

ESTTA Tracking number: **ESTTA99461**

Filing date: **09/15/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Karl Storz GmbH & Co. Kg
Granted to Date of previous extension	09/17/2006
Address	Mittelstrasse 8 Tuttlingen, D-78532 GERMANY
Attorney information	Wesley W. Whitmyer, Jr., Esq. St. Onge Steward Johnston & Reens LLC 986 Bedford Street Stamford, CT 06905 UNITED STATES agreenspon@ssjr.com Phone:203-324-6155

Applicant Information

Application No	78661228	Publication date	03/21/2006
Opposition Filing Date	09/15/2006	Opposition Period Ends	09/17/2006
Applicant	Epic Systems Corporation 5301 Tokay Boulevard Madison, WI 53711 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer programs for use in the medical and healthcare fields, namely computer programs for managing, storing, analyzing, maintaining, processing, structuring, reviewing, building, editing, distributing, communicating, organizing, sharing, referencing, monitoring and integrating healthcare information, and accompanying user manuals sold as a unit; computer software for automating clinical and administrative healthcare processes

Attachments	Notice of Opposition.pdf (4 pages)(304918 bytes)
Signature	/WWW AG/
Name	Wesley W. Whitmyer, Jr., Esq.
Date	09/15/2006

DISPOSABLE), 2,825,463 (KARL STORZ IS QUALITY... AND QUALITY IS NOT DISPOSABLE) and U.S. Serial Nos. 78-692,415 STORZ THE WORLD OF ENDOSCOPY & Design, 76-406,158 (STORZ – KARL STORZ ENDOSKOPE & Design), 76-406,159 (STORZ – KARL STORZ ENDOSKOPE & Design), 78-762,268, (STORZ – KARL STORZ ENDOSKOPE & Design), 78-519,990 (STORZ – KARL STORZ VIDEOENDOSKOPIE & Design), 78-776,273 OR1 (KARL STORZ ENDOSCOPY & Design) 78/762268 (STORZ KARL STORZ- ENDOSKOPE and design).

2. Applicant has filed an application based on intent to use to register the mark “STORK” for computer programs for use in the medical and healthcare fields, namely, computer programs for managing, storing, analyzing, maintaining, processing, structuring, reviewing, building, editing, distributing, communicating, organizing, sharing, referencing, monitoring and integrating healthcare information, and accompanying user manuals sold as a unit, and computer software for automating clinical and administrative healthcare processes in international class 9. Applicant filed on June 29, 2005 and was assigned Serial No. 78/661,228 (“the Opposed Application”).

3. Applicant’s mark, STORK, when used in connection with such goods is likely to cause confusion, deception and mistake with the Opposer’s family of trademarks because of the similarity between the product line and the words themselves. Opposer’s marks and Applicant’s mark are confusingly similar in sound, appearance and commercial impression. Moreover, the goods provided by the parties in connection with their respective marks are both offered in the same and/or similar channels of trade and to the same and/or similar customers.

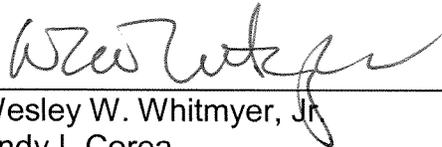
4. Registration by Applicant will seriously damage Opposer under 15 U.S.C. § 1052(d) because the STORK mark is likely to cause confusion with Opposer’s customer base and deceive customers as to source of such goods.

5. Registration of STORK would be prima facie evidence of rights of Applicant under 15 U.S.C. §1057(b) to the detriment of Opposer’s rights in KARL STORZ.

WHEREFORE, Opposer believes that it will be damaged if the registration of the mark STORK, that is the subject of the Opposed Application is allowed. Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Dated: September 14, 2006

Respectfully submitted,

By: 

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this document was filed today via the USPTO online filing system Electronic System for Trademark Trials and Appeal (ESTTA) through the USPTO website (www.uspto.gov).

Dated: September 16, 2006



Amanda Greenspon