

ESTTA Tracking number: **ESTTA464546**

Filing date: **03/30/2012**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Fresenius SE & Co. KgaA
Granted to Date of previous extension	04/14/2012
Address	Else-Kroener-Strasse 1 Bad Homburg, 61352 GERMANY

Name	Fresenius Medical Care Deutschland GmbH
Granted to Date of previous extension	04/14/2012
Address	Gluckensteinweg 5 Bad Homburg, 61350 GERMANY

Attorney information	Scott D. Woldow Smith, Gambrell & Russell, LLP 1130 Connecticut Avenue, NW, Suite 1130 Washington, DC 20036 UNITED STATES sdwoldow@sgrlaw.com Phone:202-263-4300
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**Applicant Information**

Application No	79070045	Publication date	02/14/2012
Opposition Filing Date	03/30/2012	Opposition Period Ends	04/14/2012
International Registration No.	1005579	International Registration Date	02/20/2009
Applicant	Hochschule Fresenius gemeinnützige GmbH Limburger Str. 2 65510 Idstein, GERMANY		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Computers; computer operating programs and computer programs for use in education featuring instruction in the field of chemistry, physics, biology, health care, medicine, psychology, economics, logistics and retail, tourism and travel management, law and media, use in database management, use as a spreadsheet, word processing, and use for scientific analysis of experimental results in the field of chemistry, physics, biology, health care, medicine, psychology, economics, logistics and retail, tourism and travel management, law and
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media, recorded or downloadable; data-processing apparatus, namely, data processors; pressure measuring apparatus, namely, pressure sensors; furnaces for laboratory experiments; exposed camera films; gas testing instruments; interfaces for computers; laboratory trays; air analysis apparatus; diagnostic apparatus for food testing; notebook computers; optical magnifying glasses; weighing equipment, namely, precision balances; laboratory equipment, namely, test tubes; acid hydrometers; voltmeters; spectrograph apparatus; spectrometers; furniture especially made for laboratories; thermostats; vacuum pressure gauges; scales; weighing apparatus and instruments

Class 016.

All goods and services in the class are opposed, namely: Bookbinding material; photographs; stationery, adhesives for stationery or household purposes; artists' materials, namely, artists' watercolours, artists' acrylic paint and artists' pencils; paint brushes; printed instructional and teaching material in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; plastic bags for packaging not included in other classes; printers' type; printing blocks; stationery paper; brochures and books in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; diagrams for chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; flags and pennants of paper; graphic representations; calendars; adhesive tapes for stationery and/or household purposes; posters; printed prospectuses in the field of higher education, namely, chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; printed periodicals in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; newspapers; and publications, namely, books, hand-outs and workbooks in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media

Class 028.

All goods and services in the class are opposed, namely: Teaching materials in the form of games, namely, board games, card games

Class 035.

All goods and services in the class are opposed, namely: Updating of advertising material; cost-price analysis; business information; business management and organization consultancy services; business management advisory and consultancy services; news clipping services, namely, compilation of subject related press articles; business consultancy and advisory services; advertising agency services; business investigations; efficiency experts; economic forecasting; television advertising for others; business management of performing artists; business management of hotels for others; publication of publicity texts; business information services; business marketing services; market research; public opinion polling; business research; public relations; online advertising on computer networks; organization of fairs and exhibitions for commercial or advertising purposes; business organisation consultancy; employment agency services; personnel recruitment; selection of personnel by means of psychological testing; personnel management consultancy; outdoor advertising; business management assistance; radio advertising; compilation and systematisation of data in computer databases; organisation of trade fairs for commercial or advertising purposes; dissemination of advertisements; rental of advertising space; rental of advertising material; rental of advertising time on communications media; distribution of samples; advertising material services, namely, design of advertising materials for others; business merchandising display services; advertising; direct mail advertising; business management services; business administration; providing office functions; business appraisals; database management services, namely, collating of data in computer databases

Class 038.

All goods and services in the class are opposed, namely: Providing access to a computer databases

Class 041.

All goods and services in the class are opposed, namely: Educational services, namely, conducting classes, seminars, conferences, training courses and workshops in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics

and retail business management, tourism and travel management, law and media; providing of training in the use of computers and rhetoric; teaching in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; educational services, namely, conducting classes, seminars and training courses for students and professionals in scientific, commercial, medical and social occupations in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; consultation in the field of education, namely, regarding professional training, educational courses and continued educational training in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; vocational guidance; sound recording studio services; digital photography services; sign language interpretation; presentation of live show performances; provision of educational examinations; desktop publishing for others; educational academies, namely, education services in the nature of courses at the university level; education in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media through correspondence courses; entertainment in the nature of on-going television programs in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; film production; publication of texts other than publicity texts; on-line publishing of electronic books and magazines; arranging and conducting educational conferences; arranging and conducting educational congresses, symposia and colloquia in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; radio entertainment production; arranging and conducting of seminars, colloquia, conferences and workshops in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; organization of exhibitions for cultural or educational purposes; script writing services, namely, writing screenplays for others; rental of books; publication and editing of books, newspapers and periodicals; providing on-line non-downloadable publications in the nature of e-books, e-zines, e-newsletters, journals and online magazines in the fields of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; editing of radio and television programmes

**Class 042.**

All goods and services in the class are opposed, namely: Services in the field of science and technology and research and development related thereto, namely, scientific research and research and development of technology in the field of chemistry, physics, biology, health care, medicine and psychology; industrial analysis and scientific research in the field of chemistry, physics, biology, health care, medicine and psychology; industrial analysis, namely, chemical analysis and product testing; design and development of computer hardware and software; surveying; research in the scientific and medical fields, for others; research and development of advanced learning technologies and teaching methods, for others; computer software programming, for others; updating of computer software; biological research; consultancy in the field of computers; computer software design; chemistry services, namely, chemistry consultation; bacteriological research and testing; chemical analysis; research and development for others with regard to new products; computer programming; bacteriological research; chemical research; genealogical research; design and maintenance of websites for third parties; installation of computer programs; duplication of computer programs; materials testing; physics research; hosting and maintenance of the web sites of others on a computer server for a global computer network

**Class 044.**

All goods and services in the class are opposed, namely: Pharmaceutical advice; providing medical advice regarding health and medical cures

**Class 045.**

All goods and services in the class are opposed, namely: Intellectual property consulting; licensing of industrial intellectual property rights; patent licensing; legal services; providing information relating to legal affairs; litigation services; arbitration services

## Grounds for Opposition

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

U.S. Registration No.	3771611	Application Date	01/03/2008
Registration Date	04/06/2010	Foreign Priority Date	07/06/2007
Word Mark	FRESENIUS		
Design Mark			
Description of Mark	The mark consists of the design of four horizontal bars that are decreasing in length to the left of the wording "FRESENIUS".		
Goods/Services	<p>Class 005. First use:</p> <p>Biopharmaceutical preparations for use in the treatment of immunological conditions; Biopharmaceutical preparations for use in the treatment of tissue and organ transplants; Biopharmaceutical preparations for use in the treatment of tumors; Biopharmaceutical preparations for use in the treatment of immune system conditions; medicinal preparations for the treatment of infectious diseases and for use in oncology; Medical fluids for organ perfusion and preservation; Immunosuppression agents for use in organ transplantation; trifunctional antibodies for cancer treatment; Pharmaceutical and sanitary preparations for dialysis therapy; disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments; Pharmaceutical preparations, namely, enteral and parenteral nutrition, admixtures to parenteral nutrition, compounding of parenteral nutrition; compound of intravenous drugs, namely, pharmaceutical preparations as a constituent of compound of pharmaceuticals for use in nutritional therapy, immune therapy, paint therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume; infusion solutions for the delivery of drugs and pharmaceutical preparations, namely, for parenteral nutrition, for use in nutritional therapy, immune therapy, paint therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume, the treatment of oedema and for use in anaesthesia; standard infusion solutions for blood volume replacement and drug reconstitution; pharmaceutical preparations, namely, rinsing solutions for washing purposes, blood volume expanders, antibiotics, anti-infectives, analgesics and anaesthetics; injectable critical care drugs; oral drugs, namely, antibiotics, anti-infectives, analgesics and anaesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in paediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations and dietetic products for enteral and parenteral nutrition, admixtures to parenteral nutrition; clinical medical reagents for processing human blood for use in blood transfusions stored in bags; Pharmaceutical solutions used in dialysis; Pharmaceutical preparations for the treatment of blood volume; Intravenous fluids for nutrition and the delivery of pharmaceutical preparations</p>		

Class 010. First use:

Surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy hemofiltration and hemodialysis machines, all for dialysis therapy and parts thereof; blood washing machines, surgical clips; medical bags for medical fluids for use in dialysis; dialysis pumps; pumps and machines for enteral and parenteral feeding and structural and replacement parts thereof for medical use; medical syringes; needles for medical use; catheters for dialysis; canulae; closure caps for catheters and other parts and fittings in dialysis therapy; tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy; Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable infusion medical device, namely, a medical infusion sets for global and interactive management of mono- and multi-channel infusion; infusion medical device, namely, medical machine for capturing and processing infusion data; Patient monitors, namely, a multi-channel patient monitor for critical care for analyzing, programming and monitoring patient information; Patient monitoring sensors and alarms; medical appliances and instruments, namely, syringe pumps and volumetric pumps; Medical apparatus, namely, patient monitoring communication racks for infusion; Surgical and medical apparatus and instruments, namely, infusion sets; Medical apparatus, namely, infusion and injection devices for dialysis and for administering drugs; surgical and medical instruments and apparatus, namely, blood transfusion apparatus; Medical instruments to measure medicine dosage, hydration, nutrition, blood volume, and other physiological and cardiovascular parameters; Medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used in infusion technology, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, particularly in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions including accessories thereto, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters and needles; Equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing machine; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing machine; surgical and medical apparatus and instruments, namely, blood donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking port for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system comprised of portable medical sealers and a high capacity battery; blood processing equipment for medical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood processing equipment for medical use, namely, automatic blood processing device for platelet concentrates agitation; blood processing disposables, namely, blood bags, pouches, sealers, caps, and containers for collection and processing of whole blood, umbilical cord blood; blood processing disposables

	<p>for medical use, namely, transfer bags, pouches, sealers, caps and containers for processing and administration of blood components; blood processing disposables for medical use, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables for medical use, namely, conventional medical filters for leukodepletion and reduction of microaggregates from blood components; blood processing disposables for medical use, namely, cryopreservation device comprising bags, sealers and parts therefor; blood bank accessories for medical use, namely, solutions for the storage and washing of medical devices used in blood procedures; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis device, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber; Dialysis machines; Medical device, namely, continuous autotransfusion systems comprised of pumps, centrifuges, washing chambers, blood transfusion bags and tubing for surgical hemotherapy and intensive care and related data management software sold as a unit; Medical instrument, namely, blood transfusion instrument with tubes, clamps, seals and related data management software sold as a unit</p> <p>Class 041. First use: Educational services, namely, providing seminars in the fields of nutrition, medical nutrition, extracorporeal blood purification, health, medical treatment and dialysis; providing continuing medical education courses; training services in the field of nutrition, medical nutrition and extracorporeal blood purification; health, medical treatment and dialysis; health education information; nutrition and health education information</p> <p>Class 044. First use: Medical services; medical services, namely, cell and gene therapy; medical services, namely, vector production gene therapy; medical services, namely, dialysis centers for renal therapy; medical services, namely, compounding of pharmaceuticals and medicines</p>
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U.S. Registration No.	3767516	Application Date	01/02/2008
Registration Date	03/30/2010	Foreign Priority Date	07/06/2007
Word Mark	FRESENIUS KABI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: Pharmaceutical preparations, namely, enteral and parenteral nutrition, namely, dietetic products for enteral feeding and nutrition for parenteral feeding; admixtures to parenteral nutrition, namely, nutrition admixtures for parenteral nutrition and compounded parenteral nutrition admixtures for parenteral nutrition; Intravenous parenteral nutritional compounds to treat or prevent malnutrition, undernutrition covering the needs of a patient either completely or partly; pharmaceutical preparations, namely, constituents of individual compounded pharmaceutical preparations for use in cancer therapy, infectious diseases, immune therapy, anesthesia and pain therapy as well as critical care therapies requiring individual dosing; Pharmaceutical preparations, namely, drug delivery agents consisting of compounds that facilitate delivery of a wide range</p>		

of pharmaceuticals; Standard infusion solutions for fluid, electrolyte and energy supply for reconstitution and delivery of drugs and pharmaceutical preparations; infusion solutions for blood volume replacement and treatment of hypovolemia; pharmaceutical preparations, namely, medicated rinsing solutions for washing purposes, blood volume expanders, anti-infectives, analgesics and anesthetics; injectable critical care drugs, namely, parenterally administered pharmaceutical preparations for the therapy of critically ill states, namely, for the treatment of cardiovascular conditions, for use as diuretics, immune therapies, anticoagulants, cerebrovascular therapies, gastrointestinal therapies and hormone therapies; injectable critical care and peri-operative pharmaceuticals for the treatment of allergic reactions; intravenous drugs for infusion therapy, namely, intravenous drugs in the nature of intravenous critical care and peri-operative fluids used for rehydration, nutrition, electrolyte replenishment and the delivery of pharmaceutical preparations, intravenous critical care and peri-operative formulations used for artificial plasma volume maintenance, replacement and expansion; Oral drugs, namely, anti-infectives, analgesics and anesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in pediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations or dietetic products for enteral and parenteral nutrition; clinical medical solutions for processing human blood for use in blood transfusions stored in bags; blood processing disposables, namely, processing solutions for storage and washing; blood bank accessories, namely, processing solutions for storage and washing

Class 010. First use:

Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable medical devices for global and interactive management of mono- and multi-channel infusion; infusion medical device, namely medical machine for capturing and processing infusion data; Infusion data monitors, namely, a multi-channel infusion monitor for critical care for analyzing, programming and monitoring infusion information; infusion monitoring sensors and alarms; appliances and instruments comprising the above devices, namely syringe pumps, volumetric pumps, disposable bags, bottles, pumps and tubes; infusion apparatus racks for concentration of the main supply, infusion configuration and maintenance; Surgical and medical apparatus and instruments, namely, infusion sets and infusion and injection devices for administering drugs; surgical and medical instruments and apparatus "namely" transfusion apparatus; Surgical and medical apparatus and instruments, namely, medicinal measurement medical instruments as well as parts of the aforementioned goods to measure medicine dosage, hydration, nutrition, blood volume, physiological and cardiovascular parameters and parts and fitting thereof; medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used as parts of infusion apparatus, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device, namely, cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, namely introducer sets used in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition

	<p>solutions and parts therefore, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; medical and surgical equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; medical packaging systems comprising medical bags and bottles as well as their parts and accessories; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing system for diagnostic medical use; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing system for surgical and medical use; surgical and medical apparatus and instruments, namely, donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking system for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system with portable sealer with high capacity battery; blood processing equipment, for medical and surgical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening technology, namely, devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood Processing Equipment, namely, automatic system for platelet concentrates agitation for medical and surgical use; blood processing disposables, namely, blood bag systems for collection and processing of whole blood, umbilical cord blood for medical and surgical use; blood processing disposables, namely, transfer bag systems for processing and administration of blood components for medical and surgical use; blood processing disposables, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables, namely, conventional filter systems for leukodepletion and reduction of microaggregates from blood components; blood processing disposables, namely, cryopreservation system comprising bags, sealer and parts therefore for medical and surgical use; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis system, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber for medical and surgical use</p> <p>Class 016. First use: Printed matter, namely, printed charts; printed information cards in the fields of health; printed instructional, educational and teaching materials in the fields of health; printed periodicals in the fields of health; publications, namely, brochures, booklets, and teaching materials in the fields of health; health and medical photographs</p> <p>Class 041. First use: Educational services, namely, providing seminars in the fields of nutrition, health and medical treatment; providing continuing medical education courses; training services in the fields of nutrition, health and medical treatment; nutrition and health education information</p> <p>Class 044. First use: Medical services; Medical services, namely, pharmaceutical compounding for the development of pharmaceutical preparations and medicines; medical services, namely, compounding of nutrition for parenteral feeding; Medical services, namely, drug conjugation with polymers modifying the pharmacokinetic and pharmacodynamic parameters of a drug</p>
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U.S. Registration No.	2302398	Application Date	09/04/1996
Registration Date	12/21/1999	Foreign Priority Date	NONE
Word Mark	FRESENIUS MEDICAL CARE		

Design Mark	<b>FRESENIUS MEDICAL CARE</b>
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 1999/07/05 First Use In Commerce: 1999/07/05 pharmaceutical and sanitary preparations for dialysis therapy; [ dietetic substances, namely, nutritional supplements and meal replacements in the form of powders, shakes and mixes for enternal and parenteral feeding; ] disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments</p> <p>Class 010. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy demonstration and remedially machines, all for dialysis therapy and parts thereof; [blood washing machines, surgical clips;] medical bags for medical fluids for use in dialysis; [dialysis pumps; pumps and machines for enter al and pretrial feeding and parts thereof; medical syringes; needles for medical use; catheters for dialysis; consulate; closure caps for catheters and other parts and fittings in dialysis therapy;] tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy</p> <p>Class 042. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00 medical services, namely, dialysis centers for renal therapy</p>

Attachments	79050568#TMSN.jpeg ( 1 page )( bytes ) 79050353#TMSN.jpeg ( 1 page )( bytes ) 75161415#TMSN.gif ( 1 page )( bytes ) TRADEMARK 1.PDF ( 25 pages )(292859 bytes ) TRADEMARK 2.PDF ( 29 pages )(547086 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	/SW/
Name	Scott D. Woldow
Date	03/30/2012

Attorney Docket No.  
033716.025

TRADEMARK

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

In the Matter of Trademark Application Serial No. 79/070,045  
Published: February 14, 2012

Fresenius SE & Co. KGaA	)
Fresenius Medical Care Deutschland GmbH	)
	)
Opposers,	)
	)
v.	)
	)
Hochschule Fresenius gemeinnützige GmbH	)
	)
Applicant.	)

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

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
**Box TTAB FEE**  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

In the matter of the application of Hochschule Fresenius gemeinnützige GmbH, for registration of the mark Hochschule Fresenius, filed on February 20, 2009, application Serial No. 79/070,045, published in the Official Gazette on February 14, 2012, Fresenius SE & Co. KGaA and Fresenius Medical Care Deutschland GmbH believe that they will be damaged by

registration of the mark identified by trademark application Serial No. 79/070,045, and hereby oppose registration.

Fresenius SE & Co. KGaA (hereinafter "OPPOSER" or collectively with JOINT OPPOSER "OPPOSERS"), a Societas Europaea of the Federal Republic of Germany, having offices located at Else-Kroener-Strasse 1, Bad Homburg, D-61352, Germany, believes that it will be damaged by registration of the Hochschule Fresenius mark identified by Application Serial No. 79/070,045 and hereby opposes the same.

Fresenius Medical Care Deutschland GmbH (hereinafter "JOINT OPPOSER" or collectively with OPPOSER "OPPOSERS"), a Limited Liability Company of the Federal Republic of Germany, having offices located at Gluckensteinweg 5, Bad Homburg, D-61350, Germany, believes that it will be damaged by registration of the Hochschule Fresenius mark identified by Application Serial No. 79/070,045 and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposers are now and have been engaged in the health care industry.
2. Opposers offer health care products and services.
3. Opposer provides "pharmaceutical preparations, medicinal preparations, medical fluids, medical instruments, printed matter, publications, educational services, and medical services."
4. Opposer is the owner of United States Registration No. 3,771,611, for the mark FRESENIUS & Design, which registered on April 6, 2010, in association with:

**International Class: 005**

Biopharmaceutical preparations for use in the treatment of immunological conditions;

Biopharmaceutical preparations for use in the treatment of tissue and organ transplants;

Biopharmaceutical preparations for use in the treatment of tumors; Biopharmaceutical preparations for use in the treatment of immune system conditions; medicinal preparations for the treatment of infectious diseases and for use in oncology; Medical fluids for organ perfusion and preservation; Immunosuppression agents for use in organ transplantation; trifunctional antibodies for cancer treatment; Pharmaceutical and sanitary preparations for dialysis therapy; disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments; Pharmaceutical preparations, namely, enteral and parenteral nutrition, admixtures to parenteral nutrition, compounding of parenteral nutrition; compound of intravenous drugs, namely, pharmaceutical preparations as a constituent of compound of pharmaceuticals for use in nutritional therapy, immune therapy, pain therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume; infusion solutions for the delivery of drugs and pharmaceutical preparations, namely, for parenteral nutrition, for use in nutritional therapy, immune therapy, pain therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume, the treatment of oedema and for use in anaesthesia; standard infusion solutions for blood volume replacement and drug reconstitution; pharmaceutical preparations, namely, rinsing solutions for washing purposes, blood volume expanders, antibiotics, anti-infectives, analgesics and anaesthetics; injectable critical care drugs; oral drugs, namely, antibiotics, anti-infectives, analgesics and anaesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food

supplements, meal replacement drinks; meal replacement powders; nutritional supplements in paediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations and dietetic products for enteral and parenteral nutrition, admixtures to parenteral nutrition; clinical medical reagents for processing human blood for use in blood transfusions stored in bags; Pharmaceutical solutions used in dialysis; Pharmaceutical preparations for the treatment of blood volume; Intravenous fluids for nutrition and the delivery of pharmaceutical preparations.

**International Class: 010**

Surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy hemofiltration and hemodialysis machines, all for dialysis therapy and parts thereof; blood washing machines, surgical clips; medical bags for medical fluids for use in dialysis; dialysis pumps; pumps and machines for enteral and parenteral feeding and structural and replacement parts thereof for medical use; medical syringes; needles for medical use; catheters for dialysis; canulae; closure caps for catheters and other parts and fittings in dialysis therapy; tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy; Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable infusion medical device, namely, a medical infusion sets for global and interactive management of mono- and multi-channel infusion; infusion

medical device, namely, medical machine for capturing and processing infusion data; Patient monitors, namely, a multi-channel patient monitor for critical care for analyzing, programming and monitoring patient information; Patient monitoring sensors and alarms; medical appliances and instruments, namely, syringe pumps and volumetric pumps; Medical apparatus, namely, patient monitoring communication racks for infusion; Surgical and medical apparatus and instruments, namely, infusion sets; Medical apparatus, namely, infusion and injection devices for dialysis and for administering drugs; surgical and medical instruments and apparatus, namely, blood transfusion apparatus; Medical instruments to measure medicine dosage, hydration, nutrition, blood volume, and other physiological and cardiovascular parameters; Medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used in infusion technology, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, particularly in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions including accessories thereto, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters and needles; Equipment and disposables used in pharmaceutical compounding of parenteral nutrition and

intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing machine; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing machine; surgical and medical apparatus and instruments, namely, blood donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking port for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system comprised of portable medical sealers and a high capacity battery; blood processing equipment for medical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood processing equipment for medical use, namely, automatic blood processing device for platelet concentrates agitation; blood processing disposables, namely, blood bags, pouches, sealers, caps, and containers for collection and processing of whole blood, umbilical cord blood; blood processing disposables for medical use, namely, transfer bags, pouches, sealers, caps and containers for processing and administration of blood components; blood processing disposables for medical use, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables for medical use, namely, conventional medical filters for leukodepletion and reduction of microaggregates from blood components; blood processing disposables for medical use, namely, cryopreservation device comprising bags, sealers and parts therefor; blood bank accessories for medical use,

namely, solutions for the storage and washing of medical devices used in blood procedures; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis device, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber; Dialysis machines; Medical device, namely, continuous autotransfusion systems comprised of pumps, centrifuges, washing chambers, blood transfusion bags and tubing for surgical hemotherapy and intensive care and related data management software sold as a unit; Medical instrument, namely, blood transfusion instrument with tubes, clamps, seals and related data management software sold as a unit.

**International Class: 041**

Educational services, namely, providing seminars in the fields of nutrition, medical nutrition, extracorporeal blood purification, health, medical treatment and dialysis; providing continuing medical education courses; training services in the field of nutrition, medical nutrition and extracorporeal blood purification; health, medical treatment and dialysis; health education information; nutrition and health education information.

**International Class: 044**

Medical services; medical services, namely, cell and gene therapy; medical services, namely, vector production gene therapy; medical services, namely, dialysis centers for renal therapy; medical services, namely, compounding of pharmaceuticals and medicines.

5. Opposer is now and has been using the FRESENIUS & Design mark in United States commerce.

6. Opposer's ownership of United States Trademark Registration No. 3,771,611, has been valid and continuous and has not been abandoned.

7. Opposer's mark is symbolic of extensive goodwill and consumer recognition.

8. Opposer is the owner of United States Registration No. 3,767,516, for the mark FRESENIUS KABI & Design, which registered on March 30, 2010, in association with:

**International Class: 005**

Pharmaceutical preparations, namely, enteral and parenteral nutrition, namely, dietetic products for enteral feeding and nutrition for parenteral feeding; admixtures to parenteral nutrition, namely, nutrition admixtures for parenteral nutrition and compounded parenteral nutrition admixtures for parenteral nutrition; Intravenous parenteral nutritional compounds to treat or prevent malnutrition, undernutrition covering the needs of a patient either completely or partly; pharmaceutical preparations, namely, constituents of individual compounded pharmaceutical preparations for use in cancer therapy, infectious diseases, immune therapy, anesthesia and pain therapy as well as critical care therapies requiring individual dosing; Pharmaceutical preparations, namely, drug delivery agents consisting of compounds that facilitate delivery of a wide range of pharmaceuticals; Standard infusion solutions for fluid, electrolyte and energy supply for reconstitution and delivery of drugs and pharmaceutical preparations; infusion solutions for blood volume replacement and treatment of hypovolemia; pharmaceutical preparations, namely, medicated rinsing solutions for washing purposes, blood volume expanders, anti-infectives, analgesics and anesthetics; injectable critical care drugs, namely, parenterally

administered pharmaceutical preparations for the therapy of critically ill states, namely, for the treatment of cardiovascular conditions, for use as diuretics, immune therapies, anticoagulants, cerebrovascular therapies, gastrointestinal therapies and hormone therapies; injectable critical care and peri-operative pharmaceuticals for the treatment of allergic reactions; intravenous drugs for infusion therapy, namely, intravenous drugs in the nature of intravenous critical care and peri-operative fluids used for rehydration, nutrition, electrolyte replenishment and the delivery of pharmaceutical preparations, intravenous critical care and peri-operative formulations used for artificial plasma volume maintenance, replacement and expansion; Oral drugs, namely, anti-infectives, analgesics and anesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in pediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations or dietetic products for enteral and parenteral nutrition; clinical medical solutions for processing human blood for use in blood transfusions stored in bags; blood processing disposables, namely, processing solutions for storage and washing; blood bank accessories, namely, processing solutions for storage and washing.

**International Class: 010**

Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral

feeding pumps, enteral giving sets for administration of enteral feeding; Programmable medical devices for global and interactive management of mono- and multi-channel infusion; infusion medical device, namely medical machine for capturing and processing infusion data; Infusion data monitors, namely, a multi-channel infusion monitor for critical care for analyzing, programming and monitoring infusion information; infusion monitoring sensors and alarms; appliances and instruments comprising the above devices, namely syringe pumps, volumetric pumps, disposable bags, bottles, pumps and tubes; infusion apparatus racks for concentration of the main supply, infusion configuration and maintenance; Surgical and medical apparatus and instruments, namely, infusion sets and infusion and injection devices for administering drugs; surgical and medical instruments and apparatus "namely" transfusion apparatus; Surgical and medical apparatus and instruments, namely, medicinal measurement medical instruments as well as parts of the aforementioned goods to measure medicine dosage, hydration, nutrition, blood volume, physiological and cardiovascular parameters and parts and fitting thereof; medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used as parts of infusion apparatus, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device, namely, cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, namely introducer sets used in connection with the

implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions and parts therefore, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; medical and surgical equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; medical packaging systems comprising medical bags and bottles as well as their parts and accessories; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing system for diagnostic medical use; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing system for surgical and medical use; surgical and medical apparatus and instruments, namely, donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking system for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system with portable sealer with high capacity battery; blood processing equipment, for medical and surgical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening technology, namely, devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood Processing Equipment, namely, automatic system for platelet concentrates agitation for medical and surgical use; blood processing disposables, namely, blood bag systems for collection and processing of whole blood, umbilical cord blood for medical and surgical use; blood processing disposables, namely, transfer bag systems for processing and administration of

blood components for medical and surgical use; blood processing disposables, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables, namely, conventional filter systems for leukodepletion and reduction of microaggregates from blood components; blood processing disposables, namely, cryopreservation system comprising bags, sealer and parts therefore for medical and surgical use; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis system, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber for medical and surgical use.

**International Class: 016**

Printed matter, namely, printed charts; printed information cards in the fields of health; printed instructional, educational and teaching materials in the fields of health; printed periodicals in the fields of health; publications, namely, brochures, booklets, and teaching materials in the fields of health; health and medical photographs.

**International Class: 041**

Educational services, namely, providing seminars in the fields of nutrition, health and medical treatment; providing continuing medical education courses; training services in the fields of nutrition, health and medical treatment; nutrition and health education information.

**International Class: 044**

Medical services; Medical services, namely, pharmaceutical compounding for the development of pharmaceutical preparations and medicines; medical services, namely, compounding of nutrition for parenteral feeding; Medical services, namely, drug conjugation with polymers modifying the pharmacokinetic and pharmacodynamic parameters of a drug.

9. Opposer is now and has been using the FRESENIUS KABI & Design mark in United States commerce.
10. Opposer's ownership of United States Trademark Registration No. 3,767,516, has been valid and continuous and has not been abandoned.
11. Opposer's mark is symbolic of extensive goodwill and consumer recognition.
12. Joint Opposer provides "pharmaceutical and sanitary preparations, medical instruments, and medical services."
13. Joint Opposer is the owner of United States Registration No. 2,302,398, for the mark FRESENIUS MEDICAL CARE, which registered on December 21, 1999, in association with:

**International Class: 005**

Pharmaceutical and sanitary preparations for dialysis therapy; disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments.

**International Class: 010**

Surgical and medical instruments and apparatus, and medical technical devices, namely,

dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy demonstration and remedially machines, all for dialysis therapy and parts thereof; medical bags for medical fluids for use in dialysis; tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy.

**International Class: 042**

Medical services, namely, dialysis centers for renal therapy.

14. Joint Opposer is now and has been using the FRESINIUS MEDICAL CARE mark in United States commerce in association with the goods and services indicated above.
15. Joint Opposer's ownership of United States Trademark Registration No. 2,302,398, has been valid and continuous and has not been abandoned.
16. United States Trademark Registration No. 2,302,398 is incontestable.
17. Joint Opposer's mark is symbolic of extensive goodwill and consumer recognition built up by Joint Opposer through substantial amounts of time and effort in advertising, promotion and sales of products and services thereunder.
18. On February 20, 2009, Applicant filed a United States trademark application for the mark Hochschule Fresenius.
19. The aforesaid trademark application was assigned United States Application Serial No. 79/070,045.

20. United States Application Serial No. 79/070,045 was approved for publication in association with:

**International Class: 009**

Computers; computer operating programs and computer programs for use in education featuring instruction in the field of chemistry, physics, biology, health care, medicine, psychology, economics, logistics and retail, tourism and travel management, law and media, use in database management, use as a spreadsheet, word processing, and use for scientific analysis of experimental results in the field of chemistry, physics, biology, health care, medicine, psychology, economics, logistics and retail, tourism and travel management, law and media, recorded or downloadable; data-processing apparatus, namely, data processors; pressure measuring apparatus, namely, pressure sensors; furnaces for laboratory experiments; exposed camera films; gas testing instruments; interfaces for computers; laboratory trays; air analysis apparatus; diagnostic apparatus for food testing; notebook computers; optical magnifying glasses; weighing equipment, namely, precision balances; laboratory equipment, namely, test tubes; acid hydrometers; voltmeters; spectrograph apparatus; spectrosopes; furniture especially made for laboratories; thermostats; vacuum pressure gauges; scales; weighing apparatus and instruments.

**International Class: 016**

Bookbinding material; photographs; stationery, adhesives for stationery or household purposes; artists' materials, namely, artists' watercolours, artists' acrylic paint and artists' pencils; paint brushes; printed instructional and teaching material in the field of

chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; plastic bags for packaging not included in other classes; printers' type; printing blocks; stationery paper; brochures and books in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; diagrams for chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; flags and pennants of paper; graphic representations; calendars; adhesive tapes for stationery and/or household purposes; posters; printed prospectuses in the field of higher education, namely, chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; printed periodicals in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; newspapers; and publications, namely, books, hand-outs and workbooks in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media.

**International Class: 028**

Teaching materials in the form of games, namely, board games, card games.

**International Class: 035**

Updating of advertising material; cost-price analysis; business information; business management and organization consultancy services; business management advisory and consultancy services; news clipping services, namely, compilation of subject related press articles; business consultancy and advisory services; advertising agency services; business investigations; efficiency experts; economic forecasting; television advertising for others; business management of performing artists; business management of hotels for others; publication of publicity texts; business information services; business marketing services; market research; public opinion polling; business research; public relations; online advertising on computer networks; organization of fairs and exhibitions for commercial or advertising purposes; business organisation consultancy; employment agency services; personnel recruitment; selection of personnel by means of psychological testing; personnel management consultancy; outdoor advertising; business management assistance; radio advertising; compilation and systematisation of data in computer databases; organisation of trade fairs for commercial or advertising purposes; dissemination of advertisements; rental of advertising space; rental of advertising material; rental of advertising time on communications media; distribution of samples; advertising material services, namely, design of advertising materials for others; business merchandising display services; advertising; direct mail advertising; business management services; business administration; providing office functions; business appraisals; database management services, namely, collating of data in computer databases.

**International Class: 038**

Providing access to a computer databases.

**International Class: 041**

Educational services, namely, conducting classes, seminars, conferences, training courses and workshops in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; providing of training in the use of computers and rhetoric; teaching in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; educational services, namely, conducting classes, seminars and training courses for students and professionals in scientific, commercial, medical and social occupations in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; consultation in the field of education, namely, regarding professional training, educational courses and continued educational training in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; vocational guidance; sound recording studio services; digital photography services; sign language interpretation; presentation of live show performances; provision of educational examinations; desktop publishing for

others; educational academies, namely, education services in the nature of courses at the university level; education in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media through correspondence courses; entertainment in the nature of on-going television programs in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; film production; publication of texts other than publicity texts; on-line publishing of electronic books and magazines; arranging and conducting educational conferences; arranging and conducting educational congresses, symposia and colloquia in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; radio entertainment production; arranging and conducting of seminars, colloquia, conferences and workshops in the field of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; organization of exhibitions for cultural or educational purposes; script writing services, namely, writing screenplays for others; rental of books; publication and editing of books, newspapers and periodicals; providing on-line non-downloadable publications in the nature of e-books, e-zines, e-newsletters, journals and online magazines in the fields of chemistry, physics, biology, health care, medicine, psychology, economics, supply chain logistics, transportation logistics and retail business management, tourism and travel management, law and media; editing of

radio and television programmes.

**International Class: 042**

Services in the field of science and technology and research and development related thereto, namely, scientific research and research and development of technology in the field of chemistry, physics, biology, health care, medicine and psychology; industrial analysis and scientific research in the field of chemistry, physics, biology, health care, medicine and psychology; industrial analysis, namely, chemical analysis and product testing; design and development of computer hardware and software; surveying; research in the scientific and medical fields, for others; research and development of advanced learning technologies and teaching methods, for others; computer software programming, for others; updating of computer software; biological research; consultancy in the field of computers; computer software design; chemistry services, namely, chemistry consultation; bacteriological research and testing; chemical analysis; research and development for others with regard to new products; computer programming; bacteriological research; chemical research; genealogical research; design and maintenance of websites for third parties; installation of computer programs; duplication of computer programs; materials testing; physics research; hosting and maintenance of the web sites of others on a computer server for a global computer network.

**International Class: 044**

Pharmaceutical advice; providing medical advice regarding health and medical cures.

**International Class: 045**

Intellectual property consulting; licensing of industrial intellectual property rights; patent licensing; legal services; providing information relating to legal affairs; litigation services; arbitration services.

21. Applicant entered a translation of "Hochschule" into the trademark application of record as "university."
22. Applicant entered a disclaimer of "Hochschule" into the trademark application of record.
23. Applicant's Hochschule Fresenius mark, in connection with the goods and services set forth in its application, is confusingly similar to Opposers' marks, as set forth and protected by Opposers' above-identified registrations.
24. Purchasers of Applicant's goods and services, and Opposers' goods and services, are likely to be confused, mistaken or deceived as to the source of the goods or services. Applicant's mark, in association with the products and services identified in the trademark application are likely to cause confusion, mistake or deception when compared to Opposers' marks.
25. The marks are highly similar in sound and appearance such that when used on highly similar goods and services there is a likelihood of confusion, mistake or deception.
26. The only portion of Applicant's mark that is not descriptive is "Fresenius."
27. Applicant alleges a bona fide intent to use its mark in commerce in association with a wide variety of goods and services. Opposers use their marks in association with identical or nearly identical goods and services. The highly similar nature of the goods and services

accentuates the similarity between the marks and exacerbates the likelihood of confusion regarding the marks and the likelihood of confusion as to sponsorship or affiliation.

28. If Applicant uses and is allowed to register its mark, Hochschule Fresenius, for the goods and services specified in the trademark application, confusion in the trade resulting in damage and injury to Opposers would be caused and would result by reason of the similarity between Applicant's mark and Opposers' marks.

29. The Opposers' goods and services and the Applicant's goods and services are likely to be used in the same hospitals or medical facilities or by the same patients or consumers.

30. The Opposers' goods and services, and the Applicant's goods and services, are likely to be used by the same professionals in the healthcare field, or by the same consumers seeking healthcare or medical goods and services.

31. The conditions surrounding the marketing of the goods and services set forth in Registration No. 3,771,611, Registration No. 3,767,516, Registration No. 2,302,398 and Application No. 79/070,045 are such that they are likely to be encountered by the same purchasers under the same or similar circumstances that could give rise to the mistaken belief that the goods and services come from a common source.

32. The marks set forth in Registration Nos. 3,771,611, 3,767,516, and 2,302,398 were registered and used in commerce prior to any actual use or constructive use of the mark set forth in Application Serial No. 79/070,045.

33. Persons familiar with the Opposers' marks would be likely to confuse Applicant's goods and services as products made, sold, or sponsored by Opposer. Any such confusion in the trade would inevitably result in loss of sales to the Opposers.

34. In addition to the harm identified in the preceding paragraphs, any defect, objection or fault found with Applicant's products or services marketed under the Hochschule Fresenius mark would necessarily reflect badly upon and significantly injure the reputation which the Opposers have established for their products.

35. Members of the healthcare profession, patient community and general public familiar with Opposers' products, upon encountering Applicant's products, are likely to be confused or mistaken as to whether Applicant's products emanate from the Opposers or from a source connected with the Opposers, potentially resulting in serious injury.

36. United States Patent and Trademark Office electronic database information showing the current status and title of United States Trademark Registration No. 3,771,611 is attached hereto as Exhibit A and is made part of the record.

37. United States Patent and Trademark Office electronic database information showing the current status and title of United States Trademark Registration No. 3,767,516 is attached hereto as Exhibit A and is made part of the record.

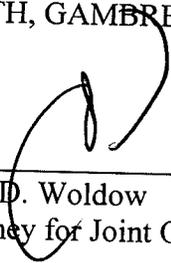
38. United States Patent and Trademark Office electronic database information showing the current status and title of United States Trademark Registration No. 2,302,398 is attached hereto as Exhibit A and is made part of the record.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark, and prays that registration be denied.

A fee is being submitted for each Opposer. Please charge Deposit Account No. 02-4300 for any additional fees that may be required.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP



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Date: March 30, 2012

Attorney Docket No.  
033716.025

TRADEMARK

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

In the Matter of Trademark Application Serial No. 79/070,045  
Published: February 14, 2012

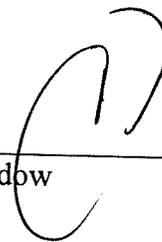
Fresenius SE & Co. KGaA	)	
Fresenius Medical Care Deutschland GmbH	)	
	)	
Opposers,	)	
	)	
v.	)	Opposition No. _____
	)	
Hochschule Fresenius gemeinnützige GmbH	)	
	)	
Applicant.	)	

**CERTIFICATE OF SERVICE**

I, Scott D. Woldow, counsel for Fresenius SE & Co. KGaA, and Fresenius Medical Care Deutschland GmbH do hereby certify that the **Notice of Opposition** was served upon applicant by placing a copy of same in the U.S. mail, postage prepaid, addressed as follows:

MICHAEL L DUNN  
SIMPSON & SIMPSON, PLLC  
5555 MAIN ST  
WILLIAMSVILLE, NY 14221

This 30th day of March, 2012

  
\_\_\_\_\_  
Scott D. Woldow

# EXHIBIT A



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Mar 20 04:35:50 EDT 2012

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**FRESSENIUS**

Word Mark  
 Goods and  
 Services

FRESSENIUS

IC 005. US 006 018 044 046 051 052. G & S: Biopharmaceutical preparations for use in the treatment of immunological conditions; Biopharmaceutical preparations for use in the treatment of tissue and organ transplants; Biopharmaceutical preparations for use in the treatment of tumors; Biopharmaceutical preparations for use in the treatment of immune system conditions; medicinal preparations for the treatment of infectious diseases and for use in oncology; Medical fluids for organ perfusion and preservation; Immunosuppression agents for use in organ transplantation; trifunctional antibodies for cancer treatment; Pharmaceutical and sanitary preparations for dialysis therapy; disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments; Pharmaceutical preparations, namely, enteral and parenteral nutrition, admixtures to parenteral nutrition, compounding of parenteral nutrition; compound of intravenous drugs, namely, pharmaceutical preparations as a constituent of compound of pharmaceuticals for use in nutritional therapy, immune therapy, paint therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume; infusion solutions for the delivery of drugs and pharmaceutical preparations, namely, for parenteral nutrition, for use in nutritional therapy, immune therapy, paint therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume, the treatment of oedema and for use in anaesthesia; standard infusion solutions for blood volume replacement and drug reconstitution; pharmaceutical preparations, namely, rinsing solutions for washing purposes, blood volume expanders, antibiotics, anti-infectives, analgesics and anaesthetics; injectable critical care drugs; oral drugs, namely, antibiotics, anti-infectives, analgesics and anaesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions. sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in paediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations and dietetic products for enteral and parenteral nutrition, admixtures to parenteral nutrition; clinical medical reagents for processing human blood for use in blood transfusions stored in bags; Pharmaceutical solutions used in dialysis; Pharmaceutical preparations for the treatment of blood volume; Intravenous fluids for nutrition and the delivery of pharmaceutical preparations

IC 010. US 026 039 044. G & S: Surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy hemofiltration and hemodialysis machines, all for dialysis therapy and parts thereof; blood washing machines, surgical clips; medical bags for medical fluids for use in dialysis; dialysis pumps; pumps and machines for enteral and parenteral feeding and structural and replacement parts thereof for medical use; medical syringes; needles for

medical use; catheters for dialysis; canulae; closure caps for catheters and other parts and fittings in dialysis therapy; tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy; Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable infusion medical device, namely, a medical infusion sets for global and interactive management of mono- and multi-channel infusion; infusion medical device, namely, medical machine for capturing and processing infusion data; Patient monitors, namely, a multi-channel patient monitor for critical care for analyzing, programming and monitoring patient information; Patient monitoring sensors and alarms; medical appliances and instruments, namely, syringe pumps and volumetric pumps; Medical apparatus, namely, patient monitoring communication racks for infusion; Surgical and medical apparatus and instruments, namely, infusion sets; Medical apparatus, namely, infusion and injection devices for dialysis and for administering drugs; surgical and medical instruments and apparatus, namely, blood transfusion apparatus. Medical instruments to measure medicine dosage, hydration, nutrition, blood volume, and other physiological and cardiovascular parameters; Medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used in infusion technology, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, particularly in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions including accessories thereto, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters and needles; Equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing machine; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing machine; surgical and medical apparatus and instruments, namely, blood donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking port for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes. surgical and medical instruments and apparatus, namely, tube sealing system comprised of portable medical sealers and a high capacity battery; blood processing equipment for medical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood processing equipment for medical use, namely, automatic blood processing device for platelet concentrates agitation; blood processing disposables, namely, blood bags, pouches, sealers, caps, and containers for collection and processing of whole blood, umbilical cord blood; blood processing disposables for medical use, namely, transfer bags, pouches, sealers, caps and containers for processing and administration of blood components; blood processing disposables for medical use, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables for medical use, namely, conventional medical filters for leukodepletion and reduction of microaggregates from blood components; blood processing disposables for medical use, namely, cryopreservation device comprising bags, sealers and parts therefor; blood bank accessories for medical use, namely, solutions for the storage and washing of medical devices used in blood procedures; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis device, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber; Dialysis machines; Medical device, namely, continuous autotransfusion systems comprised of pumps, centrifuges, washing chambers, blood transfusion bags and tubing for surgical hemotherapy and intensive care and related data management software sold as a unit. Medical instrument, namely, blood transfusion instrument with tubes, clamps, seals and related data management software sold as a unit

IC 041. US 100 101 107. G & S: Educational services, namely, providing seminars in the fields of nutrition, medical nutrition, extracorporeal blood purification, health, medical treatment and dialysis; providing continuing medical education courses; training services in the field of nutrition, medical nutrition and extracorporeal blood purification; health, medical treatment and dialysis; health education information; nutrition and health education information

IC 044. US 100 101. G & S: Medical services; medical services, namely, cell and gene therapy; medical services, namely, vector production gene therapy; medical services, namely, dialysis centers for renal therapy; medical services, namely, compounding of pharmaceuticals and medicines

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code**

26.09.21 - Squares that are completely or partially shaded  
 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles  
 26.11.21 - Rectangles that are completely or partially shaded  
 27.03.01 - Geometric figures forming letters, numerals or punctuation

**Trademark Search Facility Classification**

LETS-1 F A single letter, multiples of a single letter or in combination with a design  
 SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons

**Code**  
**Serial Number** 79050568  
**Filing Date** January 3, 2008  
**Current Filing Basis** 66A  
**Original Filing Basis** 66A  
**Published for Opposition** January 19, 2010  
**Registration Number** 3771611  
**International Registration Number** 0955226  
**Registration Date** April 6, 2010  
**Owner** (REGISTRANT) Fresenius SE & Co. KGaA SE (Societas Europaeae) EUROPEAN UNION Else-Kröner-Strasse 1 61352 Bad Homburg FED REP GERMANY  
**Attorney of Record** Scott D. Woldow  
**Priority Date** July 6, 2007  
**Prior Registrations** 1756408;1861731  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the design of four horizontal bars that are decreasing in length to the left of the wording "FRESENIUS".  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Serial Number: 79050568 Assignment Information      Trademark Document Retrieval

Registration Number: 3771611

Mark



(words only): FRESENIUS

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-04-06

Filing Date: 2008-01-03

Transformed into a National Application: No

Registration Date: 2010-04-06

Register: Principal

Law Office Assigned: LAW OFFICE 102

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Current Location: 650 -Publication And Issue Section

Date In Location: 2010-04-06

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

---

1. Fresenius SE & Co. KGaA

**Address:**

Fresenius SE & Co. KGaA  
Else-Kröner-Strasse 1 61352 Bad Homburg  
Fed Rep Germany

**Legal Entity Type:** SE (Societas Europaeae)

**State or Country Where Organized:** EU - COUNTRY NOT FOUND

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**GOODS AND/OR SERVICES****International Class:** 005**Class Status:** Active

Biopharmaceutical preparations for use in the treatment of immunological conditions; Biopharmaceutical preparations for use in the treatment of tissue and organ transplants; Biopharmaceutical preparations for use in the treatment of tumors; Biopharmaceutical preparations for use in the treatment of immune system conditions; medicinal preparations for the treatment of infectious diseases and for use in oncology; Medical fluids for organ perfusion and preservation; Immunosuppression agents for use in organ transplantation; trifunctional antibodies for cancer treatment; Pharmaceutical and sanitary preparations for dialysis therapy; disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments; Pharmaceutical preparations, namely, enteral and parenteral nutrition, admixtures to parenteral nutrition, compounding of parenteral nutrition; compound of intravenous drugs, namely, pharmaceutical preparations as a constituent of compound of pharmaceuticals for use in nutritional therapy, immune therapy, paint therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume; infusion solutions for the delivery of drugs and pharmaceutical preparations, namely, for parenteral nutrition, for use in nutritional therapy, immune therapy, paint therapy, cancer therapy, the treatment of infectious diseases, the treatment of blood and blood volume, the treatment of oedema and for use in anaesthesia; standard infusion solutions for blood volume replacement and drug reconstitution; pharmaceutical preparations, namely, rinsing solutions for washing purposes, blood volume expanders, antibiotics, anti-infectives, analgesics and anaesthetics; injectable critical care drugs; oral drugs, namely, antibiotics, anti-infectives, analgesics and anaesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in paediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations and dietetic products for enteral and parenteral nutrition, admixtures to parenteral nutrition; clinical medical reagents for processing human blood for use in blood transfusions stored in bags; Pharmaceutical solutions used in dialysis; Pharmaceutical preparations for the treatment of blood volume; Intravenous fluids for nutrition and the delivery of pharmaceutical preparations

**Basis:** 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 010**Class Status:** Active

Surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy hemofiltration and hemodialysis machines, all for dialysis therapy and parts thereof; blood washing machines, surgical clips; medical bags for medical fluids for use in dialysis; dialysis pumps; pumps and machines for enteral and parenteral feeding and structural and replacement parts thereof for medical use; medical syringes; needles for medical use; catheters for dialysis; canulae; closure caps for catheters and other parts and fittings in dialysis therapy; tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy; Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable infusion medical device, namely, a medical infusion sets for global and interactive management of mono- and multi-channel infusion; infusion medical device, namely, medical machine for capturing and processing infusion data; Patient monitors, namely, a multi-channel patient monitor for critical care for analyzing, programming and monitoring patient information; Patient monitoring sensors and alarms; medical appliances and instruments, namely, syringe pumps and volumetric pumps; Medical apparatus, namely, patient monitoring communication racks for infusion; Surgical and medical apparatus and instruments, namely, infusion sets; Medical apparatus, namely, infusion and injection devices for dialysis and for administering drugs; surgical and medical instruments and apparatus, namely, blood transfusion apparatus; Medical instruments to measure medicine dosage, hydration, nutrition, blood volume, and other physiological and cardiovascular parameters; Medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used in infusion technology, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device

cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, particularly in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions including accessories thereto, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters and needles; Equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing machine; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing machine; surgical and medical apparatus and instruments, namely, blood donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking port for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system comprised of portable medical sealers and a high capacity battery; blood processing equipment for medical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood processing equipment for medical use, namely, automatic blood processing device for platelet concentrates agitation; blood processing disposables, namely, blood bags, pouches, sealers, caps, and containers for collection and processing of whole blood, umbilical cord blood; blood processing disposables for medical use, namely, transfer bags, pouches, sealers, caps and containers for processing and administration of blood components; blood processing disposables for medical use, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables for medical use, namely, conventional medical filters for leukodepletion and reduction of microaggregates from blood components; blood processing disposables for medical use, namely, cryopreservation device comprising bags, sealers and parts therefor; blood bank accessories for medical use, namely, solutions for the storage and washing of medical devices used in blood procedures; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis device, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber; Dialysis machines; Medical device, namely, continuous autotransfusion systems comprised of pumps, centrifuges, washing chambers, blood transfusion bags and tubing for surgical hemotherapy and intensive care and related data management software sold as a unit; Medical instrument, namely, blood transfusion instrument with tubes, clamps, seals and related data management software sold as a unit

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 041

**Class Status:** Active

Educational services, namely, providing seminars in the fields of nutrition, medical nutrition, extracorporeal blood purification, health, medical treatment and dialysis; providing continuing medical education courses; training services in the field of nutrition, medical nutrition and extracorporeal blood purification; health, medical treatment and dialysis; health education information; nutrition and health education information

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 044

**Class Status:** Active

Medical services; medical services, namely, cell and gene therapy; medical services, namely, vector production gene therapy; medical services, namely, dialysis centers for renal therapy; medical services, namely, compounding of pharmaceuticals and medicines

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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#### ADDITIONAL INFORMATION

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

**Description of Mark:** The mark consists of the design of four horizontal bars that are decreasing in length to the left of the wording "FRESENIUS".

**Design Search Code(s):**

- 26.09.21 - Squares that are completely or partially shaded
- 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles
- 26.11.21 - Rectangles that are completely or partially shaded
- 27.03.01 - Geometric figures forming letters, numerals or punctuation

**Prior Registration Number(s):**

1756408  
1861731

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**MADRID PROTOCOL INFORMATION**

**International Registration Number:** 0955226  
**International Registration Date:** 2008-01-03  
**Priority Claimed:** Yes  
**Date of Section 67 Priority Claim:** 2007-07-06  
**International Registration Status:** Request For Extension Of Protection Processed  
**Date of International Registration Status:** 2008-03-27  
**International Registration Renewal Date:** 2018-01-03  
**Notification of Designation Date:** 2008-03-27  
**Date of Automatic Protection:** 2009-09-27  
**Date International Registration Cancelled:** (DATE NOT AVAILABLE)  
**First Refusal:** Yes

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**PROSECUTION HISTORY**

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

- 2011-09-23 - Change Of Name/Address Rec'D From IB
- 2010-07-22 - Final Disposition Notice Sent To IB
- 2010-07-22 - Final Disposition Processed
- 2010-07-06 - Final Disposition Notice Created, To Be Sent To IB
- 2010-04-06 - Registered - Principal Register
- 2010-01-19 - Published for opposition
- 2009-12-30 - Notice of publication
- 2009-12-11 - Law Office Publication Review Completed
- 2009-12-10 - Examiner's amendment mailed
- 2009-12-10 - Approved for Pub - Principal Register (Initial exam)
- 2009-12-10 - Examiner's Amendment Entered
- 2009-12-10 - Examiners Amendment - Written

2009-11-27 - Teas/Email Correspondence Entered  
2009-11-27 - Communication received from applicant  
2009-11-25 - TEAS Request For Reconsideration Received  
2009-09-11 - Notification Of Possible Opposition - Processed By IB  
2009-08-27 - Notification Of Possible Opposition Sent To IB  
2009-08-27 - Notification Of Possible Opposition Created, To Be Sent To IB  
2009-06-02 - Final refusal mailed  
2009-06-01 - Final Refusal Written  
2009-05-13 - Teas/Email Correspondence Entered  
2009-05-13 - Communication received from applicant  
2009-05-13 - TEAS Response to Office Action Received  
2008-11-14 - Non-final action mailed  
2008-11-13 - Non-Final Action Written  
2008-10-22 - Teas/Email Correspondence Entered  
2008-10-22 - Communication received from applicant  
2008-10-22 - Assigned To LIE  
2008-10-06 - TEAS Change Of Correspondence Received  
2008-10-06 - TEAS Response to Office Action Received  
2008-04-25 - Refusal Processed By IB  
2008-04-08 - Non-Final Action Mailed - Refusal Sent To IB  
2008-04-08 - Refusal Processed By MPU  
2008-04-08 - Non-Final Action (Ib Refusal) Prepared For Review  
2008-04-07 - Non-Final Action Written  
2008-04-02 - Assigned To Examiner  
2008-03-28 - New Application Entered In Tram  
2008-03-27 - Sn Assigned For Sect 66a Appl From IB

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**  
Scott D. Woldow

**Correspondent**

SCOTT D. WOLDOW  
SMITH, GAMBRELL & RUSSELL, LLP  
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ELSE-KR?NER-STRASSE 1  
61352 BAD HOMBURG, GERMANY**Correspondent:** FRESENIUS SE & CO. KGAA,  
FRESENIUS SE & CO. KGAA,  
ELSE-KR?NER-STRASSE 1  
61352 BAD HOMBURG  
GERMANY

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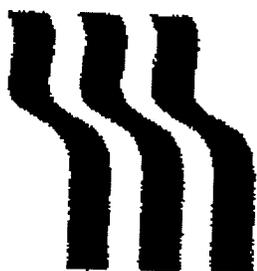
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# FRESenius KABI

Word Mark  
Goods and  
Services

FRESenius KABI

IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical preparations, namely, enteral and parenteral nutrition, namely, dietetic products for enteral feeding and nutrition for parenteral feeding; admixtures to parenteral nutrition, namely, nutrition admixtures for parenteral nutrition and compounded parenteral nutrition admixtures for parenteral nutrition; Intravenous parenteral nutritional compounds to treat or prevent malnutrition, undernutrition covering the needs of a patient either completely or partly; pharmaceutical preparations, namely, constituents of individual compounded pharmaceutical preparations for use in cancer therapy, infectious diseases, immune therapy, anesthesia and pain therapy as well as critical care therapies requiring individual dosing; Pharmaceutical preparations, namely, drug delivery agents consisting of compounds that facilitate delivery of a wide range of pharmaceuticals; Standard infusion solutions for fluid, electrolyte and energy supply for reconstitution and delivery of drugs and pharmaceutical preparations; infusion solutions for blood volume replacement and treatment of hypovolemia; pharmaceutical preparations, namely, medicated rinsing solutions for washing purposes, blood volume expanders, anti-infectives, analgesics and anesthetics; injectable critical care drugs, namely, parenterally administered pharmaceutical preparations for the therapy of critically ill states, namely, for the treatment of cardiovascular conditions, for use as diuretics, immune therapies, anticoagulants, cerebrovascular therapies, gastrointestinal therapies and hormone therapies; injectable critical care and peri-operative pharmaceuticals for the treatment of allergic reactions; intravenous drugs for infusion therapy, namely, intravenous drugs in the nature of intravenous critical care and peri-operative fluids used for rehydration, nutrition, electrolyte replenishment and the delivery of pharmaceutical preparations, intravenous critical care and peri-operative formulations used for artificial plasma volume maintenance, replacement and expansion. Oral drugs, namely, anti-infectives, analgesics and anesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for

medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in pediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations or dietetic products for enteral and parenteral nutrition; clinical medical solutions for processing human blood for use in blood transfusions stored in bags; blood processing disposables, namely, processing solutions for storage and washing; blood bank accessories, namely, processing solutions for storage and washing

IC 010. US 026 039 044. G & S: Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable medical devices for global and interactive management of mono- and multi-channel infusion; infusion medical device, namely medical machine for capturing and processing infusion data; Infusion data monitors, namely, a multi-channel infusion monitor for critical care for analyzing, programming and monitoring infusion information; infusion monitoring sensors and alarms; appliances and instruments comprising the above devices, namely syringe pumps, volumetric pumps, disposable bags, bottles, pumps and tubes; infusion apparatus racks for concentration of the main supply, infusion configuration and maintenance; Surgical and medical apparatus and instruments, namely, infusion sets and infusion and injection devices for administering drugs; surgical and medical instruments and apparatus "namely" transfusion apparatus; Surgical and medical apparatus and instruments, namely, medicinal measurement medical instruments as well as parts of the aforementioned goods to measure medicine dosage, hydration, nutrition, blood volume, physiological and cardiovascular parameters and parts and fitting thereof; medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used as parts of infusion apparatus, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device, namely, cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps. surgical and medical instruments and apparatus, namely introducer sets used in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions and parts therefore, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; medical and surgical equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; medical packaging systems comprising medical bags and bottles as well as their parts and accessories; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing system for diagnostic medical use; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing system for surgical and medical use; surgical and medical apparatus and instruments, namely, donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking system for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system with portable sealer with high capacity battery; blood processing equipment, for medical and surgical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening technology, namely, devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood Processing Equipment, namely, automatic system for platelet concentrates agitation for medical and surgical use. blood processing disposables, namely, blood bag systems for collection and processing of whole blood, umbilical cord blood for medical and surgical use; blood processing disposables, namely, transfer bag systems for processing and administration of blood components for medical and surgical use; blood processing disposables, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables, namely, conventional filter systems for leukodepletion and reduction of microaggregates from blood components; blood processing disposables, namely, cryopreservation system comprising bags, sealer and parts therefore for medical and surgical use; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis system, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber for medical and surgical use

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, namely, printed charts; printed information cards in the fields of health; printed instructional, educational and teaching materials in the fields of health; printed periodicals in the fields of health; publications, namely, brochures, booklets, and teaching materials in the fields of health; health and medical photographs

IC 041. US 100 101 107. G & S: Educational services, namely, providing seminars in the fields of nutrition, health and medical treatment; providing continuing medical education courses; training services in the fields of nutrition, health and medical treatment; nutrition and health education information

IC 044. US 100 101. G & S: Medical services; Medical services, namely, pharmaceutical compounding for the development of pharmaceutical preparations and medicines; medical services, namely, compounding of nutrition for parenteral feeding; Medical services, namely, drug conjugation with polymers modifying the pharmacokinetic and pharmacodynamic parameters of a drug

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)  
26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)

**Trademark Search Facility Classification Code** SHAPES-BAR-BANDS Designs with bar, bands or lines  
SHAPES-MISC Miscellaneous shaped designs

**Serial Number** 79050353

**Filing Date** January 2, 2008

**Current Filing Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** January 12, 2010

**Registration Number** 3767516

**International Registration Number** 0954545

**Registration Date** March 30, 2010

**Owner** (REGISTRANT) Fresenius SE & Co. KGaA Societas Europaea FED REP GERMANY Else-Kröner-Strasse 1 61352 Bad Homburg FED REP GERMANY

**Attorney of Record** Scott D. Woldow

**Priority Date** July 6, 2007

**Prior Registrations** 2699208

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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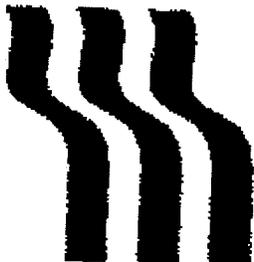
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This page was generated by the TARR system on 2012-03-20 14:11:13 ET

Serial Number: 79050353 Assignment Information Trademark Document Retrieval

Registration Number: 3767516

Mark



**FRESENIUS  
KABI**

(words only): FRESENIUS KABI

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-03-30

Filing Date: 2008-01-02

Transformed into a National Application: No

Registration Date: 2010-03-30

Register: Principal

Law Office Assigned: LAW OFFICE 103

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: 650 -Publication And Issue Section

Date In Location: 2010-03-30

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

---

1. Fresenius SE & Co. KGaA

**Address:**

Fresenius SE & Co. KGaA  
Else-Kröner-Strasse 1 61352 Bad Homburg  
Fed Rep Germany

**Legal Entity Type:** Societas Europaea

**State or Country Where Organized:** Fed Rep Germany

---

**GOODS AND/OR SERVICES**

---

**International Class:** 005

**Class Status:** Active

Pharmaceutical preparations, namely, enteral and parenteral nutrition, namely, dietetic products for enteral feeding and nutrition for parenteral feeding; admixtures to parenteral nutrition, namely, nutrition admixtures for parenteral nutrition and compounded parenteral nutrition admixtures for parenteral nutrition; Intravenous parenteral nutritional compounds to treat or prevent malnutrition, undernutrition covering the needs of a patient either completely or partly; pharmaceutical preparations, namely, constituents of individual compounded pharmaceutical preparations for use in cancer therapy, infectious diseases, immune therapy, anesthesia and pain therapy as well as critical care therapies requiring individual dosing; Pharmaceutical preparations, namely, drug delivery agents consisting of compounds that facilitate delivery of a wide range of pharmaceuticals; Standard infusion solutions for fluid, electrolyte and energy supply for reconstitution and delivery of drugs and pharmaceutical preparations; infusion solutions for blood volume replacement and treatment of hypovolemia; pharmaceutical preparations, namely, medicated rinsing solutions for washing purposes, blood volume expanders, anti-infectives, analgesics and anesthetics; injectable critical care drugs, namely, parenterally administered pharmaceutical preparations for the therapy of critically ill states, namely, for the treatment of cardiovascular conditions, for use as diuretics, immune therapies, anticoagulants, cerebrovascular therapies, gastrointestinal therapies and hormone therapies; injectable critical care and peri-operative pharmaceuticals for the treatment of allergic reactions; intravenous drugs for infusion therapy, namely, intravenous drugs in the nature of intravenous critical care and peri-operative fluids used for rehydration, nutrition, electrolyte replenishment and the delivery of pharmaceutical preparations, intravenous critical care and peri-operative formulations used for artificial plasma volume maintenance, replacement and expansion; Oral drugs, namely, anti-infectives, analgesics and anesthetics; pharmaceutical preparations for the treatment of chronic kidney disease; pharmaceutical preparations used in oncology; urology irrigation solutions; sanitary preparations for medical purposes; dietetic substances adapted for medical use, namely, food for medically restricted diets, food for diabetics; food supplements, meal replacement drinks; meal replacement powders; nutritional supplements in pediatrics; disinfectants for sanitary purposes; disinfectants for the skin; medical packaging sets comprising bags, bottles, structural parts and replacement parts filled with pharmaceutical preparations or dietetic products for enteral and parenteral nutrition; clinical medical solutions for processing human blood for use in blood transfusions stored in bags; blood processing disposables, namely, processing solutions for storage and washing; blood bank accessories, namely, processing solutions for storage and washing

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 010

**Class Status:** Active

Surgical and medical instruments and apparatus, namely, enteral feeding tubes, enteral feeding pumps, enteral giving sets for administration of enteral feeding; Programmable medical devices for

global and interactive management of mono- and multi-channel infusion; infusion medical device, namely medical machine for capturing and processing infusion data; Infusion data monitors, namely, a multi-channel infusion monitor for critical care for analyzing, programming and monitoring infusion information; infusion monitoring sensors and alarms; appliances and instruments comprising the above devices, namely syringe pumps, volumetric pumps, disposable bags, bottles, pumps and tubes; infusion apparatus racks for concentration of the main supply, infusion configuration and maintenance; Surgical and medical apparatus and instruments, namely, infusion sets and infusion and injection devices for administering drugs; surgical and medical instruments and apparatus "namely" transfusion apparatus; Surgical and medical apparatus and instruments, namely, medicinal measurement medical instruments as well as parts of the aforementioned goods to measure medicine dosage, hydration, nutrition, blood volume, physiological and cardiovascular parameters and parts and fitting thereof; medical diagnostic apparatus, analytical apparatus for medical purposes and blood volume measuring apparatus; Medical accessories used as parts of infusion apparatus, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; Surgical and medical apparatus and instruments, namely, connectors for infusion sets and cannulas and tubes for infusion systems; Surgical and medical apparatus and instruments, namely, implantable subcutaneous catheters with infusion chamber; medical device, namely, cannulae for continuous drug application subcutaneous; medical accessories, namely, cannulas for port puncturing and implantable pumps; surgical and medical instruments and apparatus, namely introducer sets used in connection with the implantation of port systems, namely, introducer instruments; infusion pumps and feeding tubes to administer parenteral drugs and parenteral nutrition solutions and parts therefore, namely, clamps, connectors, syringes, joints for syringes, adapters, bags, cannulas, catheters, needles; medical and surgical equipment and disposables used in pharmaceutical compounding of parenteral nutrition and intravenous drugs, namely, medical packaging combinations comprising medical bags and bottles sold empty and parts therefor; medical packaging systems comprising medical bags and bottles as well as their parts and accessories; safety catheters; Surgical and medical apparatus and instruments, namely, automatic blood and blood component processing system for diagnostic medical use; surgical and medical apparatus and instruments, namely, blood collection, mixing and weighing system for surgical and medical use; surgical and medical apparatus and instruments, namely, donation and apheresis couches; surgical and medical apparatus and instruments, namely, docking system for sterile PVC connections and their disposables; surgical and medical instruments and apparatus, namely, seals for medical tubes; surgical and medical instruments and apparatus, namely, tube sealing system with portable sealer with high capacity battery; blood processing equipment, for medical and surgical use, namely, whole blood cooling, transport and storage containers; haemoglobin screening technology, namely, devices for measuring haemoglobin out of human whole blood and its disposables, namely, cuvettes for single use; blood Processing Equipment, namely, automatic system for platelet concentrates agitation for medical and surgical use; blood processing disposables, namely, blood bag systems for collection and processing of whole blood, umbilical cord blood for medical and surgical use; blood processing disposables, namely, transfer bag systems for processing and administration of blood components for medical and surgical use; blood processing disposables, namely, whole blood and Red cell concentrate in-line filtration for flexible and individual processing; blood processing disposables, namely, conventional filter systems for leukodepletion and reduction of microaggregates from blood components; blood processing disposables, namely, cryopreservation system comprising bags, sealer and parts therefore for medical and surgical use; surgical and medical instruments and apparatus, namely, blood cell separator; apheresis system, namely, separation chamber; surgical and medical apparatus and instruments, namely, autotransfusion device; disposables used in autotransfusion, namely, separation chamber for medical and surgical use

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 016

**Class Status:** Active

Printed matter, namely, printed charts; printed information cards in the fields of health; printed instructional, educational and teaching materials in the fields of health; printed periodicals in the fields of health; publications, namely, brochures, booklets, and teaching materials in the fields of health; health and medical photographs

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 041

**Class Status:** Active

Educational services, namely, providing seminars in the fields of nutrition, health and medical treatment; providing continuing medical education courses; training services in the fields of nutrition, health and medical treatment; nutrition and health education information

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 044

**Class Status:** Active

Medical services; Medical services, namely, pharmaceutical compounding for the development of pharmaceutical preparations and medicines; medical services, namely, compounding of nutrition for parenteral feeding; Medical services, namely, drug conjugation with polymers modifying the pharmacokinetic and pharmacodynamic parameters of a drug

**Basis:** 66(a)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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#### ADDITIONAL INFORMATION

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

**Design Search Code(s):**

26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)

26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)

**Prior Registration Number(s):**

2699208

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#### MADRID PROTOCOL INFORMATION

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**International Registration Number:** 0954545

**International Registration Date:** 2008-01-02

**Priority Claimed:** Yes

**Date of Section 67 Priority Claim:** 2007-07-06

**International Registration Status:** Request For Extension Of Protection Processed

**Date of International Registration Status:** 2008-03-20

**International Registration Renewal Date:** 2018-01-02

**Notification of Designation Date:** 2008-03-20

**Date of Automatic Protection:** 2009-09-20

**Date International Registration Cancelled:** (DATE NOT AVAILABLE)

**First Refusal:** Yes

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### PROSECUTION HISTORY

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

2011-09-23 - Change Of Name/Address Rec'D From IB

2010-07-15 - Final Disposition Notice Sent To IB

2010-07-15 - Final Disposition Processed

2010-06-30 - Final Disposition Notice Created, To Be Sent To IB

2010-03-29 - TEAS Change Of Correspondence Received

2010-03-30 - Registered - Principal Register

2010-01-12 - Published for opposition

2009-12-23 - Notice of publication

2009-12-07 - Law Office Publication Review Completed

2009-12-04 - Approved for Pub - Principal Register (Initial exam)

2009-12-02 - Teas/Email Correspondence Entered

2009-12-02 - Communication received from applicant

2009-12-01 - TEAS Response to Office Action Received

2009-09-04 - Notification Of Possible Opposition - Processed By IB

2009-08-20 - Notification Of Possible Opposition Sent To IB

2009-08-20 - Notification Of Possible Opposition Created, To Be Sent To IB

2009-06-01 - Non-final action mailed

2009-06-01 - Non-Final Action Written

2009-05-06 - Teas/Email Correspondence Entered

2009-05-06 - Communication received from applicant

2009-05-05 - TEAS Response to Office Action Received  
2009-01-22 - Change Of Owner Received From IB  
2008-11-12 - Notification Of Non-Final Action E-Mailed  
2008-11-12 - NON-FINAL ACTION E-MAILED  
2008-11-12 - Non-Final Action Written  
2008-10-15 - Applicant/Correspondence Changes (Non-Responsive) Entered  
2008-10-15 - Teas/Email Correspondence Entered  
2008-09-29 - Communication received from applicant  
2008-10-15 - Assigned To LIE  
2008-09-29 - TEAS Change Of Correspondence Received  
2008-09-29 - TEAS Response to Office Action Received  
2008-04-19 - Refusal Processed By IB  
2008-03-27 - Non-Final Action Mailed - Refusal Sent To IB  
2008-03-27 - Refusal Processed By MPU  
2008-03-27 - Non-Final Action (Ib Refusal) Prepared For Review  
2008-03-26 - Non-Final Action Written  
2008-03-24 - Assigned To Examiner  
2008-03-21 - New Application Entered In Tram  
2008-03-20 - Sn Assigned For Sect 66a Appl From IB

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Scott D. Woldow

**Correspondent**

Scott D. Woldow  
Smith, Gambrell & Russell, LLP  
Suite 1130  
1130 Connecticut Avenue, NW  
Washington DC 20036  
Phone Number: 202-263-4300

Fax Number: 202-263-4329

**Domestic Representative**

SMITH, GAMBRELL & RUSSELL, LLP

Phone Number: 202-263-4300

Fax Number: 202-263-4329

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Filing Dt: 01/02/2008

Reg #: [3767516](#)

Reg. Dt: 03/30/2010

Registrant: Fresenius SE &amp; Co. KGaA

Mark: FRESENIUS KABI

**Assignment: 1**Reel/Frame: [3922/0583](#)

Received: 01/22/2009

Recorded: 01/22/2009

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [FRESENIUS KABI AG](#)

Exec Dt: 12/09/2008

Entity Type: UNKNOWN

Citizenship: GERMANY

Entity Type: SOCIETAS EUROPAEA

Citizenship: GERMANY

Assignee: [FRESENIUS SE](#)ELSE-KROENER-STRASSE 1  
61352 BAD HOMBURG, GERMANYCorrespondent: FRESENIUS SE,  
ELSE-KROENER-STRASSE 1  
61352 BAD HOMBURG  
GERMANY**Assignment: 2**Reel/Frame: [4629/0051](#)

Received: 09/23/2011

Recorded: 09/23/2011

Pages: 2

Conveyance: CHANGE OF NAME

Assignor: [FRESENIUS SE](#)

Exec Dt: 07/18/2011

Entity Type: UNKNOWN

Citizenship: GERMANY

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: [FRESENIUS SE & CO. KGAA](#)ELSE-KR?NER-STRASSE 1  
61352 BAD HOMBURG, GERMANYCorrespondent: FRESENIUS SE & CO. KGAA,  
FRESENIUS SE & CO. KGAA,  
ELSE-KR?NER-STRASSE 1  
61352 BAD HOMBURG  
GERMANYIf you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.1  
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Web interface last modified: Jan 26, 2012 v.2.3.1[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



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[TDR](#)
[TTAB Status](#)
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**Typed Drawing**

**Word Mark** FRESENIUS MEDICAL CARE  
**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: pharmaceutical and sanitary preparations for dialysis therapy; [ dietetic substances, namely, nutritional supplements and meal replacements in the form of powders, shakes and mixes for enternal and parenteral feeding; ] disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments. FIRST USE: 19990705. FIRST USE IN COMMERCE: 19990705

IC 010. US 026 039 044. G & S: surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy demonstration and remediable machines, all for dialysis therapy and parts thereof; [blood washing machines, surgical clips;] medical bags for medical fluids for use in dialysis; [dialysis pumps; pumps and machines for enter al and pretrial feeding and parts thereof; medical syringes; needles for medical use; catheters for dialysis; consulate; closure caps for catheters and other parts and fittings in dialysis therapy;] tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy. FIRST USE: 19990101. FIRST USE IN COMMERCE: 19990101

IC 042. US 100 101. G & S: medical services, namely, dialysis centers for renal therapy. FIRST USE: 19970700. FIRST USE IN COMMERCE: 19970700

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75161415

**Filing Date** September 4, 1996

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for**

**Opposition** May 12, 1998  
**Registration Number** 2302398  
**Registration Date** December 21, 1999  
**Owner** (REGISTRANT) Fresenius Medical Care Deutschland GmbH LIMITED LIABILITY COMPANY FED REP GERMANY Gluckensteinweg 5 61350 Bad Homburg v.d.H. FED REP GERMANY  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDICAL CARE" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100129.  
**Renewal** 1ST RENEWAL 20100129  
**Live/Dead Indicator** LIVE

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**Serial Number:** 75161415 Assignment Information Trademark Document Retrieval

**Registration Number:** 2302398

**Mark (words only):** FRESENIUS MEDICAL CARE

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2010-01-29

**Filing Date:** 1996-09-04

**Transformed into a National Application:** No

**Registration Date:** 1999-12-21

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 105

**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:** (NOT AVAILABLE)

**Date In Location:** 2010-01-29

---

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

---

1. Fresenius Medical Care Deutschland GmbH

**Address:**

Fresenius Medical Care Deutschland GmbH

Gluckensteinweg 5

61350 Bad Homburg v.d.H.

Fed Rep Germany

**Legal Entity Type:** Limited Liability Company

**State or Country Where Organized:** Fed Rep Germany

---

**GOODS AND/OR SERVICES**

---

**International Class:** 005**Class Status:** Active

pharmaceutical and sanitary preparations for dialysis therapy; disinfectants, namely, all purpose disinfectants, disinfectant hand wash and disinfectants for medical instruments

**Basis:** 1(a)**First Use Date:** 1999-07-05**First Use in Commerce Date:** 1999-07-05**International Class:** 010**Class Status:** Active

surgical and medical instruments and apparatus, and medical technical devices, namely, dialysis machines, dialysis filters, dialysis monitors, continuous renal therapy demonstration and remedially machines, all for dialysis therapy and parts thereof; medical bags for medical fluids for use in dialysis; tubing for use in dialysis; locks for catheters and other parts and fittings in dialysis therapy; adapters and connectors for use in connection with equipment in dialysis therapy

**Basis:** 1(a)**First Use Date:** 1999-01-01**First Use in Commerce Date:** 1999-01-01**International Class:** 042**Class Status:** Active

medical services, namely, dialysis centers for renal therapy

**Basis:** 1(a)**First Use Date:** 1997-07-00**First Use in Commerce Date:** 1997-07-00

---

**ADDITIONAL INFORMATION****Disclaimer:** "MEDICAL CARE"

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**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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

2010-02-11 - Attorney Revoked And/Or Appointed

2010-02-11 - TEAS Revoke/Appoint Attorney Received

2010-01-29 - First renewal 10 year

2010-01-29 - Section 8 (10-year) accepted/ Section 9 granted

2010-01-13 - Case Assigned To Post Registration Paralegal

2009-11-23 - TEAS Section 8 & 9 Received  
2006-06-08 - Case File In TIGRS  
2006-02-03 - Section 8 (6-year) accepted & Section 15 acknowledged  
2005-11-14 - Section 8 (6-year) and Section 15 Filed  
2005-11-14 - TEAS Section 8 & 15 Received  
1999-12-21 - Registered - Principal Register  
1999-10-07 - Allowed for Registration - Principal Register (SOU accepted)  
1999-09-08 - Assigned To Examiner  
1999-09-03 - Statement Of Use Processing Complete  
1999-09-03 - Extension 2 granted  
1999-08-04 - Use Amendment Filed  
1999-08-04 - Extension 2 filed  
1999-02-24 - Extension 1 granted  
1999-01-22 - Extension 1 filed  
1998-08-04 - NOA Mailed - SOU Required From Applicant  
1998-05-12 - Published for opposition  
1998-05-12 - Published for opposition  
1998-04-10 - Notice of publication  
1998-03-06 - Approved For Pub - Principal Register  
1998-02-17 - Communication received from applicant  
1997-10-10 - Final refusal mailed  
1997-09-26 - Communication received from applicant  
1997-10-06 - Assigned To Examiner  
1997-03-24 - Non-final action mailed  
1997-03-10 - Assigned To Examiner

1997-03-08 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

Jules Jay Morris  
Fresenius Medical Care North America  
Legal Dept - Trademarks  
920 Winter Street  
Waltham MA 02451  
Phone Number: 781-699-9000

**Domestic Representative**

Jules Jay Morris  
Phone Number: 781-699-9000

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