

ESTTA Tracking number: **ESTTA148005**

Filing date: **06/27/2007**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Medtronic, Inc.		
Entity	Corporation	Citizenship	Minnesota
Address	710 Medtronic Parkway Minneapolis, MN 55432-5604 UNITED STATES		

Attorney information	Dean R, Karau Fredrikson & Byron, P.A. 200 South Sixth Street Suite 4000 Minneapolis, MN 55402-1425 UNITED STATES ip@fredlaw.com, dkarau@fredlaw.com Phone:612-492-7178		
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Applicant Information

Application No	79019243	Publication date	05/29/2007
Opposition Filing Date	06/27/2007	Opposition Period Ends	06/28/2007
International Registration No.	0872218	International Registration Date	05/25/2005
Applicant	Boule Medical AB Box 42056 SE-126 13 STOCKHOLM SWEDEN		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: Surgical, medical and veterinary apparatus and instruments, namely, automatic blood-cell counters; hematology analysis apparatus and instruments, namely, automatic and compact hematology analyzers, and parts and fittings therefore

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3178406	Application Date	04/28/2005
Registration Date	11/28/2006	Foreign Priority Date	NONE

Word Mark	MEDTRONIC ALLEVIATING PAIN RESTORING HEALTH EXTENDING LIFE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 042. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 technical consultation in the field of medical and surgical equipment, apparatus and appliances and instruments, medical care, medical therapy and surgery; medical research in the field of medical and surgical apparatus, appliances, instruments, therapies and drugs; computer software design for others, computer programming for others, and updating of computer software; maintenance of computer software</p> <p>Class 044. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 professional consultation in the field of medical and surgical equipment, apparatus, appliances and instruments, medical care, medical therapy and surgery</p>

U.S. Registration No.	3070694	Application Date	02/17/2005
Registration Date	03/21/2006	Foreign Priority Date	NONE

Word Mark	MEDTRONIC SOFAMOR DANEK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 1999/12/31 First Use In Commerce: 1999/12/31 goods for medical use, namely, plates, screws, rings, bone implants and surgical implants comprising artificial materials used in surgical procedures involving the spine and surgical hand tools for use therewith, namely, scalpels, blades, staplers and clamps; orthognathic, maxillofacial, craniofacial, neurological and orthopedic surgery components and implants made of titanium and alloys of titanium, namely, perforated strips, panels and straps, prostheses structures, and fasteners; and surgical armamentarium made of titanium, alloys of titanium and stainless steel, namely, wrenches, screwdrivers, screw taps, drills, hammers, pliers and bone chisels; surgical retractor system consisting of connector set screws, tightening wrench, stability pin driver and ratchet adaptor; endoscopic system, consisting of endoscopes, dilators, retractors, cutting apparatus, trays and application tools and instruments, namely, C-mount camera assembly, C-mount adaptor, C-mount camera head, orientation ring, camera head, focus ring, tubular retractor lock and aspiration port and component parts therefor for use in surgical procedures; tools for preparing the interbody space of the spine, namely, reamers, trephines, scrappers, retractors, distractors, cannulae, endoscopic portals, drills, sizers, chisels, osteotomes, curettes, pituitaries, dissectors, tamps; tools for installing implants, namely, inserts, positioners, impactors, screwdrivers and wrenches; synthetic implantable surgical material for use with bone grafts and implants; spinal disc replacement implants and associated instruments, namely, surgical cutters for implant site preparation, implant trials for verifying a fit between the surgical site size and the implant size, and implant holders and insertion tools for holding and inserting the implant into the site, all marketed to spinal surgeons</p>		

U.S. Registration No.	3199682	Application Date	04/28/2005
Registration Date	01/16/2007	Foreign Priority Date	NONE

Word Mark	MEDTRONIC ALLEVIATING PAIN RESTORING HEALTH EXTENDING LIFE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 data processing equipment and software, namely, cardiac, neurological and hematological data processors and computer software for use within cardiac and neurological stimulators for use in monitoring and managing cardiac, neurological and physiologic disturbances, and computer software for use in monitoring and managing hematological testing equipment

U.S. Registration No.	2806772	Application Date	04/14/2003
Registration Date	01/20/2004	Foreign Priority Date	NONE
Word Mark	MEDTRONIC SURGICAL NAVIGATION TECHNOLOGIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2003/04/01 First Use In Commerce: 2003/04/01 education and training, namely, conducting classes, seminars and workshops in the field of medical imaging and diagnostic equipment		

U.S. Registration No.	2778014	Application Date	11/26/2002
Registration Date	10/28/2003	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 surgical and medical apparatus, appliances and instruments, namely cardiac rhythm management apparatus; implantable neurological pain, tremor, incontinence and spasticity management apparatus; prosthetic and bioprosthetic heart valves; catheters for angioplasty; medical stents; implantable drug administration systems; hydrocephalic shunts; surgical instruments and accessories, namely scalpels, blades, staplers, anastomotic couplers and cardiac stabilizers; autotransfusion equipment and disposable devices for handling and monitoring blood		

U.S. Registration No.	2670396	Application Date	06/15/2001
Registration Date	12/31/2002	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 SURGICAL AND MEDICAL APPARATUS, APPLIANCES AND INSTRUMENTS,		

	NAMELY CARDIAC RHYTHM MANAGEMENT APPARATUS; IMPLANTABLE NEUROLOGICAL PAIN, TREMOR, INCONTINENCE AND SPASTICITY MANAGEMENT APPARATUS; PROSTHETIC AND BIOPROSTHETIC HEART VALVES; CATHETERS FOR ANGIOPLASTY; MEDICAL STENTS; IMPLANTABLE DRUG ADMINISTRATION SYSTEMS; HYDROCEPHALIC SHUNTS; SURGICAL INSTRUMENTS AND ACCESSORIES, NAMELY SCALPELS, BLADES, STAPLERS, ANASTOMOTIC COUPLERS AND CARDIAC STABILIZERS; AUTOTRANSFUSION EQUIPMENT AND DISPOSABLE DEVICES FOR HANDLING AND MONITORING BLOOD		
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U.S. Registration No.	3184523	Application Date	08/25/2004
Registration Date	12/12/2006	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CARDIAC RHYTHM EDUCATION SERVICES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/11/30 First Use In Commerce: 2005/11/30 education and training programs relating to the implantation of cardiac devices		

U.S. Registration No.	3178005	Application Date	09/21/2004
Registration Date	11/28/2006	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CAREALERT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2006/07/18 First Use In Commerce: 2006/07/18 feature of implanted medical devices used in cardiac re-synchronization and the treatment of heart failure to provide wireless alert to physician of an impending change in the patient's cardiac disease		

U.S. Registration No.	2990678	Application Date	05/10/2004
Registration Date	08/30/2005	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CARELINK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2004/11/30 First Use In Commerce: 2004/11/30 computer interface software and programming devices for use in accessing and programming diabetes insulin pumps		

U.S. Registration No.	2855355	Application Date	06/13/2003
Registration Date	06/15/2004	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 037. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 installation and repair of surgical and medical apparatus, appliances and instruments, including, surgical drills, scalpels, blades, staplers, anastomic couplers and cardiac stabilizers, autotransfusion equipment and disposable devices for handling and monitoring blood

U.S. Registration No.	2884251	Application Date	06/13/2003
Registration Date	09/14/2004	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 Technical consultation in the field of medical and surgical equipment, apparatus, appliance and instruments, medical care, medical therapy and surgery; medical research in the field of medical and surgical apparatus, appliances, instruments, therapies and drugs; computer software design for others, computer programming for others, and updating of computer software; maintenance of computer software Class 044. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 Professional consultation in the field of medical and surgical equipment, apparatus, appliances and instruments, medical care, medical therapy and surgery		

U.S. Registration No.	2945003	Application Date	04/10/2003
Registration Date	04/26/2005	Foreign Priority Date	NONE
Word Mark	MEDTRONIC SURGICAL NAVIGATION TECHNOLOGIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 2000/12/31 First Use In Commerce: 2000/12/31 installation, maintenance and repair of surgical and medical navigation systems and related application tools, instruments and components therefor		

U.S. Registration No.	2895346	Application Date	04/08/2003
Registration Date	10/19/2004	Foreign Priority Date	NONE
Word Mark	MEDTRONIC AT501		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31 implantable pulse generator		

U.S. Registration No.	2766910	Application Date	11/13/2002
Registration Date	09/23/2003	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CARELINK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2002/09/05 First Use In Commerce: 2002/09/05 Computer interface software and electronic programming devices for use in programming cardiac devices by medical professionals		

U.S. Registration No.	2776884	Application Date	03/17/2002
Registration Date	10/21/2003	Foreign Priority Date	NONE
Word Mark	MEDTRONIC AT500		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 IMPLANTABLE CARDIAC STIMULATOR		

U.S. Registration No.	2722626	Application Date	06/28/2001
Registration Date	06/03/2003	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CARELINK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2002/09/05 First Use In Commerce: 2002/09/05 COMPUTER SOFTWARE PROVIDING INFORMATION TO MEDICAL PROFESSIONALS		

U.S. Registration No.	2711885	Application Date	01/31/2001
Registration Date	04/29/2003	Foreign Priority Date	NONE
Word Mark	MEDTRONIC AVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1999/06/30 First Use In Commerce: 1999/06/30 PRODUCTS TO TREAT VASCULAR DISEASE, NAMELY, CORONARY STENTS		

U.S. Registration No.	2659906	Application Date	05/27/1999
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Registration Date	12/10/2002	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/12/31 First Use In Commerce: 2000/12/31 data processing equipment and software, namely, cardiac, neurological and hematological data processors and computer software for use within cardiac and neurological stimulators for use in monitoring and managing cardiac, neurological and physiologic disturbances, and computer software for use in monitoring and managing hematological testing equipment		

U.S. Registration No.	2659891	Application Date	04/30/1999
Registration Date	12/10/2002	Foreign Priority Date	NONE
Word Mark	MEDTRONIC WHEN LIFE DEPENDS ON MEDICAL TECHNOLOGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 Surgical and medical apparatus, appliances and instruments, namely, cardiac rhythm management apparatus; implantable neurological pain, tremor, incontinence and spasticity management apparatus; prosthetic and bioprosthetic heart valves; catheters for angioplasty; medical stents; implantable drug delivery devices; hydrocephalic shunts; surgical instruments and accessories, namely, scalpels, blades, staplers, anastomotic couplers and cardiac stabilizers; autotransfusion equipment and disposable devices for handling and monitoring blood		

U.S. Registration No.	2742356	Application Date	04/30/1999
Registration Date	07/29/2003	Foreign Priority Date	NONE
Word Mark	MEDTRONIC WHEN LIFE DEPENDS ON MEDICAL TECHNOLOGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 technical and professional consultation in the field of medical and surgical equipment, apparatus, appliances and instruments, medical care, medical therapy and surgery; medical research in the field of medical and surgical apparatus, appliances, instruments, therapies and drugs; computer software design for others, and updating of computer software; maintenance of computer software		

U.S. Registration No.	2659890	Application Date	04/30/1999
Registration Date	12/10/2002	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2000/12/30 First Use In Commerce: 2000/12/30 data processing equipment and software, namely, cardiac, neurological and hematological data processors and computer software for use within cardiac and neurological stimulators for use in monitoring and managing cardiac, neurological and physiologic disturbances, and computer software for use in monitoring and managing hematological testing equipment

U.S. Registration No.	2520725	Application Date	04/30/1999
Registration Date	12/18/2001	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1999/04/30 First Use In Commerce: 1999/04/30 Surgical and medical apparatus, appliances and instruments, namely, cardiac rhythm management apparatus; implantable neurological pain, tremor, incontinence and spasticity management apparatus; prosthetic and bioprosthetic heart valves; catheters for angioplasty; medical stents; implantable drug delivery devices; hydrocephalic shunts; surgical instruments and accessories, namely, scalpels, blades, staplers, anastomotic couplers and cardiac stabilizers; autotransfusion equipment and disposable devices for handling and monitoring blood		

U.S. Registration No.	1833626	Application Date	06/21/1993
Registration Date	05/03/1994	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1992/11/02 First Use In Commerce: 1992/11/02 prepackaged pharmaceutical preparations for the treatment of spasticity		

U.S. Registration No.	1715419	Application Date	01/21/1992
Registration Date	09/15/1992	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1989/11/20 First Use In Commerce: 1989/11/20 medical devices for use in the control of tachyarrhythmia		

U.S. Registration	1672519	Application Date	02/11/1991
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No.			
Registration Date	01/21/1992	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1982/09/28 First Use In Commerce: 1982/09/28 electrocardiographic and monitoring electrodes		

U.S. Registration No.	1038755	Application Date	09/29/1975
Registration Date	05/04/1976	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1949/11/00 First Use In Commerce: 1950/04/00 MEDICAL APPARATUS AND INSTRUMENTS		

U.S. Registration No.	1591886	Application Date	09/12/1989
Registration Date	04/17/1990	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1988/06/07 First Use In Commerce: 1988/06/07 CARDIOVASCULAR CATHETERS		

U.S. Registration No.	1594056	Application Date	09/11/1989
Registration Date	05/01/1990	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1988/03/21 First Use In Commerce: 1988/03/21 MEDICAL APPARATUS AND INSTRUMENTS -NAMELY DRUG DISPENSING IMPLANTABLE PUMPS, PROGRAMMERS, VASCULAR CATHETERS, ACCESS PORTS, POUCHES AND PARTS THEREFOR		

U.S. Registration No.	1177953	Application Date	09/22/1980
Registration Date	11/17/1981	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 1980/09/03 First Use In Commerce: 1980/09/03 Medical Apparatus and Instruments

U.S. Registration No.	989207	Application Date	06/29/1973
Registration Date	07/23/1974	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U103 (International Class 037). First use: First Use: 1949/04/00 First Use In Commerce: 1949/04/00 REPAIR OF MEDICAL APPARATUS		

U.S. Registration No.	1014415	Application Date	06/26/1973
Registration Date	06/24/1975	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U044 (International Class 010). First use: First Use: 1958/02/00 First Use In Commerce: 1958/00/00 BIOMEDICAL APPARATUS-NAMELY, EXTERNAL AND IMPLANTABLE CARDIAC PACEMAKERS, PACEMAKER PULSE WIDTH AND RATE CONTROLLERS, PACEMAKER LEADS AND ELECTRODES, PACEMAKER CABLES, LEAD EXTENDERS FOR PACEMAKER LEADS, INDIFFERENT PACEMAKER LEADS, AND STYLETS FOR PACEMAKER LEADS, PACEMAKER FUNCTION ANALYZERS AND MONITORS, TELEPHONE EKG TRANSMITTERS AND RECEIVERS, EXTERNAL AND IMPLANTABLE NERVE STIMULATORS, NERVE STIMULATING LEADS AND ELECTRODES, NEUROMUSCULAR STIMULATORS, NEUROMUSCULAR STIMULATING LEADS AND ELECTRODES		

U.S. Registration No.	989169	Application Date	06/25/1973
Registration Date	07/23/1974	Foreign Priority Date	NONE
Word Mark	MEDTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U100 (International Class 042). First use: First Use: 1949/04/00 First Use In Commerce: 1949/00/00 CONSULTATION WITH PHYSICIANS AND MEDICAL RESEARCHERS REGARDING APPARATUS AND LEASING OF MEDICAL APPARATUS TO PHYSICIANS, CLINICS, HOSPITALS AND THE LIKE		

U.S. Application No.	78623608	Application Date	05/05/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC BATTERYCHECK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2006/05/22 First Use In Commerce: 2006/05/22 Medical monitoring device, namely, an in-home monitor used to detect potential battery shorting in an implanted cardiac device		

U.S. Application No.	78532812	Application Date	12/15/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC NAVIGATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/06/22 First Use In Commerce: 2005/06/22 education and training, namely, conducting classes, seminars and workshops in the field of medical imaging and diagnostic equipment		

U.S. Application No.	78844165	Application Date	03/23/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CRDM EDUCATION SERVICES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: education services, namely providing classes and workshops in the field of cardiac rhythm disease management; training services in the field of implanted cardiac devices		

U.S. Application No.	78618610	Application Date	04/28/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC ALLEVIATING PAIN & middot; RESTORING HEALTH & middot; EXTENDING LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: medical apparatus, appliances and instruments, namely cardiac rhythm management apparatus; implantable neurological pain, tremor, incontinence and spasticity management apparatus; prosthetic and bioprosthetic heart valves;		

	catheters for angioplasty; medical stents; implantable drug administration systems; hydrocephalic shunts; surgical instruments and accessories, namely scalpels, blades, staplers, anastomotic couplers and cardiac stabilizers; surgical and medical navigation systems for use in initially locating then tracking the position of a patient and of instruments during image guided surgery, namely, high resolution graphic computer hardware and software, tracking arrays, camera arrays, and surgical reference arc and cables, parts and fittings therefor automatic and semiautomatic defibrillators, patient simulators for automatic defibrillators, external transthoracic pacemakers, ECG and voice recorders, and accessories therefor
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U.S. Application No.	78532774	Application Date	12/15/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC NAVIGATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2005/06/22 First Use In Commerce: 2005/06/22 surgical and medical navigation systems for use in initially locating then tracking the position of a patient and of instruments during image guided surgery, namely, high resolution graphic computer hardware and software, tracking arrays, camera arrays, and surgical reference arc and cables, parts and fittings therefor		

U.S. Application No.	78618678	Application Date	04/28/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC ALLEVIATING PAIN RESTORING HEALTH EXTENDING LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: technical consultation in the field of medical and surgical equipment, apparatus, appliances and instruments, medical care, medical therapy and surgery; medical research in the field of medical and surgical apparatus, appliances, instruments, therapies and drugs; computer software design for others, computer programming for others, and updating of computer software; maintenance of computer software</p> <p>Class 044. First use: professional consultation in the field of medical and surgical equipment, apparatus, appliances and instruments, medical care, medical therapy and surgery</p>		

U.S. Application No.	78618638	Application Date	04/28/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC ALLEVIATING PAIN RESTORING HEALTH EXTENDING LIFE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: data processing equipment and software, namely, cardiac, neurological and hematological data processors and computer software for use within cardiac and neurological stimulators for use in monitoring and managing cardiac, neurological and physiologic disturbances, and computer software for use in monitoring and managing hematological testing equipment

U.S. Application No.	78618623	Application Date	04/28/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC ALLEVIATING PAIN RESTORING HEALTH EXTENDING LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: medical apparatus, appliances and instruments, namely cardiac rhythm management apparatus; implantable neurological pain, tremor, incontinence and spasticity management apparatus; prosthetic and bioprosthetic heart valves; catheters for angioplasty; medical stents; implantable drug administration systems; hydrocephalic shunts; surgical instruments and accessories, namely scalpels, blades, staplers, anastomotic couplers and cardiac stabilizers; surgical and medical navigation systems for use in initially locating then tracking the position of a patient and of instruments during image guided surgery, namely, high resolution graphic computer hardware and software, tracking arrays, camera arrays, and surgical reference arc and cables, parts and fittings therefor automatic and semiautomatic defibrillators, patient simulators for automatic defibrillators, external transchest pacemakers, ECG and voice recorders, and accessories therefor		

U.S. Application No.	78881414	Application Date	05/11/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC PAINFREE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: Medical and scientific research, namely conducting clinical trials		

U.S. Application No.	78608596	Application Date	04/14/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC PAIN FREE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: feature of implantable cardiac devices to reduce the number of appropriate and		

	inappropriate shocks
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U.S. Application No.	78532795	Application Date	12/15/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC NAVIGATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: installation, maintenance and repair of surgical and medical navigation systems and related application tools, instruments and components therefor		

U.S. Application No.	77074334	Application Date	01/02/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: inventory management services in the field of medical devices		

U.S. Application No.	77091743	Application Date	01/26/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDTRONIC CAREPLUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: patient consultation services in the nature of placing telephone calls for the purpose of welcoming new customers and follow up patient services		

Attachments	78618686#TMSN.jpeg (1 page)(bytes) 78569340#TMSN.jpeg (1 page)(bytes) 78618644#TMSN.gif (1 page)(bytes) 78237275#TMSN.gif (1 page)(bytes) 78189149#TMSN.gif (1 page)(bytes) 78069264#TMSN.gif (1 page)(bytes) 78473390#TMSN.jpeg (1 page)(bytes) 78486957#TMSN.jpeg (1 page)(bytes) 78416067#TMSN.jpeg (1 page)(bytes) 78262214#TMSN.gif (1 page)(bytes) 78262170#TMSN.gif (1 page)(bytes) 76202908#TMSN.gif (1 page)(bytes) 75716002#TMSN.gif (1 page)(bytes) 75695711#TMSN.gif (1 page)(bytes)
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Signature	/Dean R. Karau/
Name	Dean R, Karau
Date	06/27/2007

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

In the Matter of Trademark Serial No. 79/019,243

For the Mark: MEDONIC
Filed: May 25, 2005
Published: May 29, 2007

Medtronic, Inc.,

Opposer,

Opposition No. _____

v.

Boule Medical AB,

Applicant.

NOTICE OF OPPOSITION

This opposition is made to the application of Boule Medical AB for registration of the mark MEDONIC, Application Serial No. 79/019,243, published on May 29, 2007. Medtronic, Inc. believes it will be damaged by the registration of the mark shown in the application, and hereby opposes the same. As grounds for its opposition, Medtronic, Inc. states and alleges as follows:

1. Medtronic, Inc. is a Minnesota corporation with its principal place of business located in Minneapolis, Minnesota. Medtronic, Inc. is the global leader in medical technology, alleviating pain, restoring health and extending life for millions of people around the world.

2. On information and belief, Boule Medical AB is a limited liability company organized under the laws of Sweden, with its principle place of business located in Stockholm, Sweden.

3. On May 25, 2005, Boule filed a Request For Extension of Protection pursuant to Section 66(a) of the Lanham Act for MEDONIC, Application Serial No. 79/019,243, to be used in connection with “surgical, medical and veterinary apparatus and instruments, namely, automatic

blood-cell counters; hematology analysis apparatus and instruments, namely, automatic and compact hematology analyzers, and parts and fittings therefore.”

4. Medtronic, Inc., has used its MEDTRONIC trademark in commerce, continuously and exclusively, since at least 1949 in connection medical services, and since at least as early as 1958 in connection with medical goods. Medtronic has dozens of U.S. applications and registrations for its MEDTRONIC mark and variations used in connection with medical goods and services, as well as applications and registrations worldwide.

5. Medtronic, Inc. has used its MEDTRONIC marks extensively and continuously in advertising and promotional materials, and in other ways customary in the trade, to promote its medical products and services throughout the United States, and Medtronic, Inc. has developed enormous and widespread good will through ownership and use of its MEDTRONIC marks. By reason of such advertising, promotion and widespread use, the consuming public recognizes the MEDTRONIC trademarks and associates the marks with Medtronic, Inc. and its medical goods and services.

6. Medtronic, Inc.’s MEDTRONIC marks are inherently distinctive and are strong marks and should be accorded the broad protection given to strong marks.

7. Use by Boule of the trademark MEDONIC for which registration is sought in the application opposed herein is likely to cause confusion, mistake or deception as to the source of origin, sponsorship or approval of Boule’s products in that purchasers or others are likely to believe that Boule’s products are Medtronic, Inc.’s products or are in some way legitimately connected with, licensed by or approved by Medtronic, Inc.. Use by Boule of the trademark MEDONIC for which registration is sought in the application opposed herein has lessened, and will continue to lessen, the capacity of the MEDTRONIC marks to identify and distinguish goods made by Medtronic, Inc.

8. Use by Boule of the mark MEDONIC, for which registration is sought in the application opposed herein, is without Medtronic, Inc.'s consent or permission.

9. The MEDTRONIC marks are famous, distinctive and widely recognized by the general consuming public of the United States as a designation of source of the goods and services of Medtronic, Inc.

10. Boule's MEDONIC trademark is so similar to the MEDTRONIC marks that it impairs the distinctiveness of the MEDTRONIC marks.

11. The association arising from the similarity of Boule's MEDONIC mark to Medtronic, Inc.'s MEDTRONIC marks will harm the reputation of Medtronic, Inc.'s MEDTRONIC marks.

12. Boule's mark is likely to cause dilution by blurring and thereby damage Medtronic, Inc.'s rights in its MEDTRONIC marks.

13. Boule's mark is likely to cause dilution by tarnishment and thereby damage Medtronic, Inc.'s rights in its MEDTRONIC marks.

14. Boule's MEDONIC trademark is so similar to the MEDTRONIC marks as to be likely to falsely suggest a connection between Boule and Medtronic, Inc.

If any additional fees are required with this filing, they may be charged to deposit account number 061910.

Please address all communications to Dean R. Karau, Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402-1425.

WHEREFORE, registration by Boule of the aforesaid trademark for the aforesaid goods would be damaging to Medtronic, Inc..

