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

Proceeding	91177234
Party	Plaintiff Cardinal Health 303, Inc.
Correspondence Address	Joseph R. Dreitler Bricker & Eckler LLP 100 S. Third Street Columbus, OH 43215-4291 UNITED STATES trademarks@bricker.com, mtrue@bricker.com, amoss@bricker.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Mary R. True
Filer's e-mail	mtrue@bricker.com, jdreitler@bricker.com, amoss@bricker.com
Signature	/Mary R. True/
Date	04/28/2009
Attachments	Notice of Reliance.pdf (7 pages)(376799 bytes)

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

1. CARDINAL HEALTH 303, INC. Opposer v. THE ALARIS GROUP, INC. Applicant	:	Opposition No.: 91-177,234
2. CARDINAL HEALTH 303, INC. Opposer v. THE ALARIS GROUP, INC. Applicant	:	Opposition No.: 91-177,365
3. CARDINAL HEALTH 303, INC. Opposer v. THE ALARIS GROUP, INC. Applicant	:	Opposition No.: 91-177,366
4. CARDINAL HEALTH 303, INC. Opposer v. THE ALARIS GROUP, INC. Applicant	:	Opposition No.: 91-177,367
5. CARDINAL HEALTH 303, INC. Petitioner v. THE ALARIS GROUP, INC. Registrant.	:	Cancellation No.: 92-048,172

NOTICE OF RELIANCE PURSUANT TO 37 C.F.R. § 2.122(e)

Petitioner/Opposer Cardinal Health 303, Inc., gives notice of its intention to rely upon the attached copies of official records from the United States Patent and Trademark Office in support of its case:

1. Certified Registration No. 2371410 ALARIS obtained from the U.S. Patent and Trademark Office.

2. Certified Registration No. 2279724 ALARIS obtained from the U.S. Patent and Trademark Office.

The certificates of registration attached hereto are submitted as *prima facie* evidence of the validity of the registrations asserted in the captioned proceedings, of Petitioner/Opposer's ownership of the marks, and of Petitioner/Opposer's exclusive right to use the marks in commerce in connection with the goods and services specified in the certificates of registration under the provisions of 15 U.S.C. § 1057(b); and as evidence of constructive notice of Petitioner/Opposer's claim of ownership under 15 U.S.C. § 1072. The registrations evidenced by the certificates of registration attached hereto are incontestable, and are relied upon to provide conclusive evidence of the validity of the registrations, Petitioner/Opposer's ownership of the marks and Petitioner/Opposer's exclusive right to use the marks in commerce under 15 U.S.C. § 1115(b).

Dated: April 28, 2009

Respectfully submitted,

By: Mary R. True

Joseph R. Dreitler
Mary R. True
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Attorneys for Opposer
Cardinal Health 303, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon the following attorney of record for Applicant by electronic and First Class Mail, this 28th day of April 2009:

Kristine Boylan
Merchant & Gould
3200 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402
kboylan@merchantgould.com

Mary R. True

7177292

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

April 01, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION *2,371,410* IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF *10* YEARS FROM *July 25, 2000*
SECTION 8 & 15
SAID RECORDS SHOW TITLE TO BE IN:
CARDINAL HEALTH 303, INC.
A DELAWARE CORPOATION

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

W. Montgomery
W. MONTGOMERY
Certifying Officer

Int. Cl.: 9

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

Reg. No. 2,371,410

United States Patent and Trademark Office

Registered July 25, 2000

TRADEMARK
PRINCIPAL REGISTER

ALARIS

ALARIS MEDICAL SYSTEMS, INC. (DELAWARE CORPORATION)
10221 WATERIDGE CIRCLE
SAN DIEGO, CA 92121

FOR: ELECTRONIC EQUIPMENT AND ACCESSORIES, NAMELY, FLUID MONITORS; FLUID FLOW RATE METERS; METERED INFUSION PUMPS; AMMETERS; COMPUTER PROGRAMS FOR CONTROLLING AND MONITORING FLUID FLOWS AND DETECTING OBSTRUCTIONS TO FLUID FLOWS; AND COMPUTER PROGRAMS FOR CAPTURING, STORING, INTEGRATING, AND PRESENTING DATA IN PATIENT CARE MANAGEMENT SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-24-1997; IN COMMERCE 7-24-1997.

SN 75-223,900, FILED 1-10-1997.

JOAN LESLIE BISHOP, EXAMINING ATTORNEY

7177292

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

April 01, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION *2,279,724* IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF *10* YEARS FROM *September 21, 1999*
SECTION 8 & 15
SAID RECORDS SHOW TITLE TO BE IN:
CARDINAL HEALTH 303, INC.
A DELAWARE CORPORATION

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

W. Montgomery
W. MONTGOMERY
Certifying Officer

Int. Cls.: 10, 37, and 42

Prior U.S. Cls.: 26, 39, 44, 100, 101, 103, and 106

Reg. No. 2,279,724

United States Patent and Trademark Office

Registered Sep. 21, 1999

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

ALARIS

ALARIS MEDICAL SYSTEMS, INC. (DELAWARE CORPORATION)
10221 WATERIDGE CIRCLE
SAN DIEGO, CA 92121

FOR: MEDICAL INSTRUMENTS AND EQUIPMENT, NAMELY, INFUSION PUMPS AND CONTROLLERS, INCLUDING VOLUMETRIC INFUSION PUMPS, SYRINGE PUMPS, PROGRAMMABLE INFUSION PUMPS, PROGRAMMABLE SYRINGE PUMPS AND THE RESIDENT CONTROL PROGRAMS; CLINICAL VITAL SIGNS MEASUREMENT INSTRUMENTS, NAMELY, THERMOMETERS FOR MEDICAL USE, DISPOSABLE THERMOMETER COVERS, BLOOD PRESSURE MEASUREMENT INSTRUMENTS, PULSE RATE MEASUREMENT INSTRUMENTS, BLOOD PRESSURE CUFFS, PULSE OXIMETRY INSTRUMENTS, NAMELY, SENSORS AND MONITORS, RESPIRATION MEASUREMENT INSTRUMENTS, AND ECG INSTRUMENTS; MEDICAL FLUID ADMINISTRATION SETS FOR THE DELIVERY OF MEDICAL FLUIDS, NAMELY, DRUG DELIVERY TUBING, CLAMPS, FLOW CONTROL DEVICES, DRUG INFUSION CONNECTORS, ADAPTERS, INJECTION SITES, NEEDLELESS CONNECTORS, NEEDLELESS PORTS, NEEDLELESS INJECTION SITES, AND MEDICAL VALVES; MEDICAL DEVICES FOR THE DELIVERY OF MEDICAL FLUIDS, NAMELY, DRUG DELIVERY TUBING, CLAMPS, FLOW CONTROL DEVICES, DRUG INFUSION CONNECTORS, ADAPTERS, INJECTION SITES, NEEDLELESS CONNECTORS, NEEDLELESS PORTS, NEEDLELESS INJECTION SITES, AND MEDICAL VALVES; INTRAVENOUS FLUID CONTAINERS, MONITORS, ALARMS, RATE METERS; SPHYGMOMANOMETERS; ENTERIC INFUSION PUMPS AND BAGS THEREFOR; MEDICAL INSTRUMENT AND INTRAVENOUS FLUID CONTAINER STANDS AND HANGER DEVICES; GASTROINTESTINAL FEEDING TUBES; NEEDLE CATHETER JEJUNOSTOMY KITS, NAMELY, TUBING AND NEEDLES; MULTIPLE SPECIMEN HOLDERS FOR MEDICAL USE; COLD AND HOT PACKS FOR CHEMICALLY PRODUCING AND ABSORBING HEAT FOR USE IN MEDICAL TREATMENT AND THERAPY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 7-24-1997; IN COMMERCE 7-24-1997.

FOR: SERVICE AND REPAIR OF MEDICAL INSTRUMENTS, EQUIPMENT AND ACCESSORIES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 7-24-1997; IN COMMERCE 7-24-1997.

FOR: LEASING AND RENTAL OF MEDICAL INSTRUMENTS, EQUIPMENT, AND ACCESSORIES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-24-1997; IN COMMERCE 7-24-1997.

SN 75-234,438, FILED 1-31-1997.

JOAN LESLIE BISHOP, EXAMINING ATTORNEY