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CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" postage prepaid in an envelope addressed to: Commissioner of Trademarks, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on January 29, 2009

TTAB

Mironda Lewis

Signature

Mironda Lewis

Name

January 29, 2009

Date

Opposer Intuitive Surgical, Inc.'s First Notice of Reliance (7 pgs); Exhibits 1-17; Return Postcard

"Express Mail" Mailing Label Number:

EH357145703US



01-29-2009

3. The file history of U.S. Trademark Application Serial No. 77/561,385 in the name of Intuitive Surgical, Inc. for DA VINCI S HD SURGICAL SYSTEM. One copy of the file history of this application is attached hereto as Exhibit 3. The file history of this application is relevant to applications of Intuitive Surgical, Inc. for registration of multiple marks containing the DA VINCI term and Intuitive Surgical, Inc.'s representation of use or intent to use multiple marks containing the DA VINCI term.

4. The file history of U.S. Trademark Application Serial No. 76/665,748 in the name of Intuitive Surgical, Inc. for DA VINCI S HD SURGICAL SYSTEM (Stylized). One copy of the file history of this application is attached hereto as Exhibit 4. The file history of this application is relevant to applications of Intuitive Surgical, Inc. for registration of multiple marks containing the DA VINCI term, Intuitive Surgical, Inc.'s representation of use or intent to use multiple marks containing the DA VINCI term, and representations by the United States Patent and Trademark Office regarding confusing similarity of DA VINCI S HD SURGICAL SYSTEM (Stylized) and Applicant's mark.

5. The file history of U.S. Trademark Application Serial No. 77/292,138 in the name of Intuitive Surgical, Inc. for DA VINCI SONICPRO. One copy of the file history of this application is attached hereto as Exhibit 5. The file history of this application is relevant to applications of Intuitive Surgical, Inc. for registration of multiple marks containing the DA VINCI term, Intuitive Surgical, Inc.'s representation of use or intent to use multiple marks containing the DA VINCI term, and representations by the United States Patent and Trademark Office regarding confusing similarity of DA VINCI SONICPRO and Applicant's mark.

6. The file history of U.S. Trademark Application Serial No. 76/687,738 in the name of Intuitive Surgical, Inc. for DA VINCI Si HD SURGICAL SYSTEM (Stylized). One copy of the file history of this application is attached hereto as Exhibit 6. The file history of this

application is relevant to applications of Intuitive Surgical, Inc. for registration of multiple marks containing the DA VINCI term, Intuitive Surgical, Inc.'s representation of use or intent to use multiple marks containing the DA VINCI term, and representations by the United States Patent and Trademark Office regarding confusing similarity of DA VINCI Si HD SURGICAL SYSTEM (Stylized) and Applicant's mark.

7. The file history of U.S. Trademark Application Serial No. 77/568,958 in the name of Intuitive Surgical, Inc. for DVSTAT DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM (Stylized). One copy of the file history of this application is attached hereto as Exhibit 7. The file history of this application is relevant to applications of Intuitive Surgical, Inc. for registration of multiple marks containing the DA VINCI term and Intuitive Surgical, Inc.'s representation of use or intent to use multiple marks containing the DA VINCI term.

8. Opposer's First Set of Interrogatories to Applicant, Applicant's Response to Opposer's First Set of Interrogatories to Applicant, Applicant's Supplemental Response to Opposer's First Set of Interrogatories to Applicant and Exclusive License Agreement between DaVinci Radiology Associates, P.L. and Medical Specialists of the Palm Beaches, Inc. (an attachment and exhibit to and referred to by Applicant's Response to Opposer's First Set of Interrogatories to Applicant). One copy of Opposer's First Set of Interrogatories to Applicant, Applicant's Response to Opposer's First Set of Interrogatories to Applicant, Applicant's Supplemental Response to Opposer's First Set of Interrogatories to Applicant and Exclusive License Agreement between DaVinci Radiology Associates, P.L. and Medical Specialists of the Palm Beaches, Inc. are collectively attached hereto as Exhibit 8.

9. Opposer's First Request for Admissions to Applicant and Applicant's Response to Opposer's First Request for Admissions to Applicant. One copy of Opposer's First

Request for Admissions to Applicant and Applicant's Response to Opposer's First Request for Admissions to Applicant are collectively attached hereto as Exhibit 9.

10. Opposer's Second Set of Interrogatories to Applicant and Applicant's Response to Opposer's Second Set of Interrogatories to Applicant. One copy of Opposer's Second Set of Interrogatories to Applicant and Applicant's Response to Opposer's Second Set of Interrogatories to Applicant are collectively attached hereto as Exhibit 10.

11. World Book Encyclopedia, Vol. 12, World Book, Inc., 2008; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-4733. Pages to be read: entry for "Leonardo da Vinci" on pages 199 through 202. A copy of this encyclopedia entry is attached hereto as Exhibit 11. This encyclopedia entry is relevant to the connotation of and understanding by the public of Leonardo da Vinci and the term da Vinci and to the fame of da Vinci's Vitruvian Man scientific drawing and its association with "da Vinci."

12. The Gale Encyclopedia of Medicine, Third Ed., Vol. 3 (G-M), Thomson Gale (Jacqueline L. Longe, Editor), 2006; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-4733. Pages to be read: entry for "Magnetic resonance imaging" on pages 2309 through 2314. A copy of this encyclopedia entry is attached hereto as Exhibit 12. This encyclopedia entry is relevant to the understanding of one of the medical diagnostic imaging services, magnetic resonance imaging (MRI), covered by Applicant's application for registration of DAVINCI DIAGNOSTIC IMAGING & Design at issue in this Opposition Proceeding.

13. The Gale Encyclopedia of Medicine, Third Ed., Vol. 2 (C-F), Thomson Gale (Jacqueline L. Longe, Editor), 2006; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-4733. Pages to be read: entry for

"Computed tomography scans" on pages 961 through 965. A copy of this encyclopedia entry is attached hereto as Exhibit 13. This encyclopedia entry is relevant to the understanding of one of the medical diagnostic imaging services, computed tomography (CT) scans, covered by Applicant's application for registration of DAVINCI DIAGNOSTIC IMAGING & Design at issue in this Opposition Proceeding..

14. Magill's Medical Guide, Fourth Revised Ed., Vol. 1 (Abdomen – Corns and calluses), Salem Press, Inc. (Tracy Irons-Georges, Editor), 2008; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-4733. Pages to be read: entry for "Computed Tomography (CT) Scanning" on pages 604 through 606. A copy of this encyclopedia entry is attached hereto as Exhibit 14. This encyclopedia entry is relevant to the understanding of one of the medical diagnostic imaging services, computed tomography (CT) scans, covered by Applicant's application for registration of DAVINCI DIAGNOSTIC IMAGING & Design at issue in this Opposition Proceeding.

15. The Gale Encyclopedia of Medicine, Third Ed., Vol. 4 (N-S), Thomson Gale (Jacqueline L. Longe, Editor), 2006; ; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-4733. Pages to be read: entry for "Positron emission tomography (PET)" on pages 2987 through 2988. A copy of this encyclopedia entry is attached hereto as Exhibit 15. This encyclopedia entry is relevant to the understanding of one of the medical diagnostic imaging services, positron emission tomography (PET) scans, covered by Applicant's application for registration of DAVINCI DIAGNOSTIC IMAGING & Design at issue in this Opposition Proceeding..

16. Magill's Medical Guide, Fourth Revised Ed., Vol. 1V (Neuralgia, neuritis and neuropathy - Smallpox), Salem Press, Inc. (Tracy Irons-Georges, Editor), 2008; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-

4733. Pages to be read: entry for "Positron Emission Tomography (PET) Scanning" on pages 2205 through 2207. A copy of this encyclopedia entry is attached hereto as Exhibit 16. This encyclopedia entry is relevant to the understanding of one of the medical diagnostic imaging services, positron emission tomography (PET) scans, covered by Applicant's application for registration of DAVINCI DIAGNOSTIC IMAGING & Design at issue in this Opposition Proceeding.

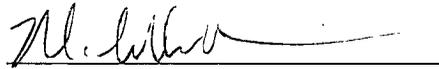
17. Understanding the Mammography Controversy – Science, Politics and Breast Cancer Screening, Madelon L. Finkel, Praeger, 2005; housed at the San Francisco Public Library located at 100 Larkin Street, San Francisco California 94102-4733. Pages to be read: discussion of digital mammography under the heading "Digital Mammography" on pages 81 and 82. A copy of this book excerpt is attached hereto as Exhibit 17. This book excerpt is relevant to the understanding of one of the medical diagnostic imaging services, digital mammography, covered by Applicant's application for registration of DAVINCI DIAGNOSTIC IMAGING & Design at issue in this Opposition Proceeding.

This Notice of Reliance is timely filed and served during Opposer's Testimony Period.

Dated: January 29, 2009

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By


Michelle D. Kahn
Michelle J. Hirth
Attorneys for Opposer
INTUITIVE SURGICAL, INC.

Four Embarcadero Center
17th Floor
San Francisco, CA 94111
TEL: (415) 434-9100
FAX: (415) 434-3947

CERTIFICATE OF SERVICE

Intuitive Surgical Inc. v. DaVinci Radiology Associates, P.L.
Opposition No. 91175319

On January 29, 2009 I hereby certify that I served a copy of the following:

1. **Opposer Intuitive Surgical, Inc.'s First Notice of Reliance**

by U.S. Mail to:

Matthew T. Vanden Bosch, Esq.
301 Clematis Avenue, Suite 3000
West Palm Beach, Florida 33401

Attorneys for Applicant

Executed on January 29, 2009, at San Francisco, California.



Mironda Lewis

1688490



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 05, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,628,871 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *October 01, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

(Shirley D. Harris)
SHIRLEY D. HARRIS
Certifying Officer



Int. Cl.: 10

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

Reg. No. 2,628,871

United States Patent and Trademark Office

Registered Oct. 1, 2002

**TRADEMARK
PRINCIPAL REGISTER**

DA VINCI

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1340 WEST MIDDLEFIELD ROAD
MOUNTAIN VIEW, CA 94043

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSABLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS,

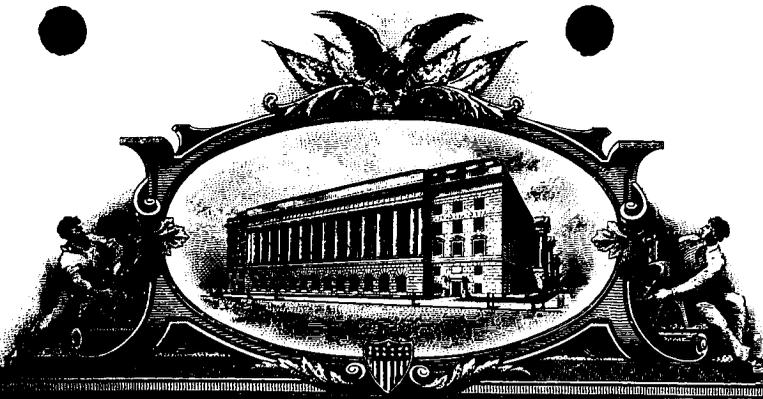
CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 7-7-2000; IN COMMERCE 7-7-2000.

SN 75-982,190, FILED 3-19-1999.

VERNA BETH RIRIE, EXAMINING ATTORNEY

1688490



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 05, 2008

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,628,871 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
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**REGISTERED FOR A TERM OF 10 YEARS FROM *October 01, 2002*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

(Shirley D. Harris)
SHIRLEY D. HARRIS
Certifying Officer



Int. Cl.: 10

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

Reg. No. 2,628,871

United States Patent and Trademark Office

Registered Oct. 1, 2002

**TRADEMARK
PRINCIPAL REGISTER**

DA VINCI

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1340 WEST MIDDLEFIELD ROAD
MOUNTAIN VIEW, CA 94043

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSABLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS,

CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 7-7-2000; IN COMMERCE 7-7-2000.

SN 75-982,190, FILED 3-19-1999.

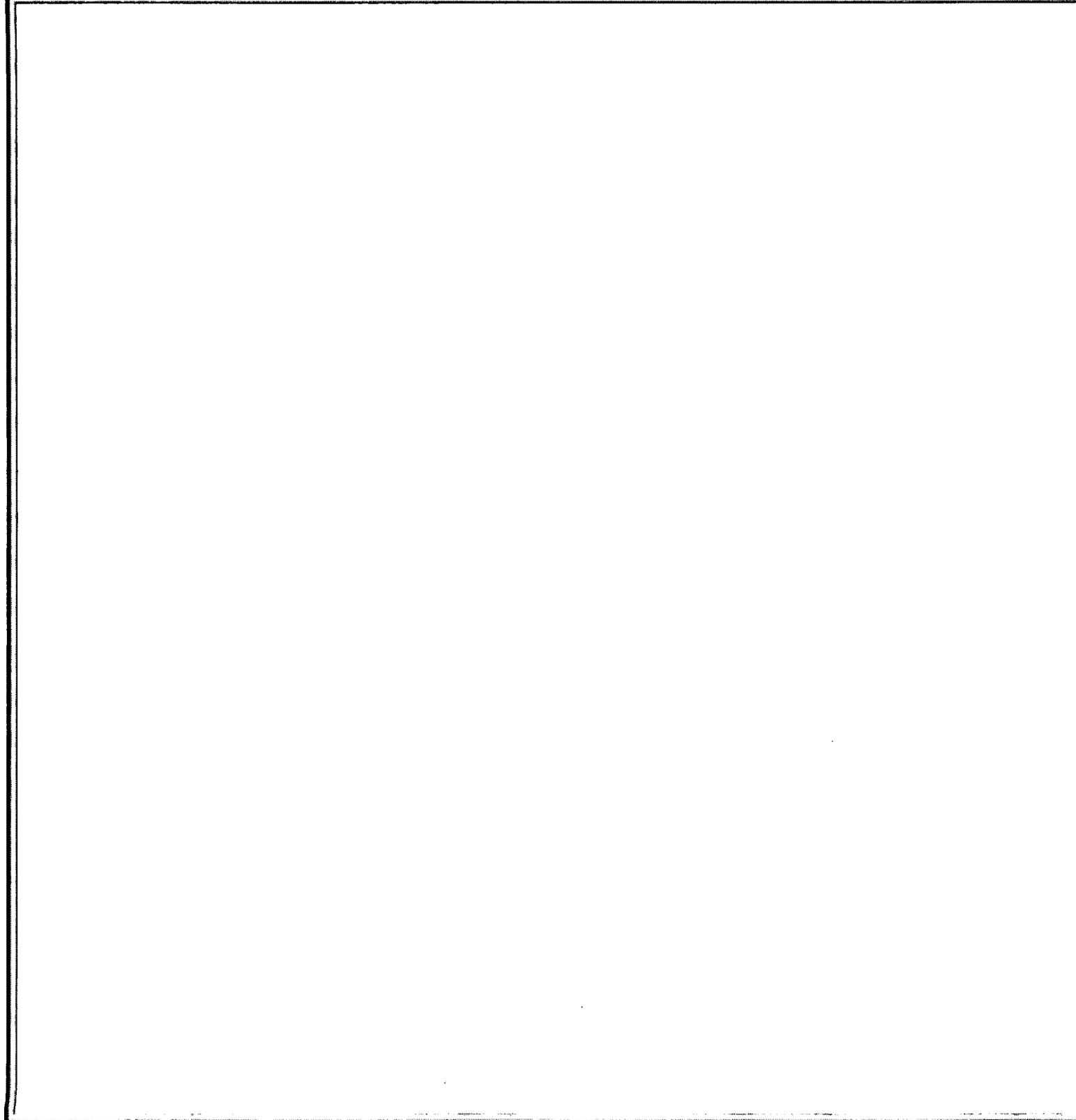
VERNA BETH RIRIE, EXAMINING ATTORNEY

Document Description: **drawing**
Mail / Create Date: **02-Feb-2007**

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NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

INTUITIVE SURGICAL, INC.
1266 Kifer Road
Sunnyvale, CA 94086

International Class: 10

Goods:

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.


02-02-2007

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #51

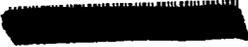
DA VINCI S

INTUITIVE SURGICAL, INC.
1266 Kifer Road
Sunnyvale, CA 94086

International Class: 10

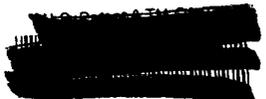
Goods:

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.


02-02-2007

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #51

DA VINCI S


76672142

76672142

TRADEMARK APPLICATION SERIAL NO.-----

U.S. DEPARTMENT OF COMMERCE
AND PATENT AND TRADEMARK OFFICE
FEE SHEET

02/05/2007 6THMAS2 00000042 501395 76672142
01 FC:6001 375.00 DA



17th Floor | Four Embarcadero Center | San Francisco, CA 94111-4106
415-434-9100 office | 415-434-3947 fax | www.sheppardmullin.com

415-774-2953

February 1, 2007

Our File Number: 038T-125696

VIA EXPRESS MAIL LABEL NO. EQ432027266US

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**Re: New U.S. Intent-to-Use Trademark Application for the Mark
DA VINCI S
In Class: 10
Serial No.: Not Yet Assigned
Filing Date: Herewith
On Behalf Of: Intuitive Surgical, Inc.
Our Ref. No.: 038T-125696**

Dear Sir:

Enclosed for filing with the Patent and Trademark Office is an application for the mark DA VINCI S based upon an Intent-To-Use on behalf of Intuitive Surgical, Inc..

Please charge the filing fee of \$375.00 as well as any additional fees or charges to our **Deposit Account Number 501395**, citing Reference Number 038T-125696.

Very truly yours,

Michelle D. Kahn

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Enclosures
W02-WEST-FKM400187559.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION**

In the Application of: Intuitive Surgical, Inc. Serial No.: NOT YET ASSIGNED Filing Date: HEREWITH	For the Mark: DA VINCI S In Class: 10
---	--

**TRADEMARK APPLICATION PURSUANT
TO §1(b) OF TRADEMARK ACT, AS AMENDED**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Applicant, Intuitive Surgical, Inc., is a Delaware corporation having a principal place of business 1266 Kifer Road, Sunnyvale, California 94086.

Applicant requests registration of the above-identified mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et. seq., as amended) for:

(Class 10)- Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument

guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above-identified goods. (15 U.S.C. §1051 et. seq., as amended). Applicant intends to use the mark on the goods, labels affixed to the goods and packaging for the goods. The mark is presented in standard characters without claim to any particular font style, size, or color.

Applicant is the owner of Registration No. 2,628,871 for the mark DA VINCI, and the owner of Serial No. 76/665,748 for the mark DA VINCI S HD SURGICAL SYSTEM (Stylized).

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be the owner of the trademark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he believes applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

INTUITIVE SURGICAL, INC.

Dated: 29 January 2007

By: J. F. Runkel, Jr.
John F. Runkel, Jr.
Senior VP & General Counsel

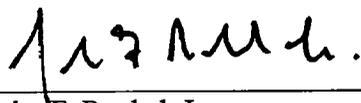
POWER OF ATTORNEY

Applicant hereby appoints SHEPPARD, MULLIN, RICHTER & HAMPTON LLP, a firm including Michelle D. Kahn and Michelle Hirth, members of the State Bar of California, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments thereto, to receive the Certificate of Registration and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all communications to:

Michelle D. Kahn
Sheppard, Mullin, Richter & Hampton LLP
Four Embarcadero Center
Seventeenth Floor
San Francisco, CA 94111-4106
(415) 434-9100

Signed this 29th day of January, 2007, at Sunnyvale, CA.

By: 
John F. Runkel, Jr.
Senior VP & General Counsel
INTUITIVE SURGICAL, INC.

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 2.197

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" postage prepaid in an envelope addressed to: Commissioner of Trademarks, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 1, 2007



Signature

Jeanne Chernila

Name

February 1, 2007

Date

"Express Mail" Mailing Label Number:

EQ432027266US

Transmittal Letter (1 pg);
Original Intent-to-Use Trademark Application with Declaration and
Power of Attorney (4 pgs);
Drawing Page (1 sheet);
Return Postcard.

New U.S. Intent-to-Use Trademark Application for the Mark
DA VINCI S
In Class: 10
Serial No.: Not Yet Assigned
Filing Date: Herewith
On Behalf Of: Intuitive Surgical, Inc.
Our Ref. No.: 038T-125696

Document Description: **Filing Receipt Trademark Application**
 Mail / Create Date: **13-Feb-2007**



FILING RECEIPT FOR TRADEMARK APPLICATION

Feb 13, 2007

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

MICHELLE D. KAHN
 Sheppard, Mullin, Richter & Hampton LLP
 Four Embarcadero Center
 Seventeenth Floor
 San Francisco, CA 94111-4106

**ATTORNEY
 REFERENCE NUMBER
 038T-125696**

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfiling.receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER:	76/672142
FILING DATE:	Feb 2, 2007
REGISTER:	Principal
MARK:	DA VINCI S
MARK TYPE(S):	Trademark
DRAWING TYPE:	Standard Character Mark
FILING BASIS:	Sect. 1(b) (Intent to Use)

ATTORNEY: Michelle D. Kahn
 OWNER: Intuitive Surgical, Inc. (DELAWARE, Corporation)
 1266 Kifer Road
 Sunnyvale, CALIFORNIA 94086

FOR: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

INT. CLASS: 010

FIRST USE: NONE

USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

OWNER OF U.S. REG. NOS.: 2628871

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

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Document Description: XSearch Search Summary

Mail / Create Date: 30-May-2007



*** User:sperez ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	796194	N/A	0	0	0:05	*d{v}*[bi,ti]
02	2929	N/A	0	0	0:02	*v{"iye"}n{"csz"}*[bi,ti]
03	2	2	0	0	0:01	*v{"iye"}nn{"csz"}*[bi,ti]
04	433	N/A	1	1	0:02	1 and 2 not dead[ld]
05	183	0	2	2	0:02	s[bi,ti] and 2 not dead[ld]
06	131	0	48	31	0:02	5 not "heaven s"[bi,ti]
07	82	0	56	41	0:02	4 and 010[cc] not dead[ld]
08	174	0	171	117	0:02	"davinc*[bi,ti] or "da vinci*[bi,ti] not dead[ld]
09	136	0	44	29	0:03	*v{"iye"}n{"csz"}{"iey"}*[bi,ti] and 010[cc] not dead[ld]

Session started 5/30/2007 9:34:14 AM

Session finished 5/30/2007 10:18:28 AM

Total search duration 0 minutes 21 seconds

Session duration 44 minutes 14 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 76672142

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- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](mailto:USPTOContactCenter@uspto.gov).

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Document Description: **Offc Action Outgoing**
 Mail / Create Date: **30-May-2007**



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/672142

APPLICANT: Intuitive Surgical, Inc.

76672142

CORRESPONDENT ADDRESS:
 MICHELLE D. KAHN
 Sheppard, Mullin, Richter & Hampton LLP
 Four Embarcadero Center
 Seventeenth Floor
 San Francisco, CA 94111-4106

RETURN ADDRESS:
 Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

MARK: DA VINCI S

CORRESPONDENT'S REFERENCE/DOCKET NO: 038T-125696

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 76/672142

The assigned examining attorney has reviewed the referenced application and determined the following.

NO CONFLICTING MARKS

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, the applicant must address the following informalities:

IDENTIFICATION OF GOODS

The identification of goods contains wording which is unacceptable as indefinite and must be clarified. In particular, the identification describes the component parts of a "computerized surgical manipulation system." It is unclear whether applicant specifically intends to identify each and every one of the numerous listed medical instruments as part of this system or whether the wording following "provided as a unit" refers to independent goods. Applicant must clarify this point, for instance, by separating the goods with semicolons. Assuming the latter interpretation is correct, further clarification of the identified "patient-side cart," "sterile adaptors" and "tools" will be required to ensure proper classification as medical tools/instruments. For the sake of clarity, applicant also should delete the extraneous phrase "in other words."

For example, the identification may be amended in the following manner, if accurate:

"Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners," in Class 10.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

Advisory: Combined Application

If applicant prosecutes this application as a combined, or multiple-class application, then applicant must comply with each of the following for those goods/services based on an intent to use the mark in commerce under Trademark Act Section 1(b):

1. Applicant must list the goods by international class with the classes listed in ascending numerical order. TMEP § 1403.01; and
2. Applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. §2.86(a)(2); TMEP §§810.01 and 1403.01.

The filing fee for adding classes to an application is as follows:

1. \$325 per class, when the fees are submitted with a response filed online via the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>; and
2. \$375 per class, when the fees are submitted with a paper response.

37 C.F.R. §§2.6(a)(i) and (ii); TMEP §810.

SIGNIFICANCE OF MARK

Applicant must specify whether the letter "S" in the mark has any significance in the medical device trade or industry or as applied to the goods/services described in the application. 37 C.F.R. §2.61(b).

If the applicant has any questions or needs assistance in responding to this Office action, please e-mail or telephone the assigned examining attorney.

/SMP/
 Steven M. Perez
 Trademark Attorney
 Law Office 101
 (571) 272-5888
steven.perez@uspto.gov

NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS: In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

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Document Description: **Response to Office Action**Mail / Create Date: **05-Oct-2007**

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76672142
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
ARGUMENT(S)	

Sir:

This correspondence is responsive to the Office Action mailed on May 30, 2007.

I. IDENTIFICATION OF GOODS.

The Examining Attorney has indicated that the identification of goods contains wording which is unacceptable as indefinite and which must be clarified. More specifically, the Examining Attorney has indicated that it is unclear whether Applicant intends to identify each and every one of the numerous listed medical instruments as part of the "computerized surgical manipulation system", or whether the wording following "provided as a unit" refers to independent goods. Applicant specifically intends the former interpretation which presents the goods as part of the system.

The Examining Attorney has also indicated that Applicant should delete the wording "in other words" for clarity. Applicant considers the foregoing amendment accurate. Accordingly, please amend the identification of goods for the Application to read as follows:

"Class 10: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lense cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners."

Applicant has not added any additional classes.

II. SIGNIFICANCE OF THE MARK.

The Examining Attorney has indicated that the Applicant must specify whether the letter "S" in the mark has any significance in the medical device trade or industry as applied to the goods in the Application. Accordingly, Applicant submits that the letter "S" in the mark has no significance in the medical device trade or industry as applied to the goods in the Application.

III. REMARKS.

Applicant has amended the identification of goods in its application as requested by the Examining Attorney. Applicant has also indicated that the letter "S" has no significance in the medical device trade or industry as applied to the goods in the Application.

If the Examining Attorney requires any additional documentation or has any other questions, he is urged to contact the undersigned attorney. Applicant respectfully requests that the mark be passed to publication in the Official Gazette, for registration on the Principal Register, at the Examining Attorney's earliest convenience.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

Michelle D. Kahn
Attorneys for Applicant
INTUITIVE SURGICAL, INC.

Four Embarcadero Center
17th Floor
San Francisco, CA 94111-4109
Tel: (415) 434-9100

Fax: (415) 434-3947

GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS	010
----------------------------	-----

DESCRIPTION

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	010
DESCRIPTION	
<p>Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lents cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.</p>	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
DECLARATION SIGNATURE	/mdk/
SIGNATORY'S NAME	Michelle D. Kahn
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	10/05/2007
RESPONSE SIGNATURE	/mdk/
SIGNATORY'S NAME	Michelle D. Kahn
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	10/05/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Oct 05 21:06:45 EDT 2007
TEAS STAMP	USPTO/ROA-12.146.203.100- 20071005210645860352-7667 2142-40051661b18ed0a79f12 d06e65c9865f6-N/A-N/A-200 71005210118448881

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **76672142** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Sir:
This correspondence is responsive to the Office Action mailed on May 30, 2007.

I. IDENTIFICATION OF GOODS.

The Examining Attorney has indicated that the identification of goods contains wording which is unacceptable as indefinite and which must be clarified. More specifically, the Examining Attorney has indicated that it is unclear whether Applicant intends to identify each and every one of the numerous listed medical instruments as part of the "computerized surgical manipulation system", or whether the wording following "provided as a unit" refers to independent goods. Applicant specifically intends the former interpretation which presents the goods as part of the system.

The Examining Attorney has also indicated that Applicant should delete the wording "in other words" for clarity. Applicant considers the foregoing amendment accurate. Accordingly, please amend the identification of goods for the Application to read as follows:

"Class 10: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, linds cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners."

Applicant has not added any additional classes.

II. SIGNIFICANCE OF THE MARK.

The Examining Attorney has indicated that the Applicant must specify whether the letter "S" in the mark has any significance in the medical device trade or industry as applied to the goods in the Application. Accordingly, Applicant submits that the letter "S" in the mark has no significance in the medical device trade or industry as applied to the goods in the Application.

III. REMARKS.

Applicant has amended the identification of goods in its application as requested by the Examining Attorney. Applicant has also indicated that the letter "S" has no significance in the medical device trade or industry as applied to the goods in the Application.

If the Examining Attorney requires any additional documentation or has any other questions, he is urged to contact the undersigned attorney. Applicant respectfully requests that the mark be passed to publication in the Official Gazette, for registration on the Principal Register, at the Examining Attorney's earliest convenience.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

Michelle D. Kahn
Attorneys for Applicant
INTUITIVE SURGICAL, INC.

Four Embarcadero Center
17th Floor
San Francisco, CA 94111-4109
Tel: (415) 434-9100

Fax: (415) 434-3947

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 010 for Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 010 for Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of

responsible limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lense cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34(a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /mdk/ Date: 10/05/2007
Signatory's Name: Michelle D. Kahn
Signatory's Position: Attorney of record

Response Signature

Signature: /mdk/ Date: 10/05/2007
Signatory's Name: Michelle D. Kahn
Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing

him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 76672142

Internet Transmission Date: Fri Oct 05 21:06:45 EDT 2007

TEAS Stamp: USPTO/ROA-12.146.203.100-200710052106458

60352-76672142-40051661b18ed0a79f12d06e6

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OVERVIEW

SERIAL NUMBER	76672142	FILING DATE	02/02/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PEREZ, STEVEN M	L.O. ASSIGNED	101

PUB INFORMATION

RUN DATE	10/09/2007
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	10/06/2007
LITERAL MARK ELEMENT	DA VINCI S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI S
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	010
DESCRIPTION TEXT	Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, linds cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders,

guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/06/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
10/05/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
10/05/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
05/30/2007	CNRT	F	NON-FINAL ACTION MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/22/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/13/2007	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
02/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center Seventeenth Floor San Francisco, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE

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Trademark Snap Shot Publication Stylesheet

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OVERVIEW

SERIAL NUMBER	76672142	FILING DATE	02/02/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PEREZ, STEVEN M	L.O. ASSIGNED	101

PUB INFORMATION

RUN DATE	12/08/2007
PUB DATE	N/A
STATUS	680-APPROVED FOR PUBLICATON
STATUS DATE	12/07/2007
LITERAL MARK ELEMENT	DA VINCI S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI S
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	010
DESCRIPTION TEXT	Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders,

guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/07/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	009
10/06/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
10/05/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
10/05/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
05/30/2007	CNRT	F	NON-FINAL ACTION MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/22/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/13/2007	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
02/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center Seventeenth Floor San Francisco, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE

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OVERVIEW

SERIAL NUMBER	76672142	FILING DATE	02/02/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PEREZ, STEVEN M	L.O. ASSIGNED	101

PUB INFORMATION

RUN DATE	01/22/2008
PUB DATE	02/26/2008
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE
STATUS DATE	01/19/2008
LITERAL MARK ELEMENT	DA VINCI S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI S
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	010
DESCRIPTION TEXT	Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders,

guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/19/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	011
01/19/2008	ALIE	A	ASSIGNED TO LIE	010
12/07/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	009
10/06/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
10/05/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
10/05/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
05/30/2007	CNRT	F	NON-FINAL ACTION MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/22/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/13/2007	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
02/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center Seventeenth Floor San Francisco, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE

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Document Description: Notice of Publication

Mail / Create Date: 06-Feb-2008

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SERIAL NUMBER: 76672142
MARK: DA VINCI S
OWNER: Intuitive Surgical, Inc.

Side - 2

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Document Description: **Notice of Allowance**
 Mail / Create Date: **20-May-2008**



U.S. Patent and Trademark Office (USPTO)
NOTICE OF ALLOWANCE

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ISSUE DATE: May 20, 2008

MICHELLE D. KAHN
 Sheppard, Mullin, Richter & Hampton LLP
 Four Embarcadero Center
 Seventeenth Floor
 San Francisco, CA 94111-4106

ATTORNEY
 REFERENCE NUMBER

038T-125696

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER:	76/672142
MARK:	DA VINCI S (STANDARD CHARACTER MARK)
OWNER:	Intuitive Surgical, Inc. 1266 Kifer Road Sunnyvale , CALIFORNIA 94086

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO	Section 1(b): YES	Section 44(e): NO
------------------	-------------------	-------------------

GOODS/SERVICES BY INTERNATIONAL CLASS

010 - Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

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- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](#).

NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

Mark: DA VINCI S
Applicant: Intuitive Surgical, Inc.
Serial No.: 76/672,142
Allowance Date: May 20, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
STATEMENT OF USE UNDER 37 C.F.R. 2.88
WITH DECLARATION

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

Intuitive Surgical, Inc. requests registration of the above-identified trademark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). One specimen showing the mark as used in commerce is submitted with this Statement.

Applicant is using the mark in commerce on or in connection with the goods identified in the Notice of Allowance in this application.

Date of first use of the mark anywhere: 1/11/2006

Date of first use of the mark in interstate
commerce which the U.S. Congress may regulate: 1/25/2006

The mark is used by being applied to the goods themselves, on labels or tags affixed to the goods, on packaging and/or containers for the goods, on displays associated with the goods and in other ways customary to the trade..

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this Statement of Use on behalf of the applicant; he believes the applicant to be the owner of the trademark sought to be registered; the trademark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date: 10/09/08



Frank Nguyen
Vice President, Intellectual Property & Licensing
INTUITIVE SURGICAL, INC.

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 2.197

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" postage prepaid in an envelope addressed to:
Commissioner of Trademarks, U.S. Patent and Trademark Office, P.O. Box 1451,
Alexandria, Virginia 22313-1451 on October 15, 2008



Signature

Jeanne Chernila

Name

October 15, 2008

Date

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Statement of Use (1 pg)
Specimen (1 total);
Check number 645169 in the amount of \$100.00;
Return Postcard.

U.S. Trademark Application for the Mark
DA VINCI S
In Class: 10
Serial No.: 76/672,142
Filing Date: February 2, 2007
On Behalf Of: Intuitive Surgical, Inc.
Our Ref. No.: 038T-130136

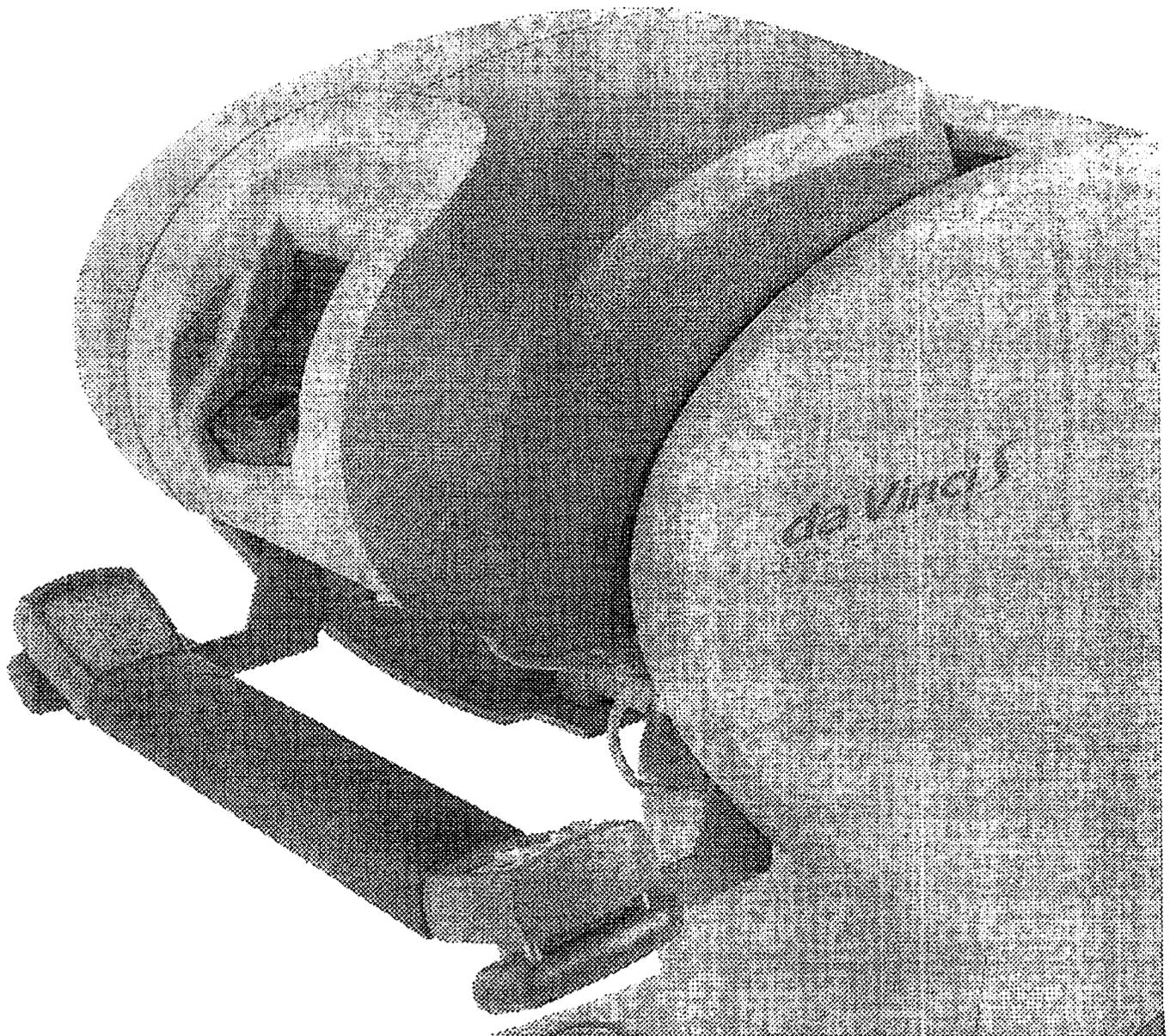
Document Description: **Paper Correspondence Incoming**

Mail / Create Date: 17-Oct-2008

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Document Description: ITU Unit Action

Mail / Create Date: 22-Oct-2008

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You are currently on page 1 of 2



Trademark Snap Shot ITU Unit Action

(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	76672142	FILING DATE	02/02/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PEREZ, STEVEN M	L.O. ASSIGNED	101

PUB INFORMATION

RUN DATE	10/22/2008
PUB DATE	02/26/2008
STATUS	748-STATEMENT OF USE - TO EXAMINER
STATUS DATE	10/21/2008
LITERAL MARK ELEMENT	DA VINCI S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI S
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	010
DESCRIPTION TEXT	Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders,

guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	01/11/2006	FIRST USE IN COMMERCE DATE	01/25/2006	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION

NO

OWNER OF US REG NOS

2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/21/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	018
10/17/2008	IUAF	S	USE AMENDMENT FILED	017
10/21/2008	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	016
10/17/2008	MAIL	I	PAPER RECEIVED	015
05/20/2008	NOAM	O	NOTICE OF ALLOWANCE-MAILED	014
02/26/2008	PUBO	A	PUBLISHED FOR OPPOSITION	013
02/06/2008	NPUB	O	NOTICE OF PUBLICATION	012
01/19/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	011
01/19/2008	ALIE	A	ASSIGNED TO LIE	010
12/07/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	009
10/06/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
10/05/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
10/05/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
05/30/2007	CNRT	F	NON-FINAL ACTION MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/22/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/13/2007	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
02/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center Seventeenth Floor San Francisco, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE
PRIOR OWNER INFORMATION	
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

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Trademark Snap Shot Publication Stylesheet

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OVERVIEW

SERIAL NUMBER	76672142	FILING DATE	02/02/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PEREZ, STEVEN M	L.O. ASSIGNED	101

PUB INFORMATION

RUN DATE	12/05/2008
PUB DATE	02/26/2008
STATUS	818-SU - STATEMENT OF USE ACCEPTED - APPROVED FOR REGISTRATION
STATUS DATE	12/04/2008
LITERAL MARK ELEMENT	DA VINCI S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI S
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	010
DESCRIPTION TEXT	Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders,

guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	01/11/2006	FIRST USE IN COMMERCE DATE	01/25/2006	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/04/2008	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	019
10/21/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	018
10/17/2008	IUAF	S	USE AMENDMENT FILED	017
10/21/2008	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	016
10/17/2008	MAIL	I	PAPER RECEIVED	015
05/20/2008	NOAM	O	NOTICE OF ALLOWANCE-MAILED	014
02/26/2008	PUBO	A	PUBLISHED FOR OPPOSITION	013
02/06/2008	NPUB	O	NOTICE OF PUBLICATION	012
01/19/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	011
01/19/2008	ALIE	A	ASSIGNED TO LIE	010
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05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/22/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/13/2007	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
02/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center Seventeenth Floor San Francisco, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

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OVERVIEW

SERIAL NUMBER	76672142	FILING DATE	02/02/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	PEREZ, STEVEN M	L.O. ASSIGNED	101

PUB INFORMATION

RUN DATE	12/11/2008
PUB DATE	02/26/2008
STATUS	819-SU - REGISTRATION REVIEW COMPLETE
STATUS DATE	12/10/2008
LITERAL MARK ELEMENT	DA VINCI S

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI S
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

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NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

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INTERNATIONAL CLASS	010	FIRST USE DATE	01/11/2006	FIRST USE IN COMMERCE DATE	01/25/2006	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
12/10/2008	REGV	O	LAW OFFICE REGISTRATION REVIEW COMPLETED	020
12/04/2008	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	019
10/21/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	018
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02/26/2008	PUBO	A	PUBLISHED FOR OPPOSITION	013
02/06/2008	NPUB	O	NOTICE OF PUBLICATION	012
01/19/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	011
01/19/2008	ALIE	A	ASSIGNED TO LIE	010
12/07/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	009
10/06/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
10/05/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
10/05/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
05/30/2007	CNRT	F	NON-FINAL ACTION MAILED	005
05/30/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/22/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/13/2007	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
02/08/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center Seventeenth Floor San Francisco, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

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Side - 1



NOTICE OF ACCEPTANCE OF SOU
MAILING DATE: Dec 11, 2008

The statement of use (SOU) filed for the trademark application identified below has been accepted. This acceptance means that the mark identified below is entitled to be registered. Accordingly, the registration will issue in due course barring any extraordinary circumstances.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 76672142
MARK: DA VINCI S
OWNER: Intuitive Surgical, Inc.

Side - 2

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DA VINCI S HD SURGICAL SYSTEM

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PTO Form 1478 (Rev 9/2006)
 OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77561385

Filing Date: 09/03/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77561385
MARK INFORMATION	
*MARK	<u>DA VINCI S HD SURGICAL SYSTEM</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DA VINCI S HD SURGICAL SYSTEM
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	Intuitive Surgical, Inc.
*STREET	1266 Kifer Road, Bldg 101
*CITY	Sunnyvale
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	94086
LEGAL ENTITY INFORMATION	
TYPE	corporation

STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	010
*IDENTIFICATION	<p>Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.</p>
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2628871.
	Applicant is also owner of United States Serial No. 76/665,748 for the mark DA VINCI S HD SURGICAL SYSTEM

MISCELLANEOUS STATEMENT	(Stylized), filed September 8, 2006; United States Serial No. 76/672,142 for the mark DA VINCI S, filed February 2, 2007; United States Serial No. 77/292,138 for the mark DA VINCI SONICPRO, filed September 28, 2007; and United States Serial No. 76/687,738 for the mark DA VINCI SI HD SURGICAL SYSTEM (Stylized), filed March 14, 2008.
ATTORNEY INFORMATION	
NAME	Michelle D. Kahn
ATTORNEY DOCKET NUMBER	038T-DVSHDB
FIRM NAME	Sheppard Mullin Richter & Hampton LLP
STREET	4 Embarcadero Center, 17th Floor
CITY	San Francisco
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94111-4109
PHONE	(415) 434-9100
FAX	(415) 434-3947
EMAIL ADDRESS	sf_tm@sheppardmullin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
OTHER APPOINTED ATTORNEY	Michelle J. Hirth, Nicole M. Lee
CORRESPONDENCE INFORMATION	
NAME	Michelle D. Kahn
FIRM NAME	Sheppard Mullin Richter & Hampton LLP
STREET	4 Embarcadero Center, 17th Floor
CITY	San Francisco
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94111-4109
PHONE	(415) 434-9100
FAX	(415) 434-3947

EMAIL ADDRESS	sf_tm@sheppardmullin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/fn/
SIGNATORY'S NAME	Frank Nguyen
SIGNATORY'S POSITION	Vice President, Intellectual Property & Licensing
DATE SIGNED	09/03/2008

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register**Serial Number: 77561385****Filing Date: 09/03/2008****To the Commissioner for Trademarks:****MARK:** DA VINCI S HD SURGICAL SYSTEM (Standard Characters, see mark)

The literal element of the mark consists of DA VINCI S HD SURGICAL SYSTEM.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Intuitive Surgical, Inc., a corporation of Delaware, having an address of
1266 Kifer Road, Bldg 101
Sunnyvale, California 94086
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 010: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 2628871.

Applicant is also owner of United States Serial No. 76/665,748 for the mark DA VINCI S HD SURGICAL SYSTEM (Stylized), filed September 8, 2006; United States Serial No. 76/672,142 for the mark DA VINCI S, filed February 2, 2007; United States Serial No. 77/292,138 for the mark DA VINCI SONICPRO, filed September 28, 2007; and United States Serial No. 76/687,738 for the mark DA VINCI SI HD SURGICAL SYSTEM (Stylized), filed March 14, 2008.

The applicant hereby appoints Michelle D. Kahn and Michelle J. Hirth, Nicole M. Lee of Sheppard Mullin Richter & Hampton LLP

4 Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 038T-DVSHDB.

Correspondence Information: Michelle D. Kahn

4 Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
(415) 434-9100(phone)
(415) 434-3947(fax)
sf_tm@sheppardmullin.com (not authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /fn/ Date Signed: 09/03/2008

Signatory's Name: Frank Nguyen

Signatory's Position: Vice President, Intellectual Property & Licensing

RAM Sale Number: 332

RAM Accounting Date: 09/04/2008

Serial Number: 77561385

Internet Transmission Date: Wed Sep 03 15:00:59 EDT 2008

TEAS Stamp: USPTO/BAS-12.146.203.100-200809031500594

35130-77561385-4003a7c6d6386378163e142ba

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MAILING DATE: Sep 9, 2008
PSEUDO MARK FOR
SERIAL NUMBER: 77561385

Attorney Reference Number: 038T-DVSHDB

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A pseudo mark may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words "YOU ARE" surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as "YOU ARE SQUARE." A mark filed as "URGR8" would receive a pseudo mark of "YOU ARE GREAT."

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

PSEUDO MARK: DA VINCI SURGICAL HD SURGICAL SYSTEM

Side - 2

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01	1	0	1	1	0:01	77561385
02	33	11	22	11	0:01	"Intuitive Surgical"[on]
03	1	0	1	1	0:01	77568859
04	1	0	1	1	0:01	77568958
05	53016	N/A	0	0	0:04	*DA*[bi,ti] not dead [ld]
06	321	N/A	0	0	0:02	*V{"IY"}N{"szC"}\$1{"IY"}*[bi,ti] not dead [ld]
07	1849	N/A	0	0	0:02	*HD*[bi,ti] not dead [ld] OR "H D"[bi,ti] not dead [ld]
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10	2	0	2	2	0:01	*DV{"sz"}T\$1T*[bi,ti] not dead [ld]
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12	15383	N/A	0	0	0:06	*{"sz"}T\$1T*[bi,ti] not dead [ld]
13	36403	N/A	0	0	0:02	*TE{"ckqx"}*[bi,ti] not dead [ld]
14	1354	N/A	0	0	0:05	*A{"sz"}\$1{"IY"}{"sz"}T*[bi,ti] not dead [ld]
15	3669	N/A	0	0	0:02	*TE{"EA"}M*[bi,ti] not dead [ld]
16	163	0	163	121	0:01	5 AND 6
17	1804	N/A	0	0	0:02	*{"sz"}\$1RG*[bi,ti] not dead [ld]
18	4	0	4	3	0:01	7 AND 17
19	17	0	17	15	0:01	7 AND 9
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56	0	0	0	0	0:01	"DVST A T"[BI,TI]
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58	0	0	0	0	0:01	"D V S T A T"[BI,TI]

Session started 12/17/2008 11:24:54 AM
 Session finished 12/17/2008 11:50:02 AM
 Total search duration 1 minutes 26 seconds
 Session duration 25 minutes 8 seconds
 Default NEAR limit=1ADJ limit=1

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Document Description: **Offc Action Outgoing**
Mail / Create Date: **17-Dec-2008**



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/561385

MARK: DA VINCI S HD SURGIC

77561385

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
SHEPPARD MULLIN RICHTER &
HAMPTON LLP
4 EMBARCADERO CTR FL 17
SAN FRANCISCO, CA 94111-4158

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical,
Inc.

**CORRESPONDENT'S
REFERENCE/DOCKET NO:**
038T-DVSHDB

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

In the initial office action on this application the examining attorney neglected to include following information:

SEARCH RESULTS

The Office records have been searched and no similar registered mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

The following are continued and maintained and all evidence in the previous office action is incorporated by reference.

PRIOR PENDING APPLICATION

Information regarding pending Application Serial No. 78728786 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion

between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

Applicant must respond to the following requirements.

DISCLAIMER REQUIREMENT

The applicant must insert a disclaimer of "**HD SURGICAL SYSTEM**" in the application because the wording merely describes characteristics of applicant's goods, namely, a surgical system which provides images in high definition. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). Applicant's identification of goods provides in part: "computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment". Please see attached evidence indicating the HD is an acronym for HIGH DEFINITION.

Furthermore, attached internet evidence from applicant's website provides:

"Instead of opening up a patient and working directly on his heart, the robotic-assisted surgeon sits at a console near the patient, looking at three-dimensional **high-definition** images on a screen and using his hands and feet to control the microtools inserted within the patient's chest. Tiny laser lights and video cameras provide the surgeon's view of what's happening." [Emphasis added.]

"Experience Surgery in **High Definition** The da Vinci S with 3D HD vision is the most advanced platform for minimally invasive surgery available today. The da Vinci S Surgical System integrates 3D HD endoscopy and state-of-the-art robotic technology to virtually extend the surgeon's eyes and hands into the surgical field. Only the da Vinci System can enable new, minimally invasive options for complex surgical procedures." [Emphasis added.]

Finally, attached third party internet evidence provides:

"Viking Systems, Inc. to Launch Its New 3D **High Definition Surgical System** At the Annual American Urological Association Meeting
Company to Showcase the New High-Definition (HD) Capabilities of the Viking 3D Surgical System At the World's Largest Meeting of Urological Professionals" [Emphasis added.]

"By enhancing the Viking 3Di **System** with **HD** capabilities, Viking now provides surgeons in the operating room with even more critical information," said Donald Tucker, CEO of Viking Systems. "This **high-definition** platform takes our technology to the next level, increasing quality and clarity, while also allowing for a smaller, lighter and more ergonomic personal vision device for the surgeon." [Emphasis added.]

Please note that, material obtained from the Internet is generally accepted as competent evidence in examination and ex parte proceedings. See *In re Rodale Inc.*, 80 USPQ2d 1696, 1700 (TTAB 2006)

(Internet evidence accepted by the Board to show genericness); *In re White*, 80 USPQ2d 1654, 1662 (TTAB 2006) (Internet evidence accepted by the Board to show false connection); *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305, 1308-09 (TTAB 2006) (Internet evidence accepted by the Board to show geographic significance); *Fram Trak Indus. v. WireTracks LLC*, 77 USPQ2d 2000, 2006 (TTAB 2006) (Internet evidence accepted by the Board to show relatedness of goods); *In re Consol. Specialty Rest. Inc.*, 71 USPQ2d 1921, 1927-29 (TTAB 2004) (Internet evidence accepted by the Board to show that geographic location is well-known for particular goods); *In re Gregory*, 70 USPQ2d 1792, 1793 (TTAB 2004) (Internet evidence accepted by the Board to show surname significance); *In re Fitch IBCA Inc.*, 64 USPQ2d 1058, 1060 (Internet evidence accepted by the Board to show descriptiveness); TBMP §1208.03; TMEP §710.01(b). [Emphasis added.]

Therefore, applicant must insert a disclaimer of "**HD SURGICAL SYSTEM**" in the application because the wording merely describes characteristics of applicant's goods.

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). See TMEP §§1213, 1213.03. Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. See TMEP §1213.10.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use "**HD SURGICAL SYSTEM**" apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

IDENTIFICATION OF GOODS

The wording "Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of responsible, **in other words**, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts,

electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners” in the identification of goods is indefinite and must be clarified because the exact nature of the goods is unclear. *See* TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

“Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, **NAMELY**, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners”, in International Class 010.

Note: IN THE ALTERNATIVE APPLICANT MAY DELETE THE WORDING “in other words, limited re-use tools” FROM THE IDENTIFICATION

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

SIGNIFICANCE OF MARK

Applicant must specify whether “S” or “HD” has any significance OR meaning in the applicant’s trade or industry, or in relation to applicant’s goods. 37 C.F.R. §2.61(b).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Paul A. Moreno/
United States Patent and Trademark Office
Trademark Attorney
Law Office 103
571-272-2651

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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Document Description: **Offc Action Outgoing**
 Mail / Create Date: **17-Dec-2008**

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/561385

MARK: DA VINCI S HD SURGIC

77561385

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
 SHEPPARD MULLIN RICHTER &
 HAMPTON LLP
 4 EMBARCADERO CTR FL 17
 SAN FRANCISCO, CA 94111-4158

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical,
 Inc.

CORRESPONDENT'S

REFERENCE/DOCKET NO:

038T-DVSHDB

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

SEARCH RESULTS

PRIOR PENDING APPLICATION

Information regarding pending Application Serial No. 78728786 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

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Furthermore, attached internet evidence from applicant's website provides:

"Instead of opening up a patient and working directly on his heart, the robotic-assisted surgeon sits at a console near the patient, looking at three-dimensional **high-definition** images on a screen and using his hands and feet to control the microtools inserted within the patient's chest. Tiny laser lights and video cameras provide the surgeon's view of what's happening." [Emphasis added.]

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Therefore, applicant must insert a disclaimer of “**HD SURGICAL SYSTEM**” in the application because the wording merely describes characteristics of applicant’s goods.

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). See TMEP §§1213, 1213.03. Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A “disclaimer” is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. See TMEP §1213.10.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

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TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

IDENTIFICATION OF GOODS

The wording “Computerized surgical manipulation system comprised of surgeon’s console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of responsible, **in other words**, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws,

retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners” in the identification of goods is indefinite and must be clarified because the exact nature of the goods is unclear. See TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

“Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, **NAMELY**, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicers and clips, tack applicers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners”, in International Class 010.

Note: IN THE ALTERNATIVE APPLICANT MAY DELETE THE WORDING “in other words, limited re-use tools” FROM THE IDENTIFICATION

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

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SIGNIFICANCE OF MARK

Applicant must specify whether “S” or “HD” has any significance OR meaning in the applicant’s trade or industry, or in relation to applicant’s goods. 37 C.F.R. §2.61(b).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Paul A. Moreno/
United States Patent and Trademark Office

Trademark Attorney
Law Office 103
571-272-2651

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

INTUITIVE SURGICAL, INC.
950 Kifer Road
Sunnyvale, CA 94086

International Class: 10

Goods:

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.



09-08-2006

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #

da Vinci S^{HD}
SURGICAL SYSTEM

INTUITIVE SURGICAL, INC.
950 Kifer Road
Sunnyvale, CA 94086

International Class: 10

Goods:

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.


09-08-2006

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #

da Vinci S^{HD}
SURGICAL SYSTEM

Document Description: Filing Receipt Trademark Application

Mail / Create Date: 19-Sep-2006

**FILING RECEIPT FOR TRADEMARK APPLICATION**

Sep 19, 2006

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

MICHELLE D. KAHN
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
FOUR EMBARCADERO CENTER
SEVENTEENTH FLOOR
SAN FRANCISCO, CA 94111

**ATTORNEY
REFERENCE NUMBER**
038T-126360

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SERIAL NUMBER: 76/665748
FILING DATE: Sep 8, 2006
REGISTER: Principal
MARK: DA VINCI S HD SURGICAL SYSTEM
MARK TYPE(S): Trademark
DRAWING TYPE: Words, letters, or numbers and design
FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Michelle D. Kahn

OWNER: Intuitive Surgical, Inc. (DELAWARE, Corporation)
950 Kifer Road
Sunnyvale, CALIFORNIA 94086

FOR:

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of reusable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools,

forceps, needle holders, guides and drivers, graspers, and kiteners
INT. CLASS: 010

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

OWNER OF U.S. REG. NOS.: 2628871

Design Search Codes:

26.13.21 - Quadrilaterals that are completely or partially shaded

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

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Document Description: **Preliminary Amendment**
 Mail / Create Date: **28-Sep-2006**



PTO Form 1966 (Rev 5/2006)
 OMB No. 0351-0050 (Exp. 04/2009)

Preliminary Amendment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76665748
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	010
DESCRIPTION	
Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of reusable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	010
DESCRIPTION	
Computerized surgical manipulation system comprised of surgeon's console, master	

control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/mdk/
SIGNATORY NAME	Michelle D. Kahn
SIGNATORY POSITION	Attorney of record
DATE SIGNED	09/28/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 28 15:26:44 EDT 2006
TEAS STAMP	USPTO/PA-12146203100-2006 0928152644242027-76665748 -2006f75a1a68c97d29e894c9 8aaa1b34c9d-N-N-200609281 52407398104

PTO Form 1966 (Rev 5/2006)
OMB No. 0651-0050 (Exp. 04/2009)

Preliminary Amendment

To the Commissioner for Trademarks:

Application serial no. **76665748** is amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 010 for Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of responsible, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

Original Filing Basis: 1(b).

Proposed: Class 010 for Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of responsible, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

Preliminary Amendment Signature

Signature: /mdk/ Date Signed: 09/28/2006

Signatory's Name: Michelle D. Kahn

Signatory's Position: Attorney of record

Serial Number: 76665748

Internet Transmission Date: Thu Sep 28 15:26:44 EDT 2006

TEAS Stamp: USPTO/PA-12146203100-2006092815264424202
7-76665748-2006f75a1a68c97d29e894c98aaa1
b34c9d-N-N-20060928152407398104

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Document Description: XSearch Search Summary

Mail / Create Date: 05-Feb-2007



*** User:sbibb ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration	h
01	53	0	53	37	0:02	*d{v}v{v}nc*[bi,ti] and live[ld]
02	3425	N/A	0	0	0:02	*v{v}nc*[bi,ti] and live[ld]
03	0	0	0	0	0:03	*s{v}r{"gj"}{v}*I[bi,ti] and live[ld]
04	12071	N/A	0	0	0:03	*system*[bi,ti] and live[ld]
05	1437	N/A	0	0	0:03	*s{v}r{"gj"}{v}*[bi,ti] and live[ld]
06	181	0	181	121	0:01	2 and (5 4)
07	15	0	15	12	0:01	5 and 4
08	1074	N/A	0	0	0:02	*v{v}nc{"ie"}[bi,ti] and live[ld]
09	3190	N/A	0	0	0:02	*v{v}nc{"ie"}*[bi,ti] and live[ld]
10	0	0	0	0	0:02	d{v}?1v{v}nc{"ie"}*[bi,ti] and live[ld]
11	0	0	0	0	0:02	d{v}?v{v}nc{"ie"}*[bi,ti] and live[ld]
12	50	N/A	0	0	0:03	*d{v}\$1v{v}nc{"ie"}*[bi,ti] and live[ld]
13	4	0	4	4	0:01	12 not 1
14	648	N/A	0	0	0:02	*v{"ie"}nc{"ie"}*[bi,ti] and live[ld]
15	116	0	116	68	0:01	14 and "010"[cc]
16	9060	N/A	0	0	0:02	261321[dc] and live[ld]
17	1568	N/A	0	0	0:02	*hd*[bi,ti] and live[ld]
18	10	0	10	10	0:01	17 and 16
19	27	9	18	6	0:02	"Intuitive Surgical"[on]

Session started 2/5/2007 9:12:00 AM

Session finished 2/5/2007 9:39:04 AM

Total search duration 0 minutes 37 seconds

Session duration 27 minutes 4 seconds

Default NEAR limit=1ADJ limit=1

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Document Description: **Offc Action Outgoing**Mail / Create Date: **09-Feb-2007**

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**UNITED STATES PATENT AND TRADEMARK OFFICE****SERIAL NO:** 76/665748**APPLICANT:** Intuitive Surgical, Inc.***76665748*****CORRESPONDENT ADDRESS:**MICHELLE D. KAHN
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
FOUR EMBARCADERO CENTER
SEVENTEENTH FLOOR
SAN FRANCISCO, CA 94111**RETURN ADDRESS:**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**MARK:** DA VINCI S HD SURGICAL SYSTEM**CORRESPONDENT'S REFERENCE/DOCKET NO:** 038T-126360

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 76/665748

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Search Results

The Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, please be advised that a potentially conflicting mark in a prior-filed pending application may present a bar to registration.

Information regarding pending Application Serial No. 78728786 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

Identification of Goods

The wording "resposable, in other words, limited re-use tools," in the identification of goods is unacceptable as indefinite because the excess wording is merely explanatory and is unacceptable.

Applicant has identified its goods as a "full line of" of products. Please be advised that upon filing an amendment to allege use or statement of use, applicant must provide evidence to substantiate use of the mark for a full line of products. Such evidence may comprise product catalogs or similar evidence showing broad use of the mark for a majority of the goods in the "full line." 37 C.F.R. §2.61(b); TMEP §1402.03(c).

If applicant is unable to provide such evidence, then applicant will be required to amend the identification to delete "full line of" and specify the common commercial or generic name for each item. TMEP §§1402 *et seq.*

Evidence showing use of the mark on only three products is not considered sufficient to show use for a "full line" of products. An applicant who does not use the mark on a sufficient number or variety of goods or services in its line should not be able to procure a registration which potentially may bar the registration of another applicant who uses a similar mark on different products that could conceivably be considered part of the "full line" of products. *In re Astra Merck Inc.*, 50 USPQ2d 1216 (TTAB 1999).

The applicant may amend this wording to if accurate. TMEP §1402.01.

Class 10- Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip

appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahhtml/tidm.html>.

Significance of Mark

Applicant must specify whether the letters “S” and “HD” have any significance in the medical trade or industry or as applied to the goods/services described in the application. 37 C.F.R. §2.61(b).

Drawing Contains Gray

The drawing shows a portion of the mark in gray. However, the application does not specify whether color is a feature of the mark or the mark is intended to be represented only in black and white. There are only two options for presenting the mark: (1) color drawings, and (2) black and white drawings. The appearance of gray has created an ambiguity as to whether the mark features color or is intended to be in black and white, and clarification is required. 37 C.F.R. §§2.52(b)-(b)(1); TMEP §807.07(e).

- (1) If the proposed mark is *not* in color, applicant must submit the following statement: **“The mark is not in color.”**

If **color is a feature of the proposed mark**, applicant must submit both a statement listing all the colors claimed as a feature of the mark and a statement describing where the colors appear in the mark. The color claim and color location statement must include *all* the colors in the mark. 37 C.F.R. §2.52(b)(1); TMEP §§807.07 *et seq.* If any of these colors are not being used as color in the mark, the color location statement must describe where the black, white and gray appear in the mark and state that it constitutes background, outlining, shading or transparent areas and is not part of the mark. The following format is suggested: **“The color gray is claimed as a feature of the mark. The color gray appears in the wording “S” and “Surgical System” and in the design [HD].**

Disclaimers

Applicant must insert a disclaimer of “HD” and “SURGICAL SYSTEM” in the application because the terms are merely descriptive of the video quality and a characteristic and/or feature of applicant’s goods. Applicant’s own website states “The da Vinci S will keep you at the forefront of minimally invasive surgery as it accommodates tomorrow’s HD video technology, high-speed networking and image guidance systems.” See the attached Internet evidence demonstrating that “HD” is an acronym for high definition, a term relating to the quality of a video image. A system is defined as “a group of interacting mechanical or electrical components” and “a network of related computer software, hardware, and data transmission devices.” See the attached from *The American Heritage Dictionary of the English Language*, Fourth Ed., 2000. Applicant’s goods include surgical instruments; therefore “SURGICAL SYSTEM” merely describes applicant’s system for surgery. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.08(a)(i).

The following is the accepted standard format for a disclaimer:

No claim is made to the exclusive right to use "HD" and "SURGICAL SYSTEM" apart from the mark as shown.

RESPONSE GUIDELINES

Please note that there is no required format or form for responding to this Office action. However, applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant's telephone number.

When responding to this Office action, applicant must make sure to respond in writing to each refusal and requirement raised. If there is a refusal to register the proposed mark, then applicant may wish to argue against the refusal, i.e., explain why it should be withdrawn and why the mark should register. If there are other requirements, then applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record. Applicant must also sign and date its response.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/ScottBibb/
Scott K. Bibb
Trademark Examining Attorney
Law Office 109
Ph- (571) 272-5669
F- (571) 273-9109

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- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

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Examining Attorney: BIBB, SCOTT

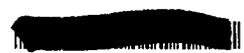
Serial Number: 76/665748



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

_____)	Examining Attorney:
In re application of:)	Scott K. Bibb
)	
Intuitive Surgical, Inc.)	Trademark Law Office 109
)	
Serial No.: 76/665,748)	
)	
Filed: September 8, 2006)	
)	
For: DA VINCI S HD SURGICAL)	
SYSTEM (Stylized))	
_____)	

RESPONSE TO OFFICE ACTION



Hon. Asst. Comm. For Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

08-10-2007
U.S. Patent & TMO/OTM Mail Rept Dt. #72

Sir:

This correspondence is responsive to the Office Action mailed on February 9, 2007.

I. IDENTIFICATION OF GOODS.

The Examining Attorney has indicated that the wording "resposable, in other words, limited re-use tools" in the identification of goods is unacceptable as indefinite because the excess wording is merely explanatory. The Examining Attorney has further indicated that Applicant may amend the identification of goods to delete the wording " in other words, limited re-use," if accurate, and has further suggested that Applicant delete the wording "a full line of" from the identification.

Document Description: **Amendment and Mail Process Complete**Mail / Create Date: **14-Sep-2007**

First Page

Next PageYou are currently on page **1** of **2****Trademark Snap Shot Amendment & Mail Processing Stylesheet**

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	76665748	FILING DATE	09/08/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BIBB, SCOTT	L.O. ASSIGNED	109

PUB INFORMATION

RUN DATE	09/14/2007
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	09/13/2007
LITERAL MARK ELEMENT	DA VINCI S HD SURGICAL SYSTEM

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		
MARK DATA					
STANDARD CHARACTER MARK			NO		
LITERAL MARK ELEMENT			DA VINCI S HD SURGICAL SYSTEM		
MARK DRAWING CODE			3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)		
COLOR DRAWING FLAG			NO		
CURRENT OWNER INFORMATION					
PARTY TYPE			10-ORIGINAL APPLICANT		
NAME			Intuitive Surgical, Inc.		
ADDRESS			950 Kifer Road Sunnyvale, CA 94086		
ENTITY			03-CORPORATION		
CITIZENSHIP			Delaware		
GOODS AND SERVICES					
INTERNATIONAL CLASS			010		
DESCRIPTION TEXT			<p>Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up anus and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, sylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip</p>		

appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------	----------------------------	------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DISCLAIMER W/PREDETER TXT	"HD" AND "SURGICAL SYSTEM"
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/13/2007	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	011
09/13/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
09/13/2007	ALIE	A	ASSIGNED TO LIE	009
08/10/2007	MAIL	I	PAPER RECEIVED	008
02/09/2007	CNRT	F	NON-FINAL ACTION MAILED	007
02/09/2007	CNRT	R	NON-FINAL ACTION WRITTEN	006
02/01/2007	DOCK	D	ASSIGNED TO EXAMINER	005
09/28/2006	AMPX	O	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	004
09/28/2006	PARI	I	TEAS PRELIMINARY AMENDMENT RECEIVED	003
09/19/2006	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
09/14/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN SHEPPARD, MULLIN, RICHTER & HAMPTON LLP FOUR EMBARCADERO CENTER

	SEVENTEENTH FLOOR SAN FRANCISCO, CA 94111
DOMESTIC REPRESENTATIVE	NONE

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Document Description: **Suspension Letter**
 Mail / Create Date: **19-Oct-2007**



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/665748

MARK: DA VINCI S HD SURGIC

76665748

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
 SHEPPARD, MULLIN, RICHTER &
 HAMPTON LLP
 FOUR EMBARCADERO CENTER
 SEVENTEENTH FLOOR
 SAN FRANCISCO, CA 94111

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical, Inc.

**CORRESPONDENT'S
 REFERENCE/DOCKET NO:**

038T-126360

CORRESPONDENT E-MAIL ADDRESS:

NOTICE OF SUSPENSION

ISSUE/MAILING DATE:

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. 37.C.F.R. §2.67. The Office will conduct periodic status checks to determine if suspension remains appropriate. Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78728786**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **was sent previously.**

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

- Opposition No(s). **91175319**

The proceeding(s) above pertains to one or more of the following: (1) a registration cited as a bar to applicant's registration under Section 2(d) of the Trademark Act, (2) a pending application(s) that could present a future bar to registration under Section 2(d) if it matured into a registration, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052. Therefore, action is suspended pending the final disposition of this proceeding(s). See 37 C.F.R. §2.83; TMEP §§716.02(a), (c) and (d), 1208 et seq. Any refusal(s) made under Section 2 is herein maintained.

The following refusal(s)/requirement(s) is/are continued and maintained:

Significance of Mark

Applicant must specify whether the letter "S" have any significance in the medical trade or industry or as applied to the goods/services described in the application.

/ScottBibb/
 Scott K. Bibb
 Trademark Examining Attorney
 Law Office 109
 Ph- (571) 272-5669
 F- (571) 273-9109

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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Document Description: **Notation to File**
Mail / Create Date: **10-Apr-2008**



NOTE TO THE FILE

SERIAL NUMBER: 76665748

DATE: 04/10/2008

NAME: sbibb

NOTE:

- Checked LEXIS/NEXIS
- Searched internet using [insert search engine or web site]
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- Checked geographic significance.
- Checked with translations branch.
- Checked ID with ID/Class
- Checked ID with Senior Attorney/Managing Attorney
- Telephoned attorney/applicant leaving message re: _____
- Telephoned attorney/applicant, application was signed on _____
- Personal interview conducted with attorney/applicant re _____
- Attorney/applicant called to discuss OPTIONS FOR THE MARK IN ITS CURRENT STAGE.
- Bulky specimens with examiner.
- Acronym website searched.
- Changed Tradeups to add. _____

Changed Tradeups to delete.

Changed Tradeups to add Examiner's Amendment.

... Letter of Protest Granted

OTHER (insert reason for Note)

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Document Description: **drawing**
Mail / Create Date: **28-Sep-2007**

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DA VINCI SONICPRO

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Document Description: **Application**
 Mail / Create Date: **28-Sep-2007**

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PTO Form 1478 (Rev 9/2006)
 OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: **77292138**

Filing Date: **09/28/2007**

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77292138
MARK INFORMATION	
*MARK	DA VINCI SONICPRO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DA VINCI SONICPRO
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	Intuitive Surgical, Inc.
*STREET	1266 Kifer Road
*CITY	Sunnyvale
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	94086
LEGAL ENTITY INFORMATION	
TYPE	corporation

STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	010
*IDENTIFICATION	Medical and surgical apparatus, namely, ultrasonic cleaning equipment for use in the field of computerized surgical manipulation.
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2628871.
MISCELLANEOUS STATEMENT	The Applicant claims ownership of U.S. Serial No(s). 76/665,748 and 76/672,142.
ATTORNEY INFORMATION	
NAME	Michelle D. Kahn
ATTORNEY DOCKET NUMBER	038T-075078
FIRM NAME	Sheppard Mullin Richter & Hampton LLP
STREET	4 Embarcadero Center, 17th Floor
CITY	San Francisco
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94111-4109
PHONE	(415) 434-9100
FAX	(415) 434-3947
OTHER APPOINTED ATTORNEY	Michelle Hirth
CORRESPONDENCE INFORMATION	
NAME	Michelle D. Kahn
FIRM NAME	Sheppard Mullin Richter & Hampton LLP
STREET	4 Embarcadero Center, 17th Floor
CITY	San Francisco
STATE	California
COUNTRY	United States

ZIP/POSTAL CODE	94111-4109
PHONE	(415) 434-9100
FAX	(415) 434-3947
EMAIL ADDRESS	mkahn@sheppardmullin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/FN/
SIGNATORY'S NAME	Frank Nguyen
SIGNATORY'S POSITION	Vice President Intellectual Property and Licensing
DATE SIGNED	09/28/2007

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register**Serial Number: 77292138****Filing Date: 09/28/2007****To the Commissioner for Trademarks:****MARK:** DA VINCI SONICPRO (Standard Characters, see mark)

The literal element of the mark consists of DA VINCI SONICPRO.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Intuitive Surgical, Inc., a corporation of Delaware, having an address of

1266 Kifer Road

Sunnyvale, California 94086

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 010: Medical and surgical apparatus, namely, ultrasonic cleaning equipment for use in the field of computerized surgical manipulation.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 2628871.

The Applicant claims ownership of U.S. Serial No(s). 76/665,748 and 76/672,142.

The applicant hereby appoints Michelle D. Kahn and Michelle Hirth of Sheppard Mullin Richter & Hampton LLP

4 Embarcadero Center, 17th Floor

San Francisco, California 94111-4109

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 038T-075078.

Correspondence Information: Michelle D. Kahn

4 Embarcadero Center, 17th Floor

San Francisco, California 94111-4109

(415) 434-9100(phone)

(415) 434-3947(fax)

mkahn@sheppardmullin.com (not authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /FN/ Date Signed: 09/28/2007

Signatory's Name: Frank Nguyen

Signatory's Position: Vice President Intellectual Property and Licensing

RAM Sale Number: 7341

RAM Accounting Date: 10/01/2007

Serial Number: 77292138

Internet Transmission Date: Fri Sep 28 19:43:10 EDT 2007

TEAS Stamp: USPTO/BAS-12.146.203.100-200709281943102

06752-77292138-400c95a7e35a60996667925b9

fc5743e-DA-7341-20070928192829414751

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Document Description: XSearch Search Summary

Mail / Create Date: 08-Jan-2008



*** User:jkidwell ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search	Search Duration
01	1	0	1	0	0:01	2628871[rn]
02	629	N/A	0	0	0:02	*v{"iy"}n{"ckqhx:2"}*[bi,ti] not dead [ld]
03	1431	N/A	0	0	0:33	*{"szc"}{v}n{"iy"}{"ckqx"}*[bi,ti] not dead [ld]
04	1	0	1	1	0:01	2 and 3
05	511832	N/A	0	0	0:04	"010"[cc] not dead [ld]
06	118	0	118	76	0:01	2 and 5
07	329	0	329	183	0:01	3 and 5
08	1	0	1	1	0:01	78728786[sn]

Session started 1/8/2008 2:45:06 PM

Session finished 1/8/2008 3:08:52 PM

Total search duration 0 minutes 44 seconds

Session duration 23 minutes 46 seconds

Default NEAR limit=1ADJ limit=1

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 Mail / Create Date: **08-Jan-2008**

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/292138

MARK: DA VINCI SONICPRO

77292138

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
 SHEPPARD MULLIN RICHTER &
 HAMPTON LLP
 4 EMBARCADERO CTR FL 17
 SAN FRANCISCO, CA 94111-4158

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical,
 Inc.

**CORRESPONDENT'S
 REFERENCE/DOCKET NO:**
 038T-075078

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Search Results

The Office records have been searched and no similar *registered* or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Prior Pending Application

Information regarding pending Application Serial No. 78728786 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case

may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

Applicant must respond to the following:

Request for Further Information

Applicant must specify whether "SONICPRO" has any significance in the dental equipment trade industry 37 C.F.R. §2.61(b).

Also, to permit proper examination of the application, applicant must submit additional product information about the goods. 37 C.F.R. §2.61(b); *In re DTI P'ship LLP*, 67 USPQ2d 1699, (TTAB 2003); TMEP §814. The requested product information should include fact sheets, instruction manuals, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for goods of the same type, explaining how its own product will differ. If the goods feature new technology and no competing goods are available, applicant must provide a detailed description of the goods.

The submitted factual information must make clear how the goods operate, their salient features, and their prospective customers and channels of trade. Conclusory statements regarding the goods will not satisfy this requirement.

Failure to respond to a request for information is an additional ground for refusing registration. *DTI*, 67 USPQ2d at 1701. Merely stating that information about the goods is available on applicant's website is an inappropriate response to a request for additional information and is insufficient to make the relevant information of record. *In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-1458 (TTAB 2004).

Claim of Ownership of Prior Pending Marks

Applicant's claim of ownership of Application Serial Nos. 76/665,748 and 76/672,142 will not be printed on any registration that may issue from this application because only claims of ownership of pertinent live registrations are printed. If the claimed pending applications register before this application, then applicant may claim ownership of them by registration numbers. 37 C.F.R. §2.36; TMEP §812.

Response Guidelines

There is no required format or form for responding to this Office action. The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>. However, if applicant responds on paper via regular mail, the response should include the following information: (1) the name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and (4) applicant's telephone number.

The response should address each refusal and/or requirement raised in the Office action. If a refusal

has issued, applicant may wish to argue against the refusal, i.e., submit arguments and/or evidence as to why the refusal should be withdrawn and why the mark should register. To respond to requirements, applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record.

The response *must* be signed by applicant or someone with legal authority to bind applicant (i.e., a corporate officer of a corporate applicant, the equivalent of an officer for unincorporated organizations or limited liability company applicants, a general partner of a partnership applicant, each applicant for applications with multiple individual applicants, etc.). TMEP §§712 *et seq.*

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

Jaclyn N. Kidwell
/Jaclyn N. Kidwell/
Trademark Examining Attorney
Law Office 112
Tel: 571-272-8196
Fax: 571-273-8196

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

_____)	Examining Attorney:
In re application of:)	Jaclyn N. Kidwell
)	
Intuitive Surgical, Inc.)	Trademark Law Office 112
)	
Serial No.: 77/292,138)	
)	
Filed: September 28, 2007)	
)	
For: DA VINCI SONICPRO)	
_____)	

RESPONSE TO OFFICE ACTION

Hon. Asst. Comm. For Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

This correspondence is responsive to the Office Action mailed on January 9, 2008.

I. PRIOR PENDING APPLICATION.

The Examining Attorney has cited against Applicant's mark DA VINCI SONICPRO ("Applicant's Mark") pending Application Serial No. 78/728,786 (the "Cited Application") and has indicated that registration of Applicant's Mark may be refused under Section 2(d) if the mark covered by the Cited Application registers. The Examining Attorney has further indicated that action on Applicant's application may be suspended pending final disposition of the Cited Application.



07-07-2008

Document Description: **Amendment and Mail Process Complete**
 Mail / Create Date: **08-Jul-2008**

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You are currently on page 1 of 2



Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77292138	FILING DATE	09/28/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KIDWELL, JACLYN N	L.O. ASSIGNED	112

PUB INFORMATION

RUN DATE	07/08/2008
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	07/07/2008
LITERAL MARK ELEMENT	DA VINCI SONICPRO

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	DA VINCI SONICPRO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Intuitive Surgical, Inc.
ADDRESS	1266 Kifer Road Sunnyvale, CA 94086
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	010
DESCRIPTION TEXT	Medical and surgical apparatus, namely, ultrasonic cleaning equipment for use in the field of computerized surgical manipulation

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/07/2008	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	008
07/07/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
07/07/2008	ALIE	A	ASSIGNED TO LIE	006
07/07/2008	MAIL	I	PAPER RECEIVED	005
01/09/2008	CNRT	F	NON-FINAL ACTION MAILED	004
01/08/2008	CNRT	R	NON-FINAL ACTION WRITTEN	003
01/02/2008	DOCK	D	ASSIGNED TO EXAMINER	002
10/03/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN SHEPPARD MULLIN RICHTER & HAMPTON LLP 4 EMBARCADERO CTR FL 17 SAN FRANCISCO, CA 94111-4158
DOMESTIC REPRESENTATIVE	NONE

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Document Description: **Suspension Letter**
Mail / Create Date: **11-Jul-2008**



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/292138

MARK: DA VINCI SONICPRO

77292138

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
SHEPPARD MULLIN RICHTER &
HAMPTON LLP
4 EMBARCADERO CTR FL 17
SAN FRANCISCO, CA 94111-4158

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical,
Inc.

**CORRESPONDENT'S
REFERENCE/DOCKET NO:**
038T-075078

CORRESPONDENT E-MAIL ADDRESS:

NOTICE OF SUSPENSION

ISSUE/MAILING DATE:

This letter responds to applicant's communication filed on 07/07/08 in response the outgoing Office Action dated 01/09/08. Applicant's information in response to the "request for more information" is ACCEPTED. In light of the information provided by application regarding the pending Opposition of the prior pending cited mark, please note the following below.

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Action on this application is suspended pending the disposition of:

- Opposition No(s). **911753319**

The proceeding(s) above pertains to one or more of the following: (1) a registration cited as a bar to applicant's registration under Section 2(d) of the Trademark Act, (2) a pending application(s) that could present a future bar to registration under Section 2(d) if it matured into a registration, and/or (3)

the registrability of applicant's mark. 15 U.S.C. §1052. Therefore, action is suspended pending the final disposition of this proceeding(s). See 37 C.F.R. §2.83; TMEP §§716.02(a), (c) and (d), 1208 et seq. Any refusal(s) made under Section 2 is herein maintained.

Jaclyn N. Kidwell
/Jaclyn N. Kidwell/
Trademark Examining Attorney
Law Office 112
Tel: 571-272-8196
Fax: 571-273-8196

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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INTUITIVE SURGICAL, INC.
 1266 Kifer Road, Building 101
 Sunnyvale, CA 94086

International Class: 10

Goods:



03-14-2008

U.S. Patent & Trademark Office

Computerized surgical manipulation system comprised of console, master control, immersive video display, camera processing equipment, surgical manipulation system software, instructional manuals provided as a unit, patient-side cart and manipulator slave arms, sterile adaptors to connect arthroscopic instruments, and a full line of disposable and reusable, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cutters, clamps, elevators, gouges, knives, scope preheaters, cables and component parts, electrosurgical instruments, laser instruments, ultrasound instruments, lens scrub and biopsy brushes, clip applicators and clips, tack applicators, ligature carriers, needle clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting devices, needles, retractors, snares, stylets, forceps, dissectors, cautery, suction and irrigation probes, sterile drapes, hemostats, arthroscopes, osteotomes, saws, retainers, suturing apparatus, measuring devices, and contractors, files, skin graft expanders, lancets, mallets, hammers, rasps, spatulas, and strippers; a full line of FDA exempt surgical instruments, namely, scalpels, scalpel blade holders, staplers, tackers, clip applicators, electrocautery tools, forceps, holders, guides and drivers, graspers, and kiteners.

da Vinci 
 SURGICAL SYSTEM

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Document Description: **drawing**
Mail / Create Date: **14-Mar-2008**

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You are currently on page **1** of **1**

INTUITIVE SURGICAL, INC.
1266 Kifer Road, Building 101
Sunnyvale, CA 94086

International Class: 10

Goods: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of disposable and resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.

03-14-2008

U.S. Patent & TMO/TT Mail Rept. #51

da Vinci[®] Si^{HD}
SURGICAL SYSTEM

Document Description: **Filing Receipt Trademark Application**
 Mail / Create Date: **25-Mar-2008**



FILING RECEIPT FOR TRADEMARK APPLICATION

Mar 25, 2008

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

MICHELLE D. KAHN
 Sheppard, Mullin, Richter & Hampton LLP
 Four Embarcadero Center
 Seventeenth Floor
 San Francisco, CA 94111-4106

**ATTORNEY
 REFERENCE NUMBER**
 038T-075078

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfiling_receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/687738
 FILING DATE: Mar 14, 2008
 REGISTER: Principal
 MARK: DA VINCI SI HD SURGICAL SYSTEM
 MARK TYPE(S): Trademark
 DRAWING TYPE: Words, letters, or numbers and design
 FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Michelle D. Kahn

OWNER: Intuitive Surgical, Inc. (DELAWARE, Corporation)
 1266 Kifer Road, Building 101
 Sunnyvale, CALIFORNIA 94086

FOR:

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of disposable and resposable, in other words, limited use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers,

clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners
INT. CLASS: 010
FIRST USE: NONE USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

COLOR(S) CLAIMED: Color is not claimed as a feature of the mark.

OWNER OF U.S. REG. NOS.: 2628871

Design Search Codes:

26.13.21 - Quadrilaterals that are completely or partially shaded

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

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Document Description: **XSearch Search Summary**
 Mail / Create Date: **23-Jun-2008**



*** User:Nankrah ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	76687738
02	8033	N/A	0	0	0:04	*da[bi,ti] not dead[ld]
03	629	N/A	0	0	0:01	*v{"iy"}nc*[bi,ti] not dead[ld]
04	376	N/A	0	0	0:03	*surgical*[bi,ti] not dead[ld]
05	12420	N/A	0	0	0:04	*system*[bi,ti] not dead[ld]
06	13152	N/A	0	0	0:05	"i"[bi,ti] not dead[ld]
07	3862	N/A	0	0	0:02	*hd* or "h d"[bi,ti] not dead[ld]
08	209	0	209	158	0:01	2 and (3 or 4 or 5 or 6 or 7) not dead[ld]
09	13	0	13	12	0:01	3 and (4 or 5 or 6 or 7) not dead[ld]
10	15	0	15	14	0:01	4 and (5 or 6 or 7) not dead[ld]
11	114	0	114	91	0:01	5 and (6 or 7) not dead[ld]
12	8	0	8	8	0:01	6 and 7 not dead[ld]
13	69	N/A	0	0	0:02	3 and ("009" a b "200")[ic] not dead[ld]
14	12	0	12	10	0:02	3 and ("010" a b "200")[ic] not dead[ld]
15	10105	N/A	0	0	0:03	261321[dc] not dead[ld]
16	210	0	14	210	0:01	15 and ("010" ab "200")[ic] not dead[ld]
17	275109	N/A	0	0	0:04	*si* or "s i"[bi,ti] not dead[ld]
18	2575	N/A	0	0	0:02	si or "s i"[bi,ti] not dead[ld]
19	216	0	216	165	0:01	2 and (3 or 4 or 18 or 5 or 6 or 7) not dead[ld]
20	13	0	13	12	0:01	3 and (4 or 18 or 5 or 6 or 7) not dead[ld]
21	16	0	16	15	0:01	4 and (18 or 5 or 6 or 7) not dead[ld]
22	203	0	203	162	0:02	18 and (5 or 6 or 7) not dead[ld]
23	1	0	1	1	0:01	78727886
24	1	0	1	1	0:01	78728786

Session started 6/23/2008 10:06:33 AM

Session finished 6/23/2008 10:43:55 AM

Total search duration 0 minutes 46 seconds

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Document Description: **Off Action Outgoing**
 Mail / Create Date: **23-Jun-2008**

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/687738

MARK: DA VINCI SI HD SURGI

76687738

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
 SHEPPARD, MULLIN, RICHTER &
 HAMPTON LLP
 FOUR EMBARCADERO CENTER, 17TH
 FLOOR
 SAN FRANCISCO, CA 94111-4106

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical, Inc.

CORRESPONDENT'S

REFERENCE/DOCKET NO:

038T-075078

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Search Results

The Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02. However, please be advised that a potentially conflicting mark in a prior-filed pending application may present a bar to registration.

Information regarding pending Application Serial No. 78728786 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed

application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

Identification of Goods

The wording "responsible, in other words, limited re-use tools," in the identification of goods is unacceptable as indefinite because the excess wording is merely explanatory and is unacceptable.

Applicant has identified its goods as a "full line of" of products. Please be advised that upon filing an amendment to allege use or statement of use, applicant must provide evidence to substantiate use of the mark for a full line of products. Such evidence may comprise product catalogs or similar evidence showing broad use of the mark for a majority of the goods in the "full line." 37 C.F.R. §2.61(b); TMEP §1402.03(c).

If applicant is unable to provide such evidence, then applicant will be required to amend the identification to delete "full line of" and specify the common commercial or generic name for each item. TMEP §§1402 *et seq.*

Evidence showing use of the mark on only three products is not considered sufficient to show use for a "full line" of products. An applicant who does not use the mark on a sufficient number or variety of goods or services in its line should not be able to procure a registration which potentially may bar the registration of another applicant who uses a similar mark on different products that could conceivably be considered part of the "full line" of products. *In re Astra Merck Inc.*, 50 USPQ2d 1216 (TTAB 1999).

The applicant may amend this wording to if accurate. TMEP §1402.01.

Class 10- Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of responsible tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

Significance of Mark

Applicant must specify whether the letters "S" and "HD" have any significance in the medical trade or industry or as applied to the goods/services described in the application. 37 C.F.R. §2.61(b).

Drawing Contains Gray

The drawing shows a portion of the mark in gray. However, the application does not specify whether

color is a feature of the mark or the mark is intended to be represented only in black and white. There are only two options for presenting the mark: (1) color drawings, and (2) black and white drawings. The appearance of gray has created an ambiguity as to whether the mark features color or is intended to be in black and white, and clarification is required. 37 C.F.R. §§2.52(b)-(b)(1); TMEP §807.07(e).

- (1) If the proposed mark is *not* in color, applicant must submit the following statement: **“The mark is not in color.”**

If **color is a feature of the proposed mark**, applicant must submit both a statement listing all the colors claimed as a feature of the mark and a statement describing where the colors appear in the mark. The color claim and color location statement must include *all* the colors in the mark. 37 C.F.R. §2.52(b)(1); TMEP §§807.07 *et seq.* If any of these colors are not being used as color in the mark, the color location statement must describe where the black, white and gray appear in the mark and state that it constitutes background, outlining, shading or transparent areas and is not part of the mark. The following format is suggested: **“The color gray is claimed as a feature of the mark. The color gray appears in the wording “SI” and “Surgical System” and in the design [HD].**

Delete From Drawing

Applicant must submit a new drawing with the “®” and “™” deleted because it is not part of the mark. See TMEP §§807.02, 807.14(a).

Disclaimers

Applicant must insert a disclaimer of “HD” and “SURGICAL SYSTEM” in the application because the terms are merely descriptive of the video quality and a characteristic and/or feature of applicant’s goods. Applicant’s own website states “The da Vinci S will keep you at the forefront of minimally invasive surgery as it accommodates tomorrow’s HD video technology, high-speed networking and image guidance systems.” See the attached Internet evidence demonstrating that “HD” is an acronym for high definition, a term relating to the quality of a video image. A system is defined as “a group of interacting mechanical or electrical components” and “a network of related computer software, hardware, and data transmission devices.” See the attached from *The American Heritage Dictionary of the English Language*, Fourth Ed., 2000. Applicant’s goods include surgical instruments; therefore “SURGICAL SYSTEM” merely describes applicant’s system for surgery. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.08(a)(i).

The following is the accepted standard format for a disclaimer:

No claim is made to the exclusive right to use “HD” and “SURGICAL SYSTEM” apart from the mark as shown.

RESPONSE GUIDELINES

Please note that there is no required format or form for responding to this Office action. However, applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant’s telephone number.

When responding to this Office action, applicant must make sure to respond in writing to each refusal and requirement raised. If there is a refusal to register the proposed mark, then applicant may wish to argue against the refusal, i.e., explain why it should be withdrawn and why the mark should register. If there are other requirements, then applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record. Applicant must also sign and date its response.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Naakwama Ankrah/

Trademark Attorney Advisor
United States Patent and Trademark Office
Law Office 109
Tel: 571-272-9315
Fax: 571-273-9109

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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Please place on Upper Right Corner
of Response to Office Action ONLY.

Examining Attorney: ANKRAH, NAAKWAMA
Serial Number: 76/687738



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

_____)	Examining Attorney:
In re application of:)	Naakwama Ankrah
Intuitive Surgical, Inc.)	
Serial No.: 76/687,738)	Trademark Law Office 109
Filed: March 14, 2008)	
For: DA VINCI SI HD SURGICAL)	
SYSTEM (Stylized))	

RESPONSE TO OFFICE ACTION

Commissioner For Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451



12-23-2008

U.S. Patent & TMDC/TM Hall Repl. Dt. #30

Sir:

This correspondence is responsive to the Office Action mailed on June 23, 2008.

I. IDENTIFICATION OF GOODS.

The Examining Attorney has indicated that the identification of goods contains wording which is unacceptable as indefinite. More specifically, the Examining Attorney has indicated that the wording "resposable, in other words, limited re-use tools" contains excess wording

da Vinci S^{HD}
SURGICAL SYSTEM

Document Description: **Amendment and Mail Process Complete**Mail / Create Date: **08-Jan-2009**

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You are currently on page 1 of 2

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	76687738	FILING DATE	03/14/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ANKRAH, NAAKWAMA S	L.O. ASSIGNED	109

PUB INFORMATION

RUN DATE	01/08/2009
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	01/07/2009
LITERAL MARK ELEMENT	DA VINCI SI HD SURGICAL SYSTEM

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO

44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		
MARK DATA					
STANDARD CHARACTER MARK			NO		
LITERAL MARK ELEMENT			DA VINCI SI HD SURGICAL SYSTEM		
MARK DRAWING CODE			3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)		
COLOR DRAWING FLAG			NO		
CURRENT OWNER INFORMATION					
PARTY TYPE			10-ORIGINAL APPLICANT		
NAME			Intuitive Surgical, Inc.		
ADDRESS			1266 Kifer Road, Building 101 Sunnyvale, CA 94086		
ENTITY			03-CORPORATION		
CITIZENSHIP			Delaware		
GOODS AND SERVICES					
INTERNATIONAL CLASS			010		
DESCRIPTION TEXT			<p>Computerized surgical manipulation system comprised of surgeon's console, master control, inversive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, a amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip</p>		

appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	010	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DISCLAIMER W/PREDETER TXT	HD" AND "SURGICAL SYSTEM"
OWNER OF US REG NOS	2628871

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
01/07/2009	ACEC	I	AMENDMENT FROM APPLICANT ENTERED	009
01/07/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
01/07/2009	ALIE	A	ASSIGNED TO LIE	007
12/23/2008	MAIL	I	PAPER RECEIVED	006
06/23/2008	CNRT	F	NON-FINAL ACTION MAILED	005
06/23/2008	CNRT	R	NON-FINAL ACTION WRITTEN	004
06/23/2008	DOCK	D	ASSIGNED TO EXAMINER	003
03/25/2008	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
03/20/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Michelle D. Kahn
CORRESPONDENCE ADDRESS	MICHELLE D. KAHN SHEPPARD, MULLIN, RICHTER & HAMPTON LLP FOUR EMBARCADERO CENTER, 17TH FLOOR SAN FRANCISCO, CA 94111-4106
DOMESTIC REPRESENTATIVE	NONE

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Document Description: **Suspension Letter**
 Mail / Create Date: **27-Jan-2009**



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/687738

MARK: DA VINCI SI HD SURGI

76687738

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
 SHEPPARD, MULLIN, RICHTER &
 HAMPTON LLP
 FOUR EMBARCADERO CENTER, 17TH
 FLOOR
 SAN FRANCISCO, CA 94111-4106

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical, Inc.

CORRESPONDENT'S

REFERENCE/DOCKET NO:

038T-075078

CORRESPONDENT E-MAIL ADDRESS:

NOTICE OF SUSPENSION

ISSUE/MAILING DATE:

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Applicant's response of December 23, 2008 is noted, however, action on this application is suspended pending the disposition of:

- Application Serial No(s). **78728786**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) is **attached**.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during

suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

/Naakwama Ankrah/
Trademark Attorney Advisor
United States Patent and Trademark Office
Law Office 109
Tel: 571-272-9315
Fax:571-273-9109

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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Document Description: **drawing**
Mail / Create Date: **12-Sep-2008**

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dVSTAT

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Document Description: **Application**
 Mail / Create Date: **12-Sep-2008**

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PTO Form 1478 (Rev 9/2006)
 OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77568958

Filing Date: 09/12/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77568958
MARK INFORMATION	
*MARK	\\TICRS\EXPORT3\IMAGEOUT3\77568958\xml1\AP P0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	DVSTAT DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the letters DA followed immediately by a stylized S followed immediately by TAT with the words DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM directly underneath.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	300 x 300
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Intuitive Surgical, Inc.
*STREET	1266 Kifer Road, Building 101
*CITY	Sunnyvale

*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	94086
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	010
*IDENTIFICATION	Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps,

	needle holders, guides and drivers, graspers, and kiteners
FILING BASIS	SECTION 1(b)
*INTERNATIONAL CLASS	044
*IDENTIFICATION	Technical support services, namely, technical assistance concerning computerized surgical manipulation system
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2628871.
MISCELLANEOUS STATEMENT	Applicant is the owner of Serial No. 76/665,748 for the mark DA VINCI S HD SURGICAL SYSTEM (Stylized), Serial No. 76/687,738 for the mark DA VINCI SI HD SURGICAL SYSTEM (Stylized), Serial No. 76/672,142 for the mark DA VINCI S, Serial No. 77/292,138 for the mark DA VINCI SONICPRO, Serial No. 77/561,385 for the mark DA VINCI S HD SURGICAL SYSTEM, and Serial No. 77/568,859 for the mark DVSTAT.
ATTORNEY INFORMATION	
NAME	Michelle D. Kahn
ATTORNEY DOCKET NUMBER	0100-DVSTST
FIRM NAME	Sheppard Mullin Richter & Hampton LLP
STREET	4 Embarcadero Center, 17th Floor
CITY	San Francisco
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94111-4109
PHONE	(415) 434-9100
FAX	(415) 434-3947
EMAIL ADDRESS	sf_tm@sheppardmullin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No

OTHER APPOINTED ATTORNEY	Michelle J. Hirth, Nicole M. Lee
CORRESPONDENCE INFORMATION	
NAME	Michelle D. Kahn
FIRM NAME	Sheppard Mullin Richter & Hampton LLP
STREET	4 Embarcadero Center, 17th Floor
CITY	San Francisco
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94111-4109
PHONE	(415) 434-9100
FAX	(415) 434-3947
EMAIL ADDRESS	sf_tm@sheppardmullin.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325
*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/fn/
SIGNATORY'S NAME	Frank Nguyen
SIGNATORY'S POSITION	Vice President, Intellectual Property & Licensing
DATE SIGNED	09/12/2008

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77568958

Filing Date: 09/12/2008

To the Commissioner for Trademarks:

MARK: DVSTAT DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM (stylized and/or with design, see mark)

The literal element of the mark consists of DVSTAT DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM.

The applicant is not claiming color as a feature of the mark. The mark consists of the letters DA followed immediately by a stylized S followed immediately by TAT with the words DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM directly underneath.

The applicant, Intuitive Surgical, Inc., a corporation of Delaware, having an address of
1266 Kifer Road, Building 101
Sunnyvale, California 94086
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 010: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 044: Technical support services, namely, technical assistance concerning computerized surgical manipulation system

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or

services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 2628871.

Applicant is the owner of Serial No. 76/665,748 for the mark DA VINCI S HD SURGICAL SYSTEM (Stylized), Serial No. 76/687,738 for the mark DA VINCI SI HD SURGICAL SYSTEM (Stylized), Serial No. 76/672,142 for the mark DA VINCI S, Serial No. 77/292,138 for the mark DA VINCI SONICPRO, Serial No. 77/561,385 for the mark DA VINCI S HD SURGICAL SYSTEM, and Serial No. 77/568,859 for the mark DVSTAT.

The applicant hereby appoints Michelle D. Kahn and Michelle J. Hirth, Nicole M. Lee of Sheppard Mullin Richter & Hampton LLP
4 Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
United States

to submit this application on behalf of the applicant. The attorney docket/reference number is 0100-DVSTST.

Correspondence Information: Michelle D. Kahn

4 Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
(415) 434-9100(phone)
(415) 434-3947(fax)
sf_tm@sheppardmullin.com (not authorized)

A fee payment in the amount of \$650 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /fn/ Date Signed: 09/12/2008

Signatory's Name: Frank Nguyen

Signatory's Position: Vice President, Intellectual Property & Licensing

RAM Sale Number: 1345
RAM Accounting Date: 09/15/2008

Serial Number: 77568958
Internet Transmission Date: Fri Sep 12 16:04:27 EDT 2008
TEAS Stamp: USPTO/BAS-12.146.203.100-200809121604271
46295-77568958-400faa8cf4cffabf4acd45ea1
be1c244410-DA-1345-20080912151822087807

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Document Description: **Notice of Pseudo Mark**Mail / Create Date: **17-Sep-2008**

Side - 1



MAILING DATE: Sep 17, 2008
PSEUDO MARK FOR
SERIAL NUMBER: 77568958

Attorney Reference Number: 0100-DVSTST

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A pseudo mark may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words "YOU ARE" surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as "YOU ARE SQUARE." A mark filed as "URGR8" would receive a pseudo mark of "YOU ARE GREAT."

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

PSEUDO MARK: DV STAT DA VINCI SURGERY TECHNICAL ASSISTANCE TEAM

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Document Description: XSearch Search Summary

Mail / Create Date: 17-Dec-2008



*** User:pmoreno ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	77561385
02	33	11	22	11	0:01	"Intuitive Surgical"[on]
03	1	0	1	1	0:01	77568859
04	1	0	1	1	0:01	77568958
05	53016	N/A	0	0	0:04	*DA*[bi,ti] not dead [ld]
06	321	N/A	0	0	0:02	*V{"IY"}N{"szC"}\$1{"IY"}*[bi,ti] not dead [ld]
07	1849	N/A	0	0	0:02	*HD*[bi,ti] not dead [ld] OR "H D"[bi,ti] not dead [ld]
08	140	N/A	0	0	0:02	*{"sz"}\$1{"fp"}\$1RG*[bi,ti] not dead [ld]
09	12524	N/A	0	0	0:04	*{"sz"}{"YI"}{"sz"}T\$1M*[bi,ti] not dead [ld]
10	2	0	2	2	0:01	*DV{"sz"}T\$1T*[bi,ti] not dead [ld]
11	12556	N/A	0	0	0:03	*DV*[bi,ti] not dead [ld]
12	15383	N/A	0	0	0:06	*{"sz"}T\$1T*[bi,ti] not dead [ld]
13	36403	N/A	0	0	0:02	*TE{"ckqx"}*[bi,ti] not dead [ld]
14	1354	N/A	0	0	0:05	*A{"sz"}\$1{"IY"}{"sz"}T*[bi,ti] not dead [ld]
15	3669	N/A	0	0	0:02	*TE{"EA"}M*[bi,ti] not dead [ld]
16	163	0	163	121	0:01	5 AND 6
17	1804	N/A	0	0	0:02	*{"sz"}\$1RG*[bi,ti] not dead [ld]
18	4	0	4	3	0:01	7 AND 17
19	17	0	17	15	0:01	7 AND 9
20	136	0	136	105	0:01	11 AND 12
21	48	0	48	38	0:01	17 AND 13
22	16	0	16	12	0:01	17 AND 14
23	3	0	3	3	0:01	17 AND 15
24	26	0	26	19	0:01	13 AND 14
25	79	0	79	57	0:01	13 AND 15
26	5	0	5	3	0:01	14 AND 15
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Session started 12/17/2008 11:24:54 AM
 Session finished 12/17/2008 11:50:21 AM
 Total search duration 1 minutes 26 seconds
 Session duration 25 minutes 27 seconds
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/568958

MARK: DVSTAT DA VINCI SURG

77568958

CORRESPONDENT ADDRESS:

MICHELLE D. KAHN
SHEPPARD MULLIN RICHTER &
HAMPTON LLP
4 EMBARCADERO CTR FL 17
SAN FRANCISCO, CA 94111-4158

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Intuitive Surgical,
Inc.

**CORRESPONDENT'S
REFERENCE/DOCKET NO:**
0100-DVSTST

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

SEARCH RESULTS

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Applicant must respond to the following requirements.

DISCLAIMER REQUIREMENT

Applicant must disclaim "SURGERY TECHNICAL ASSISTANCE TEAM" for Class 044 and "SURGERY" for Class 010.

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987). Moreover, a mark that identifies a group of users to whom an applicant directs its goods and/or services is also merely descriptive. TMEP §1209.03(i); *see In re Planalytics, Inc.*, 70 USPQ2d 1453, 1454 (TTAB 2004).

Furthermore, the determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the “documents” managed by applicant’s software, not “doctor” as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of “computer programs recorded on disk” where relevant trade used the denomination “concurrent” as a descriptor of a particular type of operating system). “Whether consumers could guess what the product is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Finally, “A mark may be merely descriptive even if it does not describe the ‘full scope and extent’ of the applicant’s goods or services.” *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

For Class 044

The applicant must insert a disclaimer of “SURGERY TECHNICAL ASSISTANCE TEAM” in the application because the wording merely describes characteristics of applicant’s technical support service, namely, a team providing technical assistance for the purpose of surgery. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). Applicant’s identification of services provides in part: “technical assistance concerning computerized surgical manipulation system”.

Therefore, applicant must insert a disclaimer of “SURGERY TECHNICAL ASSISTANCE TEAM” in the application because the wording merely describes characteristics of applicant’s service.

For Class 010

The applicant must insert a disclaimer of “SURGERY” in the application because the wording merely describes the use of applicant’s goods, namely, to be used in surgery. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). Applicant’s identification of goods provides in part: “Computerized surgical manipulation system”.

Therefore, applicant must insert a disclaimer of “SURGERY” in the application because the wording merely describes characteristics of applicant’s goods.

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods.

15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). See TMEP §§1213, 1213.03. Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A “disclaimer” is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. See TMEP §1213.10.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

For Class 044

No claim is made to the exclusive right to use “SURGERY TECHNICAL ASSISTANCE TEAM” apart from the mark as shown.

For Class 010

No claim is made to the exclusive right to use “SURGERY” apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

IDENTIFICATION OF GOODS

Class 010

The wording “Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, **in other words**, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners” in the identification of goods is indefinite and must be clarified because the exact nature of the goods is

unclear. See TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

“Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, **NAMELY**, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners”, in International Class 010.

Note: IN THE ALTERNATIVE APPLICANT MAY DELETE THE WORDING “in other words, limited re-use” FROM THE IDENTIFICATION

Class 044

The wording “Technical support services, namely, technical assistance concerning computerized surgical manipulation system” in the identification of services is indefinite and must be clarified because the exact nature of the services is unclear and the service may be misclassified. See TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

“Technical support services, namely, **NAMELY, {FURTHER SPECIFY WITHIN THIS CLASS BY COMMON COMMERCIAL NAME} FOR** computerized surgical manipulation system”, in **International Class 042**.

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

NOTE: PLEASE REVISE DISCLAIMER CLASSIFICATION IF IDENTIFICATION IN 044 PROVES TO BE PROPERLY CLASSIFIED IN 042.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Paul A. Moreno/
United States Patent and Trademark Office
Trademark Attorney
Law Office 103
571-272-2651

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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ORIGINAL

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

_____)
INTUITIVE SURGICAL, INC.,)
)
Opposer,)
)
v.)
)
DAVINCI RADIOLOGY ASSOCIATES,)
P.L.,)
)
Applicant.)
_____)

Opposition No. 91175319
Serial No. 78/728,,786
Published: December 19, 2006

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rule of Practice 2.120, Opposer Intuitive Surgical, Inc. ("Opposer") hereby requests that Applicant DaVinci Radiology Associates, P.L. ("Applicant") serve upon Opposer its sworn answers to the interrogatories set forth below within thirty (30) days of service hereof. These interrogatories are intended to be continuing in nature and any information which may be discovered subsequent to the service and filing of the answers to the interrogatories should be brought to the attention of Opposer as may be required by the Federal Rules of Civil Procedure, through supplemental answers, within a reasonable time following such discovery.

DEFINITIONS

The following definitions are to be used by Applicant in answering the interrogatories set forth below:

- A. "Opposer" means Intuitive Surgical, Inc.

B. "Opposer's Marks" mean the trademarks: (1) DA VINCI, covered by U.S. Trademark Registration No. 2,628,871; and (2) DA VINCI S HD SURGICAL SYSTEM (Stylized), covered by U.S. Trademark Application Serial No. 76/665,748.

C. "You," your," "yourself" and "Applicant" mean Applicant DaVinci Radiology Associates, P.L., any parent company, predecessors, subsidiaries or divisions, its agents and all other persons acting or purporting to act on its behalf, including all past or present officers, attorneys, servants, representatives, employees or other persons or entities exercising their discretion, making policy or decisions or participating in any of the foregoing functions.

D. "Applicant's Mark" means the trademark DAVINCI DIAGNOSTIC IMAGING & Design, covered by U.S. Trademark Application Serial No. 78/728,786, which is the subject of this Opposition Proceeding.

E. "Person" or "persons" mean both natural persons and corporate or other business entities, whether or not in the employ of Applicant. The acts and knowledge of a person are defined to include the acts and knowledge of that person's employees, representatives, agents and attorneys.

F. "Consumer," "consumers" and the "consuming public" mean: (i) end-user beneficiaries of the goods and/or services offered under Applicant's Mark, including but not limited to patients and those upon whom diagnostic tests are performed; and (ii) physicians and health care providers, including but not limited to treating physicians and health care providers, referring physicians and health care providers, physicians and health care providers who order diagnostic tests, and physicians and health care providers who receive the results of diagnostic tests.

G. The "trade" and "members of the trade" mean: (i) members of the medical, diagnostic and/or surgical professions; and (ii) physicians and health care providers who

conduct, oversee and/or interpret diagnostic tests and test results.

H. "Document" or "documents" mean every writing or record of any type or description or other tangible evidence that is or has been in your possession, custody or control, including without limitation: communications, correspondence, memoranda, electronic mail, telegrams, notes (whether handwritten, typed, stenographic, electronically recorded or otherwise), summaries, records of telephone conversations, tapes, files, publications, diaries, reports, minutes, customer lists, books, manuals, publications, notebooks, charts, plans, sketches, drawings, diagrams, pamphlets, brochures, manuals, blueprints, photographs, customer surveys, contracts, licenses, agreements, instruction manuals, user manuals, computer software, operation manuals, catalogs and catalog sheets, advertisements, including storyboards and scripts, circulars, trade letters, press releases, product releases, product descriptions, and shall include every copy where such copy is not identical to the original or where such copy contains any commentary or notation whatsoever that does not appear in the original. As used herein, "documents" also includes any document, whether or not in Applicant's possession, custody or control, and any document which may be considered privileged by Applicant, which document shall be identified to assist Opposer and the Trademark Trial and Appeal Board in determining whether a claim of privilege may properly be made as to such document.

- I. "Identify" or "identity" when used in reference to:
- i. An individual, means to state his/her full name, present or last known home address (designating which), and present or last known position or business affiliation (designating which);
 - ii. A firm, company, corporation, partnership or other corporate entity, means to state its full name, state of incorporation (if any), and present or last known address (designating which);

- iii. A document, means to state the date, author(s), sender, recipients of the original and all copies, the type of document (*e.g.*, letter, memorandum, etc.), or some other means of identifying it and its present location or custodian, the title or subject matter of said document, and, in the case of a document in your possession, custody or control, whether you will make it available for inspection and/or copying; and
- iv. In the case of oral or other communications, the date, the communicator(s), the recipient(s) of the communication, and the nature of the communication.
- J. The terms "and" and "or" as used herein should be construed either conjunctively or disjunctively, whichever makes the request more inclusive.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify the person or persons most familiar with the conception and adoption of Applicant's Mark.

INTERROGATORY NO. 2:

Describe the circumstances underlying the conception and adoption of Applicant's Mark by identifying the timing of the conception and adoption, the persons involved in the conception and adoption, the alternatives considered, and the factors considered in conceiving and adopting Applicant's Mark.

INTERROGATORY NO. 3:

Identify and describe all goods and services on which you use, have used or intend to use Applicant's Mark.

INTERROGATORY NO. 4:

State the intended or potential uses for Applicant's goods and/or services offered under or in connection with Applicant's Mark.

INTERROGATORY NO. 5:

For the goods and services identified in your response to Interrogatory No. 3 of these Interrogatories, describe the manner in which said goods and/or services are marketed or will be marketed.

INTERROGATORY NO. 6:

State the date(s) upon which you began to use Applicant's Mark on or in connection with the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

INTERROGATORY NO. 7:

Other than the instant proceeding, identify all administrative and judicial proceedings in which you are or have been involved concerning Applicant's Mark by setting forth the identity of the parties, the title, docket number, tribunal name, and current status of the proceeding.

INTERROGATORY NO. 8:

Describe each study, search and investigation that is being or has been conducted or obtained by you or on your behalf regarding the trademark availability of Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

INTERROGATORY NO. 9:

Describe each study, search and investigation that is being or has been conducted or obtained by you or on your behalf regarding consumer reaction to Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

INTERROGATORY NO. 10:

Describe each study, search and investigation that is being or has been conducted or obtained by you or on your behalf regarding the protectability and/or enforceability of Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

INTERROGATORY NO. 11:

Describe the promotion of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

INTERROGATORY NO. 12:

Identify the person or persons most familiar with the promotion of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

INTERROGATORY NO. 13:

Describe the channels of trade through which the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories move or will move to reach the end-users of said goods and/or services.

INTERROGATORY NO. 14:

Identify the person or persons most knowledgeable about the channels of trade through which the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories move or will move to reach the end-users of said goods and/or services.

INTERROGATORY NO. 15:

Describe the circumstances under which Applicant first became aware of Opposer's Marks, including but not limited to stating the date(s) upon which Applicant first became aware of Opposer's Marks, identifying the person or persons at Applicant who first became aware of Opposer's Marks, and stating the manner in which Applicant first became aware of Opposer's Marks.

INTERROGATORY NO. 16:

Describe the consumers of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

INTERROGATORY NO. 17:

If you have ever received any communication(s) that expressed confusion as to a possible relationship between you and Opposer, describe each communication by setting forth the date on which you received such communication, the type of communication (e.g., oral or written), the substance of the communication, the identity of the person(s) from whom you received the communication, the class of the person(s) from whom you received the communication (e.g., member of the consuming public, member of the trade), and your response to the communication.

INTERROGATORY NO. 18:

If you have ever received any communication(s) that expressed confusion as to a possible relationship between Opposer's Marks and the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories, describe each communication by setting forth the date on which you received such communication, the type of communication (e.g., oral or written), the substance of the communication, the identity of the person(s) from whom you received the communication, the class of the person(s) from whom you received the communication (e.g., member of the consuming public, member of the trade), and your response to the communication.

INTERROGATORY NO. 19:

Describe the testimony that you expect to elicit from each expert witness that you intend to call to testify in this proceeding by identifying the expert witness, the subject matter on which he or she is expected to testify, the substance of the facts and opinions about which he or she is expected to testify and the grounds for each such opinion.

INTERROGATORY NO. 20:

Describe the testimony that you expect to elicit from each lay witness that you intend to call to testify in this proceeding by setting forth the identity of the lay witness, the subject matter in which he or she is expected to testify, and a brief summary of the testimony expected.

INTERROGATORY NO. 21:

Describe all exhibits that you intend to rely upon in this proceeding by setting forth a brief statement of the contents and significance of all such exhibits.

INTERROGATORY NO. 22:

If you have sought or received opinions, legal or otherwise, regarding your right to use Applicant's Mark, describe each such opinion by setting forth the identity of the person(s) from whom you requested each such opinion, the identity of the person(s) who rendered each such opinion, a brief summary of each such opinion rendered, and a description of each document relied upon in the course of rendering each such opinion.

INTERROGATORY NO. 23:

Identify those person(s) who had more than a clerical role in answering the foregoing interrogatories.

INTERROGATORY NO. 24:

Identify those person(s) who had more than a clerical role in searching for documents

responsive to Opposer's First Set of Requests for Production of Documents and Things to Applicant.

Dated: July 16, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By



Michelle J. Hirth
Attorneys for Opposer
INTUITIVE SURGICAL, INC.

Four Embarcadero Center
17th Floor
San Francisco, CA 94111
TEL: (415) 434-9100
FAX: (415) 434-3947

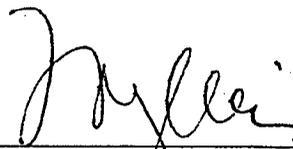
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** was served on Applicant DaVinci Radiology Associates, P.L., by First Class U.S. Mail, postage prepaid, to:

Kirk Friedland, Esq.
505 S. Flagler Drive, Suite 1330
West Palm Beach, Florida 33401

Attorneys for Applicant

This 17th day of July, 2007.



Mironda Lewis

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

INTUITIVE SURGICAL, INC.,

Opposer,

v.

DAVINCI RADIOLOGY ASSOCIATES,
P.L.,

Applicant.

Opposition No. 91175319

Serial No. 78/728,,786

Published: December 19, 2006

APPLICANT'S RESPONSE TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

NOW COMES, Applicant, Davinci Radiology Associates, P.L. ("DRA"), by and through its attorney, Matthew T. Vanden Bosch, and for its response to Opposer's First Set of Interrogatories to Applicant, responds as follows:

INTERROGATORY NO. 1:

Identify the person or persons most familiar with the conception and adoption of Applicant's Mark

Howard G. Butler, M.D., 9987 Equus Circle, Boynton Beach, FL 33437: Former member and manager of DRA.

Thomas P. Boyle, M.D., 17690 Lomond Court, Boca Raton, FL 33496: Present member of DRA.

Kirk Friedland, 505 South Flagler, West Palm Beach, FL 33401: Former legal counsel to DRA.

INTERROGATORY NO. 2:

Describe the circumstances underlying the conception and adoption of Applicant's Mark by identifying the timing of the conception and adoption, the persons involved in the conception and adoption, the alternatives considered, and the factors considered in conceiving and adopting Applicant's Mark.

In 2002 Dr. Boyle developed the concept of a high-end imaging center that emphasized state-of-the-art imaging in an elegant setting. It was decided, by Dr. Boyle and Dr. Butler, that the name of the imaging center had to be memorable, unlike other imaging centers that had names associated with medical institutions or geographic locations.

It was decided that we would search for a name that had public recognition, connoted a high level of sophistication and intelligence, and would be memorable for its dissonance in the context of a medical imaging center. We developed several options including The Tesla Imaging Center, The Newton Center for Imaging, and the DaVinci Center. We settled on either DaVinci or Tesla. In late 2002, Dr. Butler read about the forthcoming blockbuster novel, *The DaVinci Code* and we decided that the DaVinci name would become more well-known because of the publicity associated with the book. Because this might help our public promotion, we chose DaVinci.

INTERROGATORY NO. 3:

Identify and describe all goods and services on which you use, have used or intend to use Applicant's Mark.

By means of that certain Exclusive License Agreement, by and between Applicant and Medical Specialists of the Palm Beaches, Inc., a Florida corporation ("MSPB"), dated August 1, 2005 (the "Agreement"), Applicant licensed MSPB to use exclusively Applicant's Mark in connection with MSPB's diagnostic imaging services. A copy of the Agreement is

attached hereto. MSPB consists of consisting of 50+ physicians licensed to practice medicine in the State of Florida. MSPB conducts its diagnostic imaging services only within Palm Beach County, Florida.

INTERROGATORY NO. 4:

State the intended or potential uses for Applicant's goods and/or services offered under or in connection with Applicant's Mark.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above.

INTERROGATORY NO. 5:

For the goods and services identified in your response to Interrogatory No. 3 of these Interrogatories, describe the manner in which said goods and/or services are marketed or will be marketed.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above.
Applicant further avers that it has no particular knowledge of how MSPB markets or will market its diagnostic imaging services.

INTERROGATORY NO. 6:

State the date(s) upon which you began to use Applicant's Mark on or in connection with the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above.

INTERROGATORY NO. 7:

Other than the instant proceeding, identify all administrative and judicial proceedings in which you are or have been involved concerning Applicant's Mark by setting forth the identity of the parties, the title, docket number, tribunal name, and current status of the proceeding.

None.

INTERROGATORY NO. 8:

Describe each study, search and investigation that is being or has been conducted or obtained by you or on your behalf regarding the trademark availability of Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

On November 12, 2003, Kirk Friedland, attorney at law, conducted an initial Federal trademark search for both "DaVinci" and "Da Vinci."

INTERROGATORY NO. 9:

Describe each study, search and investigation that is being or has been conducted or obtained by you or on your behalf regarding consumer reaction to Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

None.

INTERROGATORY NO. 10:

Describe each study, search and investigation that is being or has been conducted or obtained by you or on your behalf regarding the protectability and/or enforceability of Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

None.

INTERROGATORY NO. 11:

Describe the promotion of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above. Applicant further avers that it has no particular knowledge of how MSPB promotes its diagnostic imaging services.

INTERROGATORY NO. 12:

Identify the person or persons most familiar with the promotion of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

Medical Specialists of the Palm Beaches, 5700 Lake Worth Road, Suite 204, Lake Worth, FL 33463, phone: 561-649-7000, fax: 561-964-4603, website:

<http://mspb.md/default.html>.

INTERROGATORY NO. 13:

Describe the channels of trade through which the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories move or will move to reach the end-users of said goods and/or services.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above. Applicant further avers that it has no particular knowledge of the channels of trade through which MSPB's diagnostic imaging services move to reach end-users of said diagnostic imaging services.

INTERROGATORY NO. 14:

Identify the person or persons most knowledgeable about the channels of trade through which the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories move or will move to reach the end-users of said goods and/or services.

Medical Specialists of the Palm Beaches, 5700 Lake Worth Road, Suite 204, Lake Worth, FL 33463, phone: 561-649-7000, fax: 561-964-4603, website: <http://mspb.md/default.html>.

INTERROGATORY NO. 15:

Describe the circumstances under which Applicant first became aware of Opposer's Marks, including but not limited to stating the date(s) upon which Applicant first became aware of Opposer's Marks, identifying the person or persons at Applicant who first became aware of Opposer's Marks, and stating the manner in which Applicant first became aware of Opposer's Marks.

On November 12, 2003, Kirk Friedland, attorney at law, and former counsel to Applicant, conducted an initial Federal trademark search for both "DaVinci" and "Da Vinci" and found Opposer's Marks.

INTERROGATORY NO. 16:

Describe the consumers of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above. Applicant further avers that, to the best of its knowledge and belief, MSPB's consumers are medical patients.

INTERROGATORY NO. 17:

If you have ever received any communication(s) that expressed confusion as to a possible relationship between you and Opposer, describe each communication by setting forth the date on which you received such communication, the type of communication (e.g., oral or written), the substance of the communication, the identity of the person(s) from whom you received the communication, the class of the person(s) from whom you received the communication (e.g.,

member of the consuming public, member of the trade), and your response to the communication.

None.

INTERROGATORY NO. 18:

If you have ever received any communication(s) that expressed confusion as to a possible relationship between Opposer's Marks and the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories, describe each communication by setting forth the date on which you received such communication, the type of communication (e.g., oral or written), the substance of the communication, the identity of the person(s) from whom you received the communication, the class of the person(s) from whom you received the communication (e.g., member of the consuming public, member of the trade), and your response to the communication.

None.

INTERROGATORY NO. 19:

Describe the testimony that you expect to elicit from each expert witness that you intend to call to testify in this proceeding by identifying the expert witness, the subject matter on which he or she is expected to testify, the substance of the facts and opinions about which he or she is expected to testify *and* the grounds for each such opinion.

None.

INTERROGATORY NO. 20:

Describe the testimony that you expect to elicit from each lay witness that you intend to call to testify in this proceeding by setting forth the identity of the lay witness, the subject matter in which he or she is expected to testify, and a brief summary of the testimony expected.

None.

INTERROGATORY NO. 21:

Describe all exhibits that you intend to rely upon in this proceeding by setting forth a brief statement of the contents and significance of all such exhibits.

None.

INTERROGATORY NO. 22:

If you have sought or received opinions, legal or otherwise, regarding your right to use Applicant's Mark, describe each such opinion by setting forth the identity of the person(s) from whom you requested each such opinion, the identity of the person(s) who rendered each such opinion, a brief summary of each such opinion rendered, and a description of each document relied upon in the course of rendering each such opinion.

None.

INTERROGATORY NO. 23:

Identify those person(s) who had more than a clerical role in answering the foregoing interrogatories.

Thomas P. Boyle, M.D., 17690 Lomond Court, Boca Raton, FL 33496: Present member of DRA.

INTERROGATORY NO. 24:

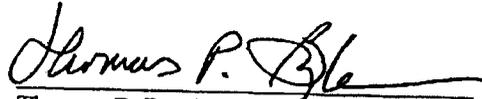
Identify those person(s) who had more than a clerical role in searching for documents responsive to Opposer's First Set of Requests for Production of Documents and Things to Applicant.

Thomas P. Boyle, M.D., 17690 Lomond Court, Boca Raton, FL 33496: Present member of DRA.

Kirk Friedland, 505 South Flagler, West Palm Beach, FL 33401: Former legal counsel to DRA.

I swear or affirm that the above statements are true to the best of my information and belief.

Dated: September 18, 2007


Thomas P. Boyle, Authorized Member
DaVinci Radiology Associates, P.L.

Respectfully submitted,

Dated: September 20, 2007

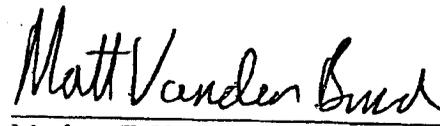

Matthew T. Vanden Bosch
Attorney at Law
301 Clematis Avenue
Suite 3000
West Palm Beach, FL 33401
(561) 736-4696

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** was served on
Opposer Intuitive Surgical, Inc., by First Class U.S. Mail, postage prepaid, to:

Michelle J. Hirth, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
Embarcadero Four, 17th Floor
San Francisco, California 94111
Attorneys for Opposer

This ²⁰~~18~~th day of September, 2007.


Matthew T. Vanden Bosch

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

INTUITIVE SURGICAL, INC.,

Opposer,

v.

DAVINCI RADIOLOGY ASSOCIATES,
P.L.,

Applicant.

Opposition No. 91175319

Serial No. 78/728,786

Published: December 19, 2006

APPLICANT'S SUPPLEMENTAL RESPONSE TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

NOW COMES, Applicant, Davinci Radiology Associates, P.L. ("DRA"), by and through its attorney, Matthew T. Vanden Bosch, and for its supplemental response to Opposer's First Set of Interrogatories to Applicant, responds as follows:

INTERROGATORY NO. 3:

Identify and describe all goods and services on which you use, have used or intend to use Applicant's Mark.

By means of that certain Exclusive License Agreement, by and between Applicant and Medical Specialists of the Palm Beaches, Inc., a Florida corporation ("MSPB"), dated August 1, 2005 (the "Agreement"), Applicant licensed MSPB to use exclusively Applicant's Mark in connection with MSPB's diagnostic imaging services. A copy of the Agreement is attached hereto. MSPB consists of consisting of 50+ physicians licensed to practice medicine in the State of Florida. MSPB conducts its diagnostic imaging services only within Palm Beach County, Florida. "Diagnostic imaging services" are nonsurgical, noninterventional

imaging services; and, in this case, consist of Magnetic Resonance Imaging (MRI); Computed Tomography (CT); Positron Emission Tomography (PET) Scans; and, Digital Mammography. These services are performed under the care or supervision of a board-certified diagnostic imaging specialist.

INTERROGATORY NO. 5:

For the goods and services identified in your response to Interrogatory No. 3 of these Interrogatories, describe the manner in which said goods and/or services are marketed or will be marketed.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above.

Other than the davinci-imaging.com website, some signs around 101 JFK Drive, Atlantis, Florida, 33462 (the "building"), old brochures in the building, business cards which are rarely used, and two carpets, one at the entrance and one in the elevator of the building, MSPB does not market its diagnostic imaging services with Applicant's trademark. Upon further information and belief, MSPB is removing any reference to Da Vinci Diagnostic Imaging and its trademarks from its diagnostic imaging services business.

INTERROGATORY NO. 6:

State the date(s) upon which you began to use Applicant's Mark on or in connection with the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above. Upon information and belief, Applicant's Mark was first used in commerce on August 1, 2005.

INTERROGATORY NO. 8:

Describe each study, search and investigation that is being or has been conducted or

obtained by you or on your behalf regarding the trademark availability of Applicant's Mark by setting forth the date(s) on which the study, search or investigation was conducted, the identity of the person(s) who conducted the study, search or investigation, the method by which the study, search or investigation was conducted, and the results of the study, search or investigation.

On November 12, 2003, Kirk Friedland, attorney at law, conducted an initial Federal trademark search for both "DaVinci" and "Da Vinci" through the Trademark Electronic Search System (Tess).

INTERROGATORY NO. 11:

Describe the promotion of the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above.

Applicant objects to the term "promotion of services" as vague and ambiguous. In an attempt to respond to this interrogatory further, Applicant states that other than the davinci-imaging.com website, some signs around the building, old brochures in the building, business cards which are rarely used, and two carpets, one at the entrance and one in the elevator of the building, MSPB does not promote its diagnostic services with Applicant's trademark. Upon further information and belief, MSPB is presently removing any reference to DaVinci Diagnostic Imaging and its trademarks from its diagnostic imaging services business.

INTERROGATORY NO. 13:

Describe the channels of trade through which the goods and/or services identified in your response to Interrogatory No. 3 of these Interrogatories move or will move to reach the end-users

of said goods and/or services.

Applicant incorporates herein by reference its answer to Interrogatory No. 3, above.

Applicant objects to the term "channels of trade" as vague and ambiguous. In an attempt to respond to this interrogatory further, Applicant states that other than the davinci-imaging.com website, some signs around the building, old brochures in the building, business cards which are rarely used, and two carpets, one at the entrance and one in the elevator of the building, MSPB does not move Applicant's trademark through any channels of trade. Upon further information and belief, MSPB is removing any reference to DaVinci Diagnostic Imaging and its trademarks from its diagnostic imaging services business.

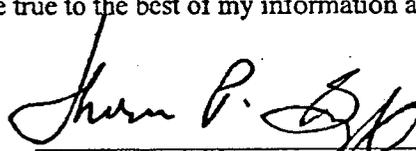
INTERROGATORY NO. 15:

Describe the circumstances under which Applicant first became aware of Opposer's Marks, including but not limited to stating the date(s) upon which Applicant first became aware of Opposer's Marks, identifying the person or persons at Applicant who first became aware of Opposer's Marks, and stating the manner in which Applicant first became aware of Opposer's Marks.

On or about November 13, 2003, Kirk Friedland, attorney at law, and former counsel to Applicant, conducted an initial Federal trademark search through TESS for both "DaVinci" and "Da Vinci" and found Opposer's Marks.

I swear or affirm that the above statements are true to the best of my information and belief.

Dated: March 5, 2008



Thomas P. Boyle, Authorized Member
DaVinci Radiology Associates, P.L.

Respectfully submitted,

Dated: March 5, 2008


Matthew T. Vanden Bosch
Attorney at Law
301 Clematis Avenue
Suite 3000
West Palm Beach, FL 33401
(561) 736-4696

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** was served on
Opposer Intuitive Surgical, Inc., by First Class U.S. Mail, postage prepaid, to:

Michelle J. Hirth, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
Embarcadero Four, 17th Floor
San Francisco, California 94111
Attorneys for Opposer

This 5th day of March, 2008.


Matthew T. Vanden Bosch

EXCLUSIVE LICENSE AGREEMENT

This Exclusive License Agreement ("Agreement") is entered into as of the 1st day of August, 2005, by and between DaVinci Radiology Associates, P.L., a Florida corporation ("Licensor"), and Medical Specialists of the Palm Beaches, Inc. a Florida corporation ("Licensee").

WITNESSETH:

WHEREAS, Licensor is the owner of the unregistered common law mark and name DaVinci Diagnostic Imaging (the "Licensed Mark") and the goodwill of the business associated therewith, if any;

WHEREAS, Licensor and Licensee are desirous of formalizing Licensee's exclusive use of the Licensed Mark as part of the name of a business engaged in by Licensee in the Territory (as defined below).

NOW, THEREFORE, in consideration of their mutual covenants herein contained, and intending to be legally bound hereby, the parties hereto agree as follows:

SECTION 1. DEFINITIONS

1.01. Licensed Mark means DaVinci Diagnostic Imaging and its logo as identified on Exhibit A hereto made a part hereof.

1.02. Licensed Services means diagnostic imaging services and any related activities.

1.03. Territory means the State of Florida.

SECTION 2. GRANT OF LICENSE

2.01. Grant. Licensor hereby grants to Licensee an assignable, non-revocable, exclusive right and license, with the right to sublicense, to use the Licensed Mark in the Territory in connection with the Licensed Services, including as a trade name or fictitious name, subject to the terms and conditions herein set forth. Licensor acknowledges that Licensee intends to file a fictitious name registration with the Secretary of State of the State of Florida to do business under the fictitious name "DaVinci Diagnostic Imaging", and Licensor hereby approves such registration and use.

2.02. Territorial Scope. Licensee may use the Licensed Mark only in connection with the Licensed Services, but at any location at which Licensee provides Licensed Services (the "Diagnostic Centers"), and in print, radio, television and any other form of advertising distributed in the Territory for those Diagnostic Centers' locations.

2.02.01 Internet. Only Licensee and other persons and entities with Licensee's permission may use the Licensed Mark on the Internet, including without limitation on any Internet website or other resource accessible through the Internet, and such use shall be

deemed to be in the Territory and is permitted by this Agreement. Furthermore, Licensor acknowledges and agrees that Licensee will register and own such website and all information, copyrights, patents, trademarks (other than the Licensed Mark) and trademarks that are or may be derivatives of the Licensed Mark and other intellectual property associated therewith. Notwithstanding any other provision of this Agreement, such use shall not be terminated by Licensor for any reason and such rights shall not be restricted in any way.

2.03. Manner of Use. Licensee shall use the Licensed Mark only in the form "DaVinci Diagnostic Imaging." The form of the Licensed Mark on all signs, advertising, documents, and any other uses of any description, shall be subject to the inspection and approval of Licensor in its reasonable discretion.

2.04. Use by Licensor. Licensor may continue to use the Licensed Mark only in its corporate name for required governmental filings and for no other purpose. Upon the mutual written agreement of Licensor and Licensee, Licensor may use the Licensed Mark.

SECTION 3. STANDARDS; INSPECTION

3.01 Standards. Licensee shall at all times be in material compliance with all known and applicable federal, state and local laws, rules and regulations governing Licensee and the Licensed Services.

3.02 Inspection. Licensor shall have the right to inspect the Diagnostic Centers to ensure compliance with Sections 2.02 and 2.03 of this Agreement.

SECTION 4. TERM; TERMINATION

4.01. Term. The license herein granted shall commence on the date first above written, and shall continue until June 30, 2011, unless and until sooner terminated pursuant to the provisions of this Agreement. Thereafter, unless terminated by Licensee on not less than ninety (90) days' notice prior to June 30, 2011 or any successor term, as the case may be, this Agreement automatically shall renew for so long as both of the agreements set forth in Section 4.04 are in effect.

4.02. Termination for Breach. If, in the reasonable judgment of a party, the other party has breached or is breaching any of the provisions of this Agreement, the non-breaching party may give notice in writing to the breaching party of such breach. The notice shall identify the breach with particularity. In the event the breaching party fails to cure said breach within thirty (30) days from the date of said notice, the non-breaching party may terminate this Agreement immediately upon notice in writing to the breaching party.

4.03. Bankruptcy. In the event of Licensee's receivership or bankruptcy or insolvency, the license herein granted shall terminate automatically and immediately.

4.04. Termination in the Event of Termination of Lease and Reading Agreement. This Agreement shall automatically terminate in the event of the expiration and non-renewal or earlier termination of that certain DaVinci Diagnostic Facility Lease effective July 1, 2005 between Licensee and Medical Management of the Palm Beaches, Inc. ("Lease"), an affiliate of Licensor.



In addition, this Agreement shall automatically terminate in the event of the expiration and non-renewal or termination of that certain Medical Director and Professional Supervision and Reading Agreement between Licensee and DaVinci Radiology Associates, P.L., an affiliate of Licensor ("Reading Agreement") dated as of August 1, 2005. In the event of a sale of the real property subject to the Lease, Licensor shall require the purchaser of such real property to assume the Lease.

SECTION 5. CONSIDERATION

In consideration for the rights granted herein, Licensee shall pay to Licensor upon execution of this Agreement a one time fee in the amount of One Hundred Dollars.

SECTION 6. OWNERSHIP; USE OF LICENSED MARK

6.01. Use. Licensee agrees that it will make no use of the Licensed Mark except as permitted by this Agreement. Licensor agrees that it will make no use of the Licensed Mark except as permitted by this Agreement.

6.02. Ownership. Licensee acknowledges and agrees that nothing herein contained shall give to Licensee any right, title or interest in the Licensed Mark (except the limited right to use the Licensed Mark in accordance with the terms of this Agreement) and that the Licensed Mark is the sole and exclusive property of Licensor.

6.03. Validity. Licensee recognizes the distinctiveness, validity, originality, value, goodwill and sole ownership by Licensor of the Licensed Mark and agrees to neither raise nor cause to be raised any question concerning, or objections to, the validity of the Licensed Mark or any registration thereof or the right or title of Licensor thereto on any grounds whatsoever, and to not aid others so to do.

6.04 Derivative Marks. The parties understand and agree that the Licensee has the right to make and use trademarks that are or may be derivatives of the Licensed Mark, that Licensee shall own such marks and that Licensor shall neither raise nor cause to be raised any question concerning, or objections to the validity of such derivative marks.

SECTION 7. RIGHTS AND OBLIGATIONS ON TERMINATION OR EXPIRATION

Upon the cancellation, termination or expiration for any reason of the license herein granted, Licensee, except with respect to the rights set out in section 2.02.1 above, agrees to immediately discontinue and forever thereafter to desist from any and all use of the Licensed Mark.

SECTION 8. ADDITIONAL COVENANTS OF LICENSEE

8.01. Notice of Infringements. Licensee agrees to notify Licensor of any possible infringements, dilution, or adverse uses made known to Licensee of marks or names that may be confusingly similar to the Licensed Mark. Any action taken in response to such notice shall be at the sole and absolute discretion of Licensor, and at Licensor's sole expense. If Licensor declines



to pursue any such infringement, dilution or adverse use, Licensee may do so at its own expense, but without any requirement to do so.

8.02. Cooperation. Licensee agrees at the request and expense of Licensor to cooperate, by execution of lawful documents, giving of testimony, making available records, and such other steps as Licensor or its attorneys may request, in such action as Licensor may deem appropriate, including without limitation seeking registration of the Licensed Mark and litigation to enforce rights in the Licensed Mark, under the circumstances for the protection of the Licensed Mark. Licensor similarly so agrees to cooperate with Licensee at Licensor's expense in any action taken by Licensee with respect to the Licensed Marks.

8.03. No Registration. Under no circumstances shall Licensee register or seek to register the Licensed Mark with any government agency, as a trademark or service mark; provided, however, Licensee shall be expressly permitted to file for the use of the Licensed Mark as a fictitious name as contemplated in Section 2.01 hereof. If Licensee violates this Section 8.03, in addition to its other remedies under this Agreement and applicable law, Licensor shall be entitled to receive an immediate assignment of any such registration at Licensee's cost and expense.

SECTION 9. REPRESENTATIONS, WARRANTIES AND INDEMNIFICATION

9.01. Licensor's Representations and Warranties. Licensor represents and warrants that it has the right, power and authority to enter into this Agreement and to perform its obligations hereunder.

9.02. Licensee's Representations and Warranties. Licensee represents and warrants that it has the right, power and authority to enter into this Agreement and to perform its obligations hereunder.

9.03. Indemnification. Licensor and Licensee shall mutually indemnify and hold harmless each other and each of the other's directors, officers, agents and employees, shareholders, partners, subsidiaries and affiliates and their respective directors, officers, agents and employees, from and against all claims, suits, and damages whatsoever, including but not limited to incidental costs, attorney's fees and damages, arising from or in connection with the breach or alleged breach by the other party of any term, covenant, representation or warranty under this Agreement or the use of the Licensed Mark by Licensee or Licensor, as the case may be; provided, however, that the indemnified party has the right to participate in any defense using counsel of its own choosing and at its own expense, and to approve any settlement offer made by or to the indemnifying party which may affect the indemnified party's rights or interests.

9.04. Notice of Claims. Licensee agrees to notify Licensor promptly of any actions, claims or demands brought or made against Licensee whose outcome may affect the rights of Licensor in any of the rights licensed under this Agreement.

SECTION 10. MISCELLANEOUS

10.01. Entire Agreement. This Agreement is the entire agreement of the parties with respect to the subject matter hereof, and supersedes all prior or contemporaneous agreements, arrangements, and understandings, whether oral or written, regarding the subject matter hereof. This Agreement may be amended only by a written instrument signed on behalf of the parties by their duly authorized representatives.

10.02. Assignment. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors, legal representatives and assigns.

10.03. Survival. It is expressly understood and agreed that certain provisions of this Agreement, including but not limited to those set forth in Sections 6, 7, 8.02, 8.03, 9 and 10 hereof, shall survive the termination or cancellation of the license herein granted and shall remain in full force and effect.

10.04. Jurisdiction and Venue. This Agreement shall be construed under the laws of the State of Florida, without reference to principles of conflicts of laws. Should any of the parties to this Agreement deem it necessary to enforce its rights in a court of law, the parties hereby agree that the exclusive venue for all actions relating in any manner to this Agreement shall be the applicable federal or state court with jurisdiction over Palm Beach County, Florida. The parties irrevocably agree to the jurisdiction of said courts. The prevailing party in said litigation shall be entitled to recovery of its attorneys' fees for the litigation and any appeal that may result and its reasonable costs and accounting fees.

10.05. No Waiver. Any delay or forbearance by any party in exercising any right hereunder shall not be deemed a waiver of that right.

10.06. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

10.07. Legal Advice: Each of the parties to this Agreement had counsel or had the opportunity to obtain counsel of their choice to review and advise them as to their rights and duties under this Agreement.

10.08. No Inference Against Author: Each party to this Agreement has reviewed this Agreement and has had the opportunity to have their counsel do the same. Therefore, the normal rule of construction that any ambiguities in this Agreement are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

10.09. Notices. All notices and other communications required or permitted hereunder must be in writing and, unless otherwise permitted in this Agreement, will be deemed to have been duly given when delivered in person or one business day after having been dispatched by a nationally recognized overnight courier service for next business day delivery to the appropriate party, in each case with all delivery and similar charges prepaid, at the address specified below:



If to any Licensor, to:

DaVinci Radiology Associates, P.L.

If to Licensee, to:

Medical Specialists of the Palm Beaches, Inc.
5700 Lake Worth Road
Lake Worth, FL 33463

or to such other address or addresses as any such party may from time to time designate as to itself by like notice.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date set forth below.

DAVINCI RADIOLOGY ASSOCIATES, P.L.

MEDICAL SPECIALISTS OF THE
PALM BEACHES, INC.

By: [Signature]
Name: Howard D. [Signature]
Title: Paravice President

By: [Signature]
Name: P. PASZKI
Title: CEO
4/6/00

[Signature] 1/15/07

EXHIBIT A

LOGO



DM / 1/16/2

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

INTUITIVE SURGICAL, INC.,)

Opposer,)

v.)

DAVINCI RADIOLOGY ASSOCIATES,)

P.L.,)

Applicant.)

Opposition No. 91175319

Serial No. 78/728,786

Published: December 19, 2006

Trademark: DAVINCI
DIAGNOSTIC IMAGING & Design

OPPOSER'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT

Pursuant to Federal Rule of Civil Procedure 36(a) and Trademark Rule of Practice 2.120, Opposer Intuitive Surgical, Inc. ("Opposer") hereby requests that Applicant DaVinci Radiology Associates, P.L. ("Applicant") serve upon Opposer its sworn answers to the request for admissions set forth below within thirty (30) days of service hereof. This request for admissions is intended to be continuing in nature and any information which may be discovered subsequent to service and filing of the answers to the request for admissions should be brought to the attention of Opposer as may be required by the Federal Rules of Civil Procedure, through supplemental answers, within a reasonable time following such discovery.

DEFINITIONS

The following definitions are to be used by Applicant in answering the request for admissions set forth below:

A. "Applicant," "you" and "your" mean DaVinci Radiology Associates, P.L., any parent company, predecessors, subsidiaries or divisions, its agents and all other persons acting or purporting to act on its behalf, including all past and present officers, attorneys, servants, representatives, employees or other persons or entities exercising their discretion, making policy or decisions or participating in any of the foregoing functions.

B. "Application" refers to and means United States Patent & Trademark Office Application Serial No. 78/728,786 filed on October 7, 2005.

C. "Applicant's Mark" means the trademark DAVINCI DIAGNOSTIC IMAGING & Design, covered by U.S. Trademark Application Serial No. 78/728,786, which is the subject of this Opposition Proceeding.

D. "Opposer" means Intuitive Surgical, Inc., any of its subsidiaries or divisions, predecessors, licensees, successors-in-interest, agents and all other person acting or purporting to act on its behalf.

E. "Person" or "persons" mean both natural persons and corporate or other business entities, whether or not in the employ of Applicant. The acts and knowledge of a person are defined to include the acts and knowledge of that person's employees, representatives, agents and attorneys, including its licensee Medical Specialists of the Palm Beaches, Inc. (hereinafter referred to as "MSPB").

F. "Offered" means to use in association with, whether in sales, advertising, promotion or other activities.

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that your Application is for registration of the mark DAVINCI DIAGNOSTIC IMAGING & Design is for use in connection with medical diagnostic imaging services.

REQUEST FOR ADMISSION NO. 2:

Admit that you have disclaimed the term "DIAGNOSTIC" as part of your Application for registration of DAVINCI DIAGNOSTIC IMAGING & Design.

REQUEST FOR ADMISSION NO. 3:

Admit that consumers of the medical diagnostic imaging services offered under the mark DAVINCI DIAGNOSTIC IMAGING & Design include medical patients, medical doctors, surgeons and other health care professionals.

REQUEST FOR ADMISSION NO. 4:

Admit that the medical diagnostic imaging services offered under the mark DAVINCI DIAGNOSTIC IMAGING & Design include high-field magnetic resonance imaging, CT scans, digital mammography, and PET/CT fusion (Positron Emission Tomography/Computed Tomography).

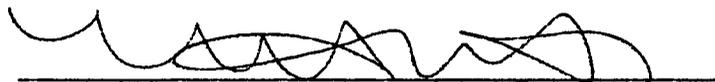
REQUEST FOR ADMISSION NO. 5:

Admit that the mark DAVINCI DIAGNOSTIC IMAGING & Design was first used as a trademark in commerce in association with medical diagnostic imaging services on August 1, 2005.

DATED: November 26, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By



MICHELLE D. KAHN
MICHELLE J. HIRTH
Attorneys for Opposer
INTUITIVE SURGICAL, INC.

Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
TEL: (415) 434-9100
FAX: (415) 434-3947

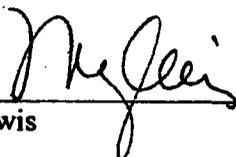
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT** was served on Applicant, DaVinci Radiology Associates, P.L., by First Class U.S. Mail, postage prepaid, to:

Matthew T. Vanden Bosch, Esq.
301 Clemetis Avenue, Suite 3000
West Palm Beach, FL 33401

Attorneys for Applicant

This 26th day of November, 2007.



Mironda Lewis

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

INTUITIVE SURGICAL, INC.,

Opposer,

v.

DAVINCI RADIOLOGY ASSOCIATES, P.L.,

Applicant.

Opposition No. 91175319

Serial No. 78/728,786

Published: December 19, 2006

Trademark: DAVINCI DIAGNOSTIC

IMAGING & Design

APPLICANT'S RESPONSE TO

OPPOSER'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT

NOW COMES, Applicant, DaVinci Radiology Associates, P.L. ("DRA"), by and through its attorney, Matthew T. Vanden Bosch, and for its response to Opposer's First Request for Admissions to Applicant, responds as follows:

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that your Application is for registration of the mark- DAVINCI DIAGNOSTIC IMAGING & Design is for use in connection with medical diagnostic imaging services.

Response: Admitted.

REQUEST FOR ADMISSION NO. 2:

Admit that you have disclaimed the term "DIAGNOSTIC" as part of your Application for registration of DAVINCI DIAGNOSTIC IMAGING & Design.

Response: Admitted.

REQUEST FOR ADMISSION NO. 3:

Admit that consumers of the medical diagnostic imaging services offered under the mark DAVINCI DIAGNOSTIC IMAGING & Design include medical patients, medical doctors, surgeons and other health care professionals.

Response: Denied. Consumers of the medical diagnostic imaging services offered under the mark DAVINCI DIAGNOSTIC IMAGING & Design include medical patients.

REQUEST FOR ADMISSION NO. 4:

Admit that the medical diagnostic imaging services offered under the mark DAVINCI DIAGNOSTIC IMAGING & Design include high--field magnetic resonance imaging, CT scans, digital mammography, and PET, CT fusion (Positron Emission Tomography/Computed Tomography).

Response: Admitted that the medical diagnostic imaging services offered under the mark DAVINCI DIAGNOSTIC IMAGING & Design include, but are not limited to, high--field magnetic resonance imaging, CT scans, digital mammography, and PET, CT fusion (Positron Emission Tomography/Computed Tomography).

REQUEST FOR ADMISSION NO. 5:

Admit that the mark DAVINCI DIAGNOSTIC IMAGING & Design was first used as a trademark in commerce in association with medical diagnostic imaging services on August 1, 2005.

Response: Admitted.

Respectfully submitted,



Matthew T. Vanden Bosch
Attorney at Law
301 Clematis Avenue
Suite 3000
West Palm Beach, FL 33401
(561) 736-4696

DATED: January 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT** was served on Opposer, Intuitive Surgical, Inc., by First Class U.S. Mail, postage prepaid, to:

Michelle J. Hirth
Sheppard, Mullin, Richter & Hampton, LLP
Four Embarcadero Center
17th Floor
San Francisco, CA 94111

Attorneys for Opposer

This 15th day of January, 2008



Matthew T. Vanden Bosch

B. "You," "your," "yourself" and "Applicant" mean Applicant DaVinci Radiology Associates, P.L., any parent company, predecessors, subsidiaries or divisions, its agents and all other persons acting or purporting to act on its behalf, including all past or present officers, attorneys, servants, representatives, employees or other persons or entities exercising their discretion, making policy or decisions or participating in any of the foregoing functions, including Medical Specialists of the Palm Beaches, Inc. (hereinafter referred to as "MSPB").

C. "Applicant's Mark" means the trademark DAVINCI DIAGNOSTIC IMAGING & Design, covered by U.S. Trademark Application Serial No. 78/728,786, which is the subject of this Opposition Proceeding.

D. "Person" or "persons" mean both natural persons and corporate or other business entities, whether or not in the employ of Applicant. The acts and knowledge of a person are defined to include the acts and knowledge of that person's employees, representatives, agents and attorneys.

E. The terms "and" and "or" as used herein should be construed either conjunctively or disjunctively, whichever makes the request more inclusive.

F. Medical Specialists of the Palm Beaches, Inc. means the entity to whom Applicant has licensed its trademark DAVINCI DIAGNOSTIC IMAGING & Design as set for in the Exclusive License Agreement dated August 1, 2005 and produced by Applicant to Opposer in this Opposition Proceeding.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe with specificity the business relationship between Applicant and Medical Specialists of the Palm Beaches, Inc..

INTERROGATORY NO. 2:

Describe with particularity Dr. Howard Butler's affiliation with or relationship to Medical Specialists of the Palm Beaches, Inc., if any.

INTERROGATORY NO. 3:

Describe with particularity Dr. Thomas P. Boyle's affiliation with or relationship to Medical Specialists of the Palm Beaches, Inc., if any.

Dated: November 26, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By



Michelle D. Kahn
Michelle J. Hirth
Attorneys for Opposer
INTUITIVE SURGICAL, INC.

Four Embarcadero Center
17th Floor
San Francisco, CA 94111
TEL: (415) 434-9100
FAX: (415) 434-3947

CERTIFICATE OF SERVICE

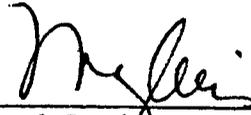
I hereby certify that a copy of the foregoing **Opposer's Second Set Of Interrogatories To Applicant** was served on Applicant DaVinci Radiology Associates, P.L., by First Class U.S.

Mail, postage prepaid, to:

Matthew T. Vanden Bosch, Esq.
301 Clemetis Avenue, Suite 3000
West Palm Beach, FL 33401

Attorneys for Applicant

This 26th day of November, 2007.



Mironda Lewis

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

INTUITIVE SURGICAL, INC.,

Opposer,
v.

DAVINCI RADIOLOGY ASSOCIATES, P.L.,

Applicant.

Opposition No, 91175319

Serial No.78/728,786

Published: December 19, 2006

Trademark: DAVINCI
DIAGNOSTIC IMAGING &
Design

APPLICANT'S RESPONSE TO
OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT

NOW COMES, Applicant, Davinci Radiology Associates, P.L. ("DRA"), by and through its attorney, Matthew T. Vanden Bosch, and for its response to Opposer's Second Set of Interrogatories to Applicant, responds as follows:

INTERROGATORY NO. 1:

Describe with specificity the business relationship between Applicant and Medical Specialists of the Palm Beaches, Inc.

Applicant provides diagnostic imaging services to MSPB under a contract.

INTERROGATORY NO. 2:

Describe with particularity Dr. Howard Butler's affiliation with or relationship to Medical Specialists of the Palm Beaches, Inc., if any.

None.

Describe with particularity Dr. Thomas P. Boyle's affiliation with or relationship to Medical Specialists of the Palm Beaches, Inc., if any.

Dr. Boyle is an employee of MSPB as of December 1, 2007, providing professional medical services specifically involving varicose vein treatment, non-surgical aesthetic and cosmetic and phlebology procedures (including, without limitation, botox, lasers, fillers, thermage, and ultrasound. Dr. Boyle provides these services as a member of the operating division of MSPB sometimes referred to as the "V-Boutique."

I swear or affirm that the above statements are true to the best of my information and belief.

Dated: January 15, 2008


Thomas P. Boyle, Authorized Member,
DaVinci Radiology Associates, P.L.

Respectfully submitted,

Dated: January 15, 2008


Matthew T. Vanden Bosch
Attorney at Law
301 Clematis Avenue
Suite 3000
West Palm Beach, FL 33401
(561) 736-4696

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT** was served on Opposer Intuitive Surgical, Inc., by First Class U.S. Mail, postage prepaid, to:

Michelle J. Hirth, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
Embarcadero Four, 17th Floor

San Francisco, California 94111
Attorneys for Opposer

This 15th day of January, 2007.

A handwritten signature in black ink that reads "Matt Vanden Bosch". The signature is written in a cursive style with a horizontal line underneath the name.

Matthew T. Vanden Bosch

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WORLD BOOK



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L Volume 12

The World Book Encyclopedia



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Oil painting on wood (1503); The Louvre, Paris
 © Réunion des Musées Nationaux/Art Resource

Leonardo da Vinci's *Mona Lisa* is probably the most famous portrait ever painted. The painting's blurred outlines, graceful figure, dramatic contrasts of dark and light, and overall feeling of calm are characteristic of Leonardo's style.

Leonardo da Vinci

Leonardo da Vinci, *lee uh NAHR doh duh VIH N chee* or *lay uh NAHR doh duh VIH N chee* (1452-1519), was one of the greatest painters and most versatile geniuses in history. He was one of the key figures of the Renaissance, a great cultural movement that had begun in Italy in the 1300's. His portrait *Mona Lisa* and his religious scene *The Last Supper* rank among the most famous pictures ever painted.

Leonardo, as he is almost always called, was trained to be a painter. But his interests and achievements spread into an astonishing variety of fields that are now considered scientific specialties. Leonardo studied anatomy, astronomy, botany, geology, geometry, and optics, and he designed machines and drew plans for hundreds of inventions.

Because Leonardo excelled in such an amazing number of areas of human knowledge, he is often called a universal genius. However, he had little interest in literature, history, or religion. He formulated a few scientific laws, but he never developed his ideas systematically. Leonardo was most of all an excellent observer. He con-

cerned himself with what the eye could see, rather than with purely abstract concepts.

Leonardo's life

Early career. Leonardo was born on April 15, 1452, probably outside the village of Vinci, near Florence in central Italy. The name *da Vinci* simply means *from Vinci*. At that time, Florence and its surrounding villages and farms made up a nearly independent area called a *city-state*. Florence was also a commercial and cultural center. Leonardo was the illegitimate son of Ser Piero da Vinci, a legal specialist, and a peasant woman named Caterina. Ser Piero's family raised the boy in Vinci.

During the late 1460's, Leonardo became an apprentice to Andrea del Verrocchio, a leading painter and sculptor in Florence. He remained with Verrocchio as an assistant for several years after completing his apprenticeship. Verrocchio and Leonardo collaborated on the painting *The Baptism of Christ* about 1472.

From about 1478 to 1482, Leonardo had his own studio in Florence. During this period, he received an important commission to paint a church altarpiece now known as the *Adoration of the Kings*.

Years in Milan. Leonardo never finished the *Adoration of the Kings* because he left Florence about 1482 to become court artist for Ludovico Sforza, the Duke of Milan. Leonardo lived in Milan until 1499. He had a variety of duties in the duke's court. As a military engineer, he designed artillery and fortresses. As a civil engineer, he devised a system of locks for Milan's canals and designed revolving stages for pageants. As a sculptor, he planned a huge monument of the duke's father mounted on a horse.

About 1483, Leonardo painted the *Madonna of the Rocks*. This painting is his earliest major work that survives in complete form. During his years in Milan, he also created his famous wallpainting *The Last Supper*.

Return to Florence. In 1499, the French overthrew Ludovico Sforza and forced him to flee Milan. Leonardo also left the city. He visited Mantua, where he made a famous drawing of Isabella d'Este, the wife of the Duke of Mantua. He also visited Venice briefly before returning to Florence.

Leonardo's paintings during his stay in Milan had made him famous, and the people of Florence received him with great respect. The early work Leonardo had done in Florence before he left for Milan had strongly influenced a number of young artists, including Sandro Botticelli and Piero di Cosimo. These artists had become the leaders of the next generation of Florentine painters. The work Leonardo was to create after his return to Florence would inspire yet another generation of artists. This generation included Andrea del Sarto, Michelangelo, and Raphael.

When Leonardo returned, Florence was building a new hall for the city council. The Florentine government hired Leonardo and Michelangelo to decorate the walls of the hall with scenes of the city's military victories. Leonardo chose the Battle of Anghiari, in which Florence had defeated Milan in 1440. His painting showed a cavalry battle, with tense soldiers, leaping horses, and clouds of dust.

In painting the *Battle of Anghiari*, Leonardo tried an experimental technique that did not work. The paint be-



Unfinished oil painting on wood (early 1500's); The Louvre, Paris (Erich Lessing for Art Resource)

The Virgin and Child with Saint Anne is arranged in a pyramidal shape. Leonardo often used this arrangement.

gan to run, and he never finished the project. The painting no longer exists. Its general appearance is known from Leonardo's sketches and from copies made by other artists. About 1503, while working on the *Battle of Anghiari*, Leonardo began painting the *Mona Lisa*, probably the most famous portrait ever painted. He completed it three or four years later.

Last years. In 1513, Pope Leo X gave Leonardo rooms for his use in the Vatican Palace. Leonardo did little painting during his later years. However, about 1515, he completed *The Deluge*, a series of drawings in which he portrayed the destruction of the world in a tremendous flood. These drawings are the climax of Leonardo's attempts to visualize the forces of life and nature.

Renaissance rulers competed to surround themselves with great artists and scholars. In 1516, Francis I, the king of France, invited Leonardo to become "first painter and engineer and architect of the king." He provided Leonardo a residence connected to the Palace of Cloux at Amboise, near Tours. Leonardo devoted his time to doing anatomical drawings, drafting architectural plans, and designing sets for court entertainments. He died on May 2, 1519.

Leonardo's works

Drawings and scientific studies. Leonardo used drawings both as a tool of scientific investigation and as



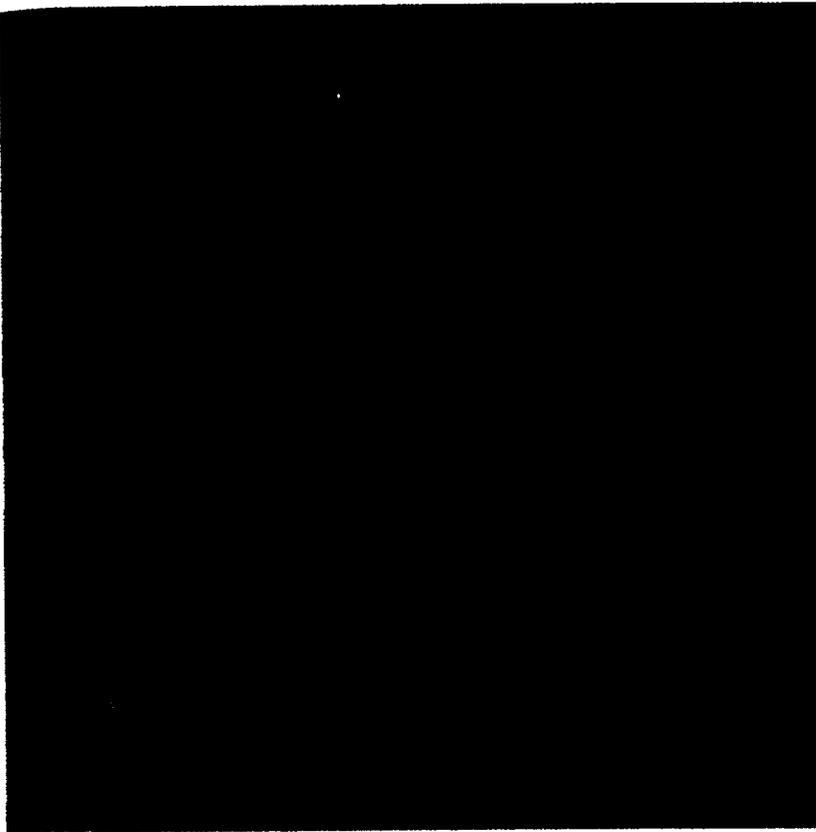
Oil on panel (about 1486); Cartorysky Museum, Cracow, Poland (SCALA/Art Resource)

Portraits by Leonardo include *Lady with an Ermine* (1483-1486), above, and *Ginevra de' Benci* (about 1474), below. The calm expression of both subjects is typical of the artist's portraits.

Oil on panel (ca. 1474); National Gallery of Art, Washington D.C., Ailsa Mellon Bruce Fund



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Adoration of the Kings, intended as an altarpiece, was left unfinished after Leonardo worked on it in 1481 and 1482. The artist drew the scene in pen and ink. He used a technique called *metal point* to add precise details with a metal rod much like a pencil. He also brushed on a fine layer of color called a *wash* to give the scene shading and volume.

Uffizi Gallery, Florence, Italy (SCALA/Art Resource)

an expression of artistic imagination. He changed forever the art of drawing. He made drawings in much greater numbers than any artist before him, and he was one of the first artists to use sketches to work out his artistic and architectural compositions. Drawing was indispensable to Leonardo's processes of observation, creation, and invention.

Physical sciences. Leonardo was interested in *mechanics* (the science of motion and force), and many of his ideas and designs were far ahead of their time. For example, he drew plans for aircraft, including a helicopter, and for a parachute. Like many Renaissance artists, Leonardo sometimes worked as an engineer or military architect. He produced designs for a variety of war machines, among them tanks, machine guns, and movable bridges.

Life sciences. Leonardo studied anatomy by dissecting human corpses and the bodies of animals. He made scientific drawings that clarify not only the appearance of bones, tendons, and other body parts, but also their function. These drawings are considered the first accurate portrayals of human anatomy.

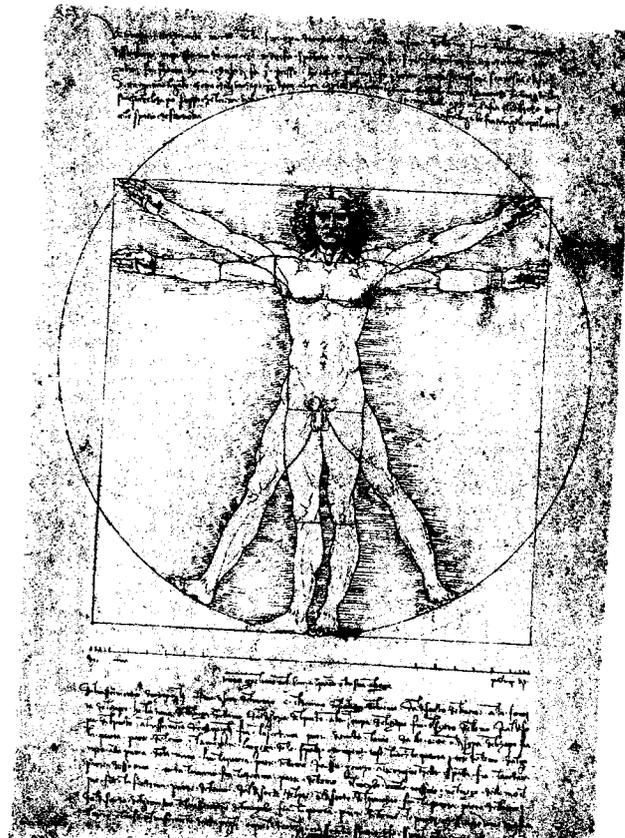
Leonardo tried to understand the human body as a mechanism. As his studies progressed, he also tried to understand the forces of life that animated the body. His drawings of anatomy, for example, extended to investigations of human reproduction and embryology and the circulation of the blood. None of these things were understood at the time. His anatomical drawing of a fe-

male, which he made about 1508, is his attempt, partly erroneous in detail, to illustrate the body's circulatory and other systems in a single image.

Like other artists, Leonardo was interested in the proportions of the human body. He drew a famous study of human proportions based on the statement of the Roman architect Vitruvius that the "well-shaped man" fits into the perfect shapes of the square and circle. According to Vitruvius, the parts of the body are related to one another in ratios of whole numbers, and these ratios should be used in the design of architecture. Leonardo's drawing of the *Vitruvian man*, done about 1487, is one of the most famous images in European art.

Leonardo also worked to understand the relation between the life of the human body and that of the larger world. For Leonardo, principles of proportion similar to those that shaped the human body also governed the growth of trees, the flight of birds, and the flow of water. When Leonardo drew the leaves of a plant, he intended the lines to show living energy responding to light, water, and soil. The mystery of life was the unifying theme of his work.

Leonardo's notebooks. Leonardo planned to write books on many subjects, including painting, human movement, and the flight of birds, but he never completed any of them. The writings exist in partial drafts and fragments in notebooks. Leonardo's notebooks also include his scientific observations and ideas for inventions, as well as detailed drawings. Most of the note-



Pen and ink (about 1492); Accademia, Venice, Italy (SCALA/Art Resource)



Pen and ink over black chalk (about 1513); Windsor Castle (The Royal Collection © Her Majesty Queen Elizabeth II)

Leonardo's scientific drawings include his famous study of human proportions called *Vitruvian man*, left, and an anatomical drawing of a female, above, in which Leonardo illustrated the body's circulatory and other systems. Leonardo produced more drawings than any artist before him.

books were not published until nearly 400 years after Leonardo's death. By the time his scientific and technical investigations became widely known, other people had come up with the same ideas.

Paintings. For much of his life, Leonardo was interested in optics, which is concerned with the properties of light. Leonardo carefully analyzed such things as the pattern of light and shadow on a sphere before a window. The understanding he gained from such study is evident in the rich effects of light, dark, and color in such paintings as the *Mona Lisa* and *The Virgin and Child with Saint Anne* (early 1500's).

Leonardo also explored the techniques of perspective, which painters use to create an illusion of depth on a flat surface. Florentine artists began to use these techniques in the early 1400's. *Linear perspective* is based on the optical illusion that parallel lines seem to converge as they recede toward one point, called a *vanishing point*. *Aerial perspective* is based on the fact that light, shade, and color change with an object's distance from the viewer.

Early paintings. Verrocchio and Leonardo shared the work of painting *The Baptism of Christ*, which is reproduced in the *World Book* article **Verrocchio**, **Andrea del.** Leonardo painted the left angel, the distant landscape, and possibly the skin of Christ. Leonardo's parts of the painting, with their soft shadings and shadows concealing the edges, are an early example of the *sfumato* (smoky) quality of his paintings. Verrocchio's fig-

ures, on the other hand, are defined by hard lines typical of early Renaissance painting. Leonardo's more graceful approach marked the beginning of the High Renaissance style, which did not become popular in Italy until about 25 years later.

Leonardo's *Adoration of the Kings* exists today in an unfinished form, with the figures visible only as outlines of contrasting light and dark areas. This kind of composition is called *chiaroscuro*, a word which combines the Italian words for *light* and *dark*. Chiaroscuro is characteristic of the High Renaissance style.

The *Adoration of the Kings* shows three kings worshipping the newborn Christ child. Leonardo abandoned the traditional treatment of this popular subject. Earlier versions showed the figures in profile, with the Virgin Mary and Jesus on one side of the painting and the kings on the other. To give the Holy Family more emphasis, Leonardo placed them in the center, facing the viewer. The kings and other figures form a semicircle around Mary and Jesus. Leonardo sharply contrasted foreground and background. Strong light-dark contrasts and simple geometric forms were basic features of Leonardo's mature style as a painter.

In the *Adoration of the Kings*, Mary and the Christ child are arranged in a pyramid shape. Leonardo also used this arrangement in other paintings, including the *Madonna of the Rocks* and *The Virgin and Child with Saint Anne*. The *Madonna of the Rocks* is reproduced in the *Painting* article. In *The Virgin and Child with Saint*

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Anne, pictured with this article, the gazes of all the figures are concentrated on one side of the pyramid, giving it a new psychological and dramatic unity.

The Last Supper. Leonardo finished painting *The Last Supper* about 1497. He created the famous scene on a wall of the dining hall in the monastery of Santa Maria delle Grazie. The painting shows the final meal of Jesus Christ and His 12 apostles. Jesus has just announced that one of them will betray him. *The Last Supper* is reproduced in the article on Jesus Christ.

When painting *The Last Supper*, Leonardo rejected the *fresco* technique normally used for wallpaintings. The technique requires an artist to mix dry pigments with water and brush them onto damp, freshly laid plaster. An artist who uses the *fresco* method must work quickly. But Leonardo wanted to paint slowly, to revise his work, and to use shadows—all of which would have been impossible in *fresco* painting. He developed a new technique that involved coating the wall with a compound he had created. But the compound, which was supposed to hold the paint in place and protect it from moisture, did not work. Soon after Leonardo completed the picture, the paint began to flake away. *The Last Supper* still exists, but in poor condition, though many attempts have been made to restore it.

Leonardo also changed the traditional arrangement of the figures. Christ and His apostles are usually shown in a line, with Judas, the betrayer, set apart in some way. Leonardo painted the apostles in several small groups. Each apostle responds in a different way to Christ's announcement that one of them will betray Him. Jesus sits in the center of the scene, apart from the other figures. Leonardo's composition creates a more active and centralized design than earlier artists had achieved. The composition, in which the space recedes to a point behind the head of Christ, is one of the great examples of one-point perspective in Italian Renaissance painting. Leonardo used linear perspective to focus attention on the painting's religious and dramatic center, the face of Jesus Christ.

Mona Lisa, shown in this article, is probably a portrait of the young wife of a rich Florentine silk merchant, Francesco del Giocondo. *Mona Lisa* is a shortened form of *Madonna Lisa* (my lady, Lisa). The woman is also often called *La Gioconda*, which is the feminine form of her husband's last name.

The portrait shows a young woman seated on a balcony high above a landscape. Leonardo used a pyramid design to place the woman simply and calmly in the space of the painting. Her folded hands form the front corner of the pyramid. Her breast, neck, and face glow in the same light that softly models her hands. The light gives the variety of living surfaces to an underlying geometry of spheres and circles, which includes the arc of her famous smile. Behind the figure, a vast landscape recedes to icy mountains. Winding paths and a distant bridge give only the slightest indications of human presence. The landscape reflects Leonardo's studies of geology. He was one of the first people to grasp that geological time is revealed in rock layers and to understand such processes as erosion.

Leonardo's Importance

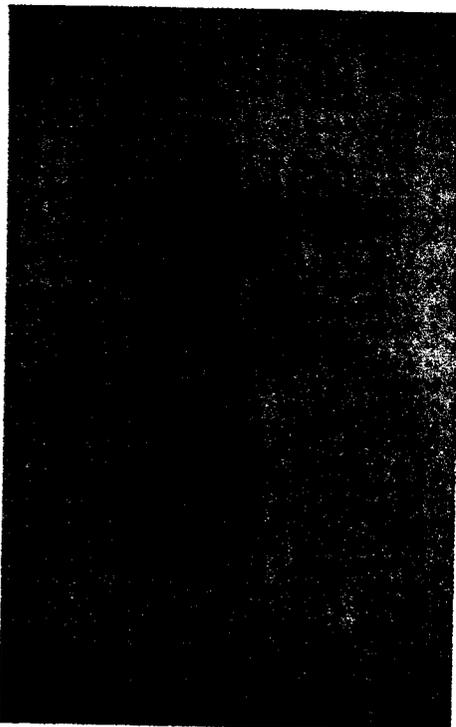
Leonardo had one of the greatest scientific minds of the Italian Renaissance. He wanted to know the workings of what he saw in nature. Many of his inventions and scientific ideas were centuries ahead of his time. For example, he was the first person to study the flight of birds scientifically. Leonardo's importance to art was even greater than his importance to science. He had a strong influence on many leading artists, including Raphael and Michelangelo. Leonardo's balanced compositions and idealized figures became standard features of later Renaissance art. Painters also tried to imitate Leonardo's knowledge of perspective and anatomy, and his accurate observations of nature.

What most impresses people today is the wide range of Leonardo's talent and achievements. He turned his attention to many subjects and mastered nearly all. His inventiveness, versatility, and wide-ranging intellectual

Pen and ink over black chalk (1514-1516); Windsor Castle (The Royal Collection © Her Majesty Queen Elizabeth II)



Hurricane is part of a series of drawings called *The Deluge*, which Leonardo produced near the end of his life. In the series, Leonardo attempted to visualize the forces of life and nature.



Red chalk (about 1514); Biblioteca Reale, Turin, Italy (SCALA/Art Resource)

Leonardo's self-portrait was drawn when he was about 60 years old. It is the only existing likeness of the artist.

curiosity have made Leonardo a symbol of the Renaissance spirit. David Summers

Related articles in *World Book* include:

Airplane (picture: An early design)
 Heart (picture: Leonardo da Vinci)
 Helicopter (Early designs and experiments)
 Jesus Christ (picture: The Last Supper)
 John the Baptist, Saint (picture: Painting (The 1400's))
 Parachute (picture: Leonardo da Vinci)
 Renaissance (The fine arts; picture: The drawings of Leonardo da Vinci)

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Leoncavallo, lay OHN kah VAHL loh, **Ruggiero**, rood JEH roh (1857-1919), was an Italian opera composer. He is best known for his two-act opera *Pagliacci* (1892). This opera is a violent tragedy about a group of traveling players. It is an example of a melodramatic form of realism called *verismo*. Leoncavallo wrote the words and the music, basing the story on a legal case handled by his father, a lawyer. Leoncavallo was inspired to write the opera by the success of Pietro Mascagni's one-act *verismo* opera, *Cavalleria Rusticana* (1890). The two works are usually performed together.
 Leoncavallo was born in Naples on March 8, 1857, and studied music there. Before settling on a career in

opera, he worked as a traveling cafe pianist. He wrote many other operas, but none matched the success of *Pagliacci*. He died on Aug. 9, 1919. Thomas A. Bauman

See also **Opera** (*Verismo* opera; The opera repertoire (*Pagliacci*)).

Leonidas I, lee AHN ih duhs (?-480 B.C.), was a king of ancient Sparta. His heroic death in battle at Thermopylae made Leonidas famous (see *Thermopylae*).

Leonidas became king of Sparta about 489 B.C. In 480 B.C., King Xerxes I of Persia invaded Greece with a vast army. Leonidas, with a much smaller army of about 7,000 Greeks, tried to stop the Persians at Thermopylae, a narrow mountain pass on the east coast of ancient Greece. The Greeks held the pass for two days. When Xerxes sent part of his army to attack the Greeks from another direction, Leonidas sent most of his soldiers to safety. But Leonidas, along with 300 other Spartans and hundreds of other Greeks, died fighting. Leonidas and his men became the supreme example of Spartan bravery and devotion to duty. George E. Pesely

Leonids, LEE uh nihds, are meteors that seem to come from the constellation Leo. The *meteoroids* (particles or chunks of matter in space) that cause the Leonids travel around the sun in an orbit that Earth crosses about November 17 each year. They become visible when they enter Earth's atmosphere.

In most years, few Leonids are seen. However, heavy Leonid meteor showers occur every 33 years when Earth passes through the thickest part of the meteoroid swarm. The next heavy Leonid shower is expected to take place in 2032. Lee J. Rickard

Leopard is a large member of the cat family. It is the third largest cat of the Eastern Hemisphere. Only the lion and the tiger are larger. Leopards live in Africa as far north as the Sahara, and in Asia from Turkey to Korea and Java.

Leopards are graceful, alert, and cunning. They average 2 feet 4 inches (71 centimeters) high at the shoulder and 7 feet 6 inches (2.3 meters) long. But a big male may measure almost 9 feet (2.7 meters) from nose to tail and weigh from 100 to 160 pounds (45 to 73 kilograms). A big female may weigh about 75 pounds (34 kilograms). Leopards bear two, three, or four young in a litter.

The coat of most leopards is light tan with many dense black spots. The tail has dark rings around it. All leopards are much alike, but those that live in forests are darker than those that live on open plains and desert scrub. The black leopard is so dark that the spots are hard to see. The whole animal looks black. Black leopards are often called *panthers*. Albinos are much rarer than the black variety, which is found in Malaysia, Java, and India.

These fierce animals eat meat and hunt their prey. They feed on such animals as monkeys, antelope, jackals, peacocks, snakes, sheep, goats, and dogs. In Africa, they even kill the big porcupines that have quills 1 foot (30 centimeters) or more in length.

Leopards seldom attack human beings. However, once they discover that people are easy victims, leopards may become more dangerous than tigers or lions. Leopards are good climbers and spend part of their time in trees. They are remarkably strong. Carcasses of prey weighing 80 to 150 pounds (36 to 68 kilograms) have been found in trees 12 to 20 feet (4 to 6 meters)

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find that it either works for them or it does not. Patients using transcranial magnetic stimulation for the treatment of depression reported mild **headache** as their only side effect.

Research and general acceptance

Magnetic therapy is becoming more and more widely accepted as an alternative method of pain relief. Since the late 1950s, hundreds of studies have demonstrated the effectiveness of magnetic therapy. In 1997, a group of physicians at Baylor College of Medicine in Houston, Texas studied the use of magnetic therapy in 50 patients who had developed **polio** earlier in life. These patients had muscle and joint pain that standard treatments failed to manage. In this study, 29 of the patients wore a magnet taped over a trouble spot, and 21 others wore a nonmagnetic device. Neither the researchers nor the patients were told which treatment they were receiving (magnetic or nonmagnetic). As is the case with most studies involving a placebo, some of the patients responded to the nonmagnetic therapy, but 75% of those using the magnetic therapy reported feeling much better.

In another study at New York Medical College in Valhalla, New York, a neurologist tested magnetic therapy on a group of 19 men and women complaining of moderate to severe burning, **tingling**, or **numbness** in their feet. Their problems were caused by diabetes or other conditions present such as **alcoholism**. This group of patients wore a magnetic insole inside one of their socks or shoes for 24 hours a day over a two-month period, except while bathing. They wore a nonmagnetic insert in their other sock or shoe. Then for two months they wore magnetic inserts on both feet. By the end of the study, nine out of ten of the diabetic patients reported relief, while only three of nine nondiabetic patients reported relief. The neurologist in charge of the study believes that this study opens the door to additional research into magnetic therapy for diabetic patients. He plans a larger follow-up study in the near future.

As of 2000, a federally funded study is underway at the University of Virginia. This study is evaluating the effectiveness of magnetic mattress pads in easing the muscle pain, stiffness and **fatigue** associated with **fibromyalgia**.

Magnetic therapy is also being studied in the treatment of depression in patients with **bipolar disorder**. A procedure called repeated transcranial magnetic stimulation has shown promise in treating this condition. In this particular study, patients with depression had a lower relapse rate than did those

KEY TERMS

Fibromyalgia—A chronic syndrome characterized by fatigue, widespread muscular pain, and pain at specific points on the body.

Lodestone—A variety of magnetite that possesses magnetic polarity.

Transcranial magnetic stimulation—A procedure used to treat patients with depression.

using **electroconvulsive therapy**. Unlike electroconvulsive therapy, patients using magnetic therapy did not suffer from seizures, memory lapses, or impaired thinking.

Resources

PERIODICALS

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Kim A. Sharp, M.Ln.

Magnetic resonance imaging

Definition

Magnetic resonance imaging (MRI) is the newest, and perhaps most versatile, medical imaging technology available. Doctors can get highly refined images of the body's interior without surgery, using MRI. By using **strong** magnets and pulses of radio waves to manipulate the natural magnetic properties in the body, this technique makes better images of organs and **soft** tissues than those of other scanning technologies. MRI is particularly useful for imaging the brain and **spine**, as well as the soft tissues of joints and the interior structure of bones. The entire body is visible to the technique, which poses few known health risks.

Purpose

MRI was developed in the 1980s. The latest additions to MRI technology are **angiography** (MRA) and **spectroscopy** (MRS). MRA was developed to

study blood flow, while MRS can identify the chemical composition of diseased tissue and produce color images of brain function. The many advantages of MRI include:

- **Detail.** MRI creates precise images of the body based on the varying proportions of magnetic elements in different tissues. Very minor fluctuations in chemical composition can be determined. MRI images have greater natural contrast than standard x rays, computed tomography scan (CT scan), or ultrasound, all of which depend on the differing physical properties of tissues. This sensitivity lets MRI distinguish fine variations in tissues deep within the body. It also is particularly useful for spotting and distinguishing diseased tissues (tumors and other lesions) early in their development. Often, doctors prescribe an MRI scan to more fully investigate earlier findings of the other imaging techniques.
- **Scope.** The entire body can be scanned, from head to toe and from the skin to the deepest recesses of the brain. Moreover, MRI scans are not obstructed by bone, gas, or body waste, which can hinder other imaging techniques. (Although the scans can be degraded by motion such as breathing, heartbeat, and normal bowel activity.) The MRI process produces cross-sectional images of the body that are as sharp in the middle as on the edges, even of the brain through the skull. A close series of these two-dimensional images can provide a three-dimensional view of a targeted area.
- **Safety.** MRI does not depend on potentially harmful ionizing radiation, as do standard x-ray and CT scans. There are no known risks specific to the procedure, other than for people who might have metal objects in their bodies.

MRI is being used increasingly during operations, particularly those involving very small structures in the head and neck, as well as for preoperative assessment and planning. Intraoperative MRIs have shown themselves to be safe as well as feasible, and to improve the surgeon's ability to remove the entire tumor or other abnormality.

Given all the advantages, doctors would undoubtedly prescribe MRI as frequently as ultrasound scanning, but the MRI process is complex and costly. The process requires large, expensive, and complicated equipment; a highly trained operator; and a doctor specializing in radiology. Generally, MRI is prescribed only when serious symptoms and/or negative results from other tests indicate a need. Many times another test is appropriate for the type of diagnosis needed.

Doctors may prescribe an MRI scan of different areas of the body.

- **Brain and head.** MRI technology was developed because of the need for brain imaging. It is one of the few imaging tools that can see through bone (the skull) and deliver high quality pictures of the brain's delicate soft tissue structures. MRI may be needed for patients with symptoms of a **brain tumor**, **stroke**, or infection (like **meningitis**). MRI also may be needed when cognitive and/or psychological symptoms suggest brain disease (like Alzheimer's or Huntington's diseases, or **multiple sclerosis**), or when developmental retardation suggests a birth defect. MRI can also provide pictures of the sinuses and other areas of the head beneath the face. Recent refinements in MRI technology may make this form of diagnostic imaging even more useful in evaluating patients with **brain cancer**, **stroke**, **schizophrenia**, or **epilepsy**. In particular, a new 3-D approach to MRI imaging known as diffusion tensor imaging, or DTI, measures the flow of water within brain tissue, allowing the radiologist to tell where the normal flow of fluid is disrupted, and to distinguish more clearly between cancerous and normal brain tissue. The introduction of DTI has led to a technique known as fiber tracking, which allows the neurosurgeon to tell whether a space-occupying brain tumor has damaged or displaced the nerve pathways in the white matter of the brain. This information in turn improves the surgeon's accuracy during the actual operation.
- **Spine.** Spinal problems can create a host of seemingly unrelated symptoms. MRI is particularly useful for identifying and evaluating degenerated or herniated spinal discs. It can also be used to determine the condition of nerve tissue within the spinal cord.
- **Joint.** MRI scanning is most commonly used to diagnose and assess joint problems. MRI can provide clear images of the bone, cartilage, ligament, and tendon that comprise a joint. MRI can be used to diagnose joint injuries due to sports, advancing age, or arthritis. MRI can also be used to diagnose shoulder problems, like a torn rotator cuff. MRI can also detect the presence of an otherwise hidden tumor or infection in a joint, and can be used to diagnose the nature of developmental joint abnormalities in children.
- **Skeleton.** The properties of MRI that allow it to see through the skull also allow it to view the inside of bones. It can be used to detect bone cancer, inspect the marrow for leukemia and other diseases, assess bone loss (**osteoporosis**), and examine complex **fractures**.

The rest of the body. While CT and ultrasound satisfy most chest, abdominal, and general body imaging needs, MRI may be needed in certain circumstances to provide better pictures or when repeated scanning is required. The progress of some therapies, like liver cancer therapy, needs to be monitored, and the effect of repeated x-ray exposure is a concern.

Precautions

MRI scanning should not be used when there is the potential for an interaction between the strong MRI magnet and metal objects that might be imbedded in a patient's body. The force of magnetic attraction on certain types of metal objects (including surgical steel) could move them within the body and cause serious injury. Metal may be imbedded in a person's body for several reasons.

- **Medical.** People with implanted cardiac pacemakers, metal aneurysm clips, or who have had broken metal repaired with metal pins, screws, rods, or plates should tell their radiologist prior to having an MRI. In some cases (like a metal rod in a reconstructed bone), the difficulty may be overcome.

- **Injury.** Patients must tell their doctors if they have bullet fragments or other metal pieces in their body from old wounds. The suspected presence of metal, whether from an old or recent wound, should be confirmed before scanning.

- **Occupational.** People with significant work exposure to metal particles (working with a metal grinder, for example) should discuss this with their doctor and radiologist. The patient may need prescan testing—usually a single, regular x ray of the eyes to see if any metal is present.

Chemical agents designed to improve the picture and/or allow for the imaging of blood or other fluid flow during MRA may be injected. In rare cases, patients may be allergic to or intolerant of these agents, and these patients should not receive them. If these chemical agents are to be used, patients should discuss any concerns they have with their doctor and radiologist.

The potential side effects of magnetic and electric fields on human health remain a source of debate. In particular, the possible effects on an unborn baby are not well known. Any woman who is, or may be, pregnant should carefully discuss this issue with her doctor and radiologist before undergoing a scan.

As with all medical imaging techniques, obesity greatly interferes with the quality of MRI.

Description

In essence, MRI produces a map of hydrogen distribution in the body. Hydrogen is the simplest element known, the most abundant in biological tissue, and one that can be magnetized. It will align itself within a strong magnetic field, like the needle of a compass. The earth's magnetic field is not strong enough to keep a person's hydrogen atoms pointing in the same direction, but the superconducting magnet of an MRI machine can. This comprises the "magnetic" part of MRI.

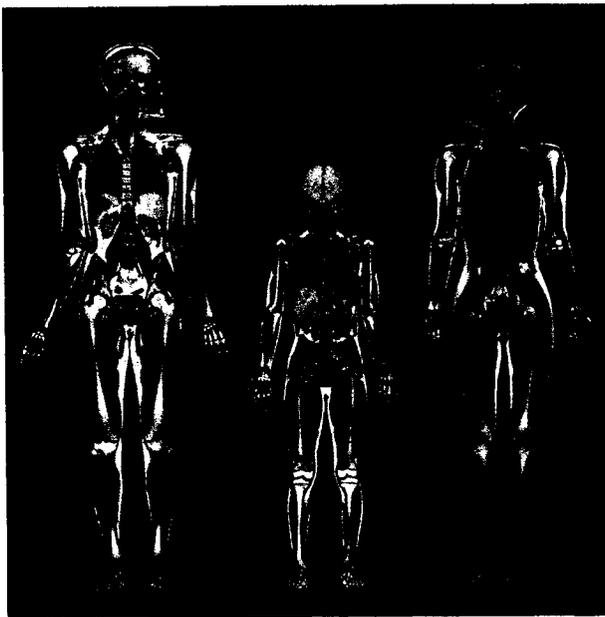
Once a patient's hydrogen atoms have been aligned in the magnet, pulses of very specific radio wave frequencies are used to knock them back out of alignment. The hydrogen atoms alternately absorb and emit radio wave energy, vibrating back and forth between their resting (magnetized) state and their agitated (radio pulse) state. This comprises the "resonance" part of MRI.

The MRI equipment records the duration, strength, and source location of the signals emitted by the atoms as they relax and translates the data into an image on a television monitor. The state of hydrogen in diseased tissue differs from healthy tissue of the same type, making MRI particularly good at identifying tumors and other lesions. In some cases, chemical agents such as gadolinium can be injected to improve the contrast between healthy and diseased tissue.

A single MRI exposure produces a two-dimensional image of a slice through the entire target area. A series of these image slices closely spaced (usually less than half an inch) makes a virtual three-dimensional view of the area.

Magnetic resonance spectroscopy (MRS) is different from MRI because MRS uses a continuous band of radio wave frequencies to excite hydrogen atoms in a variety of chemical compounds other than water. These compounds absorb and emit radio energy at characteristic frequencies, or spectra, which can be used to identify them. Generally, a color image is created by assigning a color to each distinctive spectral emission. This comprises the "spectroscopy" part of MRS. MRS is still experimental and is available in only a few research centers.

Doctors primarily use MRS to study the brain and disorders, like epilepsy, Alzheimer's disease, brain tumors, and the effects of drugs on brain growth and metabolism. The technique is also useful in evaluating metabolic disorders of the muscles and nervous system.



MRI body scans of a man, woman, and child. (Simon Fraser, Photo Researchers. Reproduced by permission.)

Magnetic resonance angiography (MRA) is another variation on standard MRI. MRA, like other types of angiography, looks specifically at fluid flow within the blood (vascular) system, but does so without the injection of dyes or radioactive tracers. Standard MRI cannot make a good picture of flowing blood, but MRA uses specific radio pulse sequences to capture usable signals. The technique is generally used in combination with MRI to obtain images that show both vascular structure and flow within the brain and head in cases of stroke, or when a blood clot or aneurysm is suspected.

Regardless of the exact type of MRI planned, or area of the body targeted, the procedure involved is basically the same and occurs in a special MRI suite. The patient lies back on a narrow table and is made as comfortable as possible. Transmitters are positioned on the body and the cushioned table that the patient is lying on moves into a long tube that houses the magnet. The tube is as long as an average adult lying down, and the tube is narrow and open at both ends. Once the area to be examined has been properly positioned, a radio pulse is applied. Then a two-dimensional image corresponding to one slice through the area is made. The table then moves a fraction of an inch and the next image is made. Each image exposure takes several seconds and the entire exam will last anywhere from 30-90 minutes. During this time, the patient is not allowed to move. If the patient moves during the scan, the picture will not be clear.

Depending on the area to be imaged, the radio-wave transmitters will be positioned in different locations.

- For the head and neck, a helmet-like hat is worn.
- For the spine, chest, and abdomen, the patient will be lying on the transmitters.
- For the knee, shoulder, or other joint, the transmitters will be applied directly to the joint.

Additional probes will monitor vital signs (like pulse, respiration, etc.).

The process is very noisy and confining. The patient hears a thumping sound for the duration of the procedure. Since the procedure is noisy, music supplied via earphones is often provided. Some patients get anxious or panic because they are in the small, enclosed tube. This is why vital signs are monitored and the patient and medical team can communicate between each other. If the chest or abdomen are to be imaged, the patient will be asked to hold his/her breath as each exposure is made. Other instructions may be given to the patient, as needed. In many cases, the entire examination will be performed by an MRI operator who is not a doctor. However, the supervising radiologist should be available to consult as necessary during the exam, and will view and interpret the results sometime later.

Preparation

In some cases (such as for MRI brain scanning or an MRA), a chemical designed to increase image contrast may be given by the radiologist immediately before the exam. If a patient suffers from anxiety or claustrophobia, drugs may be given to help the patient relax.

The patient must remove all metal objects (watches, jewelry, eye glasses, hair clips, etc). Any magnetized objects (like credit and bank machine cards, audio tapes, etc.) should be kept far away from the MRI equipment because they can be erased. The patient cannot bring their wallet or keys into the MRI machine. The patient may be asked to wear clothing without metal snaps, buckles, or zippers, unless a medical gown is worn during the procedure. The patient may be asked to remove any hair spray, hair gel, or cosmetics that may interfere with the scan.

Aftercare

No aftercare is necessary, unless the patient received medication or had a reaction to a contrast agent. Normally, patients can immediately return to their daily activities. If the exam reveals a serious

KEY TERMS

Angiography—Any of the different methods for investigating the condition of blood vessels, usually as a combination of radiological imaging and injections of chemical tracing and contrasting agents.

Diffusion tensor imaging (DTI)—A refinement of magnetic resonance imaging that allows the doctor to measure the flow of water and track the pathways of white matter in the brain. DTI is able to detect abnormalities in the brain that do not show up on standard MRI scans.

Dysprosium—A very rare metallic element useful for its sensitivity to electromagnetic resonance, among other things. Traces of it can be injected into the body to enhance the MRI pictures.

Hydrogen—The simplest, most common element known in the universe. It is composed of a single electron (negatively charged particle) circling a nucleus consisting of a single proton (positively charged particle). It is the nuclear proton of hydrogen that makes MRI possible by reacting resonantly with radio waves while aligned in a magnetic field.

Ionizing radiation—Electromagnetic radiation that can damage living tissue by disrupting and destroying individual cells. All types of nuclear decay radiation (including x rays) are potentially ionizing. Radio waves do not damage organic tissues they pass through.

Magnetic field—The three-dimensional area surrounding a magnet, in which its force is active. During MRI, the patient's body is permeated by the force field of a superconducting magnet.

Radio waves—Electromagnetic energy of the frequency range corresponding to that used in radio communications, usually 10,000 cycles per second to 300 billion cycles per second. Radio waves are the same as visible light, x rays, and all other types of electromagnetic radiation, but are of a higher frequency.

condition that requires more testing and/or treatment, appropriate information and counseling will be needed.

Risks

MRI poses no known health risks to the patient and produces no physical side effects. Again, the

potential effects of MRI on an unborn baby are not well known. Any woman who is, or may be, pregnant, should carefully discuss this issue with her doctor and radiologist before undergoing a scan.

Normal results

A normal MRI, MRA, or MRS result is one that shows the patient's physical condition to fall within normal ranges for the target area scanned.

Abnormal results

Generally, MRI is prescribed only when serious symptoms and/or negative results from other tests indicate a need. There often exists strong evidence of a condition that the scan is designed to detect and assess. Thus, the results will often be abnormal, confirming the earlier diagnosis. At that point, further testing and appropriate medical treatment is needed. For example, if the MRI indicates the presence of a brain tumor, an MRS may be prescribed to determine the type of tumor so that aggressive treatment can begin immediately without the need for a surgical biopsy.

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American Society of Radiologic Technologists. 15000 Central Ave. SE, Albuquerque, NM 87123-3917. (505) 298-4500. <http://www.asrt.org>.

Center for Devices and Radiological Health. United States Food and Drug Administration. 1901 Chapman Ave., Rockville, MD 20857. (301) 443-4109. <http://www.fda.gov/cdrh>.

Kurt Richard Sternlof
Rebecca J. Frey, PhD

Magnetic resonance spectroscopy see
Magnetic resonance imaging

Major depression see **Depressive disorders**

Major tranquilizers see **Antipsychotic drugs**

Malabsorption syndrome

Definition

Malabsorption syndrome is an alteration in the ability of the intestine to absorb nutrients adequately into the bloodstream. It may refer to malabsorption of one specific nutrient or for specific carbohydrates, fats, or trace elements (micronutrients).

Causes and symptoms

Protein, fats, and carbohydrates (macronutrients) normally are absorbed in the small intestine; the small bowel also absorbs about 80% of the eight to ten liters of fluid ingested daily. There are many different conditions that affect fluid and nutrient absorption by the intestine. A fault in the digestive process may result from failure of the body to produce the enzymes needed to digest certain foods. Congenital structural defects or diseases of the pancreas, gall bladder, or liver may alter the digestive process. Inflammation, infection, injury, or surgical removal of portions of the intestine may also result in absorption problems; reduced length or surface area of intestine available for fluid and nutrient absorption can result in malabsorption. **Radiation therapy** may injure the mucosal lining of the intestine, resulting in **diarrhea** that may not become evident until several years later. The use of some **antibiotics** can also affect the bacteria that normally live in the intestine and affect intestinal function.

Risk factors for malabsorption syndrome include:

- premature birth
- family history of malabsorption or **cystic fibrosis**
- use of certain drugs, such as mineral oil or other **laxatives**
- travel to foreign countries
- intestinal surgery, including **bowel transplantation**
- excess alcohol consumption.

The most common symptoms of malabsorption include:

- **Anemia**, with weakness and **fatigue** due to inadequate absorption of vitamin **B₁₂**, iron, and **folic acid**
- **Diarrhea**, steatorrhea (excessive amount of fat in the stool), and abdominal distention with cramps, bloating, and gas due to impaired water and carbohydrate absorption, and irritation from unabsorbed fatty acids. The individual may also report explosive diarrhea with greasy, foul-smelling stools.
- **Edema** (fluid retention in the body's tissues) due to decreased protein absorption
- Malnutrition and weight loss due to decreased fat, carbohydrate, and protein absorption. Weight may be 80–90% of usual weight despite increased oral intake of nutrients.
- Muscle cramping due to decreased vitamin D, calcium, and potassium levels
- Muscle wasting and atrophy due to decreased protein absorption and metabolism
- Perianal skin burning, **itching**, or soreness due to frequent loose stools.

Irregular heart rhythms may also result from inadequate levels of potassium and other electrolytes. Blood clotting disorders may occur due to a **vitamin K deficiency**. Children with malabsorption syndrome often exhibit a failure to grow and thrive.

Several disorders can lead to malabsorption syndrome, including **cystic fibrosis**, chronic **pancreatitis**, **lactose intolerance**, and **gluten enteropathy** (nontropical sprue.)

Tropical sprue is a malabsorptive disorder that is uncommon in the United States, but seen more often in people from the Caribbean, India, or southeast Asia. Although its cause is unknown, it is thought to be related to environmental factors, including infection, intestinal parasites, or possibly the consumption of certain food toxins. Symptoms often include a sore tongue, anemia, weight loss, along with diarrhea and passage of fatty stools.

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KEY TERMS

Autoimmune diseases—A group of diseases, like rheumatoid arthritis and systemic lupus erythematosus, in which immune cells turn on the body, attacking various tissues and organs.

Angioedema—A complement deficiency disorder characterized by lymphatic vessel dysfunction that cause temporary swelling (edema) of the skin, mucous membranes, and internal organs.

Atypical hemolytic uremic syndrome—A complement deficiency syndrome characterized by recurrent infections of the skin, mucous membranes, and gastrointestinal tract and the absence of hematuria. This disorder is sometimes apparent when separation of the umbilical cord takes place normally.

Encephalomyelitis—An inflammation of the lining surrounding the brain and spinal cord.

Paroxysmal nocturnal hemoglobinuria (PNH)—A complement disorder characterized by episodic red blood cell destruction (hemolysis) and hemoglobin in the urine (hemoglobinuria) that is not related to infection.

Sjögren's syndrome—An autoimmune disease in which the immune system attacks the exocrine glands of the connective tissue. A butterfly-shaped facial rash is characteristic.

White blood cells—Cells that are key in immune response. There are various types, including those that engulf and kill invading bacteria.

Paroxysmal nocturnal hemoglobinuria (PNH) a bone marrow transplant may be recommended.

Alternative treatment

There is no alternative treatment for complement deficiencies.

Prognosis

Since complement deficiencies include a wide range of disorders, the prognoses can also vary widely. Some patients remain healthy their entire life. Others are hospitalized frequently because of infections. In some cases, if not properly treated, can be fatal. Those with autoimmune diseases could have a normal life expectancy. There are some complement deficiencies,

that have a high mortality rate. In those cases, death may occur within 10 years after diagnosis.

Prevention

There is currently no way to prevent complement deficiencies.

Resources

ORGANIZATIONS

Immune Deficiency Foundation, 25 W. Chesapeake Ave., Suite 206, Towson, MD 21204. (800) 296-4433. <<http://www.primaryimmune.org>>.

OTHER

"The Clinical Presentation of the Primary Immunodeficiency Diseases." *International Patient Organization for Patients with Primary Immunodeficiencies*. <<http://www.ipopi.org>>.

Jeanine Barone, Physiologist

Complete blood count see **Blood count**

Computed tomography scans

Definition

Computed tomography (CT) scans are completed with the use of a 360-degree x-ray beam and computer production of images. These scans allow for cross-sectional views of body organs and tissues.

Purpose

CT scans are used to image a wide variety of body structures and internal organs. Since the 1990s, CT equipment has become more affordable and available. In some diagnoses, CT scans have become the first imaging exam of choice. Because the computerized image is so sharp, focused, and three-dimensional, many tissues can be better differentiated than on standard x rays. Common CT indications include:

- **Sinus studies.** The CT scan can show details of a sinusitis, and bone fractures. Physicians may order CT of the sinuses to provide an accurate map for surgery.
- **Brain studies.** Brain scans can detect hematomas, tumors, and strokes. The introduction of CT scanning, especially spiral CT, has helped reduce the need for more invasive procedures such as cerebral angiography.

- **Body scans.** CT scans of the body will often be used to observe abdominal organs, such as the liver, kidneys, adrenal glands, spleen, and lymph nodes, and extremities.
- **Aorta scans.** CT scans can focus on the thoracic or abdominal aorta to locate aneurysms and other possible aortic diseases.
- **Chest scans.** CT scans of the chest are useful in distinguishing tumors and in detailing accumulation of fluid in chest infections.

Precautions

Pregnant women or those who could possibly be pregnant should not have a CT scan unless the diagnostic benefits outweigh the risks. Pregnant patients should particularly avoid full body or abdominal scans. If the exam is necessary for obstetrics purposes, technologists are instructed not to repeat films if there are errors. Pregnant patients receiving CT or any x-ray exam away from the abdominal area may be protected by a lead apron; most radiation, known as scatter, travels through the body and is not blocked by the apron.

Contrast agents are often used in CT exams and the use of these agents should be discussed with the medical professional prior to the procedure. Patients should be asked to sign a consent form concerning the administration of contrast. One of the common contrast agents, iodine, can cause allergic reactions. Patients who are known to be allergic to iodine (or shellfish) should inform the physician prior to the CT scan.

Description

Computed tomography, also called CT scan, CAT scan, or computerized axial tomography, is a combination of focused x-ray beams and computerized production of an image. Introduced in the early 1970s, this radiologic procedure has advanced rapidly and is now widely used, sometimes in the place of standard x rays.

CT equipment

A CT scan may be performed in a hospital or outpatient imaging center. Although the equipment looks large and intimidating, it is very sophisticated and fairly comfortable. The patient is asked to lie on a gantry, or narrow table, that slides into the center of the scanner. The scanner looks like a doughnut and is round in the middle, which allows the x-ray beam to

rotate around the patient. The scanner section may also be tilted slightly to allow for certain cross-sectional angles.

CT procedure

The patient will feel the gantry move very slightly as the precise adjustments for each sectional image are made. A technologist watches the procedure from a window and views the images on a computer screen.

It is essential that the patient lie very still during the procedure to prevent motion blurring. In some studies, such as chest CTs, the patient will be asked to hold his or her breath during image capture.

Following the procedure, films of the images are usually printed for the radiologist and referring physician to review. A radiologist can also interpret CT exams on a special computer screen. The procedure time will vary in length depending on the area being imaged. Average study times are from 30 to 60 minutes. Some patients may be concerned about claustrophobia, but the width of the "doughnut" portion of the scanner is such that many patients can be reassured of openness.

The CT image

While traditional x rays image organs in two dimensions, with the possibility that organs in the front of the body are superimposed over those in the back, CT scans allow for a more three-dimensional effect. Some have compared CT images to slices in a loaf of bread. Precise sections of the body can be located and imaged as cross-sectional views. The screen before the technologist shows a computer's analysis of each section detected by the x-ray beam. Thus, various densities of tissue can be easily distinguished.

Contrast agents

Contrast agents are often used in CT exams and in other radiology procedures to illuminate certain details of anatomy which may not be easily seen. Some contrasts are natural, such as air or water. Other times, a water-based contrast agent is administered for specific diagnostic purposes. Barium sulfate is commonly used in gastroenterology procedures. The patient may drink this contrast, or receive it in an enema. Oral and rectal contrast are usually given when examining the abdomen or cells, and not given when scanning the brain or chest. Iodine is the most widely used intravenous contrast agent and is given through an intravenous needle.



CT scan of human abdomen—aorta is dead center/
(Photo Researchers. Reproduced by permission.)



CT scan of facial sinuses. (Pascal Goetgheluck. Photo
Researchers. Reproduced by permission.)

If contrast agents are used in the CT exam, these will be administered several minutes before the study begins. Abdominal CT patients may be asked to drink a contrast medium. Some patients may experience a salty taste, flushing of the face, warmth or even nausea, or hives from an intravenous contrast injection. Technologists and radiologists have equipment and training to help patients through these minor reactions and to handle more severe reactions. Severe reactions to contrast are rare, but can occur.

Spiral CT

Spiral CT, also called helical CT, is a newer variation of CT scanning which is continuous in motion and allows for three-dimensional reconstruction of images. For example, traditional CT allows the

technologist to take slices at very small and precise intervals one after the other. Spiral CT allows for a continuous flow of images, without stopping the scanner to move to the next image slice. A major advantage of spiral CT is the ability to reconstruct images anywhere along the length of the study area. The procedure also speeds up the imaging process, meaning less time for the patient to lie still. The ability to image contrast more rapidly after it is injected, when it is at its highest level, is another advantage of spiral CT's high speed.

Some facilities will have both spiral and conventional CT available. Although spiral is more advantageous for many applications, conventional CT is still a superior and precise method for imaging many tissues and structures. The physician will evaluate which type of CT works best for the specific exam purpose.

Preparation

If a contrast medium is administered, the patient may be asked to fast from about four to six hours prior to the procedure. Patients will usually be given a gown (like a typical hospital gown) to be worn during the procedure. All metal and jewelry should be removed to avoid artifacts on the film.

Aftercare

No aftercare is generally required following a CT scan. Immediately following the exam, the technologist will continue to watch the patient for possible adverse contrast reactions. Patients are instructed to advise the technologist of any symptoms, particularly respiratory difficulty. The site of contrast injection will be bandaged and may feel tender following the exam. Hives may develop later and usually do not require treatment.

Risks

Radiation exposure from a CT scan is similar to, though higher than, that of a conventional x ray. Although this is a risk to pregnant women, the exposure to other adults is minimal and should produce no effects. Although severe contrast reactions are rare, they are a risk of many CT procedures.

Normal results

Normal findings on a CT exam show bone, the most dense tissue, as white areas. Tissues and fat will show as various shades of gray, and fluids will be gray

or black. Air will also look black. Intravenous, oral, and rectal contrast appear as white areas. The radiologist can determine if tissues and organs appear normal by the sensitivity of the gray shadows. In CT, the images that can cut through a section of tissue or organ provide three-dimensional viewing for the radiologist and referring physician.

Abnormal results

Abnormal results may show different characteristics of tissues within organs. Accumulations of blood or other fluids where they do not belong may be detected. Radiologists can differentiate among types of tumors throughout the body by viewing details of their makeup.

Sinus studies

The increasing availability and lowered cost of CT scanning has led to its increased use in sinus studies, either as a replacement for a sinus x ray or as a follow-up to an abnormal sinus radiograph. The sensitivity of CT allows for location of areas of sinus infection, particularly chronic infection. CT scans can show the extent and location of tiny fractures to the sinus and nasal bones. Foreign bodies in the sinus and nasal area are also easily detected by CT. CT imaging of the sinuses is important in evaluating trauma or disease of the sphenoid bone (the wedge shaped bone at the base of the skull). Sinus tumors will show as shades of gray indicating the difference in their density from that of normal tissues in the area.

Brain studies

The precise differences in density allowed by CT scan can clearly show tumors, strokes, or lesions in the brain area as altered densities. These lighter or darker areas on the image may indicate a tumor or hematoma within the brain and skull area. Different types of tumors can be identified by the presence of edema, by the tissue's density, or by studying blood vessel location and activity. The speed and convenience of CT often allows for detection of hemorrhage before symptoms even occur. Congenital abnormalities in children, such as hydrocephalus, may also be confirmed with CT. Hydrocephalus is suggested by enlargement of the fluid structures called ventricles of the brain.

Body scans

The body scan can identify abnormal body structures and organs. Throughout the body, a CT may indicate tumors or cysts, enlarged lymph nodes,

KEY TERMS

Aneurysm—The bulging of the blood vessel wall. Aortic aneurysms are the most dangerous. Aneurysms can break and cause bleeding.

Contrast (agent, medium)—A substance injected into the body that illuminates certain structures that would otherwise be hard to see on the radiograph (film).

Gantry—A name for the couch or table used in a CT scan. The patient lies on the gantry while it slides into the x-ray scanner portion.

Hematoma—A collection of blood that has escaped from the vessels. It may clot and harden, causing pain to the patient.

Hydrocephalus—A collection of fluid on or around the brain. The pressure from the spinal fluid causes the ventricles to widen.

Metastasis—Secondary cancer, or cancer that has spread from one body organ or tissue to another.

Radiologist—A medical doctor specially trained in radiology (x ray) interpretation and its use in the diagnosis of disease and injury.

Spiral CT—Also referred to as helical CT, this method allows for continuous 360-degree x-ray image capture.

Thoracic—Refers to the chest area. The thorax runs between the abdomen and neck and is encased by the ribs.

abnormal collections of fluids, blood or fat, and metastasis of cancer. Tumors resulting from metastasis are different in makeup than primary tumors, or those that originate in the location of study. Fractures or damage to soft tissues and ligaments will be more easily seen on the sensitive images produced by CT scanning, though CT is not usually done for these. Liver conditions, such as cirrhosis or abscessed or fatty liver, may be observed on the body scan.

CT of the aorta

CT provides the ability to see and measure the thickness of the aortal wall, which is very helpful in diagnosing aortic aneurysms. The use of contrast will help see details within the aorta. In addition, density can identify calcification, and this helps differentiate between acute and chronic problems. An abnormal CT scan may indicate signs of aortic clots. Aortic

is suggested by signs such as a hematoma of the aorta or the escape of blood from its cavity.

Best scans

In addition to those findings that may indicate aneurysms, chest CT studies can show other lesions in the heart and lungs, and distinguish between an aortic aneurysm and a tumor adjacent to the aorta. The computer will not only show differences between air, water, tissues, and bone, but will also give numerical values to the various densities. Small-sized lesions in the lungs may be indicative of tuberculosis or tumors. CT will help distinguish among them. Enlarged lymph nodes in the chest area may indicate Hodgkin's disease. Spiral CT is particularly effective at identifying pulmonary emboli (clots in the lungs' blood vessels).

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Teresa Odle

computerized axial tomography see
Computed tomography scans

Concussion

Definition

Concussion is a trauma-induced change in mental status, with confusion and amnesia, and with or without a brief loss of consciousness.

Description

A concussion occurs when the head hits or is hit by an object, or when the brain is jarred against the skull, with sufficient force to cause temporary loss of function in the higher centers of the brain. The injured person may remain conscious or lose consciousness briefly, and is disoriented for some minutes after the blow. According to the Centers for Disease Control and Prevention, approximately

300,000 people sustain mild to moderate sports-related brain injuries each year, most of them young men between 16 and 25.

While concussion usually resolves on its own without lasting effect, it can set the stage for a much more serious condition. "Second impact syndrome" occurs when a person with a concussion, even a very mild one, suffers a second blow before fully recovering from the first. The brain swelling and increased intracranial pressure that can result is potentially fatal. More than 20 such cases have been reported since the syndrome was first described in 1984.

Causes and symptoms

Causes

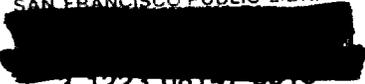
Most concussions are caused by motor vehicle accidents and sports injuries. In motor vehicle accidents, concussion can occur without an actual blow to the head. Instead, concussion occurs because the skull suddenly decelerates or stops, which causes the brain to be jarred against the skull. Contact sports, especially football, hockey, and boxing, are among those most likely to lead to concussion. Other significant causes include falls, collisions, or blows due to bicycling, horseback riding, skiing, and soccer.

The risk of concussion from football is extremely high, especially at the high school level. Studies show that approximately one in five players suffer concussion or more serious brain injury during their brief high-school careers. The rate at the collegiate level is approximately one in 20. Rates for hockey players are not known as certainly, but are believed to be similar.

Concussion and lasting brain damage is an especially significant risk for boxers, since the goal of the sport is, in fact, to deliver a concussion to the opponent. For this reason, the American Academy of Neurology has called for a ban on boxing. Repeated concussions over months or years can cause cumulative head injury. The cumulative brain injuries suffered by most boxers can lead to permanent brain damage. Multiple blows to the head can cause "punch-drunk" syndrome or dementia pugilistica, as evidenced by Muhammaed Ali, whose parkinsonism is a result of his career in the ring.

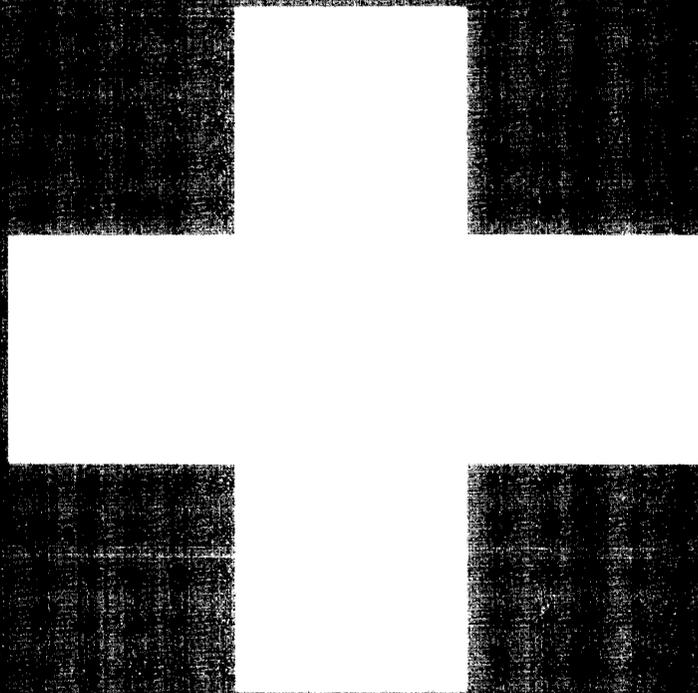
Young children are likely to suffer concussions from falls or collisions on the playground or around the home. Child abuse is, unfortunately, another common cause of concussion.

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MAGILL'S



MAGILL'S

MEDICAL GUIDE

Fourth Revised Edition

Volume I

Abdomen — Corns and calluses

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COMPUTED TOMOGRAPHY (CT) SCANNING

PROCEDURE

ALSO KNOWN AS: Computed axial tomography, CAT scan

ANATOMY OR SYSTEM AFFECTED: Circulatory system, endocrine system, gastrointestinal system, musculoskeletal system, nervous system, reproductive system, respiratory system

SPECIALTIES AND RELATED FIELDS: Biotechnology, cardiology, emergency medicine, endocrinology, gastroenterology, internal medicine, oncology, preventive medicine, psychiatry, radiology, vascular medicine

DEFINITION: The use of X rays and a computer to produce detailed cross-sectional images of most body regions to aid in diagnosis.

KEY TERMS:

cathode: an electrode that produces electrons

cathode-ray tube (CRT): a vacuum tube whose cathode emits electrons accelerated through a high voltage anode, focused on a fluorescent image screen

slice: a CT cross section of a body part

soft tissue: tissue other than bone

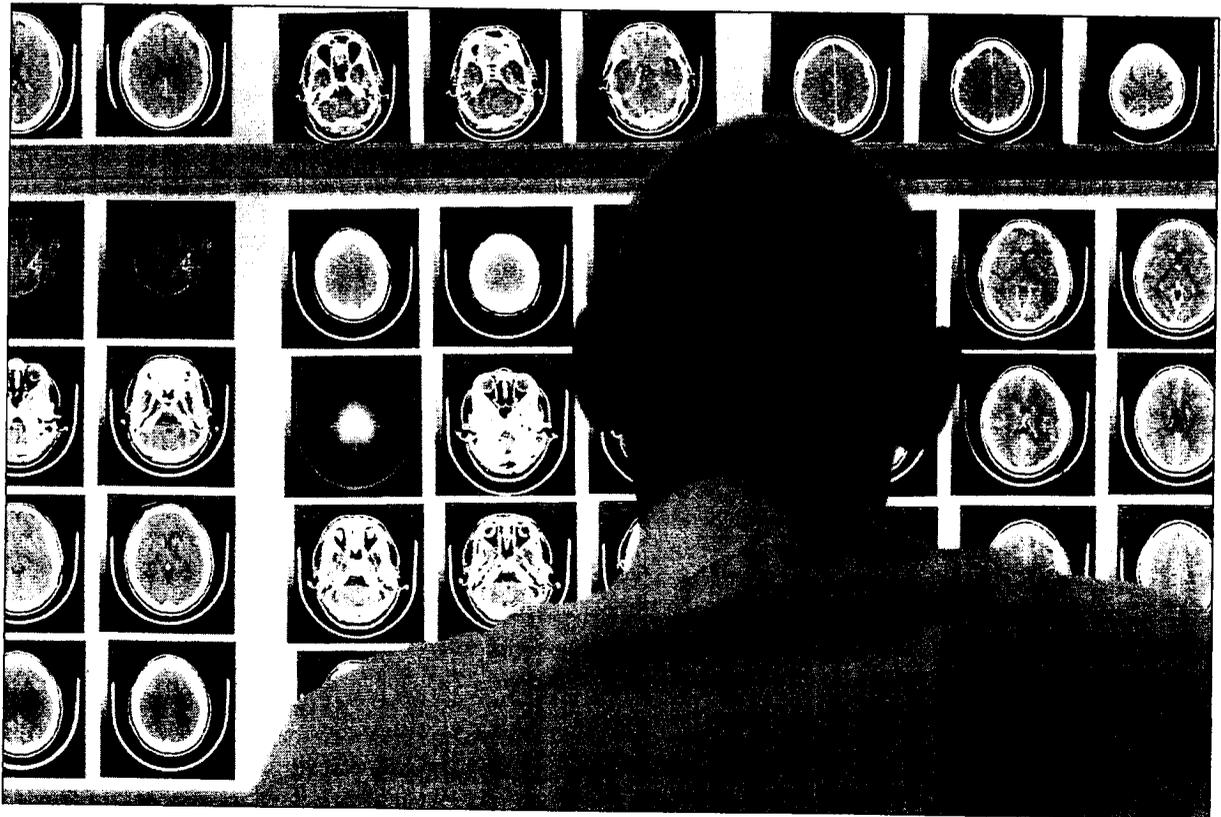
tomogram: the three-dimensional image of a CT slice

X ray: high-energy electromagnetic radiation

INDICATIONS AND PROCEDURES

Computed tomography (CT) scanning collects X-ray data and uses a computer to produce three-dimensional images, called tomograms, of body cross sections, or slices. The noninvasiveness of CT scanning yields easy and safe body part analysis based on varying tissue opacity to X rays. Bone absorbs X rays well and appears white. Air absorbs them poorly, so the lungs are dark. Fat, blood, and muscle absorb X rays to varying extents, yielding different shades of gray. Tumors and blood clots, for example, appear as areas of abnormal shades in normal tissue.

CT scanning is used to analyze disorders of the brain (brain CT) and most body parts (body CT), yielding tomograms that are hundreds of times more definitive than conventional X rays. For example, conventional abdominal X rays show bones and faintly outline the liver, kidneys, and stomach. Tomograms clearly depict all abdominal organs and large blood vessels.



A doctor can use CT scans to detect abnormalities in brain tissue, such as tumors. (Digital Stock)

Physicians call CT scanning the most valuable diagnostic method because, without it, the symptoms that patients describe may not be identified clearly as minor, serious, or life-threatening. For example, a subjective description of repeated headache does not reveal whether the cause is tension, stroke, or brain cancer. Before CT scanning, an accurate diagnosis often required complex or dangerous identification methods.

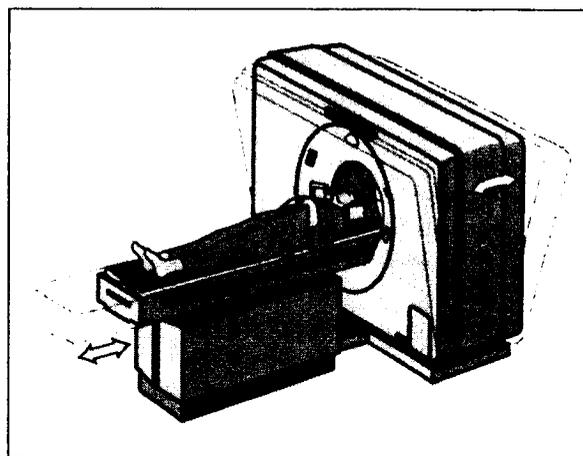
A CT patient changes into a hospital gown, removes any metal possessions, and lays on a table that can be raised, lowered, or tilted. During a scan, the patient enters a doughnut-shaped scanner that holds an X-ray source, detectors, and computer hookups. In brain CT, the patient's head is in the scanner. Some CT patients have experienced claustrophobia, which can be prevented with faster scanner speeds and less-enclosed scanners. A patient who must stay still for an extended time may be given a sedative. If small anomalies are foreseen, then contrast materials are given before or during the procedure. These materials include barium salts and iodine, X-ray blockers that allow better visualization of specific tissues. Subjects may take the materials orally, by enema, or intravenously.

The CT scanner generates a continuous, narrow X-ray beam while moving 360 degrees around the patient's head or body. The beam is monitored by X-ray detectors sited around the aperture through which the patient passes. Slices are produced as the scanner circles the head or body. Between slices, the table moves through the scanner. Slices become tomograms seen on a CRT and are stored in the computer. The procedure takes twenty to forty minutes in a standard scanner.

In newer spiral CT, a patient is scanned rapidly as the X-ray tube rotates in a spiral. There are no gaps as with slices, and tissue-volume tomograms are produced. A simple spiral scan is completed while the patient holds a breath, aiding the detection of small lesions and decreasing scan artifacts. Spiral CT, twenty times faster than standard CT, is very useful with restless children and critically ill patients. Its slip-ring electrotechnology precludes the need, in standard scanners, to reset after one 360-degree scan before another scan is possible.

USES AND COMPLICATIONS

CT scanning detects organ abnormalities, and a major use is in diagnosing and treating brain disease. Even the earliest scanners could distinguish tumors from clots, aiding in the diagnosis of cancer, stroke, and certain birth defects. Furthermore, brain CT saves lives as phy-



In the imaging technique called computed tomography (CT) scanning (formerly known as a CAT scan), multiple X-ray pictures are taken as the scanner tilts and rotates around the patient. These images are then assembled by a computer to create a three-dimensional view of a body part, such as the head.

sicians avoid risky methods requiring opening of the brain for pretreatment diagnosis. In addition, postsurgical scans can find recurrences or metastases.

Body CT allows for better damage appraisal of broken bones than does conventional X-ray analysis. Another use of body spiral CT is in the diagnosis of pulmonary embolism; it is safer than using pulmonary angiography, which maneuvers a catheter from the heart to the pulmonary artery. CT scans can also guide surgery, biopsy, and abscess drainage and can help fine-tune radiation therapy. Speed and excellent soft tissue elucidation make CT scanning invaluable for trauma detection in emergency rooms.

There are few side effects to CT scanning. Preparation for a scan may be mildly uncomfortable, but it is rarely dangerous. Before body CT, subjects often fast, take enemas to clear the bowels, and receive contrast materials through enemas or IVs. If contrast materials are used, then physicians must be told of allergies, especially to iodine. Contrast materials—enhancers of specific tissue CT—may cause hot flashes. Barium enemas for lower gastrointestinal tract scans cause full feelings and urges to defecate.

PERSPECTIVE AND PROSPECTS

British engineer Godfrey Hounsfield and American physicist Alan Cormack won the 1979 Nobel Prize in Physiology or Medicine for the theory and development of computed tomography. CT scanning was first used in 1972, after Hounsfield made a brain scanner

holding an X-ray generator, a scanner rotated around a circular chamber, a computer, and a CRT. The patient laid on a gurney, head in the scanner, and emitter detectors rotated 1 degree at a time for 180 degrees. At each position, 160 readings entered the computer, so 28,800 readings were processed.

CT scanning is essential to radiology, which began in 1885 after Wilhelm Conrad Röntgen discovered X rays. The rays soon became medical aids, and for years broad X-ray beams were sent through body parts to exit onto film, yielding conventional X-ray images. Bones absorb X rays well, appearing white, and conventional images can show bone fractures and give some soft tissue data. However, soft tissue evaluation is poor, the tissues superimpose, and estimating their condition is difficult. CT scans allow convenient, non-invasive analysis.

CT scans and stereotaxic neurosurgery, later joined, have improved diagnosis and treatment. For example, the implantation of electrodes in a brain can be monitored using CT, enhancing accuracy. Similar techniques are used in breast biopsy. Current progress in CT scans includes thinner slices, spiral scans, and fast-operating standard scanners. Because complex scans expose patients to more radiation than do conventional X rays, fast scans are preferred to minimize patient risk.

—Sanford S. Singer, Ph.D.

See also Brain; Brain disorders; Headaches; Imaging and radiology; Magnetic resonance imaging (MRI); Neuroimaging; Noninvasive tests; Nuclear medicine; Positron emission tomography (PET) scanning; Strokes; Tumors; Ultrasonography.

FOR FURTHER INFORMATION:

Durham, Deborah L. *Rad Tech's Guide to CT: Imaging Procedures, Patient Care, and Safety*. Malden, Mass.: Blackwell Scientific, 2002. Contains useful information for CT technicians and general readers.

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Slone, Richard M., et al., eds. *Body CT: A Practical Approach*. New York: McGraw-Hill, 2000. Covers CT

techniques and protocols for many tissues. Illustrated. Contains a bibliography and an index.

CONCEPTION

BIOLOGY

ANATOMY OR SYSTEM AFFECTED: Cells, reproductive system, uterus

SPECIALTIES AND RELATED FIELDS: Embryology, gynecology, obstetrics

DEFINITION: The process of creating new life, encompassing all the events from deposition of sperm into the female to the first cell divisions of the fertilized ovum.

KEY TERMS:

cervix: the lowest part of the uterus in contact with the vagina; contains an opening filled with mucus through which sperm can pass

ejaculation: the reflex activated by sexual stimulation that results in sperm mixed with fluid being expelled from the male's body

fertilization: the union of the sperm and the ovum, which usually occurs in the female's oviduct

menstruation: the process of shedding the lining of the uterus that occurs about once a month

oviduct: the thin tube that leads from near the ovary to the upper part of the uterus; also called the Fallopian tube

ovulation: the process by which the mature ovum is expelled from the ovary

ovum: the round cell produced by the female that carries her genetic material; also called the egg

sperm: the motile cells produced within the male that carry his genetic material

uterus: the organ above the vagina through which the sperm must pass on their way to the ovum; also called the womb

vagina: the stretchy, tube-shaped structure into which the male's penis is inserted during intercourse; the site of sperm deposition

PROCESS AND EFFECTS

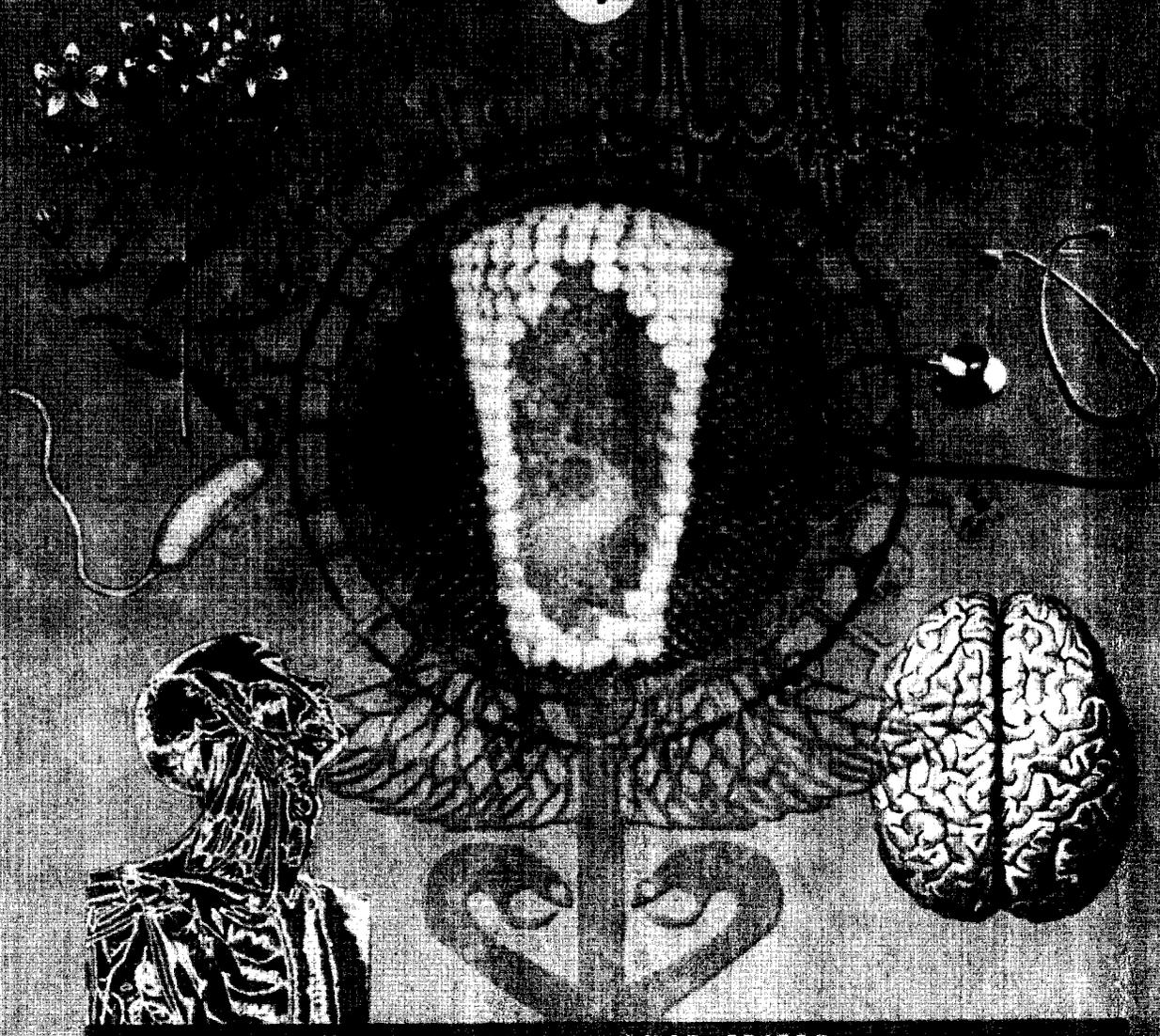
The process of conception begins with the act of intercourse. When the male's penis is inserted into the female's vagina, the stimulation of the penis by movement within the vagina triggers a reflex resulting in the ejaculation of sperm. During ejaculation, involuntary muscles in many of the male reproductive organs contract, causing semen, a mixture of sperm and fluid, to move from its sites of storage out through the urethra within the penis.

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Aftercare

The patient will be connected to a heart monitor and fed through a nasogastric tube. Vital functions are monitored through blood and urine tests. Patients receive pain medication and antibiotics. Once released from the hospital, patients are expected to abstain from alcohol and follow a diet and medication schedule designed to reduce the risks of re-bleeding.

Risks

Portal vein bypass surgery is high risk because it is performed on patients who are generally in poor health. Only half the patients survive, although the chances of survival are greater with TIPS surgery. Those patients who survive the operation still face the risk of heart failure, brain disease due to a decrease in the liver's conversion of waste products (liver encephalopathy), hemorrhage, lung complications, infection, coma, and death.

Normal results

The survival rate is directly related to the amount of liver damage patients have. The less damage, the more likely the patient is to recover. Cooperation with restrictions on alcohol and diet affect long-term survival.

Resources

BOOKS

McPhee, Stephen, et al., editors. *Current Medical Diagnosis and Treatment*, 1998. 37th ed. Stamford: Appleton & Lange, 1997.

Tish Davidson, A.M.

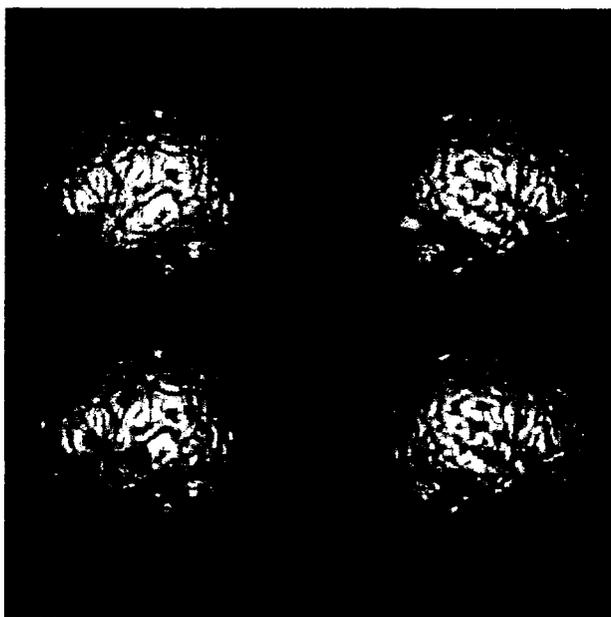
Positron emission tomography (PET)

Definition

Positron emission tomography (PET) is a scanning technique used in conjunction with small amounts of radiolabeled compounds to visualize brain anatomy and function.

Purpose

PET was the first scanning method to provide information on brain function as well as anatomy. This information includes data on blood flow, oxygen



A PET scan showing brain activity while patient recognizes faces—left sides at left/right sides at right. Activity is prevalent in temporal lobe (bottom scans). (Photo Researchers. Reproduced by permission.)

consumption, glucose metabolism, and concentrations of various molecules in brain tissue.

PET has been used to study brain activity in various neurological diseases and disorders, including stroke; epilepsy; Alzheimer's disease, Parkinson's disease, and Huntington's disease; and in some psychiatric disorders, such as schizophrenia, depression, obsessive-compulsive disorder, attention-deficit/hyperactivity disorder, and Tourette syndrome. PET studies have helped to identify the brain mechanisms that operate in drug addiction, and to shed light on the mechanisms by which individual drugs work. PET is also proving to be more accurate than other methods in the diagnosis of many types of cancer. In the treatment of cancer, PET can be used to determine more quickly than conventional tests whether a given therapy is working. PET scans also give accurate and detailed information on heart disease, particularly in women, in whom breast tissue can interfere with other types of tests.

Description

A very small amount of a radiolabeled compound is inhaled by or injected into the patient. The injected or inhaled compound accumulates in the tissue to be studied. As the radioactive atoms in the compound decay, they release smaller particles called positrons, which are positively charged. When

Positron emission tomography (PET)

KEY TERMS

Electron—One of the small particles that make up an atom. An electron has the same mass and amount of charge as a positron, but the electron has a negative charge.

Gamma ray—A high-energy photon, emitted by radioactive substances.

Half-life—The time required for half of the atoms in a radioactive substance to disintegrate.

Photon—A light particle.

Positron—One of the small particles that make up an atom. A positron has the same mass and amount of charge as an electron, but the positron has a positive charge.

a positron collides with an electron (negatively charged), they are both annihilated, and two photons (light particles) are emitted. The photons move in opposite directions and are picked up by the detector ring of the PET scanner. A computer uses this information to generate three-dimensional, cross-sectional images that represent the biological activity where the radiolabeled compound has accumulated.

A related technique is called single photon emission computed tomography (CT) scan (SPECT). SPECT is similar to PET, but the compounds used contain heavier, longer-lived radioactive atoms that emit high-energy photons, called gamma rays, instead of positrons. SPECT is used for many of the same applications as PET, and is less expensive than PET, but the resulting picture is usually less sharp than a PET image and reveals less information about the brain.

Risks

Some of radioactive compounds used for PET or SPECT scanning can persist for a long time in the body. Even though only a small amount is injected each time, the long half-lives of these compounds can limit the number of times a patient can be scanned.

Resources

PERIODICALS

"Studies Argue for Wider Use of PET for Cancer Patients."
Cancer Weekly Plus December 15, 1997: 9.

Lisa Christenson, PhD

Post-concussion syndrome

Definition

Post-concussion syndrome (PCS) is a common but controversial disorder that presents with variety of symptoms including—but not limited to—headache, **dizziness**, **fatigue**, and personality changes.

Description

PCS occurs in approximately 23–93% of persons with mild to severe head injuries. It is estimated that a neurologist (a physician who specializes in nerve and brain disorders) sees five patients with PCS per month. There is no accurate correlation between the severity of injury and the development of PCS symptoms, since signs of the disorder can occur in someone who was just dazed by an injury. Some studies suggest that PCS symptoms occur at a higher rate in patients who were unconscious after trauma.

Causes and symptoms

PCS is most commonly caused by minor head injury called a **concussion**. The majority of patients with minor head injury characteristically develop PCS with distinct symptoms. Patients may report problems with concentration, recent memory, and abstract thinking. Additionally, patients may develop **dizziness**, irritability, fatigue, and personality changes. Elderly patients are particularly affected by disequilibrium and chronic dizziness even after minor trauma.

Diagnosis

There are no specific or reliable tests to diagnose PCS. A neuropsychologist can perform an in-depth neuropsychologic assessment that can determine presence or absence and extent of impairment. These tests may be performed for medical purposes.

Treatment

Treatment for PCS can be extensive. Medications for **headache** and **pain** may be indicated (analgesics and muscle relaxants). Antidepressants may be given to improve **insomnia**, irritability, or anxiety. Pain control could be achieved with **acupuncture**, nerve blocks, or transcutaneous electrical nerve stimulation (TENS, electrical stimulation of muscle groups). It is important for clinicians to educate caretakers and to provide

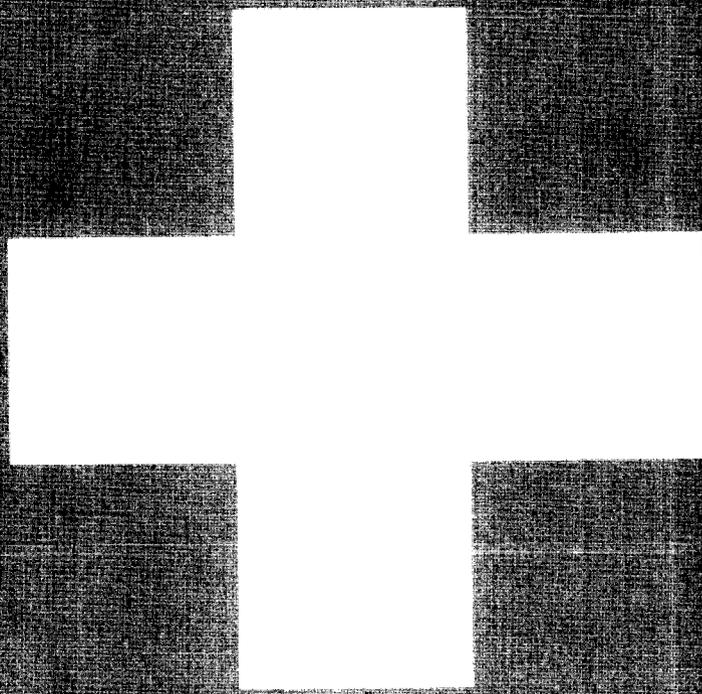
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TREATMENT AND THERAPY

Avoiding triggering factors is primary in the control of porphyria attacks. Alcohol and drugs, which may cause an attack, should be stopped. Protective clothing should be worn to prevent the irritating effects of sunlight. For certain porphyrias, drugs are available to suppress the formation of porphyrins. In the case of AIP, a simple increase in the consumption of carbohydrates is enough to inhibit the production of porphyrin-forming substances. The treatment of porphyrias is largely aimed at relieving its symptoms.

—Robert T. Klose, Ph.D.

See also Blood and blood disorders; Genetic diseases; Metabolic disorders; Metabolism; Skin disorders.

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POSITRON EMISSION TOMOGRAPHY (PET) SCANNING**PROCEDURE**

ANATOMY OR SYSTEM AFFECTED: All

SPECIALTIES AND RELATED FIELDS: Biotechnology, nuclear medicine, radiology

DEFINITION: A noninvasive imaging procedure in which a positron-emitting radiopharmaceutical is administered and a three-dimensional image of an organ, which accumulates the radiopharmaceutical, is obtained by detecting the radiation resulting from positron annihilation.

KEY TERMS:

annihilation: the process whereby an electron and positron combine and their energy is converted into two photons traveling in opposite directions

positrons: a type of radiation, similar to electrons but with a positive charge, emitted by radioactive atoms
tomography: a procedure that yields images of body sections

INDICATIONS AND PROCEDURES

Positron emission tomography (PET) scanning permits the noninvasive determination of biological function, metabolism, and pathology following the administration of short-lived positron-emitting radiopharmaceuticals. Positron-emitting radiopharmaceuticals are drugs that contain a radioactive atom that is transformed to a more stable atom by emitting a positron. A positron is a subatomic particle that has the same mass and charge as an electron, but the charge is positive rather than negative. When an energetic positron is emitted by a radioactive atom, it quickly loses its energy in the surrounding medium and comes to rest. The positron then combines with a free electron in the medium, the two particles are annihilated, and their energy is converted into two 511,000 volt potential (511 keV) photons that travel in exactly opposite directions (180 degrees from each other). The detection of these two photons in coincidence (simultaneously) by placing a ring of small radiation detectors around the patient is the basic principle used in PET scanning. The radiation detectors convert these light photons into electrical signals that are fed to a computer, which reconstructs the distribution of radioactivity in the desired organ and presents the information as an image on a video screen.

USES AND COMPLICATIONS

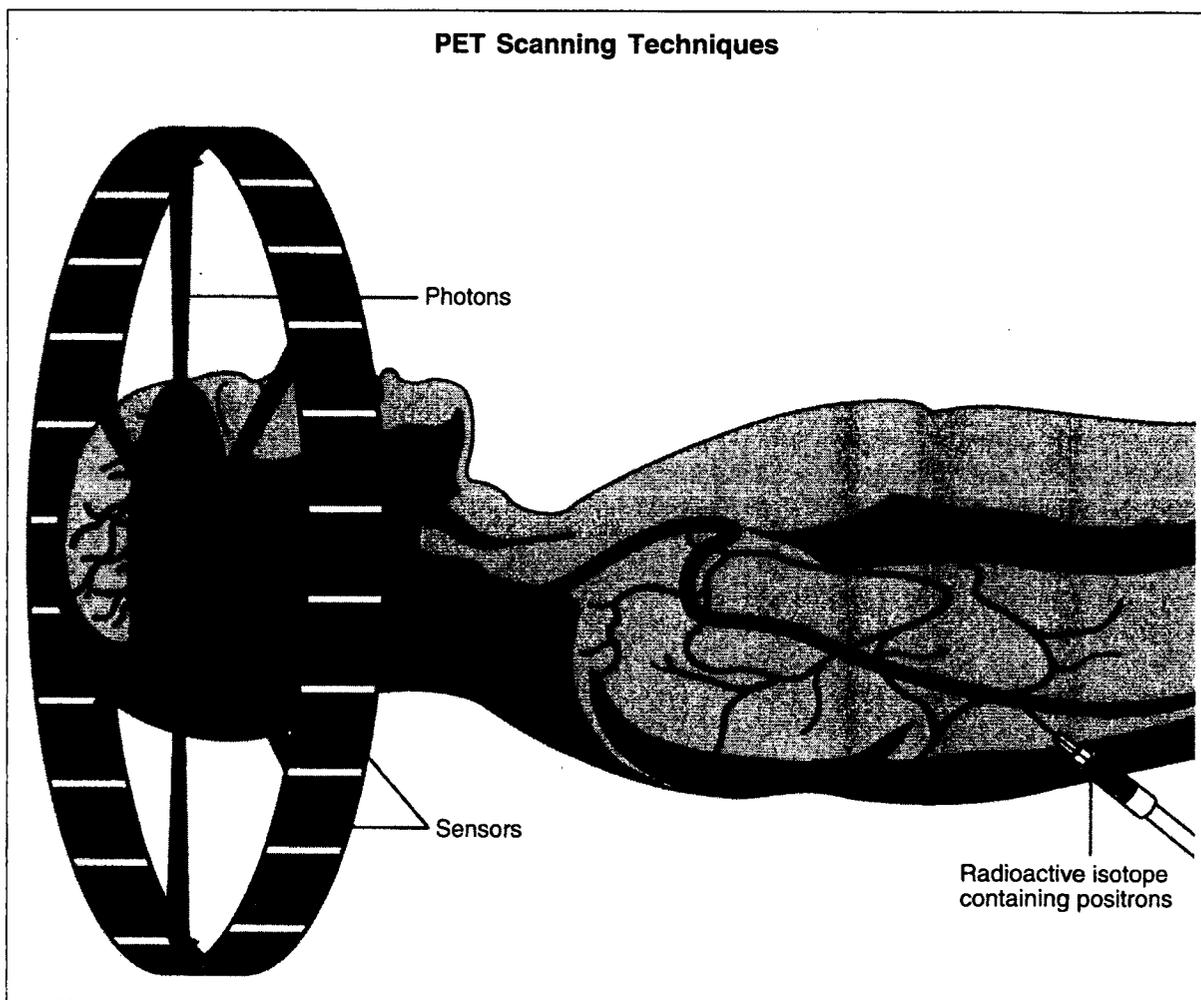
PET techniques are generally used to measure metabolic rates quantitatively in normal and abnormal tissues. The positron-emitting radionuclides oxygen 15, nitrogen 13, and carbon 11 are well suited for studying tissue metabolism because of their short physical half-lives and their ubiquitous presence in biomolecules. Oxygen 15 gas is useful for studying oxygen metabolism, whereas oxygen 15 water and oxygen 15 carbon monoxide are used to study blood flow and blood volume, respectively, in any organ. Fluorodeoxyglucose (FDG) labeled with fluorine 18 is another positron-emitting radiopharmaceutical which is useful in PET for the quantitative measurement of glucose metabolism. Glucose metabolism is high in brain tumors when compared to normal tissue. Hence, PET with fluorodeoxyglucose 18 is widely used in the detection of brain tumors and assessment of the degree of malignancy, since low-grade tumors are less metabolically

active than high-grade tumors. Fluorodeoxyglucose 18 PET is also used to identify persistent tumors after surgery.

The radiopharmaceuticals carbon 11 aminoisobutyric acid, rubidium 82 chloride, and gallium 68 citrate are useful for studying the blood-brain barrier permeability. This modality is also being used increasingly in patients with seizure disorders, dementia, and movement disorders. The application of PET in these cases may provide previously unavailable information about these diseases to help the practicing neurologist. PET imaging is also being used to understand the mechanisms behind normal brain processes. Among the mechanisms studied are language processing, speech, vision, and brain development. Recent improvements

in whole body PET scanning technology are useful in clinical oncology. This technique is being employed widely in the qualitative imaging of primary or recurrent tumors, lymph nodes, and distant metastases.

PET is also being used with increasing frequency to measure myocardial perfusion. A number of different perfusion agents that are labeled with rubidium 82, gallium 62, oxygen 15, and nitrogen 13 are being investigated. Some of these agents are being used to measure not only relative perfusion but also the absolute blood flow in selected regions of the myocardium. Carbon 11 palmitate is employed to determine cardiac fatty acid metabolism. These radiopharmaceuticals are generally safe because they involve low doses of radiation with minimal risks.



This method of scanning the brain, which can reveal the metabolic and chemical activity of tissue, is used to detect tumors, to evaluate damage resulting from strokes, and to diagnose and assess such conditions as Parkinson's disease, epilepsy, and certain mental illnesses.

PERSPECTIVE AND PROSPECTS

The most desirable radionuclides used in PET procedures—carbon 11, nitrogen 13, oxygen 15, and fluorine 18—can be produced only with a cyclotron. Because of their very short physical half-lives, a dedicated cyclotron and fully automated equipment for radionuclide separation are usually necessary. Radionuclides that emit positrons but do not require a nearby cyclotron for their production—such as copper 62, gallium 68, and rubidium 82—are receiving attention because of their reduced cost. Although PET scanning provides valuable diagnostic information that in many cases cannot be obtained using other modalities, the expensive nature of the highly technical equipment necessary may limit the availability of these procedures to specialized medical centers. The changing health care environment and the public demand for cost containment are likely to hinder further advances in this area of diagnostic radiology. Technological advances in PET scanning instrumentation, however, may result in a markedly reduced cost for the procedure in the future.

—Dandamudi V. Rao, Ph.D.

See also Brain; Brain disorders; Imaging and radiology; Neuroimaging; Noninvasive tests; Nuclear medicine; Radiopharmaceuticals.

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POSTPARTUM DEPRESSION

DISEASE/DISORDER

ANATOMY OR SYSTEM AFFECTED: Endocrine system, psychic-emotional system

SPECIALTIES AND RELATED FIELDS: Gynecology, obstetrics, psychiatry, psychology

DEFINITION: A physical and emotional condition that may be life-threatening, involving the symptoms of depression occurring from a month to a year following childbirth and thought to be caused in part to dramatic hormonal shifts occurring in conjunction with childbirth.

CAUSES AND SYMPTOMS

For most women, the symptoms of depression are fairly common in the first week after childbirth. Approximately 90 percent of women experience what are often called the "baby blues" or the "fourth-day blues." These symptoms often disappear or lessen without medical intervention within one or two weeks following birth. In contrast, postpartum depression (PPD) is more severe and longer lasting. It occurs in about one in every ten women who have given birth. Additionally, an important distinction between baby blues and PPD is that the blues typically do not interfere with the

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Understanding the Mammography Controversy

Madelon L. Finkel

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SCIENCE, POLITICS,
AND BREAST CANCER SCREENING

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now permit a more precise examination of suspicious lesions. However, finding or detecting breast cancer does not necessarily translate into a life saved. Fast-growing or aggressive tumors that have already spread to other parts of the body before being detected, for example, are found "too late." In some cases, a mammogram would not have shown the tumor until it became apparent as a discernible lump. Recent developments in technology that include using magnets, sound waves, and cellular biology as screening tools have helped in the detection of some difficult to discern breast lesions. While mammography is still viewed as the gold standard for mass screening, these new technological advances have the potential to increase accuracy.

Whereas conventional mammography relies on an X-ray image of the breast tissue, which is then made into a printed image, new techniques utilizing complex computer systems have the ability to see tumors not visible on mammography. At this time, none of these technologies should serve as a replacement for mammography screening. They are, however, shown to be excellent adjuncts to mammography.

Digital Mammography

Digital mammography uses X-rays to create an image of the breast on a computer screen. A detector responds to X-ray exposure and sends an electronic signal to a computer to be digitized and processed. Computer programs aid in the detection and characterization of breast masses and calcifications and allow the radiologist to adjust images to help detect subtle differences between tissues.²⁵ The first digital mammography system received FDA approval in 2000. The procedure for digital mammography is the same as that for conventional mammography. The images captured on digital mammography can be stored and retrieved electronically. There are no films to develop.

Digital mammography offers advantages over conventional mammography in that the digital image can be manipulated postprocessing; adjustments in brightness and contrast are possible, and selected areas of the breast can be electronically magnified, thus permitting the radiologist to adjust images to help detect subtle differences between tissues. Since the image is stored in a computer, the radiologist can send the image electronically to colleagues in other centers for a second opinion. While digital mammography has the ability to "see" more than conventional

mammography, there are current limitations, including the prohibitive cost.

Computer-Aided Detection

Computer-aided detection (CAD) uses the computer to highlight suspicious areas for more intense review, perhaps reducing the number of false positive results. The ImageChecker is an example of CAD technology.²⁶ This device scans the mammogram with a laser beam to create a digital signal. The image is displayed on the computer monitor, and any areas that the system regards as suspicious are highlighted. These suspicious areas can be viewed more carefully. This technique is particularly useful in cases that would ordinarily require a second reader because of suspicious findings. The CAD system is designed to assist the radiologist in reducing the number of false negative readings by focusing attention to areas that may warrant a second review. It is a fairly new technique, and it remains to be seen if CAD technology improves the accuracy of screening mammography. CAD used alone has very low specificity, which is a limitation.

Numerous studies are ongoing to assess CAD and to address the unanswered questions about the superiority of digital to conventional mammography. It is important to understand that whether conventional or digital mammography is used, the woman is still getting a mammogram. Whereas conventional mammography is sensitive and specific, sensitivity and specificity for CAD is not yet known for general screening populations. As research studies are completed, information on the benefits of digital mammography should be clearer.

Ultrasound

Although not considered to be a useful population-based screening device per se, ultrasound technology can aid in the detection and diagnosis of breast disease. Ultrasound is the use of high-frequency sound waves to generate an image. Ultrasound imaging of the breast is used to distinguish between solid tumors and fluid-filled cysts. It also can be used to evaluate lumps that are hard to see on a mammogram, but ultrasound does not detect microcalcifications well (a cluster of microcalcifications may indicate that cancer is present). Ultrasound is an adjunct to mammography, particularly for the evaluation of dense breasts. At this point in

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