

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 DAVINCI RADIOLOGY ASSOCIATES, P.L.'S FIRST NOTICE OF RELIANCE

Applicant DaVinci Radiology Associates ("Applicant") hereby files this First Notice of Reliance. This Notice of Reliance sets forth documents upon which Applicant intends to rely and to make of record in the above-captioned Opposition Proceeding as follows:

1. The following U.S. Trademark Registrations, containing the name DAVINCI, for which a plain copy of each registration is collectively attached hereto as Exhibit 1:

TRADEMARK NAME	REGISTRATION NO.
DAVINCI EXPERIENCE	3,410,967
DAVINCI GOURMET	3,398,556
THE DAVINCI EXPERIENCE	3,260,987
THE DAVINCI EXPERIENCE	3,268,230
DAVINCI STONE	3,269,975
DAVINCI-OSITY	3,277,281
DINNER WITH DAVINCI	3,071,009



03-24-2009

DAVINCI	3,276,496
DAVINCI INSTITUTE	2,938,225
DAVINCI EDUCATIONAL ENTERTAINMENT	3,081,814
DON DAVINCI	3,551,284
DAVINCI VIRTUAL OFFICE SOLUTIONS	3,546,421
DAVINCI ROOFSCAPES	3,394,259
DAVINCI ITALIAN ORGANICS IMPORTED FROM ITALY	2,653,761
LI'L DAVINCI	2,624,432
DAVINCI INVESTMENT ADVISORS	3,017,072
DAVINCIJOBS.COM	2,776,673
DINNER WITH DAVINCI	2,602,721
DAVINCI AWARDS	2,743,507
DA VINCI SMILE ART CERAMICS	2,948,485
DAVINCI TECHNOLOGIES INC.	2,593,734
DAVINCI TECHNOLOGIES INC	2,678,705
DAVINCI	2,365,226
L'IL DAVINCI	2,534,407
DAVINCI GOURMET	2,042,588
DAVINCI GOURMET	2,042,566
COCOA DAVINCI	1,799,545
DAVINCI	1,830,795
DAVINCI POTEN-C	1,200,808

The registrations are relevant to the number and nature of similar marks in use on similar goods and

services, and the weak and narrowly construed rights associated with a mark in a crowded field of similar marks.

2. The following U.S. Trademark Registrations, containing the name DA VINCI, for which a plain copy of each registration is collectively attached hereto as Exhibit 2:

<b>TRADEMARK NAME</b>	<b>REGISTRATION NO.</b>
SCUOLA LEONARDO DA VINCI	3,230,028
DA VINCI	3,577,959
DA VINCI WOOD	3,574,095
DA VINCI ENGINEERED AESTHETICS	3,473,818
DA VINCI	3,175,493
DA VINCI VENEERS	3,014,180
SMILES BY DA VINCI	3,012,293
DA VINCI DA V VINCI	3,271,750
DA VINCI	3,349,697
DA VINCI	3,106,667
SPIRIT OF DA VINCI	3,326,114
DA VINCI AWARDS	3,071,008
THE DA VINCI CODE	3,581,630
DA VINCI WRITER	2,997,404
DA VINCI	3,130,873
DA VINCI	3,028,304
DA VINCI DIAMONDS	3,330,664
DA VINCI	3,091,339

DA VINCI DISCOVERY CENTER OF SCIENCE AND TECHNOLOGY	3,011,086
DA VINCI DISCOVERY CENTER OF SCIENCE AND TECHNOLOGY	3,015,317
DA VINCI	2,967,121
DA VINCI PORCELAIN VENEERS	3,211,783
DA VINCI SMILES	3,146,284
DA VINCI VENEERS	3,096,437
DA VINCI CODE	3,234,180
DA VINCI REALTY	3,543,413
DA VINCI	2,870,790
DA VINCI S	3,561,484
DA VINCI	2,920,390
DA VINCI	2,941,295
THE DA VINCI EFFECT	3,066,403
DA VINCI'S FLYING MEATBALL	2,982,571
DA VINCI'S FLYING MEABALL	2,926,146
DA VINCI SMILE ART CERAMICS	2,948,485
LEONARDO DA VINCI	2,694,481
ALEXANDRA DA VINCI	3,574,341
DA VINCI	2,628,871
DA VINCI	2,547,768
ALEXANDRA DA VINCI	2,950,745
DA VINCI FUSION	2,366,978

DA VINCI CIGARS	2,277,699
DA VINCI MONALISA	2,277,692
DA VINCI LEONARDO	2,277,684
DA VINCI RENAISSANCE	2,277,701
DA VINCI MADONNA	2,277,700
DA VINCI GINEVRA DE BENCI	2,277,693
DA VINCI	2,260,584
KARNDEAN DA VINCI	2,763,041
DA VINCI DESIGN	2,172,284
THE DA VINCI PROJECT OF CENTRAL NEW YORK	2,240,675
CONTESSA DA VINCI	2,745,435
LEONARDO DA VINCI'S HORSE	2,369,047
DA VINCI	2,220,876
DA VINCI	2,113,847
DA VINCI DENTAL STUDIOS	2,061,195
DVP DA VINCI PAINTS	2,038,680
DA VINCI CRYSTAL	1,781,479
DA VINCI	1,994,273
LEONARDO DA VINCI	1,852,360
DA VINCI	1,770,018
DA VINCI	1,338,226
DA VINCI	1,516,175
DA VINCI SYSTEMS	1,496,647

DA VINCI	770,469
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The registrations are relevant to the number and nature of similar marks in use on similar goods and services, and the weak and narrowly construed rights associated with a mark in a crowded field of similar marks.

3. The filed history of U.S. Trademark Application Serial No. 78/728,786 in the name of DaVinci Radiology Associates, P.L. for DAVINCI DIAGNOSTIC IMAGING. One copy of this application is attached hereto as Exhibit 3.

4. The Paper Correspondence Incoming, dated September 18, 2001, in U.S. Trademark Application Serial No. 75/982,120 in the name of Intuitive Surgical, Inc. for DA VINCI. One copy of said Paper Correspondence Incoming is attached hereto as Exhibit 4. Said Paper Correspondence Incoming is relevant to show that Opposer's marks are for goods only, not services.

5. The file history of U.S. Trademark Application Serial No. 77/614/883 in the name of Ahmed Plastic Surgery for DAVINCI FACELIFT. One copy of the file history of this application is attached hereto as Exhibit 5. The file history of this application is relevant to the lack of any representations by the United States Patent and Trademark Office regarding confusing similarity of DAVINCI FACELIFT and Opposer's marks, and of DAVINCI FACELIFT and Applicant's mark.

6. Applicant's First Set of Interrogatories to Opposer and Opposer's Responses to Applicant's First Set of Interrogatories to Opposer. One copy of Applicant's First Set of Interrogatories to Opposer and Opposer's Responses to Applicant's First Set of Interrogatories to Opposer are collectively attached hereto as Exhibit 6.

7. Title 21, Food and Drugs Administration Department of Health and Human Services, Subchapter H—Medical Devices, Part 862, section 21 C.F.R. §862.2160, Discrete

photometric chemistry analyzer for clinical use. A copy of this regulation, defining a discrete photometric analyzer is attached hereto as Exhibit 7. This regulation is relevant to the understanding of the registration of the trademark DA VINCI in U.S. Trademark Registration No. 2,870.790 which is attached as part of Exhibit 2.

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

Respectfully submitted,

Dated: March 24, 2009



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

**CERTIFICATE OF SERVICE**

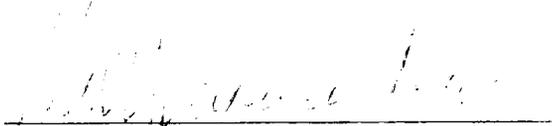
*Intuitive Surgical, Inc. v. DaVinci Radiology Associates, P.L.*  
Opposition No. 91175319

On March 24, 2009, I hereby certify that I served a copy of the following:

1. Applicant DaVinci Radiology Associates, P.L.'s First Notice of Reliance by U.S. Mail to:

Michelle J. Hirth, Esq.  
Embarcadero Four, 17th Floor  
San Francisco, California 94111

Executed on March 24, 2009, at Boynton Beach, Florida.



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Matthew T. Vanden Bosch

# EXHIBIT 1

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,410,967**

**Registered Apr. 8, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**DAVINCI EXPERIENCE**

DAVINCI EXPERIENCE (MAINE CORPORATION)  
150 BROOK ROAD  
FALMOUTH, ME 04105

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: TOY SCIENCE KITS FOR EDUCATIONAL PURPOSES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SN 78-963,456, FILED 8-30-2006.

FIRST USE 7-9-2007; IN COMMERCE 7-9-2007.

ALLISON HOLTZ, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,398,556

Registered Mar. 18, 2008

TRADEMARK  
PRINCIPAL REGISTER

The logo features the word "DaVinci" in a large, elegant, cursive script. Below it, the word "GOURMET" is written in a smaller, bold, sans-serif, all-caps font.

KERRY GROUP SERVICES INTERNATIONAL,  
LTD. (IRELAND CORPORATION)  
ATTN: BRIAN DURRAN  
PRINCE'S STREET  
TRALEE, COUNTY KERRY, IRELAND

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

FOR: FLAVORING SYRUPS, SAUCES AND CON-  
FECTIONS, NAMELY, CANDY, IN CLASS 30 (U.S.  
CL. 46).

SER. NO. 78-910,492, FILED 6-16-2006.

FIRST USE 2-1-2006; IN COMMERCE 2-1-2006.

HEATHER BIDDULPH, EXAMINING ATTORNEY

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,260,987**

**Registered July 10, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

**THE DAVINCI EXPERIENCE**

DAVINCI EXPERIENCE (MAINE CORPORATION)  
150 BROOK ROAD  
FALMOUTH, ME 04105

FOR: SUMMER DAY CAMP SERVICES AND EDUCATIONAL OUTREACH SERVICES THROUGH CLASSES TAUGHT AT THE CAMP AND TO CHILDREN THROUGHOUT LOCAL COMMUNITIES THROUGH HANDS-ON ACTIVITIES AND EXPERIMENTS FOCUSING IN ARTS AND SCIENCES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-1-1999; IN COMMERCE 5-1-1999.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-963,459, FILED 8-30-2006.

ALLISON HOLTZ, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

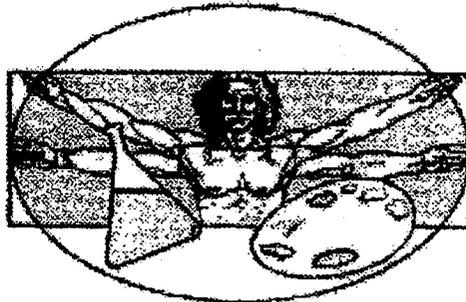
**United States Patent and Trademark Office**

**Reg. No. 3,268,230**

Registered July 24, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**THE DAVINCI  
EXPERIENCE**



DAVINCI EXPERIENCE (MAINE CORPORATION)  
150 BROOK ROAD  
FALMOUTH, ME 04105

FOR: SUMMER DAY CAMP SERVICES AND  
EDUCATIONAL OUTREACH SERVICES  
THROUGH CLASSES TAUGHT AT THE CAMP  
AND TO CHILDREN THROUGHOUT LOCAL COM-  
MUNITIES THROUGH HAND-ON ACTIVITIES

AND EXPERIMENTS FOCUSING IN THE ARTS  
AND SCIENCES, IN CLASS 41 (U.S. CLS. 100, 101  
AND 107).

FIRST USE 5-1-1999; IN COMMERCE 5-1-1999.

SER. NO. 78-963,455, FILED 8-30-2006.

ALLISON HOLTZ, EXAMINING ATTORNEY

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,269,975**

Registered July 24, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**DAVINCI STONE**

BINDER, CRAIG, S (UNITED STATES INDIVIDUAL)

1918 W. GRANT ST.

PHOENIX, AZ 85009

FOR: STONES, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 9-2-2006; IN COMMERCE 1-2-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 78-727,505, FILED 10-5-2005.

JUDITH HELFMAN, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,277,281

Registered Aug. 7, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**DAVINCI-OSITY**

PRICE, TINA (UNITED STATES INDIVIDUAL)  
17200 INDEX STREET  
GRANADA HILLS, CA 91394

FOR: AUDIO DIGITAL TAPES FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; AUDIO RECORDINGS FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; AUDIO TAPES FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; CHILDREN'S EDUCATIONAL SOFTWARE; CHILDREN'S VIDEO TAPES; DOWNLOADABLE VIDEO RECORDINGS FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; DVDS FEATURING EDUCATION, MATHEMATICS, ART, OBSERVATION AND CURIOSITY; EDUCATIONAL SOFTWARE FEATURING INSTRUCTION IN MATHEMATICS, ART, OBSERVATION AND CURIOSITY; PRE-RECORDED CD'S, VIDEO TAPES, LASER DISKS AND DVD'S FEATURING EDUCATION, MATHEMATICS, ART, OBSERVATION AND CURIOSITY; PRERECORDED AUDIO TAPES FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY;

PRERECORDED DIGITAL AUDIO TAPE FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; PRERECORDED VIDEO CASSETTES FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; PRERECORDED VIDEO TAPES FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; SOUND RECORDINGS FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY; VIDEO RECORDINGS FEATURING MATHEMATICS, ART, OBSERVATION AND CURIOSITY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-23-2005; IN COMMERCE 4-2-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-705,171, FILED 9-1-2005.

BRIAN PINO, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,071,009

Registered Mar. 21, 2006

SERVICE MARK  
PRINCIPAL REGISTER



NATIONAL MULTIPLE SCLEROSIS SOCIETY,  
MICHIGAN CHAPTER (MICHIGAN NON-  
PROFIT CORPORATION)  
21311 CIVIC CENTER DRIVE  
SOUTHFIELD, MA 48076

OWNER OF U.S. REG. NOS. 2,602,721 AND  
2,743,507.

THE STIPPLING IS FOR SHADING PURPOSES.

FOR: CHARITABLE FUNDRAISING SERVICES,  
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SER. NO. 78-598,412, FILED 3-30-2005.

FIRST USE 9-1-2001; IN COMMERCE 9-1-2001.

SCOTT BALDWIN, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

**Reg. No. 3,276,496**

Registered Aug. 7, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**daVinci**

RAULAND-BORG CORPORATION (ILLINOIS  
CORPORATION)  
3450 WEST OAKTON ST.  
SKOKIE, IL 60007

FOR: GRAPHICAL USER INTERFACE SOFTWARE, NAMELY, SOFTWARE FOR CREATING GRAPHIC CONTROLS FOR USERS OF NETWORKED COMMERCIAL AND PROFESSIONAL DIGITAL AUDIO SIGNAL PROCESSING SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-13-2005; IN COMMERCE 6-13-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-543,822, FILED 1-7-2005.

ALLISON SCHRODY, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 2,938,225

Registered Apr. 5, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**

# DaVinci Institute

DAVINCI INSTITUTE, INC. (COLORADO CORPORATION)  
PO BOX 270315  
LOUISVILLE, CO 80027

FOR: ARRANGING AND CONDUCTING EDUCATIONAL CONFERENCES; CONDUCTING WORKSHOPS AND SEMINARS IN MONETARY SYSTEMS, INNOVATION, ENTREPRENEURSHIP, AND FUTURISM; DEVELOPMENT AND DISSEMINATION OF EDUCATIONAL MATERIALS OF OTHERS IN THE FIELD OF MONETARY SYSTEMS, INNOVATION, ENTREPRENEURSHIP, AND FUTURISM; CONDUCTING ENTERTAINMENT EXHIBITIONS IN THE NATURE OF MONETARY SYSTEMS, INNOVATION, ENTREPRENEURSHIP, AND FUTURISM; AWARDS PROGRAM FOR PERSONS WHO CONTRIBUTE TO MONETARY SYSTEMS, INNOVATION, ENTREPRENEURSHIP, AND FUTURISM; CHARITABLE SERVICES, NAMELY,

PROVIDING TRAINING IN THE FIELD OF MONETARY SYSTEMS, INNOVATION, ENTREPRENEURSHIP, AND FUTURISM; AND CAREER COUNSELING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-0-1997; IN COMMERCE 9-0-1997.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 78-393,647, FILED 3-31-2004.

CAROLINE WOOD, EXAMINING ATTORNEY

Int. Cl.: 44

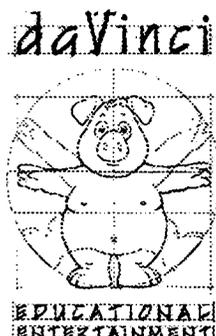
Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,081,814

Registered Apr. 18, 2006

**SERVICE MARK  
PRINCIPAL REGISTER**



DAVINCI EDUCATIONAL ENTERTAINMENT,  
INC. (INDIANA CORPORATION)

2105 NORTH KNIGHTSBIRDGE AVENUE

MUNCIE, IN 47304

FOR: PROVIDING MEDICAL INFORMATION TO  
ADULTS AND CHILDREN IN ORDER TO AID IN  
LEARNING ABOUT AND EXPLORING THE HU-  
MAN BODY THROUGH THE USE OF AUDIO-  
VISUAL MEDIA, NAMELY, THE INTERNET, IN  
CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 6-28-2004; IN COMMERCE 8-2-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "EDUCATIONAL ENTERTAIN-  
MENT", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD DAVINCI  
ABOVE A DIVIDED CIRCLE/SQUARE ENCLOSING  
A PIG WITH FOUR ARMS AND FOUR LEGS, WITH  
THE WORDS EDUCATIONAL AND ENTERTAIN-  
MENT BELOW THE DIVIDED CIRCLE/SQUARE.

SER. NO. 78-477,851, FILED 9-2-2004.

JEFFERY COWARD, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,551,284

Registered Dec. 23, 2008

TRADEMARK  
PRINCIPAL REGISTER

# Don Davinci

CJK TRADING, INC. (TEXAS CORPORATION)  
11398 HARRY HINES BLVD., #101  
DALLAS, TX 75229

FOR: BELTS; BERMUDA SHORTS; BUTTON-FRONT ALOHA SHIRTS; CAMP SHIRTS; CAPRI PANTS; CAPS; CARGO PANTS; CREWNECK SWEATERS; DENIM JACKETS; DENIMS; DRESS SHIRTS; GOLF SHIRTS; HEAVY JACKETS; HOODS; JACKETS; JEANS; JERSEYS; JOGGING PANTS; KNIT SHIRTS; LEATHER BELTS; LEATHER JACKETS; LEATHER PANTS; LONG JACKETS; LONG-SLEEVED SHIRTS; LOUNGE PANTS; MEN AND WOMEN JACKETS, COATS, TROUSERS, VESTS; MOCK TURTLE-NECK SWEATERS; NIGHT SHIRTS; OPEN-NECKED SHIRTS; PANTS; POLO SHIRTS; RAIN JACKETS; RAINPROOF JACKETS; REVERSIBLE JACKETS; SHIRTS; SHORT SETS; SHORT TROUSERS; SHORT-SLEEVED OR LONG-SLEEVED T-SHIRTS; SHORT-SLEEVED SHIRTS; SHORTS; SLEEP SHIRTS; SPORT SHIRTS; SPORTS JACKETS; SPORTS SHIRTS; SPORTS SHIRTS WITH

SHORT SLEEVES; STRETCH PANTS; STUFF JACKETS; SUEDE JACKETS; SWEAT PANTS; SWEAT SHIRTS; SWEAT SHORTS; SWEATERS; T-SHIRTS; TIES; TURTLENECK SWEATERS; V-NECK SWEATERS; WALKING SHORTS; WATERPROOF JACKETS AND PANTS; WIND PANTS; WIND RESISTANT JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SN 77-290,363, FILED 9-27-2007.

CHERYL CLAYTON, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

Reg. No. 3,546,421

Registered Dec. 16, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**

**DAVINCI VIRTUAL OFFICE  
SOLUTIONS**

DAVINCI VIRTUAL LLC (UTAH LIMITED LIABILITY COMPANY)

2150 SOUTH 1300 EAST, SUITE 350

SALT LAKE CITY, UT 84106

FOR: SECRETARIAL AND CLERICAL SERVICES,  
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-2006; IN COMMERCE 4-30-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VIRTUAL OFFICE SOLUTIONS", APART FROM THE MARK AS SHOWN.

SER. NO. 77-455,182, FILED 4-22-2008.

SHANNON TWOHIG, EXAMINING ATTORNEY

**Int. Cl.: 19**

**Prior U.S. Cls.: 1, 12, 33 and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,394,259**

**Registered Mar. 11, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**DAVINCI ROOFSCAPES**

DAVINCI ROOFSCAPES, L.L.C. (KANSAS LTD  
LIAB CO)  
1413 OSAGE AVENUE  
KANSAS CITY, KS 66105

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: SYNTHETIC NON-METAL ROOFING  
TILES, SHINGLES AND PANELS, IN CLASS 19  
(U.S. CLS. 1, 12, 33 AND 50).

SER. NO. 77-144,718, FILED 3-30-2007.

FIRST USE 8-13-2002; IN COMMERCE 8-13-2002.

ROBERT LAVACHE, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 2,653,761**

Registered Nov. 26, 2002

**TRADEMARK  
PRINCIPAL REGISTER**



WORLD FINER FOODS, INC. (DELAWARE COR-  
PORATION)  
300 BROAD ACRES DRIVE  
BLOOMFIELD, NJ 07003

FOR: PASTA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-6-2000; IN COMMERCE 9-6-2000.

OWNER OF U.S. REG. NOS. 770,469, 1,338,226,  
AND 2,113,847.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "IMPORTED FROM ITALY" AND

"ITALIAN ORGANICS", APART FROM THE MARK  
AS SHOWN.

THE MARK IS LINED FOR THE COLORS BLUE,  
RED, GREEN AND GOLD AND THE LINING  
AROUND THE LETTERS AND NEAR THE BAN-  
NER IS MEANT TO INDICATE SHADING.

SER. NO. 76-278,421, FILED 6-29-2001.

DANIELLE MATTESSICH, EXAMINING ATTOR-  
NEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 2,624,432**

**Registered Sep. 24, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**LFL DAVINCI**

TINKER'S DEN (CALIFORNIA CORPORATION)  
1724 GRAMERCY  
TORRANCE, CA 90501

FIRST USE 11-7-2000; IN COMMERCE 11-7-2000.

FOR: RETAIL STORE SERVICES FEATURING  
ART SUPPLIES, CRAYONS, MARKERS, DRAWING  
PENCILS, AND PAPER, IN CLASS 35 (U.S. CLS. 100,  
101 AND 102).

SER. NO. 76-291,049, FILED 7-27-2001.

TRICIA THOMPkins, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

**Reg. No. 3,017,072**

**Registered Nov. 22, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**DAVINCI INVESTMENT ADVISORS**

DAVINCI INVESTMENT ADVISORS, INC. (DE-  
LAWARE CORPORATION)

99 DANBURY RD.

RIDGEFIELD, CT 06877

FOR: FINANCIAL SERVICES, NAMELY HEDGE  
FUND MANAGEMENT, FUNDS INVESTMENT  
SERVICES AND INVESTMENT MANAGEMENT,  
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-0-2003; IN COMMERCE 8-0-2003.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 76-612,318, FILED 9-16-2004.

JOHN SCHUYLER YARD, EXAMINING ATTOR-  
NEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101, and 102**

**United States Patent and Trademark Office**

**Reg. No. 2,776,673**

**Registered Oct. 21, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**DAVINCIJOBS.COM**

THE DA VINCI PROJECT OF CENTRAL NEW  
YORK (NEW YORK UNINCORPORATED AS-  
SOCIATION)  
5793 WIDEWATERS PARKWAY  
DEWITT, NY 13214

OWNER OF U.S. REG. NOS. 2,240,675 AND  
2,446,502.

FOR: EMPLOYMENT RECRUITMENT, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).

SN 76-408,528, FILED 5-15-2002.

FIRST USE 2-1-2003; IN COMMERCE 2-1-2003.

ASMAT KHAN, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

**United States Patent and Trademark Office**

**Reg. No. 2,602,721**

Registered July 30, 2002

**SERVICE MARK  
PRINCIPAL REGISTER**

**DINNER WITH DAVINCI**

NATIONAL MULTIPLE SCLEROSIS SOCIETY,  
MICHIGAN CHAPTER (MICHIGAN NOT-  
FOR-PROFIT CORPORATION)  
21311 CIVIC CENTER DRIVE  
SOUTHFIELD, MI 48076

FIRST USE 9-0-2001; IN COMMERCE 9-0-2001.

SN 76-239,660, FILED 4-12-2001.

FOR: CHARITABLE FUND RAISING SERVICES,  
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

ESTHER BELENKER, EXAMINING ATTORNEY

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 2,743,507**

**Registered July 29, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**DAVINCI AWARDS**

NATIONAL MULTIPLE SCLEROSIS SOCIETY,  
MICHIGAN CHAPTER (MICHIGAN NOT-  
FOR -PROFIT CORPORATION)  
21311 CIVIC CENTER DRIVE  
SOUTHFIELD, MI 48076

FOR: PROVIDING RECOGNITION OF THE  
CREATIVE AND INNOVATIVE ACHIEVEMENTS  
OF ENGINEERS, ARCHITECTS AND OTHER PRO-  
FESSIONALS ON BEHALF OF INDIVIDUALS WITH  
DISABILITIES BY WAY OF ISSUING AWARDS, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-28-2001; IN COMMERCE 9-28-2001.

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

SN 76-239,659, FILED 4-12-2001.

DAWN FELDMAN, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,948,485

United States Patent and Trademark Office

Registered May 10, 2005

TRADEMARK  
PRINCIPAL REGISTER

*daVinci*  
**SMILE**  
*Art*  
*Ceramics*

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)  
22135 ROSCOE BOULEVARD  
WEST HILLS, CA 91304

FOR: CERAMICS FOR USE IN COSMETIC DENTISTRY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

OWNER OF U.S. REG. NO. 2,061,195.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CERAMICS" AND "SMILE", APART FROM THE MARK AS SHOWN.

SN 76-202,882, FILED 1-30-2001.

ALEXANDER L. POWERS, EXAMINING ATTORNEY

**Int. Cls.: 36 and 42**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 2,593,734**

**Registered July 16, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**



DAVINCI TECHNOLOGIES INC. (CANADA CORPORATION)  
360 ADELAIDE STREET, WEST  
TORONTO, ONTARIO M5V 1R7

FOR: INTERACTIVE PRESENTATION AND DISTRIBUTION OF BILLS, STATEMENTS AND CUSTOMER SERVICES ELECTRONICALLY OVER THE GLOBAL COMPUTER NETWORK, ANY INTERNET ENABLED DEVICE OR WIRELESS MEDIA, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-1-1997; IN COMMERCE 6-1-1997.

FOR: COMPUTER SERVICES, NAMELY CUSTOM DESIGN, SYSTEMS INTEGRATION AND TECHNOLOGY DEVELOPMENT OF COMPUTER

SOFTWARE FOR COMMUNICATIONS PROVIDERS THAT ALLOWS COMMUNICATION PROVIDERS TO PERFORM ELECTRONIC BUSINESS TRANSACTIONS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-1-1997; IN COMMERCE 6-1-1997.

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

SER. NO. 76-082,985, FILED 7-6-2000.

SHARI SHEFFIELD, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 2,678,705

United States Patent and Trademark Office

Registered Jan. 21, 2003

TRADEMARK  
PRINCIPAL REGISTER



DAVINCI TECHNOLOGIES INC. (CANADA CORPORATION)  
360 ADELAIDE STREET, WEST  
TORONTO  
ONTARIO, CANADA M5V 1R7

FOR: COMPUTER SOFTWARE FOR USE TO CUSTOM DESIGN COMPUTER SYSTEMS INTEGRATION AND TECHNOLOGY FOR THE MANAGEMENT OF GLOBAL COMPUTER NETWORKS, INTRANET AND WIRELESS APPLICATIONS IN THE FIELDS OF ELECTRONIC BILL TRANSACTION, TRACKING AND MANAGEMENT OF THE CALLING LOCATIONS OF CUSTOMERS USING A WIRELESS DEVICE, THE PROCESSING OF ELECTRONIC TRANSACTIONS ON A WEBSITE OR VIA A WIRELESS DEVICE, INTERACTIVE WEB AND WIRELESS CUSTOMER SERVICE, WEBSITE OR WIRELESS DEVICES IN THE FINANCIAL,

HEALTHCARE, TELECOMMUNICATIONS AND NETWORK OPERATIONS INDUSTRIES, AND INTERACTIVE BROADCASTING AND TRANSMISSION OF AUDIO-VISUAL PROGRAMS OR APPLICATIONS BY THE GLOBAL COMPUTER NETWORK OR WIRELESS MEDIA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-1-1997; IN COMMERCE 6-1-1997.

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

SN 76-082,981, FILED 7-6-2000.

SHARI SHEFFIELD, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 2,365,226**

**Registered July 4, 2000**

**TRADEMARK  
PRINCIPAL REGISTER**

**DAVINCI**

**OLIVETTI OFFICE U.S.A., INC. (DELAWARE CORPORATION)  
765 U.S. HIGHWAY 202 SOUTH  
BRIDGEWATER, NJ 088076945**

**FOR: ELECTRONIC PERSONAL INFORMATION  
MANAGER ORGANIZERS; KEYBOARDS, STYLI  
AND DOCKING CRADLES FOR ELECTRONIC PER-  
SONAL INFORMATION MANAGER ORGANIZERS;  
COMPUTER SOFTWARE FOR TRANSFERRING**

**DATA BETWEEN A PERSONAL COMPUTER AND  
AN ELECTRONIC PERSONAL INFORMATION MAN-  
AGER ORGANIZER, IN CLASS 9 (U.S. CLS. 21, 23,  
26, 36 AND 38).**

**FIRST USE 11-2-1998; IN COMMERCE 11-2-1998.**

**SN 75-540,188, FILED 8-20-1998.**

**HEATHER THOMPSON, EXAMINING ATTORNEY**

**Int. Cl.: 20**

**Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50**

**Reg. No. 2,534,407**

**United States Patent and Trademark Office**

**Registered Jan. 29, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**L'IL DAVINCI**

**TINKER'S DEN (CALIFORNIA CORPORATION)  
1724 GRAMERCY  
TORRANCE, CA 90501**

**FIRST USE 7-0-1998; IN COMMERCE 7-0-1998.**

**SN 75-403,623, FILED 12-11-1997.**

**FOR: PICTURE FRAMES FOR STORAGE AND  
DISPLAY OF SEVERAL PHOTOGRAPHS, IN CLASS  
20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).**

**ANGELA M. MICHELI, EXAMINING ATTORNEY**

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 2,042,588**

**Registered Mar. 11, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**



DA VINCI FINE CHOCOLATES, LTD. (WASH-  
INGTON CORPORATION)  
823 YALE AVENUE NORTH, SUITE E  
SEATTLE, WA 98109

FOR: FLAVORING SYRUPS AND CANDY,  
IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-6-1991; IN COMMERCE  
7-29-1991.

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

THE STIPLING SHOWN IN THE DRAWING  
IS A FEATURE OF THE MARK AND NOT IN-  
TENDED TO INDICATE COLOR. THE LINING  
SHOWN IN THE DRAWING IS A FEATURE OF  
THE MARK AND NOT INTENDED TO INDI-  
CATE COLOR.

SER. NO. 74-496,459, FILED 3-3-1994.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 45

Reg. No. 2,042,566

**United States Patent and Trademark Office**

Registered Mar. 11, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**DAVINCI GOURMET**

DA VINCI FINE CHOCOLATES, LTD. (WASH-  
INGTON CORPORATION)  
823 YALE AVENUE N., SUITE E.  
SEATTLE, WA 98109

FOR: FLAVORING SYRUPS, IN CLASS 30  
(U.S. CL. 45).  
FIRST USE 3-6-1991; IN COMMERCE  
8-29-1991.

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

SER. NO. 74-363,150, FILED 2-22-1993.

DONNA MIRMAN, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 45

United States Patent and Trademark Office

New Cert.

Reg. No. 1,799,545

Registered Oct. 19, 1993

OG Date May 13, 1997

**TRADEMARK  
PRINCIPAL REGISTER  
REGISTRATION ASSIGNED**

**COCOA DAVINCI**

DA VINCI GOURMET, LTD. (WASH-  
INGTON CORPORATION)  
SUITE E  
823 YALE AVENUE NORTH  
SEATTLE, WA 98109, BY ASSIGNMENT  
AND CHANGE OF NAME FROM  
COFFEE BEANERY, LTD., THE  
(MICHIGAN CORPORATION) FLUSH-  
ING, MI

NO CLAIM IS MADE TO THE EXCLU-  
SIVE RIGHT TO USE "COCOA", APART  
FROM THE MARK AS SHOWN.

FOR: HOT CHOCOLATE WITH FLA-  
VORED SYRUP, IN CLASS 30 (U.S. CL.  
45).

FIRST USE 10-1-1992; IN COMMERCE  
10-1-1992.

SER. NO. 74-334,891, FILED 11-27-1992.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on May 13, 1997.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**Int. Cl.: 30**

**Prior U.S. Cl.: 45**

**Reg. No. 1,799,545**

**United States Patent and Trademark Office** Registered Oct. 19, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

**COCOA DAVINCI**

**COFFEE BEANERY, LTD., THE (MICHIGAN  
CORPORATION)  
G-3429 PIERSON PLACE  
FLUSHING, MI 48433**

**FOR: HOT CHOCOLATE WITH FLAVORED  
SYRUP, IN CLASS 30 (U.S. CL. 45).  
FIRST USE 10-1-1992; IN COMMERCE  
10-1-1992.**

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

**SER. NO. 74-334,891, FILED 11-27-1992.**

**DONNA MIRMAN, EXAMINING ATTORNEY**

Int. Cl.: 11

Prior U.S. Cls.: 2 and 21

**United States Patent and Trademark Office**

**Reg. No. 1,830,795**

Registered Apr. 12, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

# **Davinci**

DAVINCI INDUSTRIAL INC. (TAIWAN COR-  
PORATION)  
6F, NO. 412, SECTION 4  
JEN AI ROAD  
TAIPEI, TAIWAN

FOR: LIGHT BULBS, LAMPS, PARTS FOR  
LAMPS; NAMELY, BURNERS, CHIMNEYS,

STANDS, AND HOLDERS, IN CLASS 11 (U.S.  
CLS. 2 AND 21).  
FIRST USE 5-1-1993; IN COMMERCE  
5-1-1993.

SN 74-331,405, FILED 11-16-1992.

SUSAN LESLIE, EXAMINING ATTORNEY

**Int. Cl.: 5**

**Prior U.S. Cl.: 18**

**United States Patent and Trademark Office**

**Reg. No. 1,200,808**

**Registered Jul. 13, 1982**

**TRADEMARK  
Principal Register**

**DAVINCI POTEN-C**

**Foodscience Corporation (Vermont corporation),  
a.k.a. DaVinci Laboratories  
One Executive Dr.  
South Burlington, Vt. 05401**

**For: PROLONGED RELEASED ASCOR-  
BATES, in CLASS 5 (U.S. Cl. 18).  
First use Feb. 2, 1979; in commerce Feb. 6, 1979.  
Owner of U.S. Reg. No. 1,144,672.**

**Ser. No. 252,455, filed Mar. 3, 1980.**

**ROY H. NEILSON, Primary Examiner**

## EXHIBIT 2

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,230,028**

**Registered Apr. 17, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

**SCUOLA LEONARDO DA VINCI**

SCUOLA LEONARDO DA VINCI S.R.L. (ITALY  
LTD LIAB CO)

VIA BUFALINI, 3

FIRENZE, ITALY I50122

FOR: EDUCATION, INSTRUCTION AND RE-  
CREATION SERVICES FOR INDIVIDUALS IN THE  
FORM OF LESSONS AND COURSES IN ITALIAN  
LANGUAGE AND CULTURE, IN PARTICULAR  
FOR FOREIGNERS, IN CLASS 41 (U.S. CLS. 100,  
101 AND 107).

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF INTERNATIONAL REGISTRATION  
0867614 DATED 10-11-2005, EXPIRES 10-11-2015.

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

THE ENGLISH TRANSLATION OF THE WORD  
SCUOLA LEONARDO DA VINCI IN THE MARK IS  
LEONARDO DA VINCI SCHOOL.

SER. NO. 79-017,459, FILED 10-11-2005.

DEBRA LEE, EXAMINING ATTORNEY

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,577,959**

Registered Feb. 17, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

KRUEGER INTERNATIONAL, INC. (WISCONSIN CORPORATION)  
1330 BELLEVUE STREET  
GREEN BAY, WI 54302

FOR: OFFICE AND INSTITUTIONAL FURNITURE, NAMELY, DESKS, TABLES, MODESTY PANELS, WORK SURFACES, TRANSACTION SURFACES, CREDENZAS, HUTCHES, SHELVING AND STORAGE UNITS, BOOKCASES, WARDROBES, PEDESTALS, AND LATERAL FILES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 5-15-2006; IN COMMERCE 5-15-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-790,528, FILED 1-12-2006.

MICHAEL ENGEL, EXAMINING ATTORNEY

Int. Cls.: 19 and 20

Prior U.S. Cls.: 1, 2, 12, 13, 22, 25, 32, 33, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,574,095**

Registered Feb. 10, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

# DA VINCI WOOD

DIRECT BUILDING & DECORATING SOURCE  
(CALIFORNIA LIMITED LIABILITY COMPAN-  
NY)

9895 VILLAGE CENTER DRIVE  
GRANITE BAY, CA 95746

FOR: WOOD BUILDING PRODUCTS, NAMELY,  
MOLDINGS, CORBELS, BASEBOARDS, COLUMNS,  
CAPITALS FOR COLUMNS, MEDALLIONS FOR  
COLUMN BASES, CROWN MOLDING AND  
DOORS, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 4-19-2006; IN COMMERCE 4-19-2006.

FOR: DRAWER PULLS OF WOOD AND DOOR  
HANDLES OF WOOD; CABINETS; SCREENS AND  
DECORATIVE ACCENT PIECES, NAMELY, WOOD  
CARVINGS FOR AFFIXING TO CABINETS; WOOD  
BUILDING PRODUCTS, NAMELY, CARVED

WOOD APPLIQUES IN THE NATURE OF WOOD  
CARVINGS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32  
AND 50).

FIRST USE 4-19-2006; IN COMMERCE 4-19-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

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

SN 78-901,671, FILED 6-6-2006.

COLLEEN DOMBROW, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,473,818

Registered July 22, 2008

TRADEMARK  
PRINCIPAL REGISTER

DA VINCI ENGINEERED  
AESTHETICS

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)  
22135 ROSCOE BOULEVARD  
WEST HILLS, CA 91304

OWNER OF U.S. REG. NO. 2,061,195.

FOR: DENTAL CERAMICS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

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

FIRST USE 12-26-2007; IN COMMERCE 12-26-2007.

SN 78-775,021, FILED 12-16-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

ANDREW RHIM, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 3,175,493

Registered Nov. 21, 2006

TRADEMARK  
PRINCIPAL REGISTER

DA VINCI

EZ GARD INDUSTRIES, INC. (MINNESOTA CORPORATION), DBA SHOCK DOCTOR, INC.,  
3650 ANNAPOLIS LANE  
SUITE 115  
PLYMOUTH, MN 55447

FOR: PROTECTIVE EQUIPMENT FOR ATHLETIC USE, NAMELY ATHLETIC PROTECTIVE PADS FOR USE IN PROTECTING JOINTS AND OTHER BODY PARTS FROM TRAUMA, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-0-2005; IN COMMERCE 11-0-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-661,765, FILED 6-30-2005.

ALAIN LAPTER, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

**United States Patent and Trademark Office**

**Reg. No. 3,014,180**

Registered Nov. 8, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI VENEERS**

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)

22135 ROSCOE BOULEVARD

WEST HILLS, CA 91304

FOR: CERAMICS FOR USE IN COSMETIC DENTISTRY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 78-976,332, FILED 1-26-2004.

STEVEN R. FINE, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

**United States Patent and Trademark Office**

**Reg. No. 3,012,293**

Registered Nov. 1, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**SMILES BY DA VINCI**

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)  
22135 ROSCOUE BOULEVARD  
WEST HILLS, CA 91304

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: CERAMICS FOR USE IN COSMETIC DENTISTRY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SN 78-976,109, FILED 2-18-2004.

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

ALICIA COLLINS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,271,750

Registered July 31, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI**

TAN, ASMINA (UNITED STATES INDIVIDUAL)  
3 PINE MEADOW CT  
EAST BRUNSWICK, NJ 08816

FOR: RETAIL JEWELRY AND FURNITURE STORE SERVICES, JEWELRY AND FURNITURE MAIL ORDER SERVICES ALL FEATURING INDOOR FURNITURE, BEDROOM FURNITURE, KITCHEN FURNITURE, DINING ROOM FURNITURE AND ACCESSORIES FOR HOME, NAMELY, CHESTS, ROOM DIVIDERS, AND PLANT STANDS, AREA RUGS, WINDOW TREATMENTS, NAMELY SWAG, CURTAINS, AND DRAPERIES, AND SOFAS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2005; IN COMMERCE 11-1-2005.

THE MARK CONSISTS OF THE WORDING DA VINCI; THE WORDS ARE IN YELLOW COLOR WITH SHADOWING AROUND THEM AND WHITE BACKGROUND. IN BETWEEN THE WORDS, THERE IS A RECTANGULAR DESIGN WITH MOTIFS AND THE WORDS DA ON TOP AND VINCI AT THE BOTTOM WITH LETTER V CROSSING THE RECTANGLE DIAGONALLY.

SER. NO. 78-771,219, FILED 12-12-2005.

GIANCARLO CASTRO, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

**United States Patent and Trademark Office**

**Reg. No. 3,349,697**

Registered Dec. 4, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

REMINGTON, INC. (CALIFORNIA CORPORATION)  
24844 ANZA DRIVE  
VALENCIA, CA 91355

FOR: ELECTRIC COFFEE MAKERS; ELECTRIC  
COFFEE PERCOLATORS; ELECTRIC COFFEE  
POTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 4-1-2007; IN COMMERCE 4-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-710,993, FILED 9-12-2005.

KAELIE KUNG, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,106,667

Registered June 20, 2006

TRADEMARK  
PRINCIPAL REGISTER

DA VINCI

CANTINE LEONARDO DA VINCI SOC. COOP.  
A.R.L. (ITALY CORPORATION)  
VIA PROV. LE DI MERCATALE, 291  
VINCI, FIRENZE, ITALY 50059

FOR: WINES AND SPARKLING WINES, IN  
CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-24-2003; IN COMMERCE 1-1-2004.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,694,481.

SER. NO. 78-663,811, FILED 7-5-2005.

ALINA MORRIS, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,326,114

Registered Oct. 30, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**SPIRIT OF DA VINCI**

NORTH, VAUGHN W. (UNITED STATES INDIVIDUAL)  
7431 LOST CANYON CIRCLE  
SALT LAKE CITY, UT 84121

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING SEMINARS IN THE FIELDS OF SCIENCE AND THE ARTS, AND PROVIDING RECOGNITION AND INCENTIVES TO INVENTORS TO DEMONSTRATE EXCELLENCE IN THE FIELD OF CREATIVITY AND INVENTION THROUGH THE ISSUANCE OF AWARDS IN CONNECTION THEREWITH; ENTERTAINMENT SERVICES, NAMELY, RETREATS AND PRESENTATIONS IN THE FIELDS OF SCIENCE AND THE ARTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-28-2007; IN COMMERCE 4-28-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SN 78-616,347, FILED 4-25-2005.

RENEE MCCRAY, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,071,008

Registered Mar. 21, 2006

**SERVICE MARK  
PRINCIPAL REGISTER**



NATIONAL MULTIPLE SCLEROSIS SOCIETY,  
MICHIGAN CHAPTER (MICHIGAN NON-  
PROFIT CORPORATION)  
21311 CIVIC CENTER DRIVE  
SOUTHFIELD, MI 48076

FOR: PROVIDING RECOGNITION OF THE  
CREATIVE AND INNOVATIVE ACHIEVEMENTS  
OF ENGINEERS, ARCHITECTS AND OTHER PRO-  
FESSIONALS ON BEHALF OF INDIVIDUALS WITH  
DISABILITIES BY WAY OF ISSUING AWARDS, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-1-2001; IN COMMERCE 9-1-2001.

OWNER OF U.S. REG. NOS. 2,602,721 AND  
2,743,507.

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

THE STIPPLING IS FOR SHADING PURPOSES.

SER. NO. 78-598,391, FILED 3-30-2005.

SCOTT BALDWIN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 3,581,630**

Registered Feb. 24, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**THE DA VINCI CODE**

BROWN, DAN (UNITED STATES INDIVIDUAL)  
C/O SANFORD GREENBURGER ASSOCIATES  
55 FIFTH AVENUE  
NEW YORK, NY 10003

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: CLOTHING, NAMELY, T-SHIRTS, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

SN 78-411,381, FILED 4-30-2004.

FIRST USE 5-19-2006; IN COMMERCE 5-19-2006.

BARNEY CHARLON, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,997,404

**United States Patent and Trademark Office**

Registered Sep. 20, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI WRITER**

NEW PRODUCT DESIGNS, LLC (ILLINOIS CORPORATION)  
9326 N. TRIPP AVENUE  
SKOKIE, IL 600761457

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: STATIONERY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 78-394,663, FILED 4-1-2004.

FIRST USE 1-27-2004; IN COMMERCE 1-27-2004.

BRIAN NEVILLE, EXAMINING ATTORNEY

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,130,873**

Registered Aug. 15, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

SCOTT PAPER LIMITED (CANADA CORPORATION)  
1900 MINNESOTA COURT, SUITE 200  
MISSISSAUGA, ONTARIO, CANADA L5N 5R5

FOR: COMMERCIAL DISPENSERS FOR HAND  
SOAP, SANITIZERS, PAPER TOWELS, BATHROOM  
TISSUE, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40  
AND 50).

FIRST USE 12-0-2000; IN COMMERCE 0-0-2001.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SN 78-479,654, FILED 9-7-2004.

KIMBERLY FRYE, EXAMINING ATTORNEY

Int. Cl.: 22

Prior U.S. Cls.: 1, 2, 7, 19, 22, 42 and 50

**United States Patent and Trademark Office**

**Reg. No. 3,028,304**

Registered Dec. 13, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**da Vinci**

ALLIANCE TRADING, INC. (DELAWARE CORPORATION)  
109 NORTH PARK BLVD.  
COVINGTON, LA 70433

FOR: STANDARD AND CUSTOM FIT VINYL  
LINERS FOR IN-GROUND POOLS, IN CLASS 22  
(U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 3-31-1998; IN COMMERCE 3-31-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-499,891, FILED 10-14-2004.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 9

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

**United States Patent and Trademark Office**

**Reg. No. 3,330,664**

Registered Nov. 6, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI DIAMONDS**

IGT (NEVADA CORPORATION)  
9295 PROTOTYPE DRIVE  
RENO, NV 895218986

FOR: GAMING MACHINES, NAMELY, DEVICES  
ON WHICH A WAGER IS PLACED AND COMPO-  
NENTS THEREFOR, IN CLASS 9 (U.S. CLS. 21, 23, 26,  
36 AND 38).

FIRST USE 10-23-2006; IN COMMERCE 1-15-2007.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,029,173, 2,085,175,  
AND OTHERS.

SN 78-468,309, FILED 8-16-2004.

RICHARD A. STRASER, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,091,339

Registered May 9, 2006

TRADEMARK  
PRINCIPAL REGISTER



NING CHIU & COMPANY, INC. (NEW JERSEY CORPORATION)  
68 WALNUT STREET  
BRIDGEWATER, NJ 08807

FOR: RETAIL MERCHANDISE SYSTEM SOFTWARE FOR PLANNING AND TRACKING MERCHANDISE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-17-2005; IN COMMERCE 1-16-2006.

THE COLOR(S) GREEN AND BLACK (WITH GRAY OVERTONES) IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF DESIGN OF A PROTRACTOR FORMING "V" IN "DA VINCI" AND CIRCULAR LINES. THE COLOR GREEN APPEARS IN THE DESIGN OF A PROTRACTOR AND IN THE CIRCULAR DESIGN UNDER THE WORD PORTION OF THE MARK. THE COLOR BLACK (WITH GRAY OVERTONES) APPEARS IN THE WORDS "DA VINCI".

SN 78-460,236, FILED 8-2-2004.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

**United States Patent and Trademark Office**

**Reg. No. 3,011,086**

Registered Nov. 1, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**



THE SMART DISCOVERY CENTER, INC. (PENN-  
SYLVANIA CORPORATION)  
511 EAST THIRD STREET  
BETHLEHEM, PA 18015

FOR: EDUCATIONAL SERVICES, NAMELY PRO-  
VIDING COURSES OF INSTRUCTION AT THE  
PRIMARY AND SECONDARY LEVEL AND PRO-  
VIDING EDUCATIONAL PROGRAMS FOR  
YOUTH, TEACHERS, FAMILIES, AND THE GEN-  
ERAL PUBLIC IN THE FIELD OF SCIENCE, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-0-2003; IN COMMERCE 5-0-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE DISCOVERY CENTER OF SCIENCE  
AND TECHNOLOGY, APART FROM THE MARK  
AS SHOWN.

SER. NO. 78-457,786, FILED 7-28-2004.

ALICE BENMAMAN, EXAMINING ATTORNEY

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,015,317**

**Registered Nov. 15, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**Da Vinci Discovery  
Center of Science  
and Technology**

THE SMART DISCOVERY CENTER, INC. (PENN-  
SYLVANIA CORPORATION)  
511 EAST THIRD STREET  
BETHLEHEM, PA 18015

FOR: EDUCATIONAL SERVICES, NAMELY PRO-  
VIDING COURSES OF INSTRUCTION AT THE  
PRIMARY AND SECONDARY LEVEL AND PRO-  
VIDING EDUCATIONAL PROGRAMS FOR  
YOUTH, TEACHERS, FAMILIES, AND THE GEN-  
ERAL PUBLIC IN THE FIELD OF SCIENCE, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-0-2003; IN COMMERCE 5-0-2004.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "DISCOVERY CENTER OF SCI-  
ENCE AND TECHNOLOGY", APART FROM THE  
MARK AS SHOWN.

SER. NO. 78-457,784, FILED 7-28-2004.

ALICE BENMAMAN, EXAMINING ATTORNEY

**Int. Cl.: 28**

**Prior U.S. Cls.: 22, 23, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,967,121**

**Registered July 12, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

INTERNATIONAL SPORTS CNS, INC. (CALI-  
FORNIA CORPORATION)  
29641 CABOT ROAD, #103  
LAGUNA HILLS, CA 92653

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: GOLF CLUBS, IN CLASS 28 (U.S. CLS. 22, 23,  
38 AND 50).

SER. NO. 78-431,334, FILED 6-7-2004.

FIRST USE 3-24-2004; IN COMMERCE 3-24-2004.

JASON LOTT, EXAMINING ATTORNEY

**Int. Cls.: 5 and 40**

**Prior U.S. Cls.: 6, 18, 44, 46, 51, 52, 100, 103, and 106**

**United States Patent and Trademark Office**

**Reg. No. 3,211,783**

**Registered Feb. 20, 2007**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI PORCELAIN  
VENEERS**

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)  
22135 ROSCOE BOULEVARD  
WEST HILLS, CA 91304

FOR: CERAMICS FOR USE IN COSMETIC DENTISTRY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

FOR: MANUFACTURING OF CUSTOM PORCELAIN VENEERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 5-2-2006; IN COMMERCE 5-2-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 78-370,221, FILED 2-18-2004.

KELLY CHOE, EXAMINING ATTORNEY

Int. Cls.: 5 and 40

Prior U.S. Cls.: 6, 18, 44, 46, 51, 52, 100, 103, and 106

United States Patent and Trademark Office

Reg. No. 3,146,284

Registered Sep. 19, 2006

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI SMILES**

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)  
22135 ROSCOE BOULEVARD  
WEST HILLS, CA 91304

FOR: CERAMICS FOR USE IN COSMETIC DENTISTRY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

FOR: MANUFACTURING OF CUSTOM PORCELAIN VENEERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 6-21-2006; IN COMMERCE 6-21-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,061,195.

SN 78-370,219, FILED 2-18-2004.

JEAN IM, EXAMINING ATTORNEY

**Int. Cl.: 40**

**Prior U.S. Cls.: 100, 103, and 106**

**United States Patent and Trademark Office**

**Reg. No. 3,096,437**

**Registered May 23, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI VENEERS**

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)

22135 ROSCOE BOULEVARD

WEST HILLS, CA 91304

FOR: CUSTOM MANUFACTURE OF DENTAL VENEERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 1-13-2006; IN COMMERCE 1-13-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 78-357,733, FILED 1-26-2004.

STEVEN R. FINE, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,234,180**

Registered Apr. 24, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI CODE**

BROWN, DAN (UNITED STATES INDIVIDUAL)  
55 FIFTH AVENUE  
C/O SANFORD GREENBURGER ASSOCIATES  
NEW YORK, NY 10003

FOR: BOARD GAMES, CARD GAMES AND  
PUZZLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 3-16-2006; IN COMMERCE 3-16-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

SN 78-326,560, FILED 11-12-2003.

ALICE SUE CARRUTHERS, EXAMINING ATTOR-  
NEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

**Reg. No. 3,543,413**

Registered Dec. 9, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**

**da Vinci Realty**

VINCI, CHRIS M (COLORADO CORPORATION),  
DBA DA VINCI REALTY

4600 PLETTNER LN. #1A

EVERGREEN, CO 80439

FOR: REAL ESTATE BROKERAGE, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 5-4-2007; IN COMMERCE 5-4-2007.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-458,915, FILED 4-26-2008.

BRIDGETT SMITH, EXAMINING ATTORNEY

**Int. Cl.: 10**

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

**United States Patent and Trademark Office**

**Reg. No. 2,870,790**

**Registered Aug. 10, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

**BIOMERIEUX B.V. (NETHERLANDS CORPORATION)  
BOSEIND 15  
RM BOXTEL, NETHERLANDS**

**FOR: DISCRETE PHOTOMETRIC ANALYZER  
FOR CLINICAL USE, IN CLASS 10 (U.S. CLS. 26, 39  
AND 44).**

**PRIORITY CLAIMED UNDER SEC. 44(D) ON  
BENELUX APPLICATION NO. 976885, FILED 10-31-  
2000, REG. NO. 0676811, DATED 10-31-2000, EXPIRES  
10-31-2010.**

**SER. NO. 76-248,902, FILED 4-30-2001.**

**JOHN DALIER, EXAMINING ATTORNEY**

Int. Cls.: 35, 36, and 41

Prior U.S. Cls.: 100, 101, 102, and 107

**United States Patent and Trademark Office**

**Reg. No. 3,066,403**

Registered Mar. 7, 2006

**SERVICE MARK  
PRINCIPAL REGISTER**

**THE DA VINCI EFFECT**

CARNEGIE MELLON UNIVERSITY (PENNSYLVANIA NOT-FOR-PROFIT CORPORATION)  
5000 FORBES AVENUE  
PITTSBURGH, PA 15213

FOR: PROMOTING THE INTERESTS OF THE UNIVERSITY, ITS PROGRAMS, AND ITS STUDENTS AND ALUMNI, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: FUNDRAISING SERVICES, NAMELY, SOLICITING AND MANAGING DONATIONS TO PROMOTE THE INTERESTS OF THE UNIVERSITY, ITS PROGRAMS, AND ITS STUDENTS AND ALUMNI, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: EDUCATIONAL SERVICES, NAMELY PROVIDING INSTRUCTIONAL, MOTIVATIONAL, OUT-

REACH AND MENTORING PROGRAMS TO HIGH SCHOOL, UNDERGRADUATE, GRADUATE, POSTGRADUATE, AND PROFESSIONAL STUDENTS IN THE FIELDS OF LIBERAL ARTS, ENGINEERING, SCIENCE, COMPUTER SCIENCE, FINE ARTS, HUMANITIES AND SOCIAL SCIENCES, INDUSTRIAL ADMINISTRATION, AND PUBLIC POLICY AND MANAGEMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 76-575,004, FILED 2-9-2004.

MATTHEW PAPPAS, EXAMINING ATTORNEY

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,982,571

Registered Aug. 9, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**



TALCO, L.P. (TEXAS PARTNERSHIP)  
7500 N. MESA  
EL PASO, TX 79912

FOR: RESTAURANT SERVICES, TAKE-OUT RESTAURANT SERVICES AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 8-6-2002; IN COMMERCE 8-6-2002.

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

THE MARK CONSISTS OF A STYLIZED MEATBALL AND TWO CHICKEN WINGS.

SER. NO. 76-456,498, FILED 10-7-2002.

GLENN CLARK, EXAMINING ATTORNEY

**Int. Cl.: 43**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 2,926,146**

**Registered Feb. 15, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI'S FLYING MEATBALL**

TALCO, L.P. (PARTNERSHIP)  
7500 N MESA  
EL PASO, TX 79912

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

FOR: RESTAURANT SERVICES, TAKE-OUT RES-  
TAURANT SERVICES AND BAR SERVICES, IN  
CLASS 43 (U.S. CLS. 100 AND 101).

SER. NO. 76-456,497, FILED 10-7-2002.

FIRST USE 8-6-2002; IN COMMERCE 8-6-2002.

GLENN CLARK, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,948,485

United States Patent and Trademark Office

Registered May 10, 2005

TRADEMARK  
PRINCIPAL REGISTER

*daVinci*  
**SMILE**  
*Art*  
*Ceramics*

DAVINCI DENTAL STUDIOS, INC. (CALIFORNIA CORPORATION)  
22135 ROSCOE BOULEVARD  
WEST HILLS, CA 91304

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CERAMICS" AND "SMILE", APART FROM THE MARK AS SHOWN.

FOR: CERAMICS FOR USE IN COSMETIC DENTISTRY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SN 76-202,882, FILED 1-30-2001.

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

ALEXANDER L. POWERS, EXAMINING ATTORNEY

OWNER OF U.S. REG. NO. 2,061,195.

**Int. Cl.: 33**

**Prior U.S. Cls.: 47 and 49**

**United States Patent and Trademark Office**

**Reg. No. 2,694,481**

**Registered Mar. 11, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**LEONARDO DA VINCI**

**CANTINE LEONARDO DA VINCI SOC. COOP.  
A.R.L. (ITALY CORPORATION)  
LOCALITA BIVIO DI STREDA  
50059 VINCI, FIRENZE, ITALY**

**FIRST USE 12-22-1977; IN COMMERCE 0-0-1988.**

**SER. NO. 76-069,938, FILED 6-14-2000.**

**FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).**

**MITCHELL FRONT, EXAMINING ATTORNEY**

Int. Cls.: 3, 9, 14, 16, 20 and 25

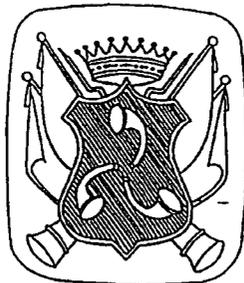
Prior U.S. Cls.: 1, 2, 4, 5, 6, 13, 21, 22, 23, 25, 26, 27,  
28, 29, 32, 36, 37, 38, 39, 50, 51 and 52

Reg. No. 3,574,341

Registered Feb. 17, 2009

United States Patent and Trademark Office

TRADEMARK  
PRINCIPAL REGISTER



*Abundantia Vinca*

CONTESSA DA VINCI S.R.L. (ITALY LIMITED  
LIABILITY COMPANY)  
VIA CASAGRANDE 50  
00153 ROME, ITALY

FOR: AFTER SHAVE LOTIONS, ANTIPERSPIRANTS, BATH SALTS, NOT FOR MEDICAL USE, BEAUTY MASKS, CAKES OF TOILET SOAPS, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAMS, DEODORANT SOAP, DEODORANTS FOR PERSONAL USE, ESSENTIAL OILS FOR PERSONAL USE, EYEBROW PENCILS, HAIR SPRAY, HAIR LOTIONS, HAIR COLORANTS, SACHETS FOR PERFUMING LINEN, LIPSTICKS, LOTIONS FOR COSMETIC PURPOSES, MAKE-UP, MAKE-UP POWDER, MASCARA, PERFUMES, OILS FOR COSMETIC PURPOSES, OILS FOR TOILET PURPOSES, ROUGE, SCENTED WATER, SHAMPOOS, SHAVING SOAPS, TOILET SOAP, SUN TANNING PREPARATIONS, TALCUM POWDER, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, NAIL VARNISH, NAIL POLISH, VARNISH REMOVING PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: EYEGGLASS CASES, EYEGGLASS CHAINS, EYEGGLASS CORDS, EYEGGLASS FRAMES, EYEGGLASSES, SUNGLASSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: AMULETS, BADGES OF PRECIOUS METALS, BOXES OF PRECIOUS METALS, BRACELETS, BROOCHES, BUCKLES OF PRECIOUS METAL, CANDLESTICKS OF PRECIOUS METAL, CIGAR AND CIGARETTE CASES OF PRECIOUS

METAL, JEWELRY CHAINS, CHARMS, TIE CLIPS, CUFF LINKS, EARRINGS, JUGS OF PRECIOUS METAL, KEY RINGS OF PRECIOUS METAL, MEDALLIONS, NAPKIN HOLDERS OF PRECIOUS METAL, NECKLACES, ORNAMENTAL PINS, POWDER COMPACTS OF PRECIOUS METAL, SILVER ORNAMENTS, TRINKETS, NAMELY, JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: STAMP ALBUMS, PHOTOGRAPH ALBUMS, COIN ALBUMS, ADDRESS BOOK, TELEPHONE BOOKS, ANNOUNCEMENT CARDS, BAGS OF PAPER OR PLASTICS, FOR PACKAGING, BOOKENDS, BOOKBINDING CLOTH, BOOKLETS, BOOKS, BOXES FOR PENS, CARDBOARD BOXES, CALENDARS, DIARY, POCKET DIARY, FOUNTAIN PENS, GARBAGE BAGS OF PAPER OR PLASTICS, GREETING CARDS, NOTE BOOKS, PACKING PAPER, WRITING PADS, PAPERWEIGHTS, PASSPORT HOLDERS, PEN CASES, PENS, PENCILS, PHOTOGRAPH STANDS, PLACE MATS OF PAPER, POSTCARDS, POSTERS, PRINTED PUBLICATIONS, NAMELY, BOOKLETS, BOOKS, MAGAZINES, ALL IN THE FIELD OF FASHION; TABLE CLOTH OF PAPER, WRITING PAPER, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: WORKS OF ART OF WOOD, WAX, PLASTER OR PLASTICS, BASKETS, NOT OF METAL, BOTTLE CAPS, NOT OF METAL, BOXES OF WOOD OR PLASTICS, CLOTHES HOOKS, NOT OF METAL, COAT HANGERS, PICTURE FRAMES, MIRRORS, JEWELRY CASES, NOT OF PRECIOUS METALS, MAGAZINE RACKS, PILLOWS, TEA TROLLEYS,

NON-METAL SERVING TRAYS, UMBRELLAS STANDS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FOR: BATH SLIPPERS, BATH ROBES, BATHING SUITS, BELTS, COATS, DRESSING GOWNS, DRESSES, GLOVES, HATS, BOOTS, HALF-BOOTS, JACKETS, JERSEYS, NECKTIES, OVERALLS, PARKAS, PULLOVERS, PAJAMAS, SANDALS, SCARVES, SHIRTS, SHOES, SKIRTS, SLIPPERS, SOCKS, STOCKINGS, SUITS, SWEATERS, T-SHIRTS, TROUSERS, UNDERWEAR, VESTS, WAISTCOATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. RM99C003721, FILED 7-26-1999, REG. NO. 00891820, DATED 5-19-2003, EXPIRES 7-26-2009.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. RM99C003187, FILED 6-25-1999, REG. NO. 00871258, DATED 7-2-2002, EXPIRES 6-25-2009.

THE LINING SHOWN IN THE DRAWING IS A FEATURE OF THE MARK, AND IS NOT INTENDED TO INDICATE COLOR.

ALEXANDRA DA VINCI IDENTITIES A LIVING PERSON WHOSE CONSENT IS OF RECORD.

THE MARK CONSISTS OF THE WORDS "ALEXANDRA DA VINCI" AND A COAT OF ARMS CONSISTING OF A SHIELD, POWDER HORNS, BANNERS AND A CROWN.

SER. NO. 75-796,383, FILED 9-10-1999.

ESTHER BELENKER, EXAMINING ATTORNEY

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 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, 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

Int. Cl.: 9

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

Reg. No. 2,547,768

United States Patent and Trademark Office

Registered Mar. 12, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

HONEYWELL INTERNATIONAL INC. (DELAWARE CORPORATION)  
101 COLUMBIA ROAD  
MORRISTOWN, NJ 07962

FOR: OPERATOR STATION CONSISTING OF APPLICATION SOFTWARE WHICH ACCESSES INFORMATION REGARDING WEB OR SHEET CHARACTERISTICS, AND CONTROL FUNCTIONS IMPLEMENTED IN SOFTWARE FOR MODIFYING PAPER MACHINE CONTROL; MACHINE-DIRECTION CONTROLS CONSIST OF SOFTWARE WHICH MAKES CORRECTIONS TO WEB, SHEET CHARACTERISTICS; CROSS-DIRECTION CONTROLS CONSIST OF SOFTWARE WHICH MAKES CORRECTIONS TO WEB, SHEET CHARACTERISTICS; NON-SCANNING CONTROLS CONSIST OF SOFTWARE WHICH MAKES CORRECTIONS TO PULP OR LIQUOR COMPOSITION; DISTRIBUTED CONTROL CONSISTS OF SOFTWARE WHICH TRANSFERS DATA AND CONTROL SIGNALS TO AND FROM CONTROL SOFTWARE; SOFTWARE WHICH ANALYZES A MOVING WEB OR SHEET FOR DEFECTS OR BREAKS; SOFTWARE FOR MONITORING, DIAGNOSING AND CORRECTING DISTURBANCES CAUSED BY PROCESS DEVICES, NAMELY FAN PUMPS, SCREENS IN THE STOCK APPROACH AREA, ROLL NIPS IN THE PRESS SECTION, HEADBOX PULP FLOW CHARACTERISTICS, TEMPERATURE OR LOADING VARIATIONS; SOFTWARE WHICH MONITORS PROCESS DEVICES TO DETERMINE THE NEED FOR REPAIR, SERVICING OR REPLACEMENT; SCANNERS AND SENSORS FOR MEASURING PAPER PROCESS VARIABLES, NAMELY, BASIS WEIGHT, COAT WEIGHT, MOISTURE, INFRARED MOISTURE, CALIPER, DIGITAL CALIPER, SHEET TEMPERATURE, FORMATION, STRENGTH, DIGITAL STRENGTH, ALKALI, COLOR, FLUORESCENCE,

BRIGHTNESS, THICKNESS, DIGITAL GLOSS, OPACITY, NIP GAP, EXTENSIONAL STIFFNESS, SURFACE, DENSITY, SMOOTHNESS, OPACITY; ASH CONTENT, MINERAL CONTENT AND LIQUOR COMPOSITION SCANNER AND SENSOR OPTICAL AND INFRARED SENSORS AND SENSORS WHICH DETECT BETA ABSORPTION, E-RAY ABSORPTION, MAGNETIC RELUCTANCE, PIEZOELECTRIC OR TURBIDITY; COMPRISING OPTICAL, INFRARED, BETA ABSORPTION, X-RAY ABSORPTION, MAGNETIC RELUCTANCE, PIEZOELECTRIC OR TURBIDITY; SOFTWARE WHICH SORTS, CATALOGS, AND ANALYZES PAPER PLANT CHARACTERISTICS, AND PROVIDES STORED DATA UPON REQUEST TO CONTROL SOFTWARE, OPERATOR STATIONS OR OTHER DATA STORING OR DATA CONSUMING SOFTWARE SERVOMECHANISMS WHICH PROVIDE CROSS-DIRECTION AND MACHINE-DIRECTION DIRECT MODIFICATION OF PROCESS CHARACTERISTICS; SERVOMECHANISMS WHICH PROVIDE DIRECT MODIFICATION OF PULP AND LIQUOR COMPOSITION AT A SINGLE POINT; I-BEAM AND 0-FRAME TO SUPPORT UNIT HOLDING SCANNER, COMPUTERS, MONITORS, KEYBOARDS, CABLES, TRANSMITTERS, RECEIVERS; CABINETS HOUSING ELECTRONICS; DIGITAL CCD LINE-SCAN CAMERAS; DIGITAL VIDEO CAMERAS ALL THE AFOREMENTIONED GOODS FOR USE IN THE SHEETING INDUSTRY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-5-1999; IN COMMERCE 4-30-1999.

SN 75-627,993, FILED 1-27-1999.

ESTHER A. BORSUK, EXAMINING ATTORNEY

Int. Cl.: 18

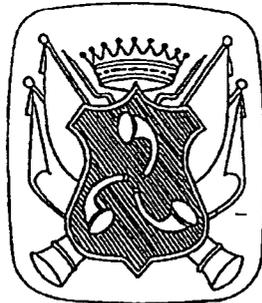
Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,950,745

Registered May 17, 2005

TRADEMARK  
PRINCIPAL REGISTER



*Alexandra da Vinci*

CONTESSA DA VINCI S.R.L. (ITALY LTD LIAB  
CO)  
VIA CASAGRANDE 50, 00153  
ROME, ITALY

FOR: GOODS MADE OF LEATHER AND IMITATIONS OF LEATHER, NAMELY, ATTACHÉ CASES, BAGS FOR TRAVEL, BAGS FOR SHOPPING, BANDOLIERS, BEACH BAGS, BRIEFCASES, HANDBAGS, KEY CASES, BUSINESS CARD CASES, CALLING CARD CASES, CREDIT CARD CASES, OVERNIGHT CASES, COSMETIC CASES SOLD EMPTY, POCKET WALLETS, PURSES, RUCKSACKS, SCHOOL SACHELS, SCHOOL BAGS, SUITCASES, TRAVELING TRUNKS, TRUNKS, UMBRELLAS, VALISES, NONFITTED VANITY CASES SOLD EMPTY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. RM99C/003167, FILED 6-25-1999, REG. NO. 871258, DATED 7-2-2002, EXPIRES 6-25-2009.

THE LINING SHOWN IN THE DRAWING IS A FEATURE OF THE MARK.

"ALEXANDRA DA VINCI" IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 75-749,181, FILED 7-13-1999.

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cls.: 37, 41, and 42

Prior U.S. Cls.: 100, 101, 103, 106, and 107

Reg. No. 2,366,978

United States Patent and Trademark Office

Registered July 11, 2000

**SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI FUSION**

ROSENZWEIG, SOLOMON (UNITED STATES CITIZEN)  
1077 HOWARD STREET  
SAN FRANCISCO, CA 94103

FOR: CONSTRUCTION AND INSTALLATION OF SCENERY, PROPS, STAGING, TEMPORARY STRUCTURES, AND LIGHTING, SOUND, AND POWER SUPPLY AND DISTRIBUTION EQUIPMENT FOR THEATRICAL PRODUCTIONS, CONFERENCES, AND PRESENTATIONS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

FOR: RENTAL OF SCENERY, PROPS, STAGING, TEMPORARY STRUCTURES, AND LIGHTING, SOUND, AND POWER SUPPLY AND DISTRIBUTION EQUIPMENT FOR THEATRICAL PRODUCTIONS,

CONFERENCES, AND PRESENTATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

FOR: DESIGN OF SCENERY, PROPS, STAGING, TEMPORARY STRUCTURES AND LIGHTING, SOUND AND POWER SUPPLY AND DISTRIBUTION EQUIPMENT, DESIGN FOR THEATRICAL PRODUCTIONS, CONFERENCES AND PRESENTATIONS, TOGETHER WITH CONSULTING SERVICES IN CONNECTION THEREWITH, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

SN 75-519,770, FILED 7-16-1998.

IRENE D. WILLIAMS, EXAMINING ATTORNEY

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**Reg. No. 2,277,699**

**United States Patent and Trademark Office**

**Registered Sep. 14, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI CIGARS**

**TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS RD., SUITE 112  
DALLAS, TX 75287**

**FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).  
FIRST USE 10-15-1995; IN COMMERCE  
8-21-1996.**

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

**SER. NO. 75-492,872, FILED 5-26-1998.**

**FARAH BHATTI, EXAMINING ATTORNEY**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**Reg. No. 2,277,692**

**United States Patent and Trademark Office**

**Registered Sep. 14, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI MONALISA**

**TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS RD., SUITE 112  
DALLAS, TX 75287**

**FIRST USE 10-15-1995; IN COMMERCE  
8-21-1996.**

**SER. NO. 75-492,472, FILED 5-26-1998.**

**FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).**

**FARAH BHATTI, EXAMINING ATTORNEY**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**Reg. No. 2,277,684**

**United States Patent and Trademark Office**

**Registered Sep. 14, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI LEONARDO**

**TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS RD., SUITE 112  
DALLAS, TX 75287**

**FIRST USE 10-15-1995; IN COMMERCE  
8-21-1996.**

**SER. NO. 75-490,746, FILED 5-26-1998.**

**FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).**

**FARAH BHATTI, EXAMINING ATTORNEY**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**United States Patent and Trademark Office**

**Reg. No. 2,277,701**

**Registered Sep. 14, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI RENAISSANCE**

**TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS RD., SUITE 112  
DALLAS, TX 75287**

**FIRST USE 10-15-1995; IN COMMERCE  
8-21-1996.**

**SER. NO. 75-492,874, FILED 5-26-1998.**

**FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).**

**FARAH BHATTI, EXAMINING ATTORNEY**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**United States Patent and Trademark Office**

**Reg. No. 2,277,700**

**Registered Sep. 14, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI MADONNA**

**TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS RD., SUITE 112  
DALLAS, TX 75287**

**FIRST USE 10-15-1995; IN COMMERCE  
8-21-1996.**

**SER. NO. 75-492,873, FILED 5-26-1998.**

**FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).**

**FARAH BHATTI, EXAMINING ATTORNEY**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**Reg. No. 2,277,693**

**United States Patent and Trademark Office**

**Registered Sep. 14, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI GINEVRA DE BENCI**

**TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS RD., SUITE 112  
DALLAS, TX 75287**

**FIRST USE 10-15-1995; IN COMMERCE  
8-21-1996.**

**SER. NO. 75-492,473, FILED 5-26-1998.**

**FOR: CIGARS, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).**

**FARAH BHATTI, EXAMINING ATTORNEY**

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9 and 17

Reg. No. 2,260,584

**United States Patent and Trademark Office**

Registered July 13, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

TOBACCO CLUB, INC. (TEXAS CORPORATION)  
4043 TRINITY MILLS ROAD, SUITE 112  
DALLAS, TX 75287

FOR: CIGARS AND ACCESSORIES FOR  
CIGARS, NAMELY, CIGARS, CARRYING  
CASES NOT OF PRECIOUS METAL, LIGHT-  
ERS NOT OF PRECIOUS METAL, HUMIDORS,  
ASHTRAYS NOT OF PRECIOUS METAL, CUT-

TERS, AND CIGAR HOLDERS NOT OF PRE-  
CIOUS METAL, IN CLASS 34 (U.S. CLS. 2, 8, 9  
AND 17).

FIRST USE 12-4-1995; IN COMMERCE  
12-18-1995.

SER. NO. 75-406,203, FILED 12-16-1997.

FARAH BHATTI, EXAMINING ATTORNEY

**Int. Cl.: 19**

**Prior U.S. Cls.: 1, 12, 33 and 50**

**Reg. No. 2,763,041**

**United States Patent and Trademark Office**

**Registered Sep. 16, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**KARNDEAN DA VINCI**

**KARNDEAN INTERNATIONAL LIMITED (UNI-  
TED KINGDOM CORPORATION)  
FERRY LANE  
OFFENHAM, EVESHAM  
WORCESTERSHIRE, ENGLAND WR11 5RT**

**FOR: NON-METALLIC FLOOR TILES; VINYL  
FLOOR TILES PATTERNED TO REPLICATE WOOD  
FLOORING AND GRANITE FLOOR TILES, IN  
CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).**

**FIRST USE 9-0-1997; IN COMMERCE 9-0-1997.**

**PRIORITY CLAIMED UNDER SEC. 44(D) ON  
UNITED KINGDOM APPLICATION NO. 2135390,  
FILED 6-10-1997, REG. NO. 2135390, DATED 4-24-  
1998, EXPIRES 6-10-2007.**

**"KARNDEAN DA VINCI" DOES NOT IDENTIFY  
A LIVING INDIVIDUAL.**

**SER. NO. 75-388,363, FILED 11-12-1997.**

**MATTHEW PAPPAS, EXAMINING ATTORNEY**

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**Reg. No. 2,172,284**

**United States Patent and Trademark Office**

**Registered July 14, 1998**

**SERVICE MARK  
PRINCIPAL REGISTER**

**DA VINCI DESIGN**

**MOETTELI, JOHN BRENT (UNITED STATES  
CITIZEN)  
813 PALM DESERT DRIVE  
GARLAND, TX 75044**

**FOR: PROVIDING INFORMATION TO  
OTHERS ABOUT PATENTS, THE PATENT  
PROCESS, INVENTING, AND INNOVATIVE  
DESIGN AND ENGINEERING, IN CLASS 42  
(U.S. CLS. 100 AND 101).**

**FIRST USE 12-31-1992; IN COMMERCE  
2-1-1993.**

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

**SER. NO. 75-155,213, FILED 8-23-1996.**

**CHRIS A. F. PEDERSEN, EXAMINING ATTOR-  
NEY**

Int. Cls.: 9, 14, 18 and 25

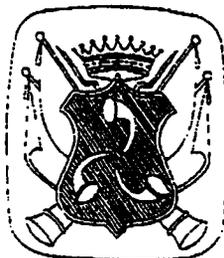
Prior U.S. Cls.: 1, 2, 3, 21, 22, 23, 26, 27, 28, 36, 38, 39,  
41 and 50

Reg. No. 2,745,435

United States Patent and Trademark Office

Registered Aug. 5, 2003

**TRADEMARK  
PRINCIPAL REGISTER**



CONTESSA DA VINCI

CONTESSA DA VINCI S.R.L. (ITALY LIMITED  
LIABILITY COMPANY)  
VIA G.B. MARTINI 13  
00198 ROME, ITALY

FOR: EYEGLASSES, SUNGLASSES AND THEIR  
CASES, CHAINS, CORDS AND FRAMES, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: JEWELRY AND IMITATION THEREOF,  
NAMELY BRACELETS, BROOCHES, CHAINS, TIE  
CLIPS, CUFF LINKS, EARRINGS, JEWELRY CASES  
OF PRECIOUS METAL, CIGARETTE CASES MADE  
OF PRECIOUS METAL, KEY RINGS OF PRECIOUS  
METAL, MEDALS, NECKLACES, PINS, POWDER  
COMPACTS OF PRECIOUS METAL, RINGS, IN  
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: GOODS MADE OF LEATHER AND IMITA-  
TIONS OF LEATHER, NAMELY, ATTACHE CASES,  
BAGS FOR TRAVEL, BAGS FOR SHOPPING, BAN-  
DOLIERS, BEACH BAGS, BRIEFCASES, HAND-  
BAGS, KEY CASES, BUSINESS CARD CASES,  
CALLING CARD CASES, CREDIT CARD CASES,  
OVERNIGHT CASES, COSMETIC CASES SOLD  
EMPTY, POCKET WALLETS, PURSES, RUCK-  
SACKS, SCHOOL SATCHELS, SCHOOL BAGS, SUIT-  
CASES, TRAVELLING TRUNKS, TRUNKS,  
UMBRELLAS, VALISES, NONFITTED VANITY  
CASES SOLD EMPTY, PURSES, IN CLASS 18 (U.S.  
CLS. 1, 2, 3, 22 AND 41).

FOR: BANDANAS, NAMELY, NECKERCHIEFS;  
BATH ROBES, BATH SANDALS, BATH SLIPPERS,

BATHING SUITS, BEACHWEAR, BATHING SUITS,  
BEACH SHOES, BELTS, BERETS, BOOTS, CAPS,  
GYM SHORTS, GYM SUITS, LEOTARDS, SWEAT-  
BANDS, WARM-UP SUITS; CLOTHING OF IMITA-  
TION LEATHER AND OF LEATHER, NAMELY,  
JACKETS, COATS, VESTS, SKIRTS, TROUSERS,  
DRESSES; COATS, DRESSING GOWNS, FUR  
COATS, FUR JACKETS, FUR STOLEES, GLOVES,  
GYMNASTIC SHOES, HALF-BOOTS, HATS, HOSI-  
ERY, JACKETS, JERSEYS, JUMPERS, NECKTIES,  
OVERALLS, PARKAS, PULLOVERS, PAJAMAS,  
SANDALS, SASHES, SCARVES, SHAWLS, SHIRTS,  
BLOUSES, SHOES, SKIRTS, SLIPPERS, SOCKS,  
SPORTS JERSEYS, STOCKINGS, SUITS, SWEATERS,  
T-SHIRTS, TROUSERS, TROUSER STRAPS, UN-  
DERWEAR, VESTS, WAISTCOATS, AND KNIT-  
WEAR, NAMELY SWEATERS, SCARVES,  
DRESSES, IN CLASS 25 (U.S. CLS. 22 AND 39).

OWNER OF ITALY REG. NO. 494083, DATED 3-30-  
1998, EXPIRES 3-30-2008.

THE LINING SHOWN IN THE DRAWING OF  
THE MARK IS A FEATURE OF THE MARK AND  
NOT INTENDED TO INDICATE COLOR.

THE NAME IN THE MARK "CONTESSA DA  
VINCI", WHOSE CONSENT IS OF RECORD, IDEN-  
TIFIES A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 75-356,594, FILED 9-15-1997.

ESTHER BELENKER, EXAMINING ATTORNEY

**Int. Cls.: 29 and 30**

**Prior U.S. Cl.: 46**

**Reg. No. 2,113,847**

**United States Patent and Trademark Office**

**Registered Nov. 18, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

**WORLD FINER FOODS, INC. (DELAWARE  
CORPORATION)  
300 BROADACRES DRIVE  
BLOOMFIELD, NJ 07003**

**FOR: PROCESSED TUSCANY PEPPERS,  
MARINATED MUSHROOMS, PROCESSED PIG-  
NOLI NUTS, LENTIL SOUP, MINESTRONE  
SOUP, ESCAROLE IN CHICKEN BROTH,  
PROCESSED CHICK PEAS, PROCESSED  
KIDNEY BEANS, MACARONI AND BEAN  
SOUP, AND SPREAD MADE PRIMARILY OF  
PROCESSE GARLIC, IN CLASS 29 (U.S. CL. 46).**

**FIRST USE 0-0-1989; IN COMMERCE  
0-0-1989.**

**FOR: BALSAMIC VINEGAR, BREADSTICKS,  
GNOCCHI, AND BREAD CRUMBS, IN CLASS  
30 (U.S. CL. 46).**

**FIRST USE 0-0-1981; IN COMMERCE  
0-0-1981.**

**OWNER OF U.S. REG. NOS. 770,469 AND  
1,338,226.**

**SER. NO. 75-166,045, FILED 9-11-1996.**

**MICHAEL MASON, EXAMINING ATTORNEY**

Int. Cl.: 21

Prior U.S. Cls.: 2 and 33

**United States Patent and Trademark Office** **Reg. No. 1,781,479**  
Registered July 13, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI CRYSTAL**

CALP S.P.A. (ITALY CORPORATION)  
CRISTALLERIA ARTISTICA LA PIANA53034  
COLLE VAL D'ELSA  
VIA PROVENCIALE SENESE  
SIENA, ITALY

FOR: CRYSTAL BEVERAGE GLASSWARE,  
IN CLASS 21 (U.S. CLS. 2 AND 33).

FIRST USE 7-0-1992; IN COMMERCE  
7-0-1992.

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

SER. NO. 74-324,681, FILED 10-21-1992.

F. D. CARMINE, EXAMINING ATTORNEY

FOR: WATCHES AND PARTS THEREFOR,  
IN CLASS 14 (U.S. CL. 27).

SUSAN LESLIE, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cl.: 29

**United States Patent and Trademark Office**

**Reg. No. 1,852,360**  
Registered Sep. 6, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

**LEONARDO DA VINCI**

DEFET KG KUNSTLERPINSELFABRIK (FED  
REP GERMANY LIMITED PARTNERSHIP)  
GUSTAV-ADOLF STRASSE 33  
8500 NUREMBERG 70, FED REP GERMANY

FOR: ARTISTS' BRUSHES, IN CLASS 16 (U.S.  
CL. 29).

FIRST USE 0-0-1987; IN COMMERCE  
0-0-1987.

OWNER OF U.S. REG. NO. 1,770,018.

SER. NO. 74-314,224, FILED 9-16-1992.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cl.: 29

**United States Patent and Trademark Office** **Reg. No. 1,770,018**  
**Registered May 11, 1993**

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**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

DEFET KG KUNSTLERPINSELFABRIK (FED  
REP GERMANY LIMITED PARTNERSHIP)  
GUSTAV-ADOLF STRASSE 33  
8500 NUREMBERG 70  
RUF 0911/612924, FED REP GERMANY

FIRST USE 0-0-1987; IN COMMERCE  
0-0-1987.

SER. NO. 74-291,348, FILED 7-6-1992.

FOR: ARTISTS BRUSHES, IN CLASS 16 (U.S.  
CL. 29).

BRIAN WEBER, EXAMINING ATTORNEY

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office** **Reg. No. 1,338,226**  
Registered May 28, 1985

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**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

REESE FINER FOODS, INC. (DELAWARE  
CORPORATION)  
P.O. BOX D  
51 GRAFTON AVE.  
DAYTON, OH 45406

FOR: OLIVE OIL, IN CLASS 29 (U.S. CL. 46).  
FIRST USE 1-1-1982; IN COMMERCE  
1-1-1982.

FOR: PASTA AND SEASONINGS, IN CLASS  
30 (U.S. CL. 46).  
FIRST USE 10-0-1952; IN COMMERCE  
10-0-1952.  
OWNER OF U.S. REG. NO. 770,469.

SER. NO. 487,037, FILED 6-26-1984.

RICHARD A. STRASER, EXAMINING ATTOR-  
NEY

Int. Cl.: 5

Prior U.S. Cl.: 18

**United States Patent and Trademark Office**

Reg. No. 1,516,175  
Registered Dec. 13, 1988

**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI**

FOOD SCIENCE CORPORATION (VERMONT  
CORPORATION)  
20 NEW ENGLAND DRIVE  
ESSEX JUNCTION, VT 05452

FIRST USE 2-13-1976; IN COMMERCE  
2-13-1976.  
OWNER OF U.S. REG. NO. 1,200,808.

SER. NO. 653,608, FILED 4-6-1987.

FOR: DIETARY SUPPLEMENT, IN CLASS 5  
(U.S. CL. 18).

HELEN ROBERTS WENDEL, EXAMINING AT-  
TORNEY

Int. Cl.: 9

Prior U.S. Cl.: 38

**United States Patent and Trademark Office** **Reg. No. 1,496,647**  
**Registered July 19, 1988**

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**TRADEMARK  
PRINCIPAL REGISTER**

**DA VINCI SYSTEMS**

DA VINCI SYSTEMS CORPORATION (NORTH  
CAROLINA CORPORATION)  
P.O. BOX 5427  
RALEIGH, NC 27709

FIRST USE 6-27-1985; IN COMMERCE  
11-10-1986.

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

FOR: COMPUTER PROGRAMS FOR USE IN  
THE FIELD OF ELECTRONIC MAIL AND  
COMMUNICATIONS, IN CLASS 9 (U.S. CL. 38).

SER. NO. 697,211, FILED 11-23-1987.

RUSS HERMAN, EXAMINING ATTORNEY

## PRINCIPAL REGISTER Trademark

Ser. No. 177,342, filed Sept. 19, 1963

### DA VINCI

Dina Food Corp. (Illinois corporation)  
1750 W. Wrightwood Ave.  
Chicago 14, Ill.

For: PEPPERONCINIS, SLICED EGG PLANT IN VINEGAR, STUFFED EGGPLANT, ANTIPASTO PEPPERS, PEPPER SALAD, LUPINI BEANS, OLIVE APETIZER, STUFFED CHERRY PEPPERS, ITALIAN GIARDINIERA, MUSHROOM SALAD, CIPOLLINI,

SLICED CHERRY PEPPERS IN OIL, HOT PIZZA SAUCE, MILD PIZZA SAUCE, GARLIC WINE VINEGAR, RED WINE VINEGAR, HOT CHERRY PEPPERS, MEAT SAUCE, MUSHROOM SAUCE, MEATLESS SAUCE, AND MARINARA SAUCE AND RED CLAM SAUCE TO BE USED OVER PASTA PRODUCTS, in CLASS 46.

First use on or about Sept. 9, 1963; in commerce on or about Sept. 9, 1963.

# EXHIBIT 3

Side - 1

**NOTICE OF PUBLICATION UNDER §12(a)**

**MAILING DATE: Nov 29, 2006**

**PUBLICATION DATE: Dec 19, 2006**

The mark identified below will be published in the Official Gazette on Dec 19, 2006. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 78728786**

**MARK: DAVINCI DIAGNOSTIC IMAGING**

**OWNER: DaVinci Radiology Associates, P.L.**

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS  
MAIL  
U.S POSTAGE  
PAID

KIRK FRIEDLAND  
KIRK FRIEDLAND LAW OFFICE  
505 S FLAGLER DR STE 1330  
WEST PALM BEACH, FL 33401-5951

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	78728786	FILING DATE	10/07/2005
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CLAYTON, CHERYL A	L.O. ASSIGNED	102

**PUB INFORMATION**

RUN DATE	10/18/2006		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	10/17/2006		
LITERAL MARK ELEMENT	DAVINCI DIAGNOSTIC IMAGING		
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)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	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	NO
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LITERAL MARK ELEMENT	DAVINCI DIAGNOSTIC IMAGING
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	DaVinci Radiology Associates, P.L.
ADDRESS	Suite 1330 505 South Flagler Drive West Palm Beach, FL 33401
ENTITY	99-LIMITED LIABILITY COMPANY
CITIZENSHIP	Florida

### GOODS AND SERVICES

INTERNATIONAL CLASS	044
DESCRIPTION TEXT	medical diagnostic imaging services

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	FIRST USE DATE	FIRST USE IN COMMERCE DATE	CLASS STATUS
044	08/01/2005	08/01/2005	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	"The color(s) white, brown and yellow is/are claimed as a feature of the mark."
DISCLAIMER W/PREDETER TXT	"DIAGNOSTIC"
DESCRIPTION OF MARK	"The mark consists of a white Vatruvian man silhouette image inside of a circle shaded brown in the lower portion blending to yellow in the upper portion, the right half of the circle is superimosed within the brown letter "D" in the brown text "DAVINCI", the text DIAGNOSTIC is yellow and the text "IMAGING" is brown, the dot over the letter "i" is yellow."

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/17/2006	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	008

10/12/2006	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	007
10/11/2006	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	006
10/11/2006	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
04/12/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
04/12/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
04/12/2006	DOCK	D	ASSIGNED TO EXAMINER	002
10/12/2005	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Kirk Friedland
CORRESPONDENCE ADDRESS	KIRK FRIEDLAND KIRK FRIEDLAND LAW OFFICE 505 S FLAGLER DR STE 1330 WEST PALM BEACH, FL 33401-5951
DOMESTIC REPRESENTATIVE	NONE

DAVINCI  
MAGING

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78728786
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	044
DESCRIPTION	medical diagnostic imaging services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 08/01/2005
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	044
DESCRIPTION	medical diagnostic imaging services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 08/01/2005
STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 787\287\78728786\xml1\RO A0002.JPG
SPECIMEN DESCRIPTION	Business card
<b>ADDITIONAL STATEMENTS SECTION</b>	
DISCLAIMER	"No claim is made to the exclusive right to use "DIAGNOSTIC" apart from the mark as shown."
	"The mark consists of a white Vatruvian man silhouette image inside of a circle shaded brown in the lower portion

DESCRIPTION OF THE MARK (and Color Location, if applicable)	blending to yellow in the upper portion, the right half of the circle is superimosed within the brown letter "D" in the brown text "DAVINCI", the text DIAGNOSTIC is yellow and the text "iMAGING" is brown, the dot over the letter "i" is yellow."
COLOR(S) CLAIMED (if applicable)	"The color(s) white, brown and yellow is/are claimed as a feature of the mark."

**SIGNATURE SECTION**

DECLARATION SIGNATURE	/kirk friedland/
SIGNATORY'S NAME	Kirk Friedland
SIGNATORY'S POSITION	Attorney
DATE SIGNED	10/11/2006
RESPONSE SIGNATURE	/kirk friedland/
SIGNATORY'S NAME	Kirk Friedland
SIGNATORY'S POSITION	Attorney
DATE SIGNED	10/11/2006
AUTHORIZED SIGNATORY	YES

**FILING INFORMATION SECTION**

SUBMIT DATE	Wed Oct 11 17:43:58 EDT 2006
TEAS STAMP	USPTO/ROA-72.144.209.207- 20061011174358071693-7872 8786-34063d19e4298f8a091a 371b62e0d19023-N/A-N/A-20 061011171619414844

2006 OCT 11 17:43:58 EDT  
USPTO/ROA-72.144.209.207

**Response to Office Action  
To the Commissioner for Trademarks:**

Application serial no. **78728786** has been 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 044 for medical diagnostic imaging services

Original Filing Basis: 1(a).

Proposed: Class 044 for medical diagnostic imaging services

Filing Basis: 1(a).

**Section 1(a), Use in Commerce:** The mark was first used at least as early as 08/01/2005 and first used in commerce at least as early as 08/01/2005, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 044.

The specimen(s) submitted consists of Business card.

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

Specimen File 1

**Additional Statements**

"No claim is made to the exclusive right to use "DIAGNOSTIC" apart from the mark as shown."

"The mark consists of a white Vatruvian man silhouette image inside of a circle shaded brown in the lower portion blending to yellow in the upper portion, the right half of the circle is superimosed within the brown letter "D" in the brown text "DAVINCI", the text DIAGNOSTIC is yellow and the text "IMAGING" is brown, the dot over the letter "i" is yellow."

"The color(s) white, brown and yellow is/are claimed as a feature of the mark."

**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: /kirk friedland/ Date: 10/11/2006

Signatory's Name: Kirk Friedland

Signatory's Position: Attorney

**Response Signature**

Signature: /kirk friedland/ Date: 10/11/2006

Signatory's Name: Kirk Friedland

Signatory's Position: Attorney

Serial Number: 78728786

Internet Transmission Date: Wed Oct 11 17:43:58 EDT 2006

TEAS Stamp: USPTO/ROA-72.144.209.207-200610111743580

71693-78728786-34063d19e4298f8a091a371b6

2e0d19023-N/A-N/A-20061011171619414844

# DAVINCI IMAGING

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101 JFK Drive  
Atlantis, FL 33462  
Adjacent to JFK Medical Ctr  
(561) 968-3310  
[www.davinci-imaging.com](http://www.davinci-imaging.com)

---

**Thomas P. Boyle M.D.**  
American Board of Radiology Certified  
Body MRI and CT Imaging, Breast Imaging

# DAVINCI IMAGING

---

101 JFK Drive  
Atlantis, FL 33462  
Adjacent to JFK Medical Ctr  
(561) 968-3310  
[www.davinci-imaging.com](http://www.davinci-imaging.com)

---

**Thomas P. Boyle M.D.**  
American Board of Radiology Certified  
Body MRI and CT Imaging, Breast Imaging

---

**To:** DaVinci Radiology Associates, P.L. ([kirklaw@gate.net](mailto:kirklaw@gate.net))  
**Subject:** TRADEMARK APPLICATION NO. 78728786 - DAVINCI DIAGNOSTIC IMAGING - N/A  
**Sent:** 4/12/2006 12:55:01 PM  
**Sent As:** ECOM102@USPTO.GOV  
**Attachments:**

---

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/728786

**APPLICANT:** DaVinci Radiology Associates, P.L.

**CORRESPONDENT ADDRESS:**

KIRK FRIEDLAND  
KIRK FRIEDLAND LAW OFFICE  
505 S FLAGLER DR STE 1330  
WEST PALM BEACH, FL 33401-5951

**\*78728786\***

**RETURN ADDRESS:**

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

**MARK:** DAVINCI DIAGNOSTIC IMAGING

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

**CORRESPONDENT EMAIL ADDRESS:**

[kirklaw@gate.net](mailto:kirklaw@gate.net)

Please provide in all correspondence:

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 78/728786

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

### **SEARCH OF OFFICE RECORDS**

The examining attorney has searched the Office records 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.

### **DISCLAIMER**

The Office can require an applicant to disclaim exclusive rights to an unregistrable part of a mark, rather than refuse registration of the entire mark. Trademark Act Section 6(a), 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), 15 U.S.C. §1052(e), the Office can refuse registration of the entire mark where it is determined that the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. Thus, the Office may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). TMEP §1213.03(a). If an applicant does not comply with a disclaimer requirement, the Office may refuse registration of the entire mark. TMEP §1213.01(b).

A "disclaimer" is thus a written statement that an applicant adds to the application record that states that applicant does not have exclusive rights, separate and apart from the entire mark, to particular wording and/or to a design aspect. The appearance of the applied-for mark does not change.

The following cases explain the disclaimer requirement more fully: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983); *In re EBS Data Processing, Inc.*, 212 USPQ 964 (TTAB 1981); *In re National Presto Industries, Inc.*, 197 USPQ 188 (TTAB 1977).

Applicant must insert a disclaimer of DIAGNOSTIC in the application because it merely identifies a characteristic of the services. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §1213.

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 "DIAGNOSTIC" apart from the mark as shown.

See *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

### **COLOR DRAWING**

The drawing of the mark contains color. Color drawings must be accompanied by the following: (1) a color claim naming the colors that are a feature of the mark; and (2) a separate statement describing where the color(s) appear on the mark. A color drawing will not publish without both of these

statements.

A properly worded color claim would read as follows:

The color(s) *<name the color(s)>* are claimed as a distinctive feature of the mark.

A properly worded description would read as follows:

The color(s) *<name the color(s)>* appear in *<specify portion of mark on which color(s) appear>*.

### **SPECIMEN OF USE**

The applicant has submitted a specimen that appears to be temporary in nature, e.g. a temporary reproduction of the mark, rather than showing the mark identifying the services in the sale or advertising of such services. The applicant must submit a specimen of a more permanent nature. 37 C.F.R. §2.61(b); TMEP §904.04(a).

**The applicant must submit a specimen, and must submit the following statement:**

The specimen was in use in commerce at least as early as the filing date of the application.

This statement must be verified with an affidavit or a declaration under 37 C.F.R. Section 2.20. 37 C.F.R. Section 2.71(d)(1).

The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by someone authorized to sign under 37 C.F.R. Section 2.33(a).

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 the facts set forth in this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

/Cheryl Clayton/  
Attorney  
Law Office 102  
571-272-9102

**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.**

\*\*\* User:CClayton \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	78728786[SN]
02	25909	N/A	0	0	0:01	020133[dc]
03	5896	N/A	0	0	0:01	260111[dc]
04	140	74	2	66	0:01	2 and 3
05	23123	N/A	0	0	0:01	0209[DC]
06	108	64	2	44	0:01	5 and 3
07	99	N/A	0	0	0:02	*d{v}v{"iey"}n{"ckq"}{"iey"}*[bi,ti]
08	851	N/A	0	0	0:02	*d{"iey"}{v}gn{v}{"sz"}t{"iey"}{"ckqx"}*[bi,ti]
09	20066	N/A	0	0	0:03	*m{v}{"gj"}{"iey"}*[bi,ti]
10	1	0	1	1	0:01	7 and 8 and 9
11	1	0	1	1	0:01	7 and (8 9)
12	47	15	32	23	0:01	8 and 9

Session started 4/12/2006 12:37:41 PM

Session finished 4/12/2006 12:45:22 PM

Total search duration 0 minutes 16 seconds

Session duration 7 minutes 41 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78728786

Serial Number: 78728786

Filing Date: 10/07/2005

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
MARK FILE NAME	\\TICRS\EXPORT8\IMAGEOUT8 \787\287\78728786\xml1\AP P0002.JPG
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	DaVinci Diagnostic Imaging
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of A stylized letter "i" with a silhouette of the Vitruvian man.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	1108 x 654
<b>OWNER SECTION</b>	
NAME	DaVinci Radiology Associates, P.L.
INTERNAL ADDRESS	Suite 1330
STREET	505 South Flagler Drive
CITY	West Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33401
COUNTRY	United States
PHONE	561 655-8200
FAX	561 655-1389
EMAIL	kirklaw@gate.net

AUTHORIZED EMAIL COMMUNICATION	Yes
<b>LEGAL ENTITY SECTION</b>	
TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY UNDER WHICH ORGANIZED	Florida
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	044
DESCRIPTION	medical diagnostic imaging services
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 08/01/2005
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT8\IMAGEOUT8 787\287\78728786\xml1\AP P0003.JPG
SPECIMEN DESCRIPTION	identification sign
<b>SIGNATURE SECTION</b>	
SIGNATURE	/kirk friedland/
SIGNATORY NAME	Kirk Friedland
SIGNATORY DATE	10/07/2005
SIGNATORY POSITION	Attorney
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
<b>ATTORNEY</b>	
NAME	Kirk Friedland
FIRM NAME	Kirk Friedland Law Office
INTERNAL ADDRESS	Suite 1330
STREET	505 South Flagler Drive
CITY	West Palm Beach



## Trademark/Service Mark Application, Principal Register

Serial Number: 78728786

Filing Date: 10/07/2005

### To the Commissioner for Trademarks:

**MARK:** DaVinci Diagnostic Imaging (stylized and/or with design, see mark)

The literal element of the mark consists of DaVinci Diagnostic Imaging.

The mark consists of A stylized letter "i" with a silhouette of the Vitruvian man.

The applicant, DaVinci Radiology Associates, P.L., a LIMITED LIABILITY COMPANY organized under the laws of Florida, residing at Suite 1330, 505 South Flagler Drive, West Palm Beach, Florida, United States, 33401, 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.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 044: medical diagnostic imaging services

In International Class 044, the mark was first used at least as early as 08/01/2005, and first used in commerce at least as early as 08/01/2005, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) identification sign.

#### Specimen - 1

The applicant hereby appoints Kirk Friedland of Kirk Friedland Law Office, Suite 1330, 505 South Flagler Drive, West Palm Beach, Florida, United States, 33401 to submit this application on behalf of the applicant.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: kirklaw@gate.net.

A fee payment in the amount of \$325 will be 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: /kirk friedland/ Date: 10/07/2005

Signatory's Name: Kirk Friedland

Signatory's Position: Attorney

Mailing Address:

Kirk Friedland

Suite 1330

505 South Flagler Drive

West Palm Beach, Florida 33401

RAM Sale Number: 1332

RAM Accounting Date: 10/07/2005

Serial Number: 78728786

Internet Transmission Date: Fri Oct 07 12:55:20 EDT 2005

TEAS Stamp: USPTO/BAS-661496051-20051007125520019186

-78728786-200747e64ccdf9b4f2be6829166776

eabe4-CC-1332-20051007125021267926

DAVINCI  
MAGING

DAVINCI  
MAGING

DAVINCI  
MAGING

DAVINCI  
IMAGING

# EXHIBIT 4

09-18-2001

U.S. Patent & TMO/TM Mail Report #01

105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
Intuitive Surgical, Inc.	)
Serial No.: <del>751661060</del> 75982190	)
Filed: March 19, 1999	)
For: DA VINCI	)

REQUEST TO DIVIDE APPLICATION

Hon. Asst. Comm. For Trademarks  
 United States Patent and Trademark Office  
 Box: ITU/Divisional Unit  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

Repl. Ref: 03/29/2002 ZIMMITH 0015573200  
 App: 501395 Name/Number: 75664269  
 FC: 704 \$225.00 CR

Adjustment date: 03/29/2002 ZIMMITH  
 10/09/2001 SMITH 00000215 501395 75664269  
 02 FC:361 100.00 CR -225.00 CP

10/09/2001 SMITH 00000215 501395 75664269  
 01 FC:379 Sir: 100.00 CP  
 02 FC:361 100.00 CR 225.00 CP

**I. REQUEST TO DIVIDE INTO TWO SEPARATE APPLICATIONS**

Pursuant to 37 C.F.R. §2.87 and T.M.E.P. 1105.06, Applicant requests that the subject Application be divided into two separate applications; one covering the goods set forth in the original Application and one covering the services set forth in that Application.

Applicant requests that the first separate application cover the following goods, which were set forth in the original Application:

"Medical devices, namely, a computerized surgical manipulation system comprised of surgeon's console, master control, immersive

video display, 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; medical devices, namely, a full line of resposable (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/irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retractor, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancet, mallets, pliers, hammers, rasps, spatulas, and strippers; full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tacker, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners" in International Class 10.

Applicant further requests that the second separate application cover the following services, which were set forth the original Application:

"Educational services, namely, conducting seminars, conferences, workshops, reference site training, and classes for physicians in the field of minimally invasive surgical procedures and in the use of minimally invasive surgical devices and distributing training manuals, white papers and journals in connection therewith" in International Class 41; and

"Medical services, namely, conducting minimally invasive surgery" in International Class 42.

Applicant submits herewith a check in the amount of \$325.00 to cover the single new application created as a result of this Request to Divide Application. Applicant submits simultaneously herewith a Request for Extension of Time, by which it seeks to extend its time to file a Statement of Use for the second divided application covering its services. If anything further is required to support this request, please contact the undersigned attorney to indicate

what is required. Applicant respectfully requests that the subject Application be divided into two separate applications.

## II. CORRESPONDENCE

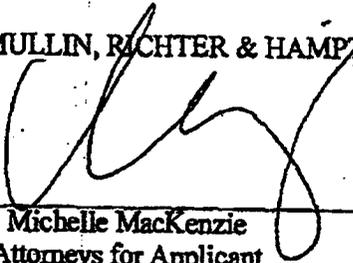
Applicant requests that all further correspondence relating to the prosecution of the subject Application or to this Request to Divide Application be directed to the undersigned attorney, who is associated with the San Francisco Office of Sheppard Mullin Richter & Hampton, rather than to the previously identified individual at Townsend and Townsend and Crew. A Revocation and New Power of Attorney form appointing the undersigned has been filed with the Patent and Trademark Office, and a copy of that form is enclosed herewith.

If any additional information or documentation is required to support this request, or if there are any questions, kindly contact the undersigned attorney.

Dated: September 18, 2001

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

  
\_\_\_\_\_  
Michelle MacKenzie  
Attorneys for Applicant  
INTUITIVE SURGICAL, INC.

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

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

"Express Mail" Mailing Label Number:

EK234595370US

Date of Deposit: September 18, 2001.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Asst. Commissioner of Patents and Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.



Maria Mares

REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW ATTORNEY

In the United States Patent and Trademark Office

In re Application of:

Intuitive Surgical, Inc.

Appln. Ser. No.:

75982190

Trademark:

DA VINCI

Filing Date:

March 19, 1999

Hon. Commissioner Of Trademarks  
United States Patent and Trademark Office  
2900 Crystal Drive  
Arlington, VA 22202-3513

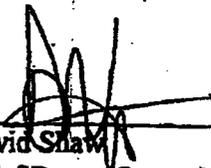
APPOINTMENT OF NEW ATTORNEY

Applicant hereby revokes all previous Powers of Attorney and appoints: SHEPPARD, MULLIN, RICHTER & HAMPTON LLP, a firm including Michelle D. Kahn and Michelle MacKenzie, 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 Patent and Trademark Office connected therewith.

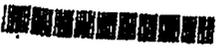
Please direct all communications to:

Michelle D. Kahn  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
Four Embarcadero Center  
17<sup>th</sup> Floor  
San Francisco, CA 94111  
(415) 434-9100

Dated: 07/24/00

By: 

David Shaw  
Chief Patent Counsel



09-18-2001

U.S. Patent & TM Office Rept Dt. #01

**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

SEVENTEENTH FLOOR

FOUR EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94111-4106

TELEPHONE (415) 434-9100

FACSIMILE (415) 434-3947

WRITER'S DIRECT LINE  
(415) 774-2910

OUR FILE NUMBER  
38T-75221

*ITU*

September 18, 2001

Hon. Asst. Comm. For Trademarks  
United States Patent and Trademark Office  
Box: ITU/Divisional Unit  
2900 Crystal Drive  
Arlington, VA 22202

Re: Request to Divide Application  
Trademark: DA VINCI  
Intuitive Surgical, Inc. **75982190**  
Serial Number: **[REDACTED]**  
Our Reference No.: 38T-75221

Dear Sir:

Enclosed for filing please find a Request to Divide Application for the trademark DA VINCI in the name of Intuitive Surgical Inc.

Our check in the amount of \$325.00 is enclosed in payment of the filing fee. Please charge any additional fees or make any credits to Deposit Account No. 501395.

Very truly yours,

*M. MacKenzie*  
Michelle MacKenzie

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Enclosures  
cc: Michelle Kahn  
WORD-SPIFMM61282942.1

RECEIVED  
2001 OCT 11 A 9 01  
MAR 23 P 1: 25

ITU UNIT  
T.M.S.D.

LAW OFFICE 105  
T.M.E.O.

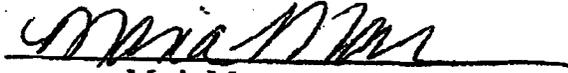
CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

"Express Mail" Mailing Label Number:

EK234595370US

Date of Deposit: September 18, 2001.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Asst. Commissioner of Patents and Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.



Maria Mares

# EXHIBIT 5

---

**To:** Ahmed Plastic Surgery ([newlook@plasticsurgeryoptions.com](mailto:newlook@plasticsurgeryoptions.com))  
**Subject:** TRADEMARK APPLICATION NO. 77614883 - DAVINCI FACELIFT - N/A  
**Sent:** 2/19/2009 5:35:11 PM  
**Sent As:** ECOM113@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)

---

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/614883

**MARK:** DAVINCI FACELIFT

**\*77614883\***

**CORRESPONDENT ADDRESS:**

AHMED PLASTIC SURGERY  
AHMED PLASTIC SURGERY  
2 MEMORIAL DR STE 104  
ALTON, IL 62002-6723

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

**APPLICANT:** Ahmed Plastic Surgery

**CORRESPONDENT'S**

**REFERENCE/DOCKET NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[newlook@plasticsurgeryoptions.com](mailto:newlook@plasticsurgeryoptions.com)

**NOTICE OF SUSPENSION**

**ISSUE/MAILING DATE:** 2/19/2009

**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:

- Application Serial No(s). **78961072 and 78464324**

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.

#### **RETENTION OF TRADEMARK COUNSEL**

Applicant may wish to hire an attorney to assist in prosecuting this application because of the legal technicalities involved. The Office, however, cannot aid in the selection of an attorney. 37 C.F.R. §2.11. Applicant may wish to consult a local telephone directory for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from a local bar association attorney-referral service.

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

/Ameen Imam/  
Trademark Examining Attorney  
Law Office 113  
Phone (571) 272-1942  
Fax No. (571) 273-1942

**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.

Print: Feb 19, 2009

78464324

**DESIGN MARK**

**Serial Number**

78464324

**Status**

REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

**Word Mark**

DA VINCI

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Da Vinci Dental Studios, Inc. CORPORATION CALIFORNIA 22135 Roscoe  
Boulevard West Hills CALIFORNIA 91304

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:  
PERSONAL CARE PRODUCTS, NAMELY, BODY GEL AND CLEANSERS, SKIN  
EXFOLIATORS, SKIN MOISTURIZERS, SUN PROTECTION PRODUCTS AND AFTER SUN  
CARE PRODUCTS, NAMELY, SUNSCREEN CREAMS, TANNING CREAMS, BODY SPRAY,  
TONING LOTIONS FOR THE FACE, BODY AND HANDS; MASSAGE OILS FOR THE SKIN  
AND BODY; FIRING TREATMENTS IN THE FORM OF MOISTURIZERS AND SERUMS,  
TONICS, AND BODY WRINKLE REMOVERS; FACIAL CARE PRODUCTS, NAMELY  
CLEANSERS, TONERS, SCRUBS, MASKS, EXFOLIANTS, MOISTURIZERS, HYDRATING  
TREATMENTS, WRINKLE REMOVERS, AND LIP PLUMPERS; HAIR CARE PRODUCTS AND  
TREATMENTS, NAMELY, SHAMPOOS, CONDITIONERS, MASKS AND OILS.

**Filing Date**

2004/08/09

**Examining Attorney**

COLLINS, ALICIA

**Attorney of Record**

Theresa W. Middlebrook

DA VINCI

**DESIGN MARK**

**Serial Number**

78961072

**Status**

REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

**Word Mark**

DA VINCI

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

{4} STANDARD CHARACTER MARK

**Owner**

JB Marketing, Inc. CORPORATION CALIFORNIA Suite 459 4924 Balboa Blvd.  
Encino CALIFORNIA 91316

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:  
cosmetics, namely mineral foundation, mineral blush, mineral bronzer,  
lip balm, lip gloss, nail polish, nail care preparation, day cream,  
night cream, anti-wrinkle lotion.

**Filing Date**

2006/08/25

**Examining Attorney**

HAMMEL, LAURA

**Attorney of Record**

Robert J. Lauson, Esq.

Da Vinci

---

**To:** Ahmed Plastic Surgery ([newlook@plasticsurgeryoptions.com](mailto:newlook@plasticsurgeryoptions.com))  
**Subject:** TRADEMARK APPLICATION NO. 77614883 - DAVINCI FACELIFT - N/A  
**Sent:** 2/19/2009 5:35:14 PM  
**Sent As:** ECOM113@USPTO.GOV  
**Attachments:**

---

**IMPORTANT NOTICE**  
**USPTO OFFICE ACTION HAS ISSUED ON 2/19/2009 FOR**  
**APPLICATION SERIAL NO. 77614883**

Please follow the instructions below to continue the prosecution of your application:

**VIEW OFFICE ACTION:** Click on this link [http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial\\_number=77614883&doc\\_type=SUL&](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77614883&doc_type=SUL&) (or copy and paste this URL into the address field of your browser), or visit <http://tmportal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from 2/22/09.

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in**

the ABANDONMENT of your application.

\*\*\* User:aimam \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:02	"AHMED PLASTIC SURGERY" [on]
02	120	0	120	93	0:04	*d{v:2}\${"vw"}{v:2}n{"ckqxszc"}* [bi,ti] not dead [ld]
03	185181	N/A	0	0	0:04	*d{"ae"}* [bi,ti] not dead [ld]
04	6646	N/A	0	0	0:33	*{"vw"}{v:2}n{"ckqxszc"}* [bi,ti] not dead [ld]
05	761	N/A	0	0	0:01	3 and 4
06	6001	N/A	0	0	0:34	*{"fh"}{v:2}n{"szc"}* [bi,ti] not dead [ld]
07	3017	N/A	0	0	0:04	*1{v:2}{"fph"}t* [bi,ti] not dead [ld]
08	36	0	36	28	0:01	4 and (6 7)
09	664	0	664	516	0:01	5 not 2

Session started 2/12/2009 5:39:59 PM

Session finished 2/12/2009 6:18:37 PM

Total search duration 1 minutes 24 seconds

Session duration 38 minutes 38 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77614883

**From:** TMDesignCodeComments  
**Sent:** Wednesday, November 19, 2008 00:14 AM  
**To:** newlook@plasticsurgeryoptions.com  
**Subject:** Notice of Pseudo Mark for Serial Number: 77614883

**ATTORNEY REFERENCE  
NUMBER:**

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](mailto: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. The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered. **Pseudo marks assigned to the referenced serial number are listed below.**

**PSEUDO MARK:**

DA VINCI FACE-LIFT

da Vinci Facelift



▼ **BACK** Red indicates trim line. Green indicates safe area

### Why Ahmed Plastic Surgery?

Because experience counts

- Certified, American Board of Plastic Surgery
- Member, American Society of Plastic Surgeons
- 30 years experience
- Only daVinci Facelift™ provider
- Graduate St. Louis University
- Complimentary consultation
- Financing options
- MO and IL locations
- Modern, safe and private surgery center

### Body Procedures

- Breast augmentation
- Breast reduction/uplift
- Tummy Tuck
- Liposuction (ultrasound)

### Facial Procedures

- NEW daVinci Facelift
- Eyelid lift
- Nose reshaping
- Chin Implants

The daVinci Facelift is a new procedure exclusively combining fundamental plastic surgery principles with modern nonsurgical innovations. It addresses the internal sagging muscles called the SMAS and encourages maximum contraction of collagen proteins. Stimulation of the layers of the repositioned skin encourages further tightening and rejuvenation... like a gentle shrink wrap... optimizing the look of your facial shape as well as the skin quality

**Schedule your  
Complimentary  
Consultation  
by 1/31/09  
and receive a  
FREE Obagi gift.  
(\$75 value)**

Call or check our website  
for monthly specials.

Missouri

**314 837 8400**

Illinois

**618 465 6401**



# Ahmed Plastic Surgery

[www.plasticsurgeryoptions.com](http://www.plasticsurgeryoptions.com)

# Trademark/Service Mark Application, Principal Register

Serial Number: 77614883

Filing Date: 11/14/2008

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
MARK	<u>daVinci Facelift</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	daVinci Facelift
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
OWNER OF MARK	Ahmed Plastic Surgery
STREET	#2 Memorial Dr
INTERNAL ADDRESS	Suite 104
CITY	Alton
STATE (Required for U.S. applicants)	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	62002

(Required for U.S. applicants only)

PHONE 618 465 6401  
FAX 618 465 0411  
EMAIL ADDRESS newlook@plasticsurgeryoptions.com  
AUTHORIZED TO COMMUNICATE VIA EMAIL Yes

**LEGAL ENTITY INFORMATION**

TYPE CORPORATION  
STATE/COUNTRY OF INCORPORATION Illinois

**GOODS AND/OR SERVICES AND BASIS INFORMATION**

INTERNATIONAL CLASS 044  
FIRST USE ANYWHERE DATE At least as early as 11/10/2008  
FIRST USE IN COMMERCE DATE At least as early as 11/10/2008

IDENTIFICATION Cosmetic and plastic surgery

FILING BASIS SECTION 1(a)

FIRST USE ANYWHERE DATE At least as early as 11/10/2008  
FIRST USE IN COMMERCE DATE At least as early as 11/10/2008

SPECIMEN FILE NAME(S) \\TICRS\EXPORT4\IMAGEOUT4  
\\776\148\77614883\xml1\FT K0003.JPG

SPECIMEN DESCRIPTION Picture of advertising material

**ADDITIONAL STATEMENTS SECTION**

TRANSLATION  
(if applicable)

TRANSLITERATION  
(if applicable)

CLAIMED PRIOR REGISTRATION  
(if applicable)

CONSENT (NAME/LIKENESS)  
(if applicable)

CONCURRENT USE CLAIM  
(if applicable)

DISCLAIMER No claim is made to the exclusive right to use  
Facelift apart from the mark as shown.

**CORRESPONDENCE INFORMATION**

NAME	Ahmed Plastic Surgery
FIRM NAME	Ahmed Plastic Surgery
STREET	#2 Memorial Dr
INTERNAL ADDRESS	Suite 104
CITY	Alton
STATE (Required for U.S. applicants)	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	62002
PHONE	618 465 6401
FAX	618 465 0411
EMAIL ADDRESS	newlook@plasticsurgeryoptions.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

**FEE INFORMATION**

NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE PAID	275

**SIGNATURE INFORMATION**

SIGNATURE	/Noor Ahmed, M.D./
SIGNATORY'S NAME	Noor Ahmed, M.D.
SIGNATORY'S POSITION	President
DATE SIGNED	11/12/2008

## TEAS Plus Application

**Serial Number: 77614883**

**Filing Date: 11/14/2008**

### To the Commissioner for Trademarks:

**MARK:** daVinci Facelift (Standard Characters, see mark)

The literal element of the mark consists of daVinci Facelift.

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

The applicant, Ahmed Plastic Surgery, a corporation of Illinois, having an address of  
Suite 104,  
#2 Memorial Dr  
Alton, Illinois 62002  
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.

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 044: Cosmetic and plastic surgery

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 044, the mark was first used at least as early as 11/10/2008, and first used in commerce at least as early as 11/10/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Picture of advertising material.

[Specimen File1](#)

No claim is made to the exclusive right to use Facelift apart from the mark as shown.

Correspondence Information: Ahmed Plastic Surgery

Suite 104

#2 Memorial Dr

Alton, Illinois 62002

618 465 6401(phone)

618 465 0411(fax)

newlook@plasticsurgeryoptions.com (authorized)

A fee payment in the amount of \$275 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: /Noor Ahmed, M.D./ Date Signed: 11/12/2008

Signatory's Name: Noor Ahmed, M.D.

Signatory's Position: President

RAM Sale Number: 2034

RAM Accounting Date: 11/17/2008

Serial Number: 77614883

Internet Transmission Date: Fri Nov 14 16:35:58 EST 2008

TEAS Stamp: USPTO/FTK-72.24.84.253-20081114163558621

706-77614883-4006320c24e9da07865b6ba59b6

9475b151-CC-2034-20081112125151288942

da Vinci Facelift



▼ BACK Red indicates trim line. Green indicates safe area

### Why Ahmed Plastic Surgery?

Because experience counts

- Certified, American Board of Plastic Surgery
- Member, American Society of Plastic Surgeons
- 30 years experience
- Only daVinci Facelift™ provider
- Graduate St. Louis University
- Complimentary consultation
- Financing options
- MO and IL locations
- Modern, safe and private surgery center

### Body Procedures

- Breast augmentation
- Breast reduction/uplift
- Tummy Tuck
- Liposuction (ultrasound)

### Facial Procedures

- NEW daVinci Facelift
- Eyelid lift
- Nose reshaping
- Chin Implants

The daVinci Facelift is a new procedure exclusively combining fundamental plastic surgery principles with modern nonsurgical innovations. It addresses the internal sagging muscles called the SMAS and encourages maximum contraction of collagen proteins. Stimulation of the layers of the repositioned skin encourages further tightening and rejuvenation—like a gentle shrink wrap—optimizing the look of your facial shape as well as the skin quality.

**Schedule your  
Complimentary  
Consultation  
by 1/31/09  
and receive a  
FREE Obagi gift.  
(\$75 value)**

Call or check our website  
for monthly specials.

Missouri

**314 837 8400**

Illinois

**618 465 6401**



# Ahmed Plastic Surgery

[www.plasticsurgeryoptions.com](http://www.plasticsurgeryoptions.com)

EXHIBIT 6

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 FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to Federal Rule of Civil Procedure 33 and Trademark Rule of Practice 2.120, Applicant DaVinci Radiology Associates, P.L. ("Applicant") hereby requests that Opposer Intuitive Surgical, Inc. ("Opposer") serve upon Applicant 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 Applicant 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 Opposer 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 "Opposer" mean Opposer Intuitive Surgical, Inc., 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 Opposer. 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 Opposer'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 Opposer's possession, custody or control, and any document which may be considered privileged by Opposer, which document shall be identified to assist Applicant 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.

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 Opposer's Mark.

#### **INTERROGATORY NO. 2:**

Describe the circumstances underlying the conception and adoption of Opposer'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 Opposer's Mark.

#### **INTERROGATORY NO. 3:**

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

#### **INTERROGATORY NO. 4:**

State the intended or potential uses for Opposer's goods and/or services offered under or in connection with Opposer'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 Opposer'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 Opposer'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 Opposer'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 Opposer'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 Opposer'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 Opposer first became aware of Applicant's Marks, including but not limited to stating the date(s) upon which Opposer first became aware of Applicant's Marks, identifying the person or persons at Opposer who first became aware of Applicant's Marks, and stating the manner in which Opposer first became aware of Applicant'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 Applicant, 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 Applicant'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 Opposer'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 Applicant's First Set of Requests for Production of Documents and Things to Opposer.

Respectfully submitted,



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

Dated: September 20, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **APPLICANT'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  
Sheppard, Mullin, Richter & Hampton, LLP  
Four Embarcadero Center  
17<sup>th</sup> Floor  
San Francisco, CA 94111

Attorneys for Opposer

This 20<sup>th</sup> day of July, 2007.



Matthew T. Vanden Bosch



2. Each and every individual Interrogatory is subject to the general objections set forth herein and these general objections form a part of the responses to each and every Interrogatory. These general objections may be specifically interposed for the purpose of clarity in response to a particular Interrogatory but the failure to specifically incorporate any general objection should not be construed as a waiver of the objection.

3. Opposer objects to Applicant's Definitions to the extent that it attempts to impose on Opposer burdens or requirements in addition to those set forth in the Federal Rules of Civil Procedure and/or 37 Code of Federal Regulations ("C.F.R.") Part 2 or attempts to require Opposer to respond in any manner beyond that which is required by the Federal Rules of Civil Procedure and/or 37 C.F.R. Part 2.

4. Opposer objects to each Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine or other statutory or common law privilege.

5. Opposer objects to Definitions Paragraph C on the grounds that it is overly broad and unduly burdensome and to the extent that it results in Interrogatories that seek information protected from disclosure by the attorney-client privilege, work product doctrine or other statutory or common law privilege.

6. Opposer objects to Definitions Paragraph E to the extent that it results in Interrogatories that seek information protected from disclosure by the attorney-client privilege, the work product doctrine and other statutory or common law privileges.

7. Opposer objects to Definitions Paragraph F to the extent that it results in Interrogatories that are overly broad and unduly burdensome and neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible

evidence in that consumers of Opposer's goods offered under Opposer's Marks do not include "patients and those upon whom diagnostic test are performed."

8. Opposer objects to Definitions Paragraph I on the grounds that it is overly broad and unduly burdensome and to the extent it results in Interrogatories that seek information protected from disclosure as confidential personnel information or by the attorney-client privilege, work product doctrine or other statutory or common law privilege.

### **RESPONSES TO INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify the person or persons most familiar with the conception and adoption of Opposer's Mark (sic).

#### **RESPONSE TO INTERROGATORY NO. 1:**

Opposer objects to this Interrogatory on the grounds that it is neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Steve Ammon, Senior Director of Marketing at Intuitive Surgical, Inc.

#### **INTERROGATORY NO. 2:**

Describe the circumstances underlying the conception and adoption of Opposer's Mark (sic) 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 Opposer's Mark (sic).

RESPONSE TO INTERROGATORY NO. 2:

Opposer objects to this Interrogatory on the grounds that it is neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the ground that it is compound.

INTERROGATORY NO. 3:

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

RESPONSE TO INTERROGATORY NO. 3:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer's marks DA VINCI and DA VINCI S HD SURGICAL SYSTEM (Stylized) are used on or in association with surgical systems, instruments and associated devices used in robotic-assisted, minimally invasive surgery.

INTERROGATORY NO. 4:

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

RESPONSE TO INTERROGATORY NO. 4:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Goods offered under Opposer's marks DA VINCI and DA VINCI S HD SURGICAL SYSTEMS (Stylized) are used in minimally invasive, robotic-assisted surgery in a wide variety of surgical applications including but not limited to cardiac, urology, general surgery, thoracic, gynecologic and pediatric surgical procedures. See Opposer's Internet websites [www.intuitivesurgical.com](http://www.intuitivesurgical.com), [www.davincisurgery.com](http://www.davincisurgery.com) and [www.davinciprostectomy.com](http://www.davinciprostectomy.com).

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.

RESPONSE TO INTERROGATORY NO. 5:

Opposer objects to this Interrogatory on the grounds that it is compound as it refers to Opposer's response to Interrogatory No. 3, which is itself compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Goods offered under Opposer's marks DA VINCI and DA VINCI S HD SURGICAL SYSTEM

(Stylized) are offered to hospitals, surgical centers and physicians primarily through a direct sales force in the United States. Goods are promoted under these marks via trade shows, press releases, workshops for and training and other education of practitioners offered and presented by Opposer, attendance and presentations at meetings of medical associations and societies, including but not limited to the American Urological Association, the World Congress of Endourology, the American Heart Association, the American Association of Gynecological Laparoscopists, the International Gynecologic Oncology Robotics Symposia, the Minimally Invasive Robotics Association, and the Society of Thoracic Surgeons, and via Internet-based advertising including Opposer's Internet websites, [www.intuitivesurgical.com](http://www.intuitivesurgical.com), [www.davincisurgery.com](http://www.davincisurgery.com) and [www.davinciprostatectomy.com](http://www.davinciprostatectomy.com).

INTERROGATORY NO. 6:

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

RESPONSE TO INTERROGATORY NO. 6:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the grounds that it is compound and seeks information neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer's mark DA VINCI was first used on or in connection with Opposer's goods at least as early as July

7, 2000. Opposer's mark DA VINCI S HD SURGICAL SYSTEM (Stylized) was first used on or in connection with Opposer's goods at least as early as January 2006.

INTERROGATORY NO. 7:

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

RESPONSE TO INTERROGATORY NO. 7:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the grounds that it is compound and seeks information neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: (a) *Intuitive Surgical, Inc. v. BioMerieux, B.V.*, Opposition Proceeding No. 91158726 before the U.S. Patent & Trademark Office, Trademark Trial and Appeal Board, Proceeding terminated upon filing of withdrawal of opposition by Intuitive Surgical, Inc.; (b) *Intuitive Surgical, Inc. v. Ziemer Ophthalmic Systems AG, et al.*, U.S. District Court for the Northern District of California Case No. C07-01734 JSW, case dismissed upon filing of Request for Dismissal by Intuitive Surgical, Inc.

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 Opposer's Mark (sic) 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.

RESPONSE TO INTERROGATORY NO. 8:

Opposer objects to this Interrogatory on the grounds that it is neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the grounds that it is compound and to the extent that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine or other statutory or common law privilege. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: *See* February 2, 1999 Thomson & Thomson Research Report for DA VINCI produced in response to Applicant's First Set of Requests for Production of Documents and Things to Opposer.

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 Opposer's Mark (sic) 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.

RESPONSE TO INTERROGATORY NO. 9:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the grounds that it is compound and to the extent that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine or other statutory or common law privilege. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: No such studies, searches or investigations exist.

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 Opposer's Mark (sic) 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.

RESPONSE TO INTERROGATORY NO. 10:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets "Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the grounds that it is compound

and is neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: See February 2, 1999 Thomson & Thomson Research Report for DA VINCI produced in response to Applicant's First Set of Requests for Production of Documents and Things to Opposer.

INTERROGATORY NO. 11:

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

RESPONSE TO INTERROGATORY NO. 11:

Opposer objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: See Opposer's response to Interrogatory No. 5 of these Responses to Applicant's First Set of Interrogatories to Opposer.

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.

RESPONSE TO INTERROGATORY NO. 12:

Opposer objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Steve Annon, Senior Director of Marketing at Intuitive Surgical, Inc.

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.

RESPONSE TO INTERROGATORY NO. 13:

Opposer objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer's goods offered under the marks DA VINCI and DA VINCI S HD SURGICAL SYSTEM (Stylized) are offered in the United States primarily via a direct sales force to hospitals, surgical centers and physicians. See also Response to Interrogatory No. 5 of these Responses to Applicant's First Set of Interrogatories to Opposer.

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.

RESPONSE TO INTERROGATORY NO. 14:

Opposer objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Jim Alecxi, Vice President of U.S. Sales at Intuitive Surgical, Inc.

INTERROGATORY NO. 15:

Describe the circumstances under which Opposer first became aware of Applicant's Marks (sic), including but not limited to stating the date(s) upon which Opposer first became

aware of Applicant's Marks (sic), identifying the person or persons at Applicant who first became aware of Applicant's Marks (sic), and stating the manner in which Opposer first became aware of Applicant's Marks (sic).

RESPONSE TO INTERROGATORY NO. 15:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Applicant's Marks[.]" For purposes of this Interrogatory, Opposer interprets "Applicant's Marks" to mean "Applicant's Mark" as defined in Definitions Paragraph D of these Interrogatories. Opposer objects to this Interrogatory on the ground that it is neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, work product doctrine or other statutory or common law privilege. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer first became aware of Applicant's Mark through a Watch Notice that Opposer has in place for its DA VINCI mark and then again became aware of Applicant's Mark when it was published for opposition in the Official Gazette on December 19, 2006.

INTERROGATORY NO. 16:

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

RESPONSE TO INTERROGATORY NO. 16:

Opposer objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Consumers of goods offered under Opposer's marks DA VINCI and DA VINCI S HD

SURGICAL SYSTEM (Stylized) are medical and health care professionals, including surgeons, doctors, hospital administrators and administrators of outpatient and surgical centers.

INTERROGATORY NO. 17:

If you have ever received any communication(s) that expressed confusion as to a possible relationship between you and Applicant, 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.

RESPONSE TO INTERROGATORY NO. 17:

Subject to and without waiving the General Objections set forth above, Opposer responds: Not applicable.

INTERROGATORY NO. 18:

If you have ever received any communication(s) that expressed confusion as to a possible relationship between Applicant's Marks (sic) 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.

RESPONSE TO INTERROGATORY NO. 18:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Applicant's Marks[.]" For purposes of this Interrogatory, Opposer interprets "Applicant's Marks" to mean "Applicant's Mark" as defined in Definitions Paragraph D of these Interrogatories. Opposer further objects to this Interrogatory on the ground that it is compound. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Not applicable.

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.

RESPONSE TO INTERROGATORY NO. 19:

Opposer objects to this Interrogatory on the grounds that it is compound and premature. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer will produce the names of expert witnesses Opposer intends to call to testify in this Proceeding in due course.

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.

RESPONSE TO INTERROGATORY NO. 20:

Opposer objects to this Interrogatory on the grounds that it is compound and premature. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer will produce the names of lay witnesses Opposer intends to call to testify in this Proceeding in due course.

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.

RESPONSE TO INTERROGATORY NO. 21:

Opposer objects to this Interrogatory on the grounds that it is compound and premature. Subject to and without waiving the foregoing objections and the General Objections set forth above, Opposer responds: Opposer will provide exhibits it intends to rely upon in this Proceeding in due course.

INTERROGATORY NO. 22:

If you have sought or received opinions, legal or otherwise, regarding your right to use Opposer's Mark (sic), 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.

RESPONSE TO INTERROGATORY NO. 22:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous as to the undefined term "Opposer's Mark[.]" For purposes of this Interrogatory, Opposer interprets

"Opposer's Mark" to mean "Opposer's Marks" as defined in Definitions Paragraph B of these Interrogatories. Opposer further objects to this Interrogatory on the grounds that it is compound, is neither relevant to the subject matter of this Proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work product doctrine or any other statutory or common law privilege.

INTERROGATORY NO. 23:

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

RESPONSE TO INTERROGATORY NO. 23:

Subject to and without waiving the General Objections set forth above, Opposer responds: Opposer identifies Frank Nguyen, Vice President, Intellectual Property and Licensing at Intuitive Surgical, Inc., and Michelle D. Kahn and Michelle J. Hirth of Sheppard, Mullin, Richter & Hampton, LLP, counsel to Intuitive Surgical, Inc.

INTERROGATORY NO. 24:

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

RESPONSE TO INTERROGATORY NO. 24:

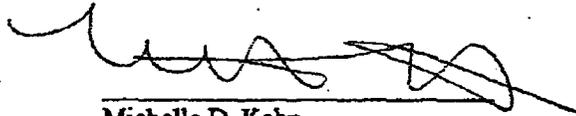
Subject to and without waiving the General Objections set forth above, Opposer responds: Opposer identifies Frank Nguyen, Vice President, Intellectual Property and Licensing

at Intuitive Surgical, Inc., and Michelle D. Kahn and Michelle J. Hirth of Sheppard, Mullin,  
Richter & Hampton, LLP, counsel to Intuitive Surgical, Inc.

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

VERIFICATION

I, John F. Runkel, declare as follows:

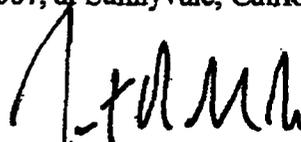
I am in the Senior Vice President and General Counsel of Intuitive Surgical, Inc., Opposer in this Opposition Proceeding, and am authorized to make this verification on behalf of Intuitive Surgical, Inc.

I have read Intuitive Surgical, Inc.'s Responses to Applicant's First Set of Interrogatories to Opposer, and know the contents thereof. The responses were prepared from information gathered by Intuitive Surgical, Inc. and its agents and from a review of various files and records. Subject to the above limitations, I am informed and believe and on that basis allege that the responses given are true and correct.

Having been warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the document resulting therefrom, I declare that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

I declare under penalty of perjury that the above is true and correct and to the best of my knowledge and belief.

Executed this 26th day of November, 2007, at Sunnyvale, California.



\_\_\_\_\_  
John F. Runkel

**CERTIFICATE OF SERVICE**

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

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

Attorneys for Applicant

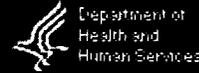
This 26<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Miranda Lewis

# EXHIBIT 7



U.S. Food and Drug Administration



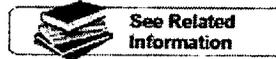
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[Code of Federal Regulations]  
 [Title 21, Volume 8]  
 [Revised as of April 1, 2008]  
 [CITE: 21CFR862.2160]



TITLE 21--FOOD AND DRUGS  
 CHAPTER I--FOOD AND DRUG ADMINISTRATION  
 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 SUBCHAPTER H--MEDICAL DEVICES

PART 862 -- CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

## Subpart C--Clinical Laboratory Instruments

Sec. 862.2160 Discrete photometric chemistry analyzer for clinical use.

(a) *Identification.* A discrete photometric chemistry analyzer for clinical use is a device intended to duplicate manual analytical procedures by performing automatically various steps such as pipetting, preparing filtrates, heating, and measuring color intensity. This device is intended for use in conjunction with certain materials to measure a variety of analytes. Different models of the device incorporate various instrumentation such as micro analysis apparatus, double beam, single, or dual channel photometers, and bichromatic 2-wavelength photometers. Some models of the device may include reagent-containing components that may also serve as reaction units.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to 862.9.

[52 FR 16122, May 1, 1987, as amended at 65 FR 2309, Jan. 14, 2000]

Database Updated April 1, 2008

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**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 March 24, 2009.



Signature

Matthew T. Vanden Bosch

Name

March 24, 2009

Date

EH 719 333429 US

"Express Mail" Mailing Label Number

Applicant DaVinci Radiology Associates, PL's  
First Notice of Reliance (7 pgs); and  
Exhibits 1-7