

TTAB

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2900 Crystal Drive  
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10-28-2002  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

on 10/22/02 *Melissa J. Lee*  
Date Signature  
Melissa J. Lee  
Typed or printed name of person signing certificate

ATTORNEY DOCKET NO: 60036-379

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Acuson Corporation, )  
)  
Potential Opposer, )  
)  
v. ) Opposition No. \_\_\_\_\_  
)  
Chad Therapeutics, Inc., )  
)  
Applicant. )  
\_\_\_\_\_ )

ASSISTANT COMMISSIONER FOR TRADEMARKS  
Box TTAB - FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

**NOTICE OF OPPOSITION**

RE: Application No. 76/316,656  
Mark: SEQUOIA  
Applicant: Chad Therapeutics, Inc.  
Filed: 09/24/01  
Published: 10/01/02

11/06/2002 TSMITH 00000084 76316656  
01 FC:6402 300.00 DP

Dear Madam or Sir:

In the matter of the application of CHAD THERAPEUTICS, INC. ("Applicant")  
for registration of the mark SEQUOIA, Application Serial No. 76/316,656, published in

the October 1, 2002 edition of the *Official Gazette (Trademarks)* of the United States Patent and Trademark Office. ACUSON CORPORATION, a Delaware corporation with its principal place of business at 1220 Charleston Road, Mountain View, California 94043 (“Opposer”), believes that it would be damaged by registration of the SEQUOIA mark, Ser. No. 76/316,656, and hereby opposes same. The Opposer encloses a check in the amount of \$300.00 for the filing fee and requests that any additional fees be charged to Deposit Account Number 50-0640.

Grounds for opposition to registration are as follows:

1. Opposer is using and, through its predecessor-in-interest, has used the mark SEQUOIA throughout the United States since at least as early as July 26, 1996 for a variety of goods that are marketed and sold through various distribution channels. Opposer and its predecessor-in-interest have sold, distributed and promoted their goods to the general public. Opposer’s SEQUOIA mark is well known throughout the country.
2. Opposer is engaged and for many years has been engaged in the extensive nationwide promotion and sale of a variety of goods and services in the field of medical diagnostic equipment.
3. Opposer and its predecessor-in-interest are engaged and for several years have been engaged in the national promotion of medical diagnostic equipment under the SEQUOIA trademark, including but not limited to use in connection with ultrasound imagers and transducers (hereinafter “Opposer’s goods and services”).

4. Opposer and its predecessor-in-interest have expended substantial resources to advertise and promote Opposer's goods and services under Opposer's SEQUOIA mark.

5. Since long prior to Applicant's filing of its application to register the SEQUOIA mark, Opposer and its predecessor-in-interest have used Opposer's SEQUOIA mark in interstate commerce in connection with Opposer's goods and services.

6. By reason of Opposer's and its predecessor's-in-interest advertisement and extensive promotion and use, as well as the wide distribution of Opposer's goods and services, Opposer's SEQUOIA mark has come to be well recognized as signifying Opposer and identifying Opposer's goods and services.

7. Opposer and its predecessor-in-interest have built up extensive goodwill in connection with Opposer's SEQUOIA mark.

8. Opposer is also the owner of two (2) federal registrations for Opposer's SEQUOIA mark, Reg. No. 2,149,595, for "electronic medical diagnostic apparatus, namely, ultrasound imagers, transducers, keyboards, power cables, power supplies and computer software for controlling the medical ultrasound apparatus; ultrasound management systems which retain, display, organize and print ultrasound images and related examination information, comprising computers, computer displays, computer peripherals, computer software, printers and audio or video tape recorders" and Reg. No. 2,141,207 for "ultrasonic medical diagnostic apparatus", both in International Class 10. Copies of Opposer's Certificates of Registration are attached as Exhibit A.

9. Notwithstanding Opposer's prior rights in and to Opposer's SEQUOIA mark, Applicant filed Application Serial No. 76/316,656 for registration of the identical mark SEQUOIA for an "oxygen conserver for use in oxygen therapy" in International Class 10. This application was published in the October 1, 2002 edition of the *Official Gazette (Trademarks)* of the United States Patent and Trademark Office.

10. Applicant's SEQUOIA mark is identical to Opposer's SEQUOIA mark. Applicant's use and registration of the mark SEQUOIA in connection with an "oxygen conserver for use in oxygen therapy" is likely to cause confusion, deception, and mistake among purchasers.

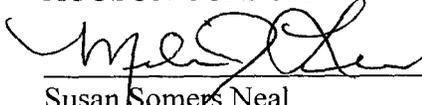
11. Applicant's registration of the identical SEQUOIA mark will interfere with Opposer's rights in Opposer's SEQUOIA mark and will seriously damage Opposer, its business and its goodwill.

WHEREFORE, Opposer believes that it would be damaged by said application for registration, and prays that it be denied.

Respectfully submitted,

ACUSON CORPORATION

Dated: 10/22/02

By: 

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Melissa J. Lee

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Attorneys for Opposer

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

**United States Patent and Trademark Office**

**Reg. No. 2,141,207**

Registered Mar. 3, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**SEQUOIA**

ACUSON CORPORATION (DELAWARE CORPORATION)  
1220 CHARLESTON ROAD  
MOUNTAIN VIEW, CA 94043 ASSIGNEE OF  
BETTER LIVING RESIDENTIAL HOLDING  
COMPANY (CALIFORNIA CORPORATION)  
MOUNTAIN VIEW, CA 94043

FOR: ULTRASONIC MEDICAL DIAGNOSTIC  
APPARATUS, IN CLASS 10 (U.S. CLS. 26, 39  
AND 44).

FIRST USE 7-26-1996; IN COMMERCE  
7-26-1996.

SN 74-588,194, FILED 10-20-1994.

JULIA HARDY COFIELD, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

**United States Patent and Trademark Office**

Reg. No. 2,149,595

Registered Apr. 7, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**SEQUOIA**

ACUSON CORPORATION (DELAWARE CORPORATION)  
1220 CHARLESTON ROAD  
MOUNTAIN VIEW, CA 94043 ASSIGNEE OF  
BETTER LIVING RESIDENTIAL HOLDING  
COMPANY (CALIFORNIA CORPORATION)  
MOUNTAIN VIEW, CA 94043

FOR: ELECTRONIC MEDICAL DIAGNOSTIC  
APPARATUS, NAMELY ULTRASOUND  
IMAGERS, TRANSDUCERS, KEYBOARDS,  
POWER CABLES, POWER SUPPLIES AND  
COMPUTER SOFTWARE FOR CONTROLLING  
THE MEDICAL ULTRASOUND APPARATUS;  
ULTRASOUND MANAGEMENT SYSTEMS

WHICH RETAIN, DISPLAY, ORGANIZE AND  
PRINT ULTRASOUND IMAGES AND RELAT-  
ED EXAMINATION INFORMATION, COM-  
PRISING COMPUTERS, COMPUTER DIS-  
PLAYS, COMPUTER PERIPHERALS, COMPUT-  
ER SOFTWARE, PRINTERS AND AUDIO OR  
VIDEO TAPE RECORDERS, IN CLASS 10 (U.S.  
CLS. 26, 39 AND 44).

FIRST USE 7-26-1996; IN COMMERCE  
7-26-1996.

SN 74-587,725, FILED 10-20-1994.

JULIA HARDY COFIELD, EXAMINING AT-  
TORNEY

TTAB

# Neal & McDevitt®

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October 22, 2002

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10-28-2002

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02 NOV 13 AM 9:30

RECEIVED

**Re: Notice of Opposition**

Dear Madam or Sir:

Enclosed please find a Notice of Opposition against Application Serial No. 76/316,656 for the mark SEQUOIA on behalf of Opposer Acuson Corporation.

Also enclosed is a check in the amount of \$300.00 for the filing fee. If there are any additional fees associated with this filing, they should be charged to Deposit Account No. 50-0640. A duplicate copy of this letter is attached for charging purposes, if necessary.

Respectfully submitted,

Melissa J. Lee  
Attorney for Opposer

MJL/alw  
Enclosures