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Filing date: **05/07/2009**

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	Plaintiff's Notice of Taking Testimony
Filer's Name	Michelle J. Hirth
Filer's e-mail	mhirth@sheppardmullin.com, kwarman@sheppardmullin.com
Signature	/mjh/
Date	05/07/2009
Attachments	Notice of Testimonial Depo Upon Written Questions.PDF ( 3 pages )(62631 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.	)	

NOTICE OF TESTIMONIAL DEPOSITION UPON WRITTEN QUESTIONS  
OF BENJAMIN GONG

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. §§ 2.123 and 2.124, Opposer will take the testimonial deposition upon written questions of Benjamin Gong, Vice President of Finance, Intuitive Surgical, Inc., 1266 Kifer Road, Sunnyvale, California 94086. This testimonial deposition will be taken on a date to be determined once all written questions from the parties have been served pursuant to 37 C.F.R. § 2.124 and will be taken at the offices of Intuitive Surgical, Inc. located at 1266 Kifer Road, Sunnyvale, California 94086.

This testimonial deposition upon written questions will be taken before a certified court reporter authorized to administer oaths in the State of California and will continue from day to day until completed. The certified court reporter before whom this testimonial deposition upon written questions shall be taken will be from Merrill Legal Solutions, 135 Main Street, 4<sup>th</sup> Floor, San Francisco, California 94105. This testimonial deposition will be recorded

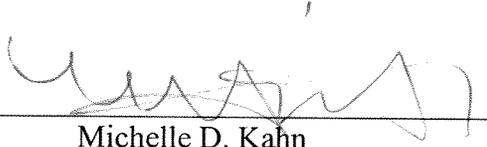
stenographically and also may be stenographically recorded by a machine using instantaneous transcription.

The written questions posed on direct examination of Mr. Gong by Opposer Intuitive Surgical, Inc. are attached to the copy of this Notice of Testimonial Deposition Upon Written Questions served on Applicant DaVinci Radiology Associates, P.L.

Dated: May 7, 2009

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By



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

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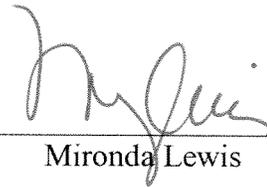
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Notice of Testimonial Deposition Upon Written Questions of Benjamin Gong, with written questions** 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 7<sup>th</sup> day of May, 2009.



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Mironda Lewis