



2. Opposer has for many years been engaged in the manufacture, marketing and sale of infusion apparatus and instruments to the medical industry.

3. Opposer owns numerous registrations and applications with the "LINK" suffix in connection with infusion products and products related thereto. Opposer owns (3) INTERLINK registrations under Registration No. 1,721,708 for "medical apparatus; namely, fluid administration set, extension set, secondary medication set, catheter extension set, y-type catheter extension set and IV connector loop set, all sets primarily composed of tubing, drip chamber, clamps, spike, hangers, finger guards, drop formers, injection sites, flow regulators, connectors, heparin locks, locking adapters, and tip protectors"; No. 1,812,016 for "medical apparatus, namely cannula"; No. 1,821,178 for "medical apparatus, namely syringes, drug vials, drug vial stoppers and drug vial adapters" all in International Class 10. The foregoing INTERLINK registrations are valid, subsisting and are all incontestable registrations. Copies of the Registration Certificates are attached hereto as Exhibit A.

4. In addition to the INTERLINK registrations described above, Opposer owns the following additional "LINK" registrations and applications in connection with closely related products:

A. RENAL LINK, Registration No. 2,118,279 for "software used for clinical and management information within a dialysis unit."

B. PLASMALINK, Registration No. 2,304,595 for "medical apparatus, namely, a plasma pooling and sampling system comprised of medical kits, consisting primarily of plastic tubing and glass or plastic containers, used for processing blood and blood components."

C. ALTRA LINK, Registration No. 2,019,801 for “software for storing, recalling and processing of patient data correlated with corresponding past and present treatment prescription data and treatment data as generated by a hemodialysis machine used to treat the patient in a clinic.”

D. LUERLINK, Application No. 75/754336 for “medical apparatus, namely, fluid administration set, extension set, secondary medication set, catheter extension set, y-type catheter extension set and IV connector loop set, all sets primarily composed of tubing, drip chamber, clamps, spike, hangers, finger guards, drop formers, injection sites, flow regulators, connectors; heparin locks, locking adapters, drug vial adapters, injection sites, stopcocks and manifolds.”

E. PD LINK, Application No. 76/202351 for “computer software program for monitoring dialysis patients.”

(See Exhibit B). As such, Opposer has a family of LINK marks in connection with infusion instruments and related products.

5. Based on its use of the INTERLINK, ALTRA LINK, RENAL LINK and PLASMALINK marks, Opposer has developed substantial good will therein and public recognition thereof, and said marks have come to identify Opposer’s products to the medical infusion market and the relevant purchasing public.

6. On information and belief, Opposer’s INTERLINK mark is one of the best known brands for infusion products. Opposer’s INTERLINK products have been in the marketplace for more than 10 years.

7. The products recited in pending application U.S. Serial No. 76/151380 and upon which Applicant apparently intends to use the pending mark, likewise are directed to the same medical infusion products market and concern identical goods to Opposer's INTERLINK and LUERLINK products, namely cannulae, injection syringes, connectors and injection sites.

8. Opposer's goods and Applicant's respective goods are both used in connection with infusion of a fluid into a patient's bloodstream. The products are identical and the nature of the use of the products are identical.

9. Upon information and belief, Applicant will be promoting and marketing its ULTRALINK product to the same hospitals, acute-care facilities, clinics and physicians as Opposer.

10. Upon information and belief, Applicant's product would be marketed and promoted at the same trade shows and through the same trade publications, as where Opposer's INTERLINK product is and has been marketed and promoted for years.

11. Upon information and belief, Opposer's goods and Applicant's respective goods are directed to the same segment of the same industry and through the same trade channels. Such customers would likely be familiar with Opposer's goods and would likely believe that Applicant's goods were somehow related to, complementary to, or otherwise authorized by Opposer.

12. Applicant's potential mark ULTRALINK is very similar in sight, sound and commercial impression to Opposer's registered mark INTERLINK and its other "LINK" marks, is identical in product and nature of the product use, will be marketed and sold to the same industry and through the same trade channels, and is therefore, likely to cause confusion or

mistake, or to deceive, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

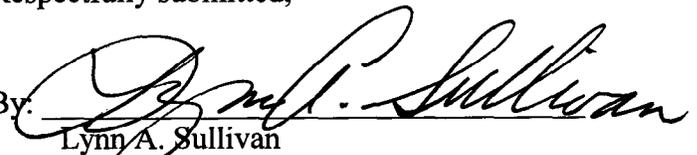
WHEREFORE, Opposer respectfully requests that this opposition be sustained and that the registration of pending U.S. Serial No. 76/151380 be denied. Opposer files this opposition in duplicate and encloses herewith the applicable fee of \$300.00 to file this opposition.

Date:

10/24/01

Respectfully submitted,

By:



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Baxter International Inc.

CERTIFICATE OF MAILING

I hereby certify that a copy of the attached Notice of Opposition is deposited in (DUPLICATE) with the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Attn: TTAB FEE, Virginia 22202-3513.

Date:

10/24/01

*John Sullivan*

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Int. Cl.: 10

Prior U.S. Cl.: 44

**United States Patent and Trademark Office**

Reg. No. 1,821,178

Registered Feb. 15, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

**INTERLINK**

BAXTER INTERNATIONAL INC. (DELAWARE  
CORPORATION)  
ONE BAXTER PARKWAY  
DEERFIELD, IL 60015

FOR: MEDICAL APPARATUS; NAMELY, SY-  
RINGES, DRUG VIALS, DRUG VIAL STOP-  
PERS AND DRUG VIAL ADAPTERS, IN  
CLASS 10 (U.S. CL. 44).

FIRST USE 2-8-1990; IN COMMERCE  
2-8-1990.

OWNER OF U.S. REG. NO. 1,721,708.

SER. NO. 74-402,606, FILED 6-17-1993.

JULIA A. HARDY, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cl.: 44

Reg. No. 1,812,016

**United States Patent and Trademark Office** Registered Dec. 21, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

**INTERLINK**

BAXTER INTERNATIONAL INC. (DELAWARE  
CORPORATION)  
ONE BAXTER PARKWAY  
DEERFIELD, IL 60015

FIRST USE 10-2-1990, IN COMMERCE  
10-2-1990.

SER. NO. 74-379,211, FILED 4-15-1993.

FOR: MEDICAL APPARATUS; NAMELY,  
CANNULA, IN CLASS 10 (U.S. CL. 44).

ESTHER A. BORSUK, EXAMINING ATTOR-  
NEY

Int. Cl.: 10

Prior U.S. Cl.: 44

**United States Patent and Trademark Office**

Reg. No. 1,721,708

Registered Oct. 6, 1992

**TRADEMARK  
PRINCIPAL REGISTER**

**INTERLINK**

BAXTER INTERNATIONAL INC. (DELAWARE  
CORPORATION)  
ONE BAXTER PARKWAY  
DEERFIELD, IL 60015

FOR: MEDICAL APPARATUS; NAMELY,  
FLUID ADMINISTRATION SET, EXTENSION  
SET, SECONDARY MEDICATION SET, CATH-  
ETER EXTENSION SET, Y-TYPE CATHETER  
EXTENSION SET AND I.V. CONNECTOR  
LOOP SET, ALL SETS PRIMARILY COM-  
POSED OF TUBING, DRIP CHAMBER,

CLAMPS, SPIKE, HANGERS, FINGER  
GUARDS, DROP FORMERS, INJECTION  
SITES, FLOW REGULATORS, CONNECTORS,  
HEPARIN LOCKS, LOCKING ADAPTERS,  
AND TIP PROTECTORS, IN CLASS 10 (U.S. CL.  
44).

FIRST USE 10-2-1990; IN COMMERCE  
10-2-1990.

SER. NO. 74-188,893, FILED 7-26-1991.

LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 9 .

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,019,801

United States Patent and Trademark Office

Registered Nov. 26, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**ALTRA LINK**

ALTHIN MEDICAL, INC. (DELAWARE COR-  
PORATION)  
14620 N.W. 60TH AVENUE  
MIAMI LAKES, FL 33014

FOR: SOFTWARE FOR STORING, RECALL-  
ING, AND PROCESSING OF PATIENT DATA  
CORRELATED WITH CORRESPONDING PAST  
AND PRESENT TREATMENT PRESCRIPTION  
DATA AND TREATMENT DATA AS GENER-

ATED BY A HEMODIALYSIS MACHINE USED  
TO TREAT THE PATIENT IN A CLINIC, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).  
FIRST USE 11-10-1994; IN COMMERCE  
9-19-1995.

SN 74-630,814, FILED 2-6-1995.

WANDA KAY PRICE, EXAMINING ATTOR-  
NEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,118,279

**United States Patent and Trademark Office**

Registered Dec. 2, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**RENAL LINK**

**BAXTER INTERNATIONAL INC. (DELAWARE  
CORPORATION)  
ONE BAXTER PARKWAY  
DEERFIELD, IL 600154633**

**FOR: SOFTWARE USED FOR CLINICAL  
AND MANAGEMENT INFORMATION WITHIN  
A DIALYSIS UNIT, IN CLASS 9 (U.S. CLS. 21,  
23, 26, 36 AND 38).**

**FIRST USE 6-0-1996; IN COMMERCE  
6-0-1996.**

**NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "RENAL", APART FROM THE  
MARK AS SHOWN.**

**SN 74-705,002, FILED 7-24-1995.**

**RUSS HERMAN, EXAMINING ATTORNEY**



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### Typed Drawing

**Word Mark** LUERLINK

**Goods and Services** IC 010. US 026 039 044. G & S: MEDICAL APPARATUS, NAMELY, FLUID ADMINISTRATION SET, EXTENSION SET, SECONDARY MEDICATION SET, CATHETER EXTENSION SET, Y-TYPE CATHETER EXTENSION SET AND IV CONNECTOR LOOP SET, ALL SETS PRIMARILY COMPOSED OF TUBING, DRIP CHAMBER, CLAMPS, SPIKE, HANGERS, FINGER GUARDS, DROP FORMERS, INJECTION SITES, FLOW REGULATORS, CONNECTORS; HEPARIN LOCKS, LOCKING ADAPTERS, DRUG VIAL ADAPTERS, INJECTION SITES, STOPCOCKS and MANIFOLDS

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75754336

**Filing Date** July 19, 1999

**Filed ITU** FILED AS ITU

**Owner** (APPLICANT) Baxter International Inc. CORPORATION DELAWARE One Baxter Parkway Deerfield ILLINOIS 600154633

**Attorney of Record** Gerald T. Shekleton,

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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## Record 1 out of 1

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### Typed Drawing

**Word Mark** PD LINK

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software program for monitoring dialysis patients. FIRST USE: 19990716. FIRST USE IN COMMERCE: 19990716

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76202351

**Filing Date** January 29, 2001

**Owner** (APPLICANT) Baxter International Inc. CORPORATION DELAWARE One Baxter Parkway Deerfield ILLINOIS 60015

**Attorney of Record** Mark J. Liss

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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