

ESTTA Tracking number: **ESTTA288389**

Filing date: **06/08/2009**

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 mtrue@bricker.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Mary R. True
Filer's e-mail	jdreitler@bricker.com, mtrue@bricker.com, trademarks@bricker.com
Signature	/Mary R. True/
Date	06/08/2009
Attachments	Refiled Notice of Reliance.pdf (7 pages)(316130 bytes)

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

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

RE-FILED 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:

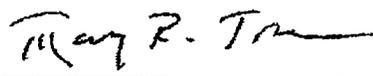
1. Certified Registration No. 2371410 ALARIS obtained from the U.S. Patent and Trademark Office.

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: June 8, 2009

Respectfully submitted,

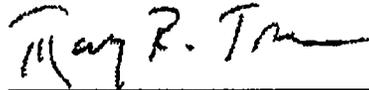
By: 
Joseph R. Dreitler
Mary R. True
BRICKER & ECKLER LLP
100 S. Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2347
Facsimile: (612) 227-2390
Email: jdreitler@bricker.com
mtrue@bricker.com

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 8th day of June 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
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 ACCES-
SORIES, NAMELY, FLUID MONITORS; FLUID
FLOW RATE METERS; METERED INFUSION
PUMPS; AMMETERS; COMPUTER PROGRAMS FOR
CONTROLLING AND MONITORING FLUID FLOWS
AND DETECTING OBSTRUCTIONS TO FLUID**

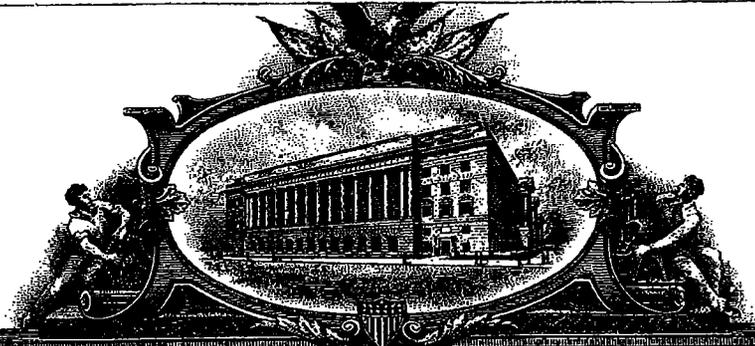
**FLOWS; AND COMPUTER PROGRAMS FOR CAP-
TURING, STORING, INTEGRATING, AND PRE-
SENTING DATA IN PATIENT CARE MANAGEMENT
SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36
AND 38).**

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.**

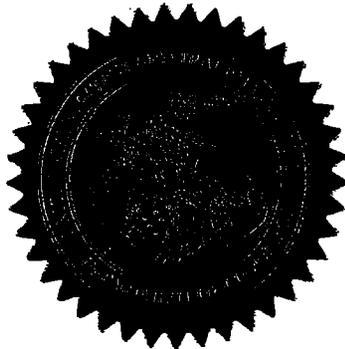
**REGISTERED FOR A TERM OF 10 YEARS FROM *September 21, 1999*
SECTION 8 & 15**

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