

ESTTA Tracking number: **ESTTA215193**

Filing date: **06/03/2008**

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	Intuitive Surgical, Inc.
Granted to Date of previous extension	06/07/2008
Address	1266 Kifer Road, Bldg. 101 Sunnyvale, CA 94086 UNITED STATES

Attorney information	Michelle D. Kahn Sheppard Mullin Richter & Hampton LLP 4 Embarcadero Center, 17th Floor San Francisco, CA 94111-4109 UNITED STATES kwarman@sheppardmullin.com, jchernila@sheppardmullin.com, sf_tm@sheppardmullin.com Phone:415-434-9100
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Applicant Information

Application No	77321258	Publication date	04/08/2008
Opposition Filing Date	06/03/2008	Opposition Period Ends	06/07/2008
Applicant	Da Vinci Center, L.L.C. 3020 NW 82 Avenue Miami, FL 33122 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Post medical doctorate degree educational services, namely, conducting classes, seminars, conferences, tutorial sessions, courses and workshops for post graduate degree medical professionals in the fields of surgery, surgical techniques, orthopedics and medicine, and development and dissemination of medical educational materials in connection therewith

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	2628871	Application Date	03/19/1999
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No.			
Registration Date	10/01/2002	Foreign Priority Date	NONE
Word Mark	DA VINCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 2000/07/07 First Use In Commerce: 2000/07/07 COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPOSABLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS</p>		

U.S. Application No.	76665748	Application Date	09/08/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DA VINCI S HD SURGICAL SYSTEM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up anus and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders,</p>		

	clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners
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U.S. Application No.	76672142	Application Date	02/02/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DA VINCI S		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use:</p> <p>Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners</p>		

U.S. Application No.	76687738	Application Date	03/14/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DA VINCI SI HD SURGICAL SYSTEM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use:</p> <p>Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of disposable and</p>		

	<p>resposable, in other words, limited use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electro-surgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners</p>
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Related Proceedings	91182514
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Attachments	<p>76665748#TMSN.jpeg (1 page)(bytes) 76672142#TMSN.gif (1 page)(bytes) 76687738#TMSN.jpeg (1 page)(bytes) Notice of Opp.pdf (7 pages)(413552 bytes) Exhibit A.pdf (3 pages)(62413 bytes) Exhibit B.pdf (4 pages)(153587 bytes) Exhibit C.pdf (3 pages)(91633 bytes) Exhibit D.pdf (2 pages)(71188 bytes) Exhibit E.pdf (4 pages)(161674 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/mdk/
Name	Michelle D. Kahn
Date	06/03/2008

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

INTUITIVE SURGICAL, INC.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	Serial No.: 77/321,258
)	
)	Filed: November 5, 2007
)	
DA VINCI CENTER, L.L.C.,)	Published: April 8, 2008
)	
Applicant.)	Trademark: DA VINCI CENTER
)	

BOX TTAB-FEE
Commissioner For Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Intuitive Surgical, Inc. ("Intuitive Surgical") believes that it will be damaged by the registration of the mark DA VINCI CENTER, which is the subject of Application Serial No. 77/321,258, and hereby opposes registration of the same under the provisions of Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1063, and Trademark Rule 2.101, 37 C.F.R. § 2.101.

Application Serial No. 77/321,258 for the mark DA VINCI CENTER was filed in the name of Da Vinci Center, L.L.C. on November 5, 2007 and was published for opposition in the *Official Gazette* on April 8, 2008, with the description of services for the application reading "Post medical doctorate degree educational services, namely, conducting classes, seminars, conferences, tutorial sessions, courses and workshops for post graduate degree medical professionals in the fields of surgery, surgical techniques,

orthopedics and medicine, and development and dissemination of medical educational materials in connection therewith" ("the Application").

On May 7, 2008, Intuitive Surgical filed a Request for Extension of Time to File Notice of Opposition to the Application, which Request was granted. A true and correct copy of correspondence granting said Request is attached hereto as Exhibit A.

As grounds for the opposition, Opposer alleges that:

1. Opposer Intuitive Surgical is a Delaware corporation having its principal place of business at 1266 Kifer Road, Building 101, Sunnyvale, California 94086-5304.

2. Intuitive Surgical manufactures and sells, in interstate commerce, computerized surgical manipulation systems and associated parts under the mark DA VINCI. Intuitive Surgical has continuously offered and sold computerized surgical manipulation systems and associated parts under the DA VINCI mark since at least as early as July 7, 2000.

3. Intuitive Surgical is the owner of record of Registration No. 2,628,871, Application Serial No. 75/982,190, filed on March 19, 1999, for DA VINCI for use in connection with "Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile

drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners" in International Class 10. A copy of the aforementioned registration is appended to this Notice of Opposition as Exhibit B. The foregoing registration is currently valid and subsisting. Intuitive Surgical has continuously offered and sold computerized surgical manipulation systems and associated parts under the DA VINCI mark since at least as early as July 7, 2000.

4. Intuitive Surgical is also the owner of record of Application Serial No. 76/665,748 filed on September 8, 2006, for DA VINCI S HD SURGICAL SYSTEM (Stylized) for use in connection with "computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers, surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, eletrocautery tools, forceps,

needle holders, guides and drivers, graspers, and kiteners" in International Class 10. A copy of the Official Filing Receipt for the application is appended to this Notice of Opposition as Exhibit C.

5. Intuitive Surgical is also the owner of Application Serial No. 76/672,142 filed on February 2, 2007, for DA VINCI S for use in connection with "Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners" in International Class 10. A copy of the Official Filing Receipt for the application is appended to this Notice of Opposition as Exhibit D.

6. Intuitive Surgical is also the owner of Application Serial No. 76/687,738 filed on March 14, 2008, for DA VINCI SI HD SURGICAL SYSTEM

(Stylized) for use in connection with "Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of disposable and resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners" in International Class 10. A copy of the TARR website record for the application is appended to this Notice of Opposition as Exhibit E.

7. Intuitive Surgical has invested millions of dollars in the advertising and promotion of its trademarks DA VINCI, DA VINCI S HD SURGICAL SYSTEM (Stylized), DA VINCI SI HD SURGICAL SYSTEM (Stylized) and DA VINCI S (the "DA VINCI Marks") for its computerized surgical manipulation systems and associated parts and, upon information and belief, the DA VINCI Marks have become well-known and recognized as Intuitive Surgical's marks among consumers in the relevant industry.

8. As a result of Intuitive Surgical's extensive investment and effort in promoting the DA VINCI Marks for its computerized surgical manipulation systems and

associated parts, the DA VINCI Marks have, upon information and belief, come to be recognized by consumers as well-known marks uniquely associated with and belonging to Intuitive Surgical.

9. Upon information and belief, Da Vinci Center, L.L.C. is a Florida limited liability company with its principal place of business at 3020 N.W. 82 Avenue, Miami, Florida 33122. Applicant Da Vinci Center, L.L.C. is the current owner of record of Application Serial No. 77/321,258.

10. Applicant seeks registration for the designation DA VINCI CENTER allegedly to be used for "Post medical doctorate degree educational services, namely, conducting classes, seminars, conferences, tutorial sessions, courses and workshops for post graduate degree medical professionals in the fields of surgery, surgical techniques, orthopedics and medicine, and development and dissemination of medical educational materials in connection therewith" under the Application.

11. Applicant's proposed mark DA VINCI CENTER is confusingly similar to Intuitive Surgical's previously used and registered DA VINCI Marks and, when used in connection with the purported medical and surgical educational services, is likely to cause confusion or mistake or to deceive.

12. Intuitive Surgical is not connected in any way with Applicant or the proposed use by Applicant of the DA VINCI CENTER mark for medical and surgical educational services as set forth in the Application.

13. Intuitive Surgical's DA VINCI Marks are of sufficient fame and have a sufficient reputation among consumers such that, if and when the mark set forth in the Application is used for medical and surgical educational services, a connection with Intuitive Surgical will be presumed by consumers.

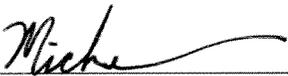
14. Upon information and belief, Applicant's proposed use of DA VINCI CENTER will disparage Intuitive Surgical, falsely suggest a connection with Intuitive Surgical, or bring Intuitive Surgical into disrepute.

15. The registration of Applicant's alleged DA VINCI CENTER mark on the Principal Register would be inconsistent with Intuitive Surgical's rights under the aforementioned registration and common law, and would be damaging to Intuitive Surgical.

WHEREFORE, Intuitive Surgical requests that Application Serial No. 77/321,258 be rejected, that no registration be issued in connection with the Application and that the Board rule in favor of Opposer in this Opposition Proceeding.

Dated: June 3, 2008

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By  _____
Michelle D. Kahn
Attorneys for Opposer
INTUITIVE SURGICAL CORPORATION

Four Embarcadero Center
17th Floor
San Francisco, CA 94111
TEL: (415) 434-9100
FAX: (415) 434-3947

EXHIBIT A

Jeanne Chernila

From: ESTTA@USPTO.GOV
Sent: Wednesday, May 07, 2008 1:52 PM
To: Kathleen Warman; Jeanne Chernila
Subject: Extension of time to oppose

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Michelle D. Kahn
Sheppard Mullin Richter & Hampton LLP
4 Embarcadero Center, 17th Floor
San Francisco, CA 94111-4109

Mailed: May 7, 2008

Serial No.: 77321258
ESTTA TRACKING NO: ESTTA209855

The request to extend time to oppose is granted until 6/7/2008 on behalf of potential opposer Intuitive Surgical, Inc.

Please do not hesitate to contact the Trademark Trial and Appeal Board at (571)272-8500 if you have any questions relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, petition for cancellation, notice of ex parte appeal, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.
TRADEMARK TRIAL AND APPEAL BOARD RULE CHANGES

The USPTO has issued new rules pertaining to TTAB proceedings. Parties are urged to familiarize themselves with the new rules.

Among other changes, for any notice of opposition filed on or after November 1, 2007, the new rules require an opposer to provide proof of service of the notice of opposition upon the applicant at the time the notice of opposition is filed. Trademark Rule 2.101. (Parallel amendments to Trademark Rule 2.111 require a petitioner to include proof of service of the petition for cancellation.) Service may be made by any of the means set out in Trademark Rule 2.119(b). A certificate of service is adequate proof of service; service by a process server is not necessary. A notice of opposition (or petition for cancellation) filed without a certificate of service will not be instituted.

The notice of final rulemaking and a chart summarizing the changes contained in the notice are available for viewing on the TTAB web page:

www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf

EXHIBIT B

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



A handwritten signature in cursive script, appearing to read "James H. Profane".

Director of the United States Patent and Trademark Office

Requirements for Maintaining a Federal Trademark Registration

SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058, upon the expiration of the following time periods:

- i) At the end of 6 years following the date of registration.
- ii) At the end of each successive 10-year period following the date of registration.

Failure to file a proper Section 8 Affidavit at the appropriate time will result in the cancellation of the registration.

SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. §1059, at the end of each successive 10-year period following the date of registration.

Failure to file a proper Application for Renewal at the appropriate time will result in the expiration of the registration.

No further notice or reminder of these requirements will be sent to the Registrant by the Patent and Trademark Office. It is recommended that the Registrant contact the Patent and Trademark Office approximately one year before the expiration of the time periods shown above to determine the requirements and fees for the filings required to maintain the registration.

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

Reg. No. 2,628,871

United States Patent and Trademark Office

Registered Oct. 1, 2002

**TRADEMARK
PRINCIPAL REGISTER**

DA VINCI

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1340 WEST MIDDLEFIELD ROAD
MOUNTAIN VIEW, CA 94043

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSIBLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS,

CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 7-7-2000; IN COMMERCE 7-7-2000.

SN 75-982,190, FILED 3-19-1999.

VERNA BETH RIRIE, EXAMINING ATTORNEY

EXHIBIT C

FILING RECEIPT FOR TRADEMARK APPLICATION

Page 01 of 02

Sep 19, 2006

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

MICHELLE D. KAHN
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
FOUR EMBARCADERO CENTER
SEVENTEENTH FLOOR
SAN FRANCISCO, CA 94111

ATTORNEY
REFERENCE NUMBER
038T-126360

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

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SERIAL NUMBER: 76/665748
FILING DATE: Sep 8, 2006
REGISTER: Principal
MARK: DA VINCI S HD SURGICAL SYSTEM
MARK TYPE(S): Trademark
DRAWING TYPE: Words, letters, or numbers and design
FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Michelle D. Kahn

OWNER: Intuitive Surgical, Inc. (DELAWARE, Corporation)
950 Kifer Road
Sunnyvale, CALIFORNIA 94086

FOR: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

INT. CLASS: 010

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

OWNER OF U.S. REG. NOS. 262881

Design Search Codes.

26a130. 214a cu ead r i apterya i p th ayt are com. letel or

EXHIBIT D

FILING RECEIPT FOR TRADEMARK APPLICATION

Feb 13, 2007

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at http://tarr.uspto.gov/ or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at http://www.uspto.gov/.

MICHELLE D. KAHN
Sheppard, Mullin, Richter & Hampton LLP
Four Embarcadero Center
Seventeenth Floor
San Francisco, CA 94111-4106

ATTORNEY
REFERENCE NUMBER
038T-125696

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SERIAL NUMBER: 76/672142
FILING DATE: Feb 2, 2007
REGISTER: Principal
MARK: DA VINCI S
MARK TYPE(S): Trademark
DRAWING TYPE: Standard Character Mark
FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Michelle D. Kahn
OWNER: Intuitive Surgical, Inc. (DELAWARE, Corporation)
1266 Kifer Road
Sunnyvale, CALIFORNIA 94086

FOR: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

INT. CLASS: 010

FIRST USE: NONE USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

OWNER OF U.S. REG. NOS.: 2628871

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

EXHIBIT E

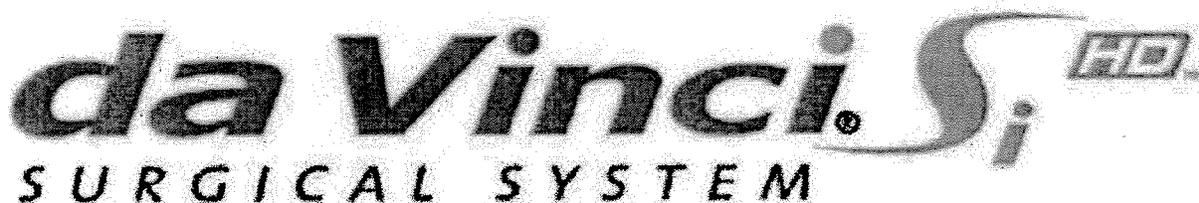
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Serial Number: 76687738 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): DA VINCI SI HD SURGICAL SYSTEM

Standard Character claim: No

Current Status: Newly filed application, not yet assigned to an examining attorney.

Date of Status: 2008-03-21

Filing Date: 2008-03-14

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2008-03-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Intuitive Surgical, Inc.

Address:

Intuitive Surgical, Inc.
1266 Kifer Road, Building 101

Sunnyvale, CA 94086

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of disposable and resposable, in other words, limited use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA Classes I and II exempt surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s):

26.13.21 - Quadrilaterals that are completely or partially shaded

Prior Registration Number(s):

2628871

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-25 - Application Filing Receipt Mailed

2008-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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