

ESTTA Tracking number: **ESTTA356031**

Filing date: **07/01/2010**

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	Clavis Pharma ASA		
Entity	Corporation	Citizenship	Norway
Address	Parkveien 55 Oslo, N0256 NORWAY		

Attorney information	John A. Clifford MERHCANT& GOULD 3200 IDS Center, 80 South Eighth Street Minneapolis, MN 55402 UNITED STATES jclifford@merchantgould.com Phone:612.336.4616		
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Applicant Information

Application No	77961128	Publication date	06/01/2010
Opposition Filing Date	07/01/2010	Opposition Period Ends	07/01/2010
Applicant	Natus Medical Incorporated 1501 Industrial Road San Carlos, CA 94070 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. First Use: 2007/04/30 First Use In Commerce: 2007/04/30
All goods and services in the class are opposed, namely: Electromedical products for clinical use, namely, a handheld device for electromyography and neuromuscular stimulation; electronic stimulator for muscle

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3041938	Application Date	05/05/2004
Registration Date	01/10/2006	Foreign Priority Date	04/01/2004
Word Mark	CLAVIS PHARMA		
Design Mark	CLAVIS PHARMA		

Description of Mark	NONE
Goods/Services	Class 005. First use: House mark for a full line of pharmaceutical and veterinary preparations

Attachments	79004187#TMSN.jpeg (1 page)(bytes) NOTICE OF OPPOSITION_20100701140958.pdf (3 pages)(122592 bytes)
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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	/John A. Clifford/
Name	John A. Clifford
Date	07/01/2010

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

Clavis Pharma ASA)	
Opposer,)	Opposition No. _____
)	
v.)	Serial No. 77/961,128
)	
Natus Medical Incorporated)	Mark: CLAVIS
Applicant.)	
)	

NOTICE OF OPPOSITION

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

Clavis Pharma ASA, a Norwegian Corporation with a mailing address of Parkveien 55, N-0256 Oslo, Norway believes it will be damaged by the registration of the mark shown in U.S. Application Serial No. 77/961,128 filed March 17, 2010 by Natus Medial Incorporated, a Delaware Corporation, with a mailing address of 1501 Industrial Road, San Carlos, CA 94070 and hereby opposes registration of the mark.

The grounds for opposition are as follows:

1. By the application herein opposed, Applicant is seeking to obtain under the provisions of the Trademark Act 1946 as amended, registration on the Principal Register of the trademark CLAVIS for "Electromedical products for clinical use, namely, a handheld device for electromyography and neuromuscular stimulation; electronic stimulator for muscle" (International Class 10), The application is based on a first use date of April 30, 2007.
2. Opposer is the owner of U.S. Registration No. 3,041,938 filed May 5, 2004 for the mark CLAVIS PHARMA for "house mark for a full line of pharmaceutical and veterinary preparations" (International Class 5) and registered January 10, 2006.

Since at least 2003 Opposer has used the CLAVIS PHARMA mark with respect to its drug treatments and clinical trials of its novel medicines for the treatment of diseases. Such efforts have received significant publicity. The CLAVIS PHARMA name is known to the relevant industry.

3. Applicant's mark is confusingly similar to Opposer's mark. The marks have a confusingly similar meaning, the goods of the parties are closely related and both would be marketed, sold to, and used by the same consumers.
4. Due to the similarity between Applicant's claimed mark and Opposer's previously used and registered mark, and the closely related nature of the goods and services of the respective parties, consumers and potential consumers are likely to believe that Applicant's goods and services originate from Opposer, resulting in a likelihood of confusion in the marketplace, and damage to the Opposer.
5. The use and registration by Applicant of the mark CLAVIS for Applicant's goods are likely to cause confusion or to cause mistake or deception in the marketplace, and among consumers and potential consumers, with Opposer's previously filed mark, again resulting in damage to Opposer.
6. Because of the related nature of the goods and services, and the confusing similarity of the marks, use and registration of the term CLAVIS by Applicant is likely to cause confusion, mistake or deception that Applicant's goods are those of Opposer, or are otherwise endorsed by, sponsored by, or approved by Opposer. Customers of Applicant would likely believe that Applicant's devices are approved for use with Opposer's treatments when this is not true.
7. Registration of the mark shown in application Serial No. 77/961,128 will result in damage to Opposer under the provisions of §2 (a) and §2 (d) of the U.S. Trademark Act, 15 U.S.C. §1052, pursuant to the allegations stated above.

WHEREFORE, Opposer asks that its opposition to this application be sustained and that registration of the term CLAVIS therein be refused.

Please direct all correspondence to the attention of:

John A. Clifford
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
Phone: 612.336.4616
Fax: 612.332.9081

Opposer hereby appoints; Brian H. Batzli, Reg. No. 32,960; John A. Clifford, Reg. No. 30,247; Gregory C. Golla; Scott W. Johnston, Reg. No. 39,721; D. Randall King; Andrew S. Ehard; Christopher J. Schulte, Danielle I. Mattessich and Scott Oslick as its attorneys with the full power to represent the Opposer in connection with this proceeding.

Respectfully submitted,

By its attorneys,

Date: July 1, 2010



John A. Clifford
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
612.332.5300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on Mathew Temmerman; Temmerman Law Office, 423 E. St.; Davis, CA 95616-4132 by first class mail, postage prepaid on this 1st day of July, 2010.

Date: July 1, 2010



John A. Clifford