

**KIRSCHSTEIN, ISRAEL, SCHIFFMILLER & PIERONI, P.C.**

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PATENT, TRADEMARK AND COPYRIGHT CAUSES

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OF COUNSEL:  
NATHANIEL KRAMER

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Date: April 17, 2012

ATTORNEYS' REF.: Heraeus 40:NDK

Commissioner of Trademarks  
PO Box 1451  
Alexandria, VA 22313-1451

Dear Sir:

In re Heraeus Kulzer GmbH,  
Opposer,  
v. Iconacy Orthopedic Implants, LLC,  
Applicant  
OPPOSITION NO. : (to be assigned)  
(Application S.N. 85/411,895)

Attached is Check No. 2265 in the amount of \$ 300.00  
covering the estimated fee for filing the Notice of  
Opposition against application Serial Number 85/411,895. If  
the estimated fee is incorrect, the Commissioner is hereby  
authorized to charge any additional filing fees to Account  
No. 50-2216.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL SCHIFFMILLER  
& PIERONI, P.C.

By: Nathaniel D. Kramer

Nathaniel D. Kramer  
Attorneys for Opposer

NDK/un

(duplicate attached)



04-20-2012

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Respectfully submitted,

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& PIERONI, P.C.

By: Nathaniel D. Kramer  
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Attorneys for Opposer

NDK/un

(duplicate attached)



04-20-2012

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

In the Matter of Application Serial No. 85411895  
Published in the *Official Gazette* on February 14, 2012

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Heraeus Kulzer GmbH	*
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Opposer,	*
	*
v.	* Opposition No.
	*
Iconacy Orthopedic Implants, LLC	*
	*
Applicant.	*
	*
	*

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300.00 OP

April 17, 2012

Commissioner for Trademarks  
PO Box 1451  
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Heraeus Kulzer GmbH, ("Heraeus Kulzer") a German GmbH having its principal place of business at Gruener Weg 11, Hanau, D-63450, Germany, believes that it will be damaged by the registration of the I-BOND mark shown in application Serial No. 85411895, and hereby opposes such registration.



04-20-2012

This opposition is timely filed in light of the 90 day extension of time which was granted by the Trademark Trial & Appeal Board on March 8, 2012.

As grounds for this opposition, Opposer alleges that:

1. Applicant has filed an intent-to-use application to register the mark "I-BOND" for:

orthopedic products, namely, orthopedic joint implants.

2. The application has a filing date of August 31, 2011.

3. Since a time well prior to Applicant's filing date, Opposer has owned two trademark registrations for the mark iBond, namely:

"iBond," Registration 2816440 of February 24, 2004, and

i|BOND

Registration 3604794 of April 14, 2009.

The first of these iBond registrations is for the goods:

Dental ceramics and dental plastics in the form of liquids, pastes, or powders to make and repair crowns, bridges, prostheses, prosthetic components, plates, as blending material and filler; dental adhesives and dental adhesion promoters.

The second iBond registration is for the goods:

Dental adhesives and adhesion promoters for dentistry and dental technical purposes; dental preparations for use in the manufacture of dental products for dental and dental technical purposes.

4. In its pending application, Applicant alleges no date of first use in commerce. Since a time well prior to Applicant's filing date, Opposer has additionally been making extensive common law use of the above-identified iBond marks for various dental goods, with sales in the United States during the past five years alone of nearly \$10,000,000.00.

5. Accordingly, there is no issue of priority in this opposition. Opposer is clearly the senior party.

6. The term "orthopedic joint implants" in applicant's description of goods includes temporomandibular joint implants, that is, implants for the jaw. Put differently Applicant's goods, like Opposer's goods, are intended for the same purchasers, for example dentists.

7. Moreover, there are numerous registrations in the US Patent and Trademark Office which cover both dental consumables, such as Opposer's, and "joint implants," such as applicant's, indicating that such goods are often marketed by the same companies under the same marks.

8. The mark proposed for registration by Applicant, "I-BOND" is likely to be confused with Opposer's iBond marks because of the overlap and confusing similarity between the parties' respective marks, the close relationship of the goods, and the overlap in their purchasers.

9. If Applicant is permitted to register its mark, confusion will occur, resulting in injury to Opposer.

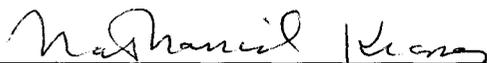
WHEREFORE, Opposer prays that this opposition be sustained and that Applicant's "I-BOND" mark be refused for registration.

A Certificate of Service is annexed.

Payment of the fees required by Section 2.6 is also annexed.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL, SCHIFFMILLER  
& PIERONI, P.C.

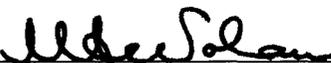
By:   
Nathaniel D. Kramer  
425 Fifth Avenue  
5<sup>th</sup> Floor  
New York, New York 10016-2223  
Tel. : (212) 697-3750  
e-mail: ndkramer@mindspring.com  
Attorneys for Opposer

Attachments:

- \* Check No. 2265
- \* Transmittal Letter/Debit Request

Date of Deposit: April 17, 2012  
I hereby certify that a copy of this paper or fee is being deposited with the United States Postal Services with sufficient postage as First Class Mail in an envelope addressed to:  
Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451,  
on April 17, 2012  
KIRSCHSTEIN, ISRAEL, SCHIFFMILLER & PIERONI, P.C.

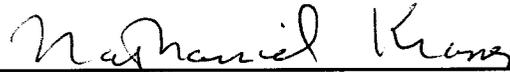
By: Ute Nolan  
Print Name

  
Signature

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document entitled "NOTICE OF OPPOSITION" was served on Applicant by depositing a copy thereof in the United States Mail on April 17, 2012, first class mail, postage prepaid, in an envelope addressed as follows:

Iconacy Orthopedic Implants, LLC  
521 North Harrison Street  
Warsaw Indiana 46580



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Nathaniel D. Kramer

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