

ESTTA Tracking number: **ESTTA282089**

Filing date: **05/05/2009**

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

Proceeding	91175319
Party	Plaintiff Intuitive Surgical, Inc.
Correspondence Address	Michelle D. Kahn Sheppard, Mullin, Richter & Hampton LLP Four Embarcadero Center, 17th Floor San Francisco, CA 94111 UNITED STATES mhirth@sheppardmullin.com, kwarman@sheppardmullin.com
Submission	Other Motions/Papers
Filer's Name	Michelle J. Hirth
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Signature	/mjh/
Date	05/05/2009
Attachments	1st Notice Filing Trial Testimony.PDF (3 pages)(61260 bytes)

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

INTUITIVE SURGICAL, INC.,)	
)	
Opposer,)	Opposition No. 91175319
)	
v.)	Serial No. 78/728,786
)	
DAVINCI RADIOLOGY ASSOCIATES,)	Published: December 19, 2006
P.L.,)	
)	
Applicant.)	
)	

OPPOSER INTUITIVE SURGICAL, INC.'S
FIRST NOTICE OF FILING TRIAL TESTIMONY

Pursuant to 37 C.F.R. §§ 2.123 and 2.125, Opposer Intuitive Surgical, Inc. ("Opposer") hereby files this First Notice of Filing Trial Testimony in support of Opposer's case-in-chief in the above-captioned Opposition Proceeding. This First Notice of Filing Trial Testimony provides notice of the filing of the following testimonial deposition transcripts and exhibits:

1. January 19, 2009 testimonial deposition transcript of Thomas P. Boyle, M.D. with accompanying Exhibit Nos. 1-13.
2. Redacted January 27, 2009 testimonial deposition transcript of Christopher Simmonds, submitted pursuant to 37 C.F.R. § 2.126(c), with accompanying Exhibit Nos. 14-25.
3. Confidential portion of the January 27, 2009 testimonial deposition transcript of Christopher Simmonds is submitted as confidential and under seal pursuant to 37 C.F.R. §§ 2.15(e) and 2.126(c), the February 25, 2009 Order of the Trademark Trial and Appeal

Board in this proceeding granting Opposer's Motion for Protective Order and the Protective Order Governing Confidentiality of Information Revealed During Board Proceeding entered in this matter.

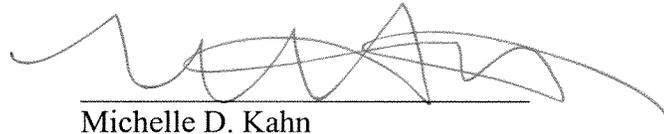
4. January 27, 2009 testimonial deposition transcript of David Scott with accompanying Exhibit No. 26.

5. January 28, 2009 testimonial deposition transcript of Steven Annen.

Dated: May 5, 2009

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By



Michelle D. Kahn
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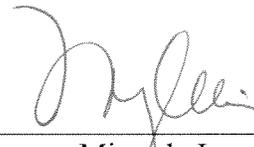
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Opposer Intuitive Surgical, Inc.'s First Notice of Filing Trial Testimony** was served on Applicant DaVinci Radiology Associates, P.L., by First Class U.S. Mail, postage prepaid, to:

Matthew T. Vanden Bosch, Esq.
301 Clemetis Avenue, Suite 3000
West Palm Beach, FL 33401

Attorneys for Applicant

This 5th day of May, 2009.



Mironda Lewis