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

Proceeding	91187596
Party	Defendant NDI MEDICAL, LLC
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Date	12/17/2008
Attachments	081217 Answer.pdf (4 pages)(58915 bytes)

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

12 NORTHERN DIGITAL INC. 13 Opposer 14 v. 15 NDI MEDICAL, LLC 16 Applicant	17 Opposition No.: 91187596 18 19 Atty. Docket No.: 9469.19102-LIT
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20 **ANSWER TO NOTICE OF OPPOSITION**

21 In the above entitled matter, Applicant pleads as follows to the respective numbered
22 allegations of the Notice of Opposition:

23 1. Applicant lacks information sufficient to form a belief as to the truth of averments
24 stated in paragraph 1 and accordingly denies the same.

25 2. Applicant lacks information sufficient to form a belief as to the truth of averments
26 stated in paragraph 2 and accordingly denies the same.

27 3. Applicant lacks information sufficient to form a belief as to the truth of averments
28 stated in paragraph 3 and accordingly denies the same.

4. Applicant admits to the averments contained in paragraph 4 that Opposer owns U.S.
Registration No. 2,769,520 for NDI in International Classes 9 and 10, which registered September 30,
2003, and Applicant denies that U.S. Registration No. 2,769,520 is of the breadth set forth in
paragraph 4.

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2 5. Applicant lacks information sufficient to form a belief as to the truth of averments
3 stated in paragraph 5 and accordingly denies the same.

4 6. Applicant lacks information sufficient to form a belief as to the truth of averments
5 stated in paragraph 6 and accordingly denies the same.

6 7. Applicant admits to the averments contained in paragraph 7 to the extent that
7 Applicant seeks registration of the mark NDI in International Classes 10, 35, and 41, and Applicant
8 admits that Applicant seeks registration of the mark NDI in International Classes 10 and 35 for
9 medical goods and services relating to the electronic stimulation of tissue, and Applicant denies that
10 Applicant seeks registration of the mark NDI in International Class 41 for medical goods and services
11 relating to the electronic stimulation of tissue.
12

13 8. Applicant lacks information sufficient to form a belief as to the truth of averments
14 stated in paragraph 8 and accordingly denies the same.

15 9. Applicant admits to the averments contained in paragraph 9 to the extend that
16 Applicant's designation NDI is identical to Opposer's NDI trademark, Applicant lacks information
17 sufficient to form a belief as to the truth of the remaining averments stated in paragraph 9.
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19 10. Deny.

20 11. Deny.

21 12. Deny.

22 13. Deny.
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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that a true copy of NDI Medical, Inc.'s Answer to Opposition
5 has been served on the following attorney(s) of record by First Class Mail as follows:

6 Debra S. Serota
7 Fish & Richardson
8 225 Franklin Street
9 Boston MA 02467

10 this 17th day of December 2008.

11 /Peggy Pechulis/

12 _____
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