

ESTTA Tracking number: **ESTTA519435**

Filing date: **02/01/2013**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Johnson & Johnson
Granted to Date of previous extension	02/03/2013
Address	One Johnson & Johnson Plaza New Brunswick, NJ 08933 UNITED STATES

Attorney information	Joseph D Lewis Barnes & Thornburg LLP 1717 Pennsylvania Ave NW STE 500 Washington, DC 20006 UNITED STATES jdlewis@btlaw.com, docketingtm-dc@btlaw.com Phone:202-289-1313
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Applicant Information

Application No	85571434	Publication date	08/07/2012
Opposition Filing Date	02/01/2013	Opposition Period Ends	02/03/2013
Applicant	Stryker Corporation 2825 Airview Boulevard Kalamazoo, MI 49002 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: surgical instruments

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.	3052207	Application Date	02/17/2004
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	MICROFIX		

Design Mark	MICROFIX
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2003/06/26 First Use In Commerce: 2003/06/26 suture anchors

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MICROFIX		
Goods/Services	surgical instruments, suture anchors		

Attachments	76576035#TMSN.gif (1 page)(bytes) Microfx opposition 169464_1.pdf (7 pages)(404969 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	/JDL/
Name	Joseph D Lewis
Date	02/01/2013

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

Johnson & Johnson,)	
)	
Opposer,)	
)	
v.)	Opposition No.: _____
)	
Stryker Corporation,)	
)	
Applicant.)	Serial No. 85571434
_____)	

NOTICE OF OPPOSITION

Johnson & Johnson, a New Jersey corporation, believes that it will be damaged by registration of the trademark MICROFX for “surgical instruments” as specified in Application Serial No. 85571434 (the “Opposed Mark”), and hereby opposes said application.

As grounds for the opposition, Opposer alleges:

1. Opposer, Johnson & Johnson, is a New Jersey corporation, with a place of business located at One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933.
2. Upon information and belief, Applicant, Stryker Corporation, is a Michigan corporation, with an address at 2825 Airview Boulevard, Kalamazoo, Michigan 49002.
3. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark in commerce prior to March 1, 2012.

4. Upon information and belief, neither Applicant, nor any predecessor in interest, used the Opposed Mark in commerce prior to January 1, 2011.

5. Long prior to the adoption of the Opposed Mark, Opposer adopted and used in interstate commerce the mark MICROFIX in connection with medical devices including suture anchors and surgical instruments.

6. Opposer is the owner of U.S. Trademark Registration No. 3052207 for the mark MICROFIX, covering suture anchors. This Notice of Opposition is accompanied by a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration.

7. Opposer's use and registration of MICROFIX gives Opposer priority over Applicant.

8. The goods identified in Opposer's registration and the goods recited in the application for the Opposed Mark are commercially related.

9. Opposer has used the mark MICROFIX on "surgical instruments", which are the goods recited in the application for the Opposed Mark.

10. The goods on which Opposer has used MICROFIX are intended for use by medical professionals in the field of orthopaedics.

11. The goods on which Applicant intends to use the Opposed Mark are intended for use by medical professionals in the field of orthopaedics.

12. The Opposed Mark so resembles the mark MICROFIX, which previously has been used and registered by Opposer, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer prays that the Opposition will be sustained and that the application for registration of the Opposed Mark will be refused.

Respectfully submitted,

Johnson & Johnson

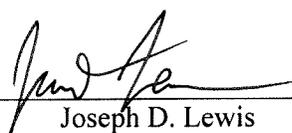
By: 
Joseph D. Lewis
BARNES & THORNBURG LLP
1717 Pennsylvania Ave, N.W., Suite 500
Washington, D.C. 20006
(202) 289-1313

Attorney for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Notice of Opposition has been served on February 1, 2013, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the correspondent of record for Applicant at:

Thomas M. Palisi, Esq.
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West, Suite 2
Westfield, New Jersey 07090-1497


Joseph D. Lewis



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Record 1 out of 1

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Word Mark	MICROFIX
Goods and Services	IC 010. US 026 039 044. G & S: suture anchors. FIRST USE: 20030626. FIRST USE IN COMMERCE: 20030626
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76576035
Filing Date	February 17, 2004
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 14, 2004
Registration Number	3052207
Registration Date	January 31, 2006
Owner	(REGISTRANT) Johnson & Johnson CORPORATION NEW JERSEY One Johnson & Johnson Plaza New Brunswick NEW JERSEY 089337001
Attorney of Record	Cheryl L. Foytlin
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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STATUS	DOCUMENTS	Back to Search	Print
Generated on: This page was generated by TSDR on 2013-02-01 16:46:25 EST			
Mark: MICROFIX			
MICROFIX			
US Serial Number: 76576035	Application Filing Date: Feb. 17, 2004		
US Registration Number: 3052207	Registration Date: Jan. 31, 2006		
Register: Principal			
Mark Type: Trademark			
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.			
Status Date: Jul. 12, 2012			
Publication Date: Dec. 14, 2004			
Mark Information Collapse All			
Mark Literal Elements: MICROFIX			
Standard Character Claim: No			
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM			
Color(s) Claimed: Color is not claimed as a feature of the mark.			
Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *..* identify additional (new) wording in the goods/services. 			
For: suture anchors			
International Class: 010 - Primary Class	U.S Class: 026, 039, 044		
Class Status: ACTIVE			
Basis: 1(a)			
First Use: Jun. 26, 2003	Use in Commerce: Jun. 26, 2003		
Basis Information (Case Level)			
Filed Use: Yes	Currently Use: Yes	Amended Use: No	
Filed ITU: No	Currently ITU: No	Amended ITU: No	
Filed 44D: No	Currently 44D: No	Amended 44D: No	
Filed 44E: No	Currently 44E: No	Amended 44E: No	
Filed 66A: No	Currently 66A: No		
Filed No Basis: No	Currently No Basis: No		
Current Owner(s) Information			
Owner Name: Johnson & Johnson			
Owner Address: One Johnson & Johnson Plaza New Brunswick, NEW JERSEY 089337001 UNITED STATES			
Legal Entity Type: CORPORATION	State or Country Where Organized: NEW JERSEY		
Attorney/Correspondence Information			

Attorney of Record		
Attorney Name:	Cheryl L. Foytlin	
Correspondent		
Correspondent Name/Address:	Cheryl L. Foytlin Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NEW JERSEY 08933-7001 UNITED STATES	
Phone:	(732) 524-2889	
Correspondent e-mail:	tmus@its.inj.com	Correspondent e-mail Authorized: Yes
Domestic Representative - Not Found		
▼ Prosecution History		
Date	Description	Proceeding Number
Jul. 12, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 12, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jul. 12, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jul. 03, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jan. 31, 2006	REGISTERED-PRINCIPAL REGISTER	
Dec. 12, 2005	OPPOSITION TERMINATED NO. 999999	163916
Dec. 12, 2005	OPPOSITION DISMISSED NO. 999999	163916
Jan. 25, 2005	OPPOSITION INSTITUTED NO. 999999	163916
Jan. 25, 2005	OPPOSITION PAPERS RECEIVED AT TTAB	
Dec. 14, 2004	PUBLISHED FOR OPPOSITION	
Nov. 24, 2004	NOTICE OF PUBLICATION	
Oct. 28, 2004	ASSIGNED TO LIE	70138
Sep. 30, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	69350
Sep. 10, 2004	ASSIGNED TO LIE	69350
Sep. 09, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 06, 2004	ASSIGNED TO EXAMINER	73375
Mar. 01, 2004	NEW APPLICATION ENTERED IN TRAM	
▼ Maintenance Filings or Post Registration Information		
Affidavit of Continued Use:	Section 8 - Accepted	
Affidavit of Incontestability:	Section 15 - Accepted	
▼ TM Staff and Location Information		
TM Staff Information - None		
File Location		
Current Location:	TMEG LAW OFFICE 102	Date in Location: Jul. 12, 2012



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No assignment has been recorded at the USPTO

For Serial Number: 76576035

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.2
Web interface last modified: July 10, 2012 v.2.3.2

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