, spinal implants composed of artificial materials; Spinal implants composed of artificial material; Surgical implants made of artificial materials; Spinal implants composed of artificial material; Surgical implants comprising artificial material; Surgical implants comprising artificial material and associated surgical instrument sets
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	06/01/2002
FIRST USE IN COMMERCE DATE	11/30/2015
SPECIMEN FILE NAME(S)	
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SPECIMEN DESCRIPTION	image of a sample product packaging bearing the subject mark
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	200

PTO Form 1553 (Rev 9/2005)
OMB No. 0551-0054 (Exp. 10/31/2017)

Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

The table below presents the data as entered.

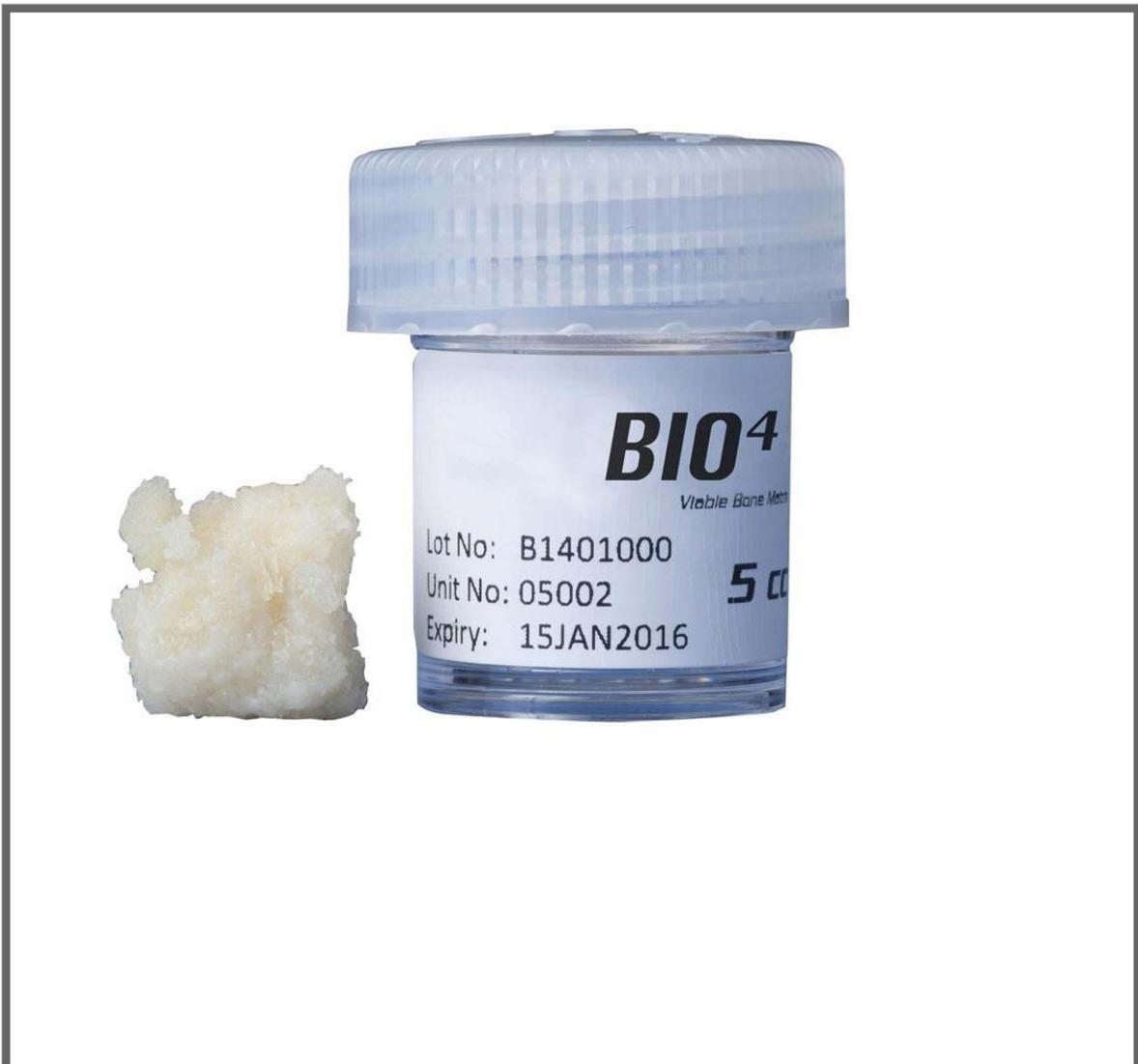
Input Field	Entered
SERIAL NUMBER	86537026
LAW OFFICE ASSIGNED	LAW OFFICE 110
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86537026/large
LITERAL ELEMENT	BIO4
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	Howmedica Osteonics Corp.
STREET	325 Corporate Drive
CITY	Mahwah
STATE	New Jersey
ZIP/POSTAL CODE	07430
COUNTRY	United States
PHONE	201-831-5570
FAX	201-831-6050
EMAIL	trademarkadmin@ldlkm.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	HUMAN ALLOGRAFT TISSUE; SURGICAL IMPLANTS COMPRISING MATERIAL DERIVED FROM LIVING TISSUE; BONE GRAFT MATERIAL COMPRISING CANCELLOUS CHIPS WITH VIABLE CELLS. DEMINERALIZED BONE MATRIX AND PERIOSTEUM FOR BONE FILLERS CONSISTING OF LIVING MATERIALS
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	02/09/2015
FIRST USE IN COMMERCE DATE	02/09/2015
SPECIMEN FILE NAME(S)	\TICRS\EXPORT16\IMAGEOUT16.865370.86537026.xml5\AAU0002.JPG
SPECIMEN DESCRIPTION	Product label
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
ORIGINAL PDF FILE	hw_2079991-153802081__TMP_HANDWRITTEN_PAGE_6-5-15.pdf
CONVERTED PDF FILE(S) (1 page)	\TICRS\EXPORT16\IMAGEOUT16.865370.86537026.xml5\AAU0003.JPG
SIGNATORY'S NAME	THOMAS M. PALISI
SIGNATORY'S POSITION	ATTORNEY OF RECORD, NJ BAR MEMBER
SIGNATORY'S PHONE NUMBER	908.654.5000
FILING INFORMATION	
SUBMIT DATE	Fri Jun 05 15:41:04 EDT 2015
TEAS STAMP	USPTO/AAU-XXX.XX.X-2015 0605154104687675-86537026 -530a13bat87dec5a0f1a22c3 212d881ffb64bd7eebbf818cc 46e4f65caf1bb21db0-CC-215 0-20150605153802081266

Case Id
86537026

Document Description
10. Specimen

Mail/Create Date
Jun. 05, 2015

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PTO Form 1473 (Rev 5/2008)
OMB No. 0651-0029 (Exp 12/31/2014)

Trademark/Service Mark Application, Principal Register

Serial Number: 86345694
Filing Date: 07/23/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86345694
MARK INFORMATION	
*MARK	CERAFIX
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CERAFIX
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Acera Surgical, Inc.
*STREET	10880 Baur Blvd.
*CITY	St. Louis
*STATE (Required for U.S. applicants)	Missouri
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	63132
LEGAL ENTITY INFORMATION	
TYPE	C-Corporation
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	010
*IDENTIFICATION	Medical devices, namely nanofiber-based implantable vascular and cardiovascular devices, nanofiber-based stents, nanofiber-covered stents, nanofiber-based medical implants, nanofiber-based wound care devices, nanofiber-based brain and spine implants; nanofiber-based drug release devices; Surgical and medical instruments, namely, surgical mesh prosthesis for general surgery, hernia repair, orthopedic surgery; burn and wound care, gynecology and obesity; sutures; surgical sutures; Surgical devices and instruments used for the placement and positioning of surgical mesh, soft tissue prosthesis and other surgical implants
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/30/2013
FIRST USE IN COMMERCE DATE	At least as early as 01/30/2013
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT\16\IMAGEOUT_16_863456_86345694.xml1\APP0003.JPG
SPECIMEN DESCRIPTION	scanned image of label as it appears on the goods
ATTORNEY INFORMATION	
NAME	Matthew J. Smith
ATTORNEY DOCKET NUMBER	072715-CERAFIX
FIRM NAME	Polsinelli PC
INTERNAL ADDRESS	Suite 1000
STREET	100 S. Fourth St.
CITY	St. Louis
STATE	Missouri
COUNTRY	United States
ZIP/POSTAL CODE	63102
PHONE	314-889-8000
FAX	314-231-1776
EMAIL ADDRESS	uspt@polsinelli.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
	Ari M. Bai, Yu Cai, Corey M. Casey, Leigh C. Bonsall, Bradley W. Crawford, Ronald M. Daignault, Elton F. Dean, III, Brian B. Diekhoff, Karen R. Dickinson, Derek D. Donahoe, Kate J. Doty, Gregory P.

Case Id
36345694

Document Description
15. Specimen

Mail/Create Date
Jul. 23, 2014

Prev Doc 1 of 1 Next Doc

Cerafix™ Dura Substitute

CONTENTS: One Dura Substitute
Non-pyrogenic
Sterility guaranteed unless package is damaged or opened.

STORAGE: Store at room temperature. Avoid excessive heat and humidity. Do not refrigerate.

STERILE E-BEAM


SINGLE-USE ONLY


SEE INSTRUCTIONS FOR USE


ONLY



 Acera Surgical, Inc.
4633 World Parkway Circle
St. Louis, MO 63134

Case Id
85708787

Document Description
7. Statement of Use

Mail/Create Date
May. 28, 2013

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PTO Form 1553 (Rev. 9/2005)
OMB No. 0951-0054 (Exp. 10/31/2017)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

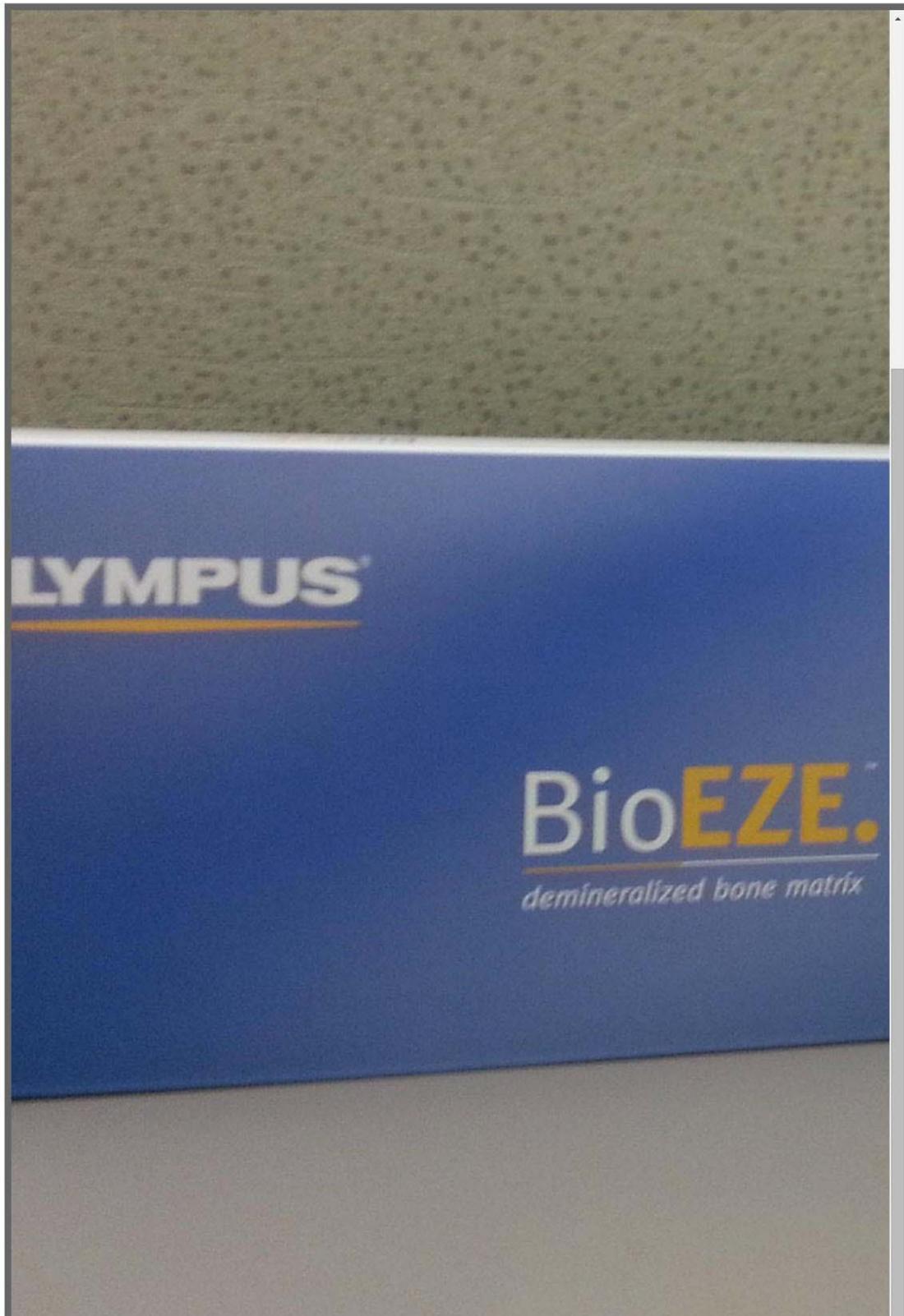
The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85708787
LAW OFFICE ASSIGNED	LAW OFFICE 114
EXTENSION OF USE	YES
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85708787
LITERAL ELEMENT	BIOEZE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	Olympus Biotech Corporation
STREET	35 South Street
CITY	Hopkinton
STATE	Massachusetts
ZIP/POSTAL CODE	01748
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
CURRENT IDENTIFICATION	Human allograft bone and tissue; surgical implants comprising living tissue; biological tissue grafts
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	11/30/2012
FIRST USE IN COMMERCE DATE	11/30/2012
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0002.JPG
ORIGINAL PDF FILE	SPN0-2051962044-173245460_-_bioeze_brochure.pdf
CONVERTED PDF FILE(S) (4 pages)	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0006.JPG
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CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0007.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\857087\85708787.xml11\SOU0008.JPG
SPECIMEN DESCRIPTION	digitally scanned photograph depicting the mark in connection with the goods and packaging insert and product brochure that details the contents of the product and provides usage instructions
INTERNATIONAL CLASS	010

Case Id
85708787

Document Description
9. Specimen

Mail/Create Date
May. 28, 2013



Case Id
78623267

Document Description
2. PR-Section 8 and 9

Mail/Create Date
Sep. 21, 2016

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SERIAL NUMBER	78623267
MARK SECTION	
MARK	DYNAGRAFT
ATTORNEY SECTION (new)	
NAME	Joseph R. Dages
FIRM NAME	Middleton Reutlinger
INTERNAL ADDRESS	Suite 2600
STREET	401 South Fourth Street
CITY	Louisville
STATE	Kentucky
POSTAL CODE	40202
COUNTRY	United States
PHONE	502-625-2865
FAX	502-588-1965
EMAIL	jdages@middletonlaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	ZT842-15023
OTHER APPOINTED ATTORNEY	Amy B. Berge
CORRESPONDENCE SECTION (current)	
NAME	Integra LifeSciences Corporation
INTERNAL ADDRESS	Attn: Law Dept./ Director, IP
STREET	311 ENTERPRISE DRIVE
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DOCKET/REFERENCE NUMBER	ZT842-15023
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
GOODS OR SERVICES	Biological bone and collagen human tissue intended for subsequent implantation for use in regeneration of bone in human; and bone implants comprised of living tissue
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-38801130-20160921171549488241_ DYNAGRAFT - Specimen.pdf
CONVERTED PDF FILE(S) (2 pages)	\TICRS\EXPORT17\IMAGEOUT17\786232\78623267.xml1\S890002.JPG
	\TICRS\EXPORT17\IMAGEOUT17\786232\78623267.xml1\S890003.JPG
SPECIMEN DESCRIPTION	an image of the mark affixed to product packaging

Case Id
78623267

Document Description
1. Specimen

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