

ESTTA Tracking number: **ESTTA365183**

Filing date: **08/26/2010**

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	Amendia, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	1155 Allgood Road Suite 6 Marietta, GA 30062 UNITED STATES		

Attorney information	Anthony J. DoVale FSB FisherBroyles, a limited liability partnership 3455 Peachtree Road, NE The Pinnacle Building, Fifth Floor Atlanta, GA 30326 UNITED STATES dovale@fsblegal.com Phone:678-743-1125
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**Applicant Information**

Application No	77822682	Publication date	07/27/2010
Opposition Filing Date	08/26/2010	Opposition Period Ends	08/26/2010
Applicant	US Spine, Inc. Suite 101 3600 FAU Boulevard Boca Raton, FL 33431 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 010. All goods and services in the class are opposed, namely: Medical and surgical apparatus for use in the treatment of the spine
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**Grounds for Opposition**

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Attachments	2010-08-24 Notice of Opposition OLIF.pdf ( 2 pages )(15248 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	/Anthony J DoVale/
Name	Anthony J. DoVale

Date	08/26/2010
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**ATTORNEY DOCKET NO.: 48014.5000  
NOTICE OF OPPOSITION TO SERIAL NO. 77822682  
OPPOSED MARK: OLIF**

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

In the Matter of Trademark Application Serial No. 77822682  
Filed: September 9, 2009  
For the Mark: OLIF  
Published in the Official Gazette on: July 27, 2010

**AMENDIA, INC.**

*Opposer,*

v.

**U.S. SPINE, INC.,**

*Applicant.*

Opposition No.: \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer AMENDIA, INC., 1155 Allgood Road, Suite 6, Marietta, GA 30062 believes that it will be damaged by registration of the mark OLIF as shown in the above-identified application, and hereby opposes the same pursuant to 15 U.S.C. §1063(a) and 15 U.S.C §1052(e)(1).

As grounds for its opposition, Opposer alleges as follows:

1. Opposer AMENDIA, INC. is a Georgia corporation, with its principal place of business located at 1155 Allgood Road, Suite 6, Marietta, GA 30062.
2. Upon information and belief, Applicant U.S. Spine, Inc. is a Delaware Corporation with a principal place of business located at Suite 101, 3600 FAU Boulevard, Boca Raton, FL 33431.
3. Applicant filed its application for its OLIF mark, Application Serial No. 77822682, pursuant to Section 1(b) of the Trademark Act on September 9, 2009, alleging a bona fide intention to use the mark OLIF for:

**ATTORNEY DOCKET NO.: 48014.5000**  
**NOTICE OF OPPOSITION TO SERIAL NO. 77822682**  
**OPPOSED MARK: OLIF**

International Class: 010

Medical and surgical apparatus for use in the treatment of the spine

4. OLIF is an acronym for Oblique Lateral Interbody Fusion, which is a surgical procedure for use in the treatment of the spine.

5. If Application Serial No. 77822682 matures to registration or remains pending, it is an obstacle to Opposer's and others' continued use of the term OLIF in connection with Oblique Lateral Interbody Fusion devices and/or procedures.

6. Opposer asserts as grounds for opposition mere descriptiveness.

7. Therefore, registration of the application of Applicant for the trademark "OLIF," Serial No. 77822682 should be rejected and refused.

WHEREFORE, Opposer prays that application Serial No. 77822682 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Payment in the amount of \$300.00 is submitted herewith.

Respectfully submitted,

FSB FisherBroyles, LLP

/Anthony J. DoVale/

Anthony J. DoVale, Esq.

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