

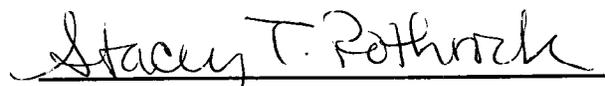
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NMT Medical, Inc.
Mark: RAPID TRANSPORT
Class(es): 10
Serial No.: 76/491,640
Opposition No.: 91159644

TTAB

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence, including all documents referred to below as submitted herewith, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB – No Fee, Arlington, Virginia 22202-3513 on this 23rd day of August, 2004:


Stacey Thomas Rothrock

Submitted herewith are:

- (1) Answer to Notice of Opposition (3 Pages); and**
- (2) Postcard.**

All under this Certificate of First Class Mailing dated August 23, 2004.

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08-27-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 76/491,640 : Opposition No.: 91 159 644
Published on September 30, 2003 :
: :
CORDIS CORPORATION., :
: :
Opposer, :
: :
v. :
: :
NMT MEDICAL, INC., :
: :
Applicant. :
:

Attn.: Box TTAB – No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



08-27-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

ANSWER TO NOTICE OF OPPOSITION

Applicant, NMT Medical, Inc., answers and avers to the Notice of Opposition of the Opposer, Cordis Corporation, as follows:

1. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the allegations contained in paragraph 1.
2. Applicant admits that the U.S. Patent and Trademark Office's on-line trademark databases (TESS and TARR) list Opposer as the owner of Registration No. 2,135,959 for the mark RAPIDTRANSIT, issued February 10, 1998, for those goods identified in paragraph 2 of the Notice of Opposition, attached as Exhibit A.
3. Applicant admits that the U.S. Patent and Trademark Office's on-line trademark databases (TESS and TARR) list NMT Medical, Inc. as the applicant for

Application Serial No. 76/491,640 for the mark RAPID TRANSPORT, filed February 19, 2003. Applicant denies the remaining allegations in paragraph 3 of the Notice of Opposition.

4. Applicant denies the allegations contained in paragraph 4 of the Notice of Opposition.

5. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations contained in paragraph 8 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

9. Opposer has failed to state any claim upon which relief can be granted.

10. Opposer's claims are insubstantial, frivolous, and not advanced in good faith, and, therefore, Opposer should be denied any relief in this proceeding.

WHEREFORE, Applicant prays that this Opposition be dismissed and that registration of Applicant's Application Serial No. 76/491,640 be allowed.

NMT Medical, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Notice of Opposition was served upon Norm D. St. Landau, Drinker, Biddle & Reath, LLP, Counsel for Opposer, 1500 K Street, N.W., Suite 1100, Washington, D.C. 20005-1209, this 23rd day of August 2004.

Heather E. Balmat

Heather E. Balmat