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

Proceeding	91206708
Party	Defendant Teleflex Incorporated
Correspondence Address	JOHN H. WEBER BAKER & HOSTETLER LLP 1050 CONNECTICUT AVE NW WASHINGTON SQUAT E, SUITE 1100 WASHINGTON, DC 20036-5304 trademarks@bakerlaw.com
Submission	Answer
Filer's Name	Kelu L. Sullivan
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Signature	/KLS/
Date	10/05/2012
Attachments	Answer to Notice of Opposition - SMART CATHETER.pdf (5 pages)(417739 bytes)

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

AngioDynamics, Inc., Opposer, v. Teleflex Incorporated, Applicant.	Opposition No.: 91206708 Serial No.: 85-265,074

Attorney Docket Number: 040792.000024

Commissioner for Trademarks
P.O. Box. 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Applicant, Teleflex Incorporated, answers the Notice of Opposition filed by AngioDynamics, Inc. as follows:

1. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 1 and, therefore, denies same.

2. Applicant admits the allegations contained in Paragraph 2 of the Notice of Opposition.

3. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 3 and, therefore, denies same.

4. Applicant denies the allegations contained in Paragraph 4 of the Notice of Opposition.

5. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 5 and, therefore, denies same.

6. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 6 and, therefore, denies same.

7. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 7 and, therefore, denies same.

8. Applicant is without sufficient information to form a belief as to the truth of the allegations contained in Paragraph 8 and, therefore, denies same.

9. Applicant admits that it has filed an application, Serial No. 85/265,074, to register SMART CATHETER for "medical and surgical devices, namely catheters", which was published for opposition in the Official Gazette on May 29, 2012. Applicant denies all the other allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

Likelihood of Confusion

11. Applicant incorporates its response to each and every allegation contained in Paragraphs 1 through 10 with the same force and effect as if fully set forth herein.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.

Dilution

15. Applicant incorporates its response to each and every allegation contained in Paragraphs 1 through 14 with the same force and effect as if fully set forth herein.

16. Applicant denies the allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations contained in Paragraph 18 of the Notice of Opposition.

False Designation of Origin

19. Applicant incorporates its response to each and every allegation contained in Paragraphs 1 through 18 with the same force and effect as if fully set forth herein.

20. Applicant denies the allegations contained in Paragraph 20 of the Notice of Opposition.

21. Applicant denies the allegations contained in Paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations contained in Paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations contained in Paragraph 23 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

Opposer failed to state a claim upon which relief can be granted.

WHEREFORE, Teleflex Incorporated requests that the Board:

A. Dismiss the Opposition with prejudice on the merits;

B. Allow Teleflex Incorporated's application to register Serial No. 85-265,074 for SMART CATHETER;

C. Grant Teleflex Incorporated such other and further relief as is deemed proper and

just.

Petitioner hereby appoints John H. Weber, Mark H. Tidman, and Kelu L. Sullivan, all members of the law firm of Baker & Hostetler LLP and members of the Bar of the District of Columbia, to prosecute this cancellation proceeding and transact all business in and before the U.S. Patent and Trademark Office in connection therewith.

Please address all correspondence to **John H. Weber** at Baker & Hostetler LLP, Washington Square, Suite 1100, 1050 Connective Avenue, N.W., Washington, D.C. 20036-5304.

Respectfully Submitted,
Teleflex Incorporated

Date: October 5, 2012

By: _____

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Attorneys for Applicant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served via first-class mail, postage prepaid on this 5th day of October, 2012 to the following:

Gary H. Fechter
McCarter & English, LLP
245 Park Avenue, 27th Floor
New York, NY 10167

By: _____

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