

ESTTA Tracking number: **ESTTA534058**

Filing date: **04/24/2013**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Roche Diagnostics GmbH
Granted to Date of previous extension	04/24/2013
Address	Sandhofer Strasse 116 Mannheim, 68305 GERMANY

Name	Roche Diagnostics Operations, Inc.
Granted to Date of previous extension	04/24/2013
Address	9115 Hague Road Indianapolis, IN 46250 UNITED STATES

Attorney information	James A. Coles Taft Stettinius & Hollister One Indiana Square Indianapolis, IN 46204 UNITED STATES efsttaps@taftlaw.com, zgordon@taftlaw.com Phone:3177133500
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Applicant Information

Application No	85339161	Publication date	12/25/2012
Opposition Filing Date	04/24/2013	Opposition Period Ends	04/24/2013
Applicant	Arriva Medical, LLC 4252 NW 120th Avenue Coral Springs, FL 33065 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. First Use: 2010/08/18 First Use In Commerce: 2010/08/18 All goods and services in the class are opposed, namely: Medical test equipment, namely, blood glucose meters, lancing devices and lancets for diabetes monitoring
Class 035. First Use: 2008/10/23 First Use In Commerce: 2008/10/23 All goods and services in the class are opposed, namely: Online and telephonic retail store services featuring medical test equipment and supplies for diabetes monitoring accessible

Grounds for Opposition

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

U.S. Registration No.	3071846	Application Date	12/19/2003
Registration Date	03/21/2006	Foreign Priority Date	NONE
Word Mark	ACCU-CHEK AVIVA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 2005/01/20 First Use In Commerce: 2005/07/15 Diagnostic test strips for determining levels of glucose in blood; and control solutions used for quality checks on blood glucose monitors and diagnostic test strips all for medical diagnostic use</p> <p>Class 010. First use: First Use: 2005/01/20 First Use In Commerce: 2005/07/15 Blood glucose monitors; and blood glucose monitoring kits consisting of a blood glucose monitor, diagnostic test strips, lancets and control solutions all for medical diagnostic use</p>		

Attachments	Roche GmbH - ARRIVA - notice of oposition- 4.23.13.pdf (6 pages)(18637 bytes) EXHIBITS ARRIVA-AVIVA.pdf (26 pages)(190120 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	/James A. Coles/
Name	James A. Coles
Date	04/24/2013

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

Roche Diagnostics GmbH and)	
Roche Diagnostics Operations, Inc.)	
Opposers,)	Opposition No. _____
)	
Arriva Medical, LLC,)	Mark: ARRIVA MEDICAL
Applicant.)	Serial No.: 85-339,161
)	Published: Dec. 25, 2012
)	
)	
)	

NOTICE OF OPPOSITION

U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

In the matter of Arriva Medical, LLC’s (“Applicant”) application for trademark registration with the United States Patent and Trademark Office of the term ARRIVA MEDICAL (Application Serial No. 85-339,161, filed on June 6, 2011 by Arriva Medical, LLC and published for opposition in the Official Gazette of the United States Patent and Trademark Office on December 25, 2012 (the “161 Application”).

As grounds for opposition, it is alleged that:

Opposer

1. Roche Diagnostics GmbH, Sandhofer Strasse 116, D-68305 Mannheim, Germany, a limited liability company, organized under the laws of Germany (“RDG”) and Roche Diagnostics Operations, Inc., 9115 Hague Road, Indianapolis, IN 46250, United States, a corporation organized under the laws of Delaware (“RDO”) (collectively “Opposers”), believe that they would be damaged by the registration of

the term ARRIVA MEDICAL shown in the “161 Application” (Exhibit A) and hereby oppose the registration of such term as a trademark.

2. Opposers are leading worldwide providers of diabetes care products and services, including blood glucose monitoring products. Opposers are well-known for their offerings in the diabetes care field, including blood glucose monitoring products. Opposers’ primary website may be located at <http://www.roche.com/index.htm>.

Applicant

3. Applicant, Arriva Medical, LLC, is a Florida limited liability corporation with a principal address of 4252 NW 120th Avenue, Coral Springs, Florida 33065.

4. Applicant is a relatively young company engaged in the sale of blood glucose monitoring supplies for diabetes testing manufactured by third parties. Applicant’s website may be located at <http://arrivamedical.com/>.

Opposers’ Trademark

5. Opposers own the federally registered trademark, ACCU-CHEK AVIVA, Reg. No. 3,071,846 (“Opposers’ Mark”), for use with “Diagnostic test strips for determining levels of glucose in blood; and control solutions used for quality checks on blood glucose monitors and diagnostic test strips all for medical diagnostic use” in International Class 5, and “Blood glucose monitors; and blood glucose monitoring kits consisting of a blood glucose monitor, diagnostic test strips, lancets and control solutions all for medical diagnostic use” in International Class 10 (“Opposers’ Listed Goods”). (Exhibit B)

6. Opposers’ Mark is registered on the Principal Register with a first use in commerce date claimed at least as early as July 15, 2005.

7. Since July, 15 2005 Opposers have invested substantial time and money promoting and selling the products sold under Opposers' Mark.

Applicant's Mark

8. Applicant has applied for registration of the '161 Application in connection with 'Medical test equipment, namely, blood glucose meters, lancing devices and lancets for diabetes monitoring' in International Class 10 and "Online and telephonic retail store services featuring medical test equipment and supplies for diabetes monitoring accessible" in International Class 35 ("Applicant's Listed Goods"). (Exhibit B)

9. Applicant has applied to register Applicant's Mark on the Principal Register claiming a first use date at least as early as October 23, 2008 for its Class 35 services and August 18, 2010 for its Class 10 goods.

Actual Confusion and Likelihood of Confusion

10. Applicant's Mark has been confused with, and is likely to continue to be confused with, Opposers' Mark, when used in connection with Applicant's Listed Goods.

11. There exists a strong likelihood that further confusion will exist between Applicant's Mark and Opposer's Mark.

12. The dominant ARRIVA element of Applicant's Mark is nearly phonetically identical to the dominant AVIVA element in Opposers' Mark.

13. Applicant's listed goods and services are substantially identical and/or reasonably related to Opposers' Listed Goods.

14. Applicant and Opposers advertise market, promote, and sell their respective goods and services to the same class of consumers.

15. Applicant and Defendant advertise, market, promote, and sell their respective goods and services at substantially similar prices.

16. Applicant and Defendant advertise, market, promote, and sell their respective goods and services through the same channels of trade.

17. Registration of Applicant's Mark is likely to cause confusion, mistake, and deception among consumers as to the source of each party's goods, in violation of 15 U.S.C. §1052(d).

18. Registration of Applicant's Mark has caused, and likely will cause, or wrongfully deceive, consumers into wrongfully believing or mistaking, that Applicant's Listed Goods are somehow affiliated, associated, and/or connected to, Opposers.

19. Opposers have received and documented numerous instances of actual consumer confusion between Applicant's Mark and Opposers' Mark.

20. Because Applicant's Mark is confusingly similar to Opposers' Mark and is sold to the same consumers, registration of Applicant's Mark will cause Opposers significant harm.

21. Accordingly, the grant of a registration to Applicant for the term ARRIVA MEDICAL should be denied on likelihood of confusion grounds.

WHEREFORE, Opposers file this Notice of Opposition and pray that the '161 Application of Applicant, be rejected; that no registration be issued thereon to Applicant; and that this opposition be sustained in favor of Opposers.

Respectfully submitted,

DATE: April 24, 2013

/s/ James A. Coles

James A. Coles

Jonathan G. Polak

M. Zach Gordon

TAFT STETTINIUS & HOLLISTER LLP

One Indiana Square, Suite 3500

Indianapolis, Indiana 46204-2023

Email: jcoles@taftlaw.com

jpolak@taftlaw.com

zgordon@taftlaw.com

Attorney for Opposers,

Roche Diagnostics GmbH and

Roche Diagnostics Operations, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2013 a true and correct copy of the foregoing was sent to the following parties by First Class U.S. Mail in a sealed, postage prepaid, envelope which was deposited with the United States Postal Service.

JAMES DAVID JOHNSON
Johnson & Martin, P.A.
Suite 430 500 West Cypress Creek Road
FORT LAUDERDALE, FL 33309

/s/ M. Zach Gordon
M. Zach Gordon
TAFT STETTINIUS & HOLLISTER LLP
One Indiana Square, Suite 3500
Indianapolis, Indiana 46204-2023
Telephone: 317-713-3500
Facsimile: 317-713-3699

EXHIBIT A

Generated on: This page was generated by TSDR on 2013-04-23 10:58:28 EDT

Mark: ARRIVA MEDICAL

ARRIVA MEDICAL

US Serial Number: 85339161

Application Filing Date: Jun. 06, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Jan. 07, 2013

Publication Date: Dec. 25, 2012

Mark Information

Mark Literal Elements: ARRIVA MEDICAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "MEDICAL"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Medical test equipment, namely, blood glucose meters, lancing devices and lancets for diabetes monitoring

International Class: 010 - Primary Class

U.S Class: 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 18, 2010

Use in Commerce: Aug. 18, 2010

For: Online and telephonic retail store services featuring medical test equipment and supplies for diabetes monitoring accessible

International Class: 035 - Primary Class

U.S Class: 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 23, 2008

Use in Commerce: Oct. 23, 2008

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: Arriva Medical, LLC

Owner Address: 4252 NW 120th Avenue
Coral Springs, FLORIDA 33065
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: Jean M. Maxwell, Trademark Manager
Alere Inc.
51 Sawyer Road, Suite 200
Waltham, MASSACHUSETTS 02453
UNITED STATES

Phone: 781-314-4062

Fax: 781-647-3939

Correspondent e-mail: Jean.Maxwell@alere.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 08, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 07, 2013	WITHDRAWAL OF ATTORNEY GRANTED	
Jan. 07, 2013	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Jan. 07, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 25, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 25, 2012	PUBLISHED FOR OPPOSITION	
Dec. 05, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 19, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Nov. 16, 2012	ASSIGNED TO LIE	66121
Oct. 31, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 19, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 19, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 19, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 19, 2012	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Apr. 19, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 19, 2012	FINAL REFUSAL E-MAILED	
Apr. 19, 2012	FINAL REFUSAL WRITTEN	75593
Mar. 28, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 27, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 27, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 29, 2011	LETTER OF PROTEST ACCEPTED	
Sep. 27, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2011	NON-FINAL ACTION WRITTEN	75593
Sep. 20, 2011	ASSIGNED TO EXAMINER	75593
Jun. 09, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SWAIN, MICHELE LYNN

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 19, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: Arriva Medical, LLC

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4569/0180](#)

Pages: 22

Date Recorded: Jun. 24, 2011

Supporting Documents: [assignment-tm-4569-0180.pdf](#)

Assignor

Name: [ARRIVA MEDICAL, LLC](#) Execution Date: Jun. 22, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: FLORIDA

Assignee

Name: [PNC BANK, NATIONAL ASSOCIATION](#)
Legal Entity Type: NATIONAL ASSOCIATION State or Country Where Organized: UNITED STATES
Address: 200 EAST BROWARD BOULEVARD
2ND FLOOR
FORT LAUDERDALE, FLORIDA 33301

Correspondent

Correspondent Name: JOSEPH R. ENGLANDER
Correspondent Address: 200 EAST BROWARD BOULEVARD
SUITE 2100
FORT LAUDERDALE, FL 33301

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [85339161](#) Filing Date: Jan 07, 2013
Status: Not Instituted Status Date: Jan 07, 2013
Interlocutory Attorney:

Defendant

Name: Arriva Medical, LLC
Correspondent Address: JAMES DAVID JOHNSON
Johnson & Martin, P.A.
Suite 430 500 West Cypress Creek Road
FORT LAUDERDALE FL , 33309

Associated marks

Mark	Application Status	Serial Number	Registration Number
ARRIVA MEDICAL	Request For Extension of Time to File Opposition	85339161	

Potential Opposer(s)

Name: Roche Diagnostics GmbH
Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle Suite 2700
Indianapolis IN , 46204
UNITED STATES
Correspondent e-mail: trademark@boselaw.com
Name: Roche Diagnostics Operations, Inc.
Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle Suite 2700
Indianapolis IN , 46204
UNITED STATES
Correspondent e-mail: trademark@boselaw.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jan 07, 2013	
2	EXTENSION OF TIME GRANTED	Jan 07, 2013	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jan 07, 2013	
4	EXTENSION OF TIME GRANTED	Jan 07, 2013	

EXHIBIT B

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: D. Michael Young

Correspondent

Correspondent Name/Address: D. Michael Young
ROCHE DIAGNOSTICS CORPORATION
9115 HAGUE ROAD
INDIANAPOLIS, INDIANA 46250
UNITED STATES

Phone: 317-521-7340

Domestic Representative

Domestic Representative Name: D. Michael Young

Phone: 317-521-7340

Prosecution History

Date	Description	Proceeding Number
Oct. 04, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Oct. 04, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Oct. 04, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Sep. 19, 2011	TEAS SECTION 8 & 15 RECEIVED	
Mar. 21, 2006	REGISTERED-PRINCIPAL REGISTER	
Feb. 09, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	78287
Feb. 03, 2006	ASSIGNED TO LIE	78287
Jan. 21, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 28, 2005	STATEMENT OF USE PROCESSING COMPLETE	61813
Nov. 11, 2005	USE AMENDMENT FILED	61813
Nov. 11, 2005	TEAS STATEMENT OF USE RECEIVED	
May 24, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 26, 2005	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Oct. 27, 2004	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 28, 2004	PUBLISHED FOR OPPOSITION	
Sep. 08, 2004	NOTICE OF PUBLICATION	
Jul. 12, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 11, 2004	ASSIGNED TO EXAMINER	67507
Jan. 08, 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 101

Date in Location: Oct. 04, 2011

Proceedings

Summary

Number of Proceedings: 16

Type of Proceeding: Opposition

Proceeding Number: [91202626](#)

Filing Date: Nov 21, 2011

Status: Terminated

Status Date: Apr 05, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: PositivelD Corporation

Correspondent Address: EDWARD J SACKMAN
BERNSTEIN SHUR PA
100 MIDDLE STREET, PO BOX 9729
PORTLAND ME , 04104-5029
UNITED STATES

Correspondent e-mail: nsackman@bernsteinshur.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EASY CHECK	Abandoned - After Inter-Partes Decision	85111939	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: JON FROEMEL
BARNES & THORNBURG LLP
PO BOX 2786
CHICAGO IL , 60690
UNITED STATES

Correspondent e-mail: jfroemel@btlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 21, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 21, 2011	Dec 31, 2011
3	PENDING, INSTITUTED	Nov 21, 2011	
4	ANSWER	Dec 30, 2011	
5	CHANGE OF CORRESPONDENCE ADDRESS	Jan 11, 2012	
6	APPEARANCE	Jan 11, 2012	
7	CHANGE OF CORRESPONDENCE ADDRESS	Mar 23, 2012	
8	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jul 13, 2012	

9	STIPULATION FOR AN EXTENSION OF TIME	Jul 25, 2012
10	EXTENSION OF TIME GRANTED	Jul 25, 2012
11	D'S MOTION FOR SUMMARY JUDGMENT	Aug 03, 2012
12	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Aug 09, 2012
13	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 06, 2012
14	P'S OPPOSITION/RESPONSE TO MOTION	Sep 21, 2012
15	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Sep 24, 2012
16	P'S OPPOSITION/RESPONSE TO MOTION	Sep 24, 2012
17	P'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 27, 2012
18	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 03, 2012
19	D'S REPLY IN SUPPORT OF MOTION	Oct 08, 2012
20	PAPER RECEIVED AT TTAB	Oct 15, 2012
21	PAPER RECEIVED AT TTAB	Oct 17, 2012
22	DEF'S MOTION FOR SUMMARY JUDGMENT DENIED	Nov 08, 2012
23	STIPULATION FOR AN EXTENSION OF TIME	Nov 30, 2012
24	EXTENSION OF TIME GRANTED	Nov 30, 2012
25	STIPULATION FOR AN EXTENSION OF TIME	Dec 20, 2012
26	EXTENSION OF TIME GRANTED	Dec 21, 2012
27	STIPULATION FOR AN EXTENSION OF TIME	Feb 01, 2013
28	EXTENSION OF TIME GRANTED	Feb 01, 2013
29	W/DRAW OF APPLICATION	Mar 21, 2013
30	BD DECISION: DISMISSED W/O PREJ	Apr 05, 2013
31	TERMINATED	Apr 05, 2013

Type of Proceeding: Opposition

Proceeding Number: [91193629](#)

Filing Date: Feb 02, 2010

Status: Terminated

Status Date: Sep 27, 2010

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Standard Diagnostics, Inc.

Correspondent Address: ROBERT J. KENNEY
BIRCH STEWART KOLASCH & BIRCH LLP
PO BOX 747
FALLS CHURCH VA , 22040-0747
UNITED STATES

Correspondent e-mail: rjk@bskb.com , johnst@bskb.com , mailroom@bskb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SD CHECK	Registered	77575516	3906149

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Jonathan P. Froemel
BARNES & THORNBURG LLP
1 North Wacker, Suite 4400
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jfroemel@btlaw.com , jadams@btlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644

ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 02, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 02, 2010	Mar 14, 2010
3	PENDING, INSTITUTED	Feb 02, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 15, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	ANSWER	May 13, 2010	
7	CHANGE OF CORRESPONDENCE ADDRESS	Jun 11, 2010	
8	APPEARANCE	Jun 11, 2010	
9	AMENDMENT TO APPLICATION	Jul 15, 2010	
10	RESPONSE DUE 30 DAYS (DUE DATE)	Aug 05, 2010	Sep 04, 2010
11	BOARD'S DECISION: SUSTAINED	Sep 27, 2010	
12	TERMINATED	Sep 27, 2010	
13	CHANGE OF CORRESPONDENCE ADDRESS	Oct 05, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193412](#) **Filing Date:** Jan 15, 2010
Status: Terminated **Status Date:** Apr 22, 2010
Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Telcare
Correspondent Address: JONATHAN JAVITT
TEL CARE
8300 TWIN FORKS LN
CHEVY CHASE MD , 20815-4847
UNITED STATES
Correspondent e-mail: jjavitt@telcare.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TELCHECK	Abandoned - After Inter-Partes Decision	77761815	

Plaintiff(s)

Name: Roche Diagnostics GmbH, and Roche Diagnostics Operations, Inc.
Correspondent Address: JENNIFER L DAY
BOSE MCKINNEY & EVANS LLP
111 MONUMENT CIR STE 2700
INDIANAPOLIS IN , 46204
UNITED STATES
Correspondent e-mail: jday@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 15, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 15, 2010	Feb 24, 2010
3	PENDING, INSTITUTED	Jan 15, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Feb 24, 2010	
5	EXTENSION OF TIME GRANTED	Feb 24, 2010	
6	WITHDRAWAL OF APPLICATION	Mar 29, 2010	
7	BOARD'S DECISION: SUSTAINED	Apr 22, 2010	
8	TERMINATED	Apr 22, 2010	

Type of Proceeding: OppositionProceeding Number: [91193188](#)

Filing Date: Dec 28, 2009

Status: Terminated

Status Date: Mar 31, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: I-Flow Corporation

Correspondent Address: STEVEN J. NATAUPSKY
 KNOBEE, MARTENS, OLSON & BEAR, LLP
 2040 MAIN STREET, 14th FLOOR
 IRVINE CA , 92614-7216
 UNITED STATES

Correspondent e-mail: efiling@kmob.com , gregory.phillips@kmob.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUCHECK	Abandoned - No Statement Of Use Filed	77532587	
TRUCHECK	Abandoned - No Statement Of Use Filed	77534251	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: JENNIFER L. DAY

BOSE McKINNEY & EVANS LLP
111 MONUMENT CIRCLE, SUITE 2700
INDIANAPOLIS IN , 46204
UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797
ACCU-CHEK	Renewed	75688347	2403536

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 28, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 29, 2009	Feb 07, 2010
3	PENDING, INSTITUTED	Dec 29, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Feb 05, 2010	
5	EXTENSION OF TIME GRANTED	Feb 05, 2010	
6	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Mar 08, 2010	
7	SUSPENDED	Mar 08, 2010	
8	MOTION TO AMEND APPLICATION	Mar 17, 2010	
9	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 19, 2010	Apr 18, 2010
10	WITHDRAWAL OF OPPOSITION	Mar 24, 2010	
11	BD'S DECISION: DISMISSED W/ PREJUDICE	Mar 31, 2010	
12	TERMINATED	Mar 31, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91192457](#)

Filing Date: Oct 28, 2009

Status: Terminated

Status Date: Dec 16, 2009

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: TRINITY BIOTECH MANUFACTURING LIMITED

Correspondent Address: CYNTHIA C. WEBER
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVE NW
WASHINGTON DC , 20037-3202
UNITED STATES

Correspondent e-mail: tm@sughrue.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TRINICHECK	Registered	77353790	3738588

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 28, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2009	Dec 07, 2009
3	PENDING, INSTITUTED	Oct 28, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 03, 2009	
5	AMENDMENT	Dec 03, 2009	
6	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 08, 2009	Jan 07, 2010
7	WITHDRAWAL OF OPPOSITION	Dec 14, 2009	
8	BD'S DECISION: DISMISSED W/O PREJUDICE	Dec 16, 2009	
9	TERMINATED	Dec 16, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91191559](#)

Filing Date: Aug 19, 2009

Status: Terminated

Status Date: Mar 11, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Quest Products, Inc.

Correspondent Address: RONALD E. ANDERMANN

CARDINAL LAW GROUP
 1603 ORRINGTON AVE , SUITE 2000
 EVANSTON IL , 60201-5043
 UNITED STATES

Correspondent e-mail: ronald.andermann@cardinallawgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CHOLESTEROLCHEK	Abandoned - After Inter-Partes Decision	77632681	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
 Bose McKinney & Evans LLP
 111 Monument Circle, Suite 2700
 Indianapolis IN , 46204
 UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 19, 2009	Sep 28, 2009
3	PENDING, INSTITUTED	Aug 19, 2009	
4	ANSWER	Sep 24, 2009	
5	WITHDRAWAL OF APPLICATION	Dec 21, 2009	
6	BD'S DECISION: DISMISSED W/O PREJUDICE	Dec 24, 2009	
7	TERMINATED	Mar 11, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91191377](#)

Filing Date: Aug 05, 2009

Status: Terminated

Status Date: Nov 16, 2009

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: General Life Biotechnology Co., Ltd.

Correspondent Address: Steven M. Rabin
1101 14th Street NW, Suite 500
Washington DC , 20005
UNITED STATES

Correspondent e-mail: firm@rabinberdo.com

Mark	Application Status	Serial Number	Registration Number
BENECHECK	Abandoned - After Inter-Partes Decision	79060211	

Plaintiff(s)

Name: Roche Diagnostics GmbH and Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 05, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 07, 2009	Sep 16, 2009
3	PENDING, INSTITUTED	Aug 07, 2009	
4	NOTICE OF DEFAULT	Oct 01, 2009	
5	BOARD'S DECISION: SUSTAINED	Nov 16, 2009	
6	TERMINATED	Nov 16, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91190544](#)

Filing Date: Jun 08, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Home Aide Diagnostics, Inc.

Correspondent Address: Morris E. Turek
YourTrademarkAttorney.com
167 Lamp & Lantern Village, #220
St. Louis MO , 63017-8208
UNITED STATES

Correspondent e-mail: morris@yourtrademarkattorney.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
EASY CHECK	Abandoned - After Inter-Partes Decision	77443107	
Plaintiff(s)			

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: JDay@boselaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360°	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 08, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 08, 2009	Jul 18, 2009
3	PENDING, INSTITUTED	Jun 08, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Jul 11, 2009	
5	EXTENSION OF TIME GRANTED	Jul 11, 2009	
6	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Aug 12, 2009	
7	STIPULATION FOR AN EXTENSION OF TIME	Aug 14, 2009	
8	EXTENSION OF TIME GRANTED	Aug 14, 2009	
9	STIPULATION FOR AN EXTENSION OF TIME	Sep 10, 2009	
10	EXTENSION OF TIME GRANTED	Sep 10, 2009	
11	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	

12	EXTENSION OF TIME GRANTED	Oct 15, 2009
13	WITHDRAWAL OF APPLICATION	Nov 04, 2009
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Nov 06, 2009
15	TERMINATED	Nov 06, 2009

Type of Proceeding: Opposition

Proceeding Number: [91189291](#) **Filing Date:** Mar 16, 2009

Status: Terminated **Status Date:** Jun 11, 2009

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: TYSON BIORESEARCH, INC.

Correspondent Address: JAMES M. SLATTERY (REG. NO. 28,380)
BIRCH STEWART KOLASCH & BIRCH LLP
P.O. BOX 747
FALLS CHURCH VA , 22040-0747
UNITED STATES

Correspondent e-mail: mailroom@bskb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DIACHEX	Abandoned - After Inter-Partes Decision	77418006	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360?	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 16, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 16, 2009	Apr 25, 2009

3	PENDING, INSTITUTED	Mar 16, 2009
4	NOTICE OF DEFAULT	May 11, 2009
5	BOARD'S DECISION: SUSTAINED	Jun 11, 2009
6	TERMINATED	Jun 11, 2009

Type of Proceeding: Opposition

Proceeding Number: [91188834](#) **Filing Date:** Feb 12, 2009
Status: Terminated **Status Date:** Dec 11, 2009
Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Simple Diagnostics, Inc.

Correspondent Address: Matthew H. Swyers
The Trademark Company, PLLC
344 Maple Avenue West, Suite 151
Vienna VA , 22180
UNITED STATES

Correspondent e-mail: mswyers@TheTrademarkCompany.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CLEVER CHEK	Abandoned - After Inter-Partes Decision	77540782	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360?	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009

3	PENDING, INSTITUTED	Feb 12, 2009
4	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Mar 19, 2009
5	ANSWER	Mar 19, 2009
6	PL'S NOTICE OF SERVICE OF INITIAL DISCLOSURES	May 22, 2009
7	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Jul 09, 2009
8	SUSPENDED	Aug 03, 2009
9	WITHDRAWAL OF APPLICATION	Dec 02, 2009
10	BD'S DECISION: DISMISSED W/O PREJUDICE	Dec 11, 2009
11	TERMINATED	Dec 11, 2009

Type of Proceeding: Opposition

Proceeding Number: [91188599](#)

Filing Date: Jan 28, 2009

Status: Terminated

Status Date: Feb 04, 2010

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: IBI Technologies, LP

Correspondent Address: Sunil A. Brahmhatt
Law Office of Sunil A. Brahmhatt
PO Box 17906
Anaheim CA , 92817
UNITED STATES

Correspondent e-mail: tmregistered@gmail.com , sunillaw@aol.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
STATCHECK	SU - Non-Final Action - Mailed	77142036	

Plaintiff(s)

Name: Roche Diagnostics Operations, Inc., and Roche Diagnostics GmbH

Correspondent Address: Jennifer L. Day
Bose McKinney & Evans LLP
111 Monument Cir Ste 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK INSIGHT	Registered	79050474	3509034
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK GO	Registered	78861650	3206211
ACCU-CHEK PERFORMA	Registered	79025461	3223375

ACCU-CHEK 360?	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797
ACCU-CHEK INNER CIRCLE	Registered	77012287	3481185

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 28, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 28, 2009	Mar 09, 2009
3	PENDING, INSTITUTED	Jan 28, 2009	
4	ANSWER AND COUNTERCLAIM (FEE)	Mar 09, 2009	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 02, 2009	May 02, 2009
6	P'S MOTION TO STRIKE	Apr 24, 2009	
7	P'S MOTION TO DISMISS - RULE 12(B)	Apr 24, 2009	
8	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	May 20, 2009	
9	TRIAL DATES RESET	Jun 27, 2009	
10	UNDELIVERABLE MAIL - REMAILED TO DEF	Jul 13, 2009	
11	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 14, 2009	
12	TRIAL DATES RESET	Aug 18, 2009	
13	UNDELIVERABLE MAIL	Sep 10, 2009	
14	P'S NOTICE OF SERVICE OF INITIAL DISCLOSURES	Sep 15, 2009	
15	UNDELIVERABLE MAIL- REMAILED TO DEFENDANT	Nov 21, 2009	
16	D'S MOTION TO AMEND APPLICATION	Jan 06, 2010	
17	TRIAL DATES SET	Jan 28, 2010	
18	WITHDRAWAL OF OPPOSITION	Feb 02, 2010	
19	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 04, 2010	
20	TERMINATED	Feb 04, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91184589](#) **Filing Date:** Jun 12, 2008
Status: Terminated **Status Date:** Sep 22, 2008
Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Taidoc Technology Corporation
Correspondent Address: CHUN-MING SHIH
 HDLS PATENT & TRADEMARK SERVICE
 4331 STEVENS BATTLE LN
 FAIRFAX VA , 22033-4269
 UNITED STATES
Correspondent e-mail: jim.hdls@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CLEVER CHEK MASTER YOUR LIFE	Abandoned - After Inter-Partes Decision	77012870	
CLEVER CHEK AUTO-CODE	Abandoned - After Inter-Partes Decision	77217457	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.
Correspondent Address: Jennifer L. Day
 Bose McKinney & Evans LLP
 135 N. Pennsylvania Street Suite 2700
 Indianapolis IN , 46204
 UNITED STATES
Correspondent e-mail: trademark@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK	Section 8 and 15 - Accepted and Acknowledged	78414430	3016330
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360?	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 12, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 12, 2008	Jul 22, 2008
3	PENDING, INSTITUTED	Jun 12, 2008	
4	NOTICE OF DEFAULT	Aug 15, 2008	
5	BOARD'S DECISION: SUSTAINED	Sep 22, 2008	
6	TERMINATED	Sep 22, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91184560](#)

Filing Date: Jun 11, 2008

Status: Terminated

Status Date: Sep 21, 2009

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: SCIENCO TECHNOLOGY CORP.

Correspondent Address: Kao H. Lu
Lu & Associates, P.C.
1425 E. Darby Road
Havertown PA , 19083
UNITED STATES

Correspondent e-mail: kaohlu@lu-associates.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIMCHECK	Abandoned - After Inter-Partes Decision	77248567	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Melinda R. Shapiro
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: mshapiro@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK	Section 8 and 15 - Accepted and Acknowledged	78414430	3016330
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-CHEK MULTICLIX	706	79014739	3127170
ACCU-CHEK SPIRIT	739	79006404	3194287
ACCU-CHEK TENDER	Section 8 and 15 - Accepted and Acknowledged	78615863	3199675
ACCU-CHEK LINKASSIST	706	79020212	3202402
ACCU-CHEK PERFORMA	Registered	79025461	3223375
ACCU-CHEK 360?	739	79030312	3256740
ACCU-CHEK CONNECT U	Registered	79020056	3348704
ACCU-CHEK SMART PIX	Registered	79027969	3411797

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 11, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 11, 2008	Jul 21, 2008
3	PENDING, INSTITUTED	Jun 11, 2008	
4	NOTICE OF DEFAULT	Aug 05, 2008	
5	ANSWER	Aug 20, 2008	
6	DF ALLOWED 30 DAYS RESP TO DEFAULT	Sep 29, 2008	
7	D'S RESPONSE TO BD'S ORDER	Oct 07, 2008	
8	DEFAULT SET ASIDE; TD RESET	Oct 21, 2008	
9	CORRECTION TO THE BOARD'S OCTOBER 21, 2008 ORDER	Dec 12, 2008	
10	P'S NOTICE OF SERVICE	Feb 23, 2009	
11	INCOMPLETE FILING	Mar 23, 2009	
12	PL MOTION TO COMPEL	Mar 23, 2009	
13	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Mar 26, 2009	
14	ANSWER	May 05, 2009	
15	TRIAL DATES RESET	May 18, 2009	
16	TRIAL DATES RESET	May 18, 2009	
17	P'S MOTION FOR DEFAULT JUDGEMENT	Jun 24, 2009	
18	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jul 06, 2009	
19	BOARD'S DECISION: SUSTAINED	Sep 21, 2009	
20	TERMINATED	Sep 21, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91181506](#)

Filing Date: Dec 26, 2007

Status: Terminated

Status Date: Jul 23, 2008

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Owen Mumford Limited

Correspondent Address: THOMAS F. DUNN
MORSE, BARNES-BROWN & PENDLETON, P.C.
1601 TRAPELO ROAD, STE 205
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UNITED STATES

Correspondent e-mail: trademark@mbbp.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCUPEN	Abandoned - After Inter-Partes Decision	78955247	

Plaintiff(s)

Name: Roche Diagnostics GmbH and Roche Diagnostics Operations, Inc.

Correspondent Address: Jennifer L. Day
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135 N. Pennsylvania Street, Suite 2700
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UNITED STATES

Correspondent e-mail: trademark@boselaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK	Section 8 and 15 - Accepted and Acknowledged	78414430	3016330
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905
ACCU-DATA	Renewed	74303734	1933434
ACCU-UTILITY	Cancelled - Section 8	75295594	2237576
ACCU-LINK	Cancelled - Section 8	75311881	2248191

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 26, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 26, 2007	Feb 04, 2008
3	PENDING, INSTITUTED	Dec 26, 2007	
4	NOTICE OF DEFAULT	Feb 26, 2008	
5	BOARD'S DECISION: SUSTAINED	Jul 23, 2008	
6	TERMINATED	Jul 23, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91180879](#)

Filing Date: Nov 21, 2007

Status: Terminated

Status Date: Feb 05, 2009

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: Caribbean Medical Brokers, Inc.

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Associated marks			
Mark	Application Status	Serial Number	Registration Number
SURECHEK	Abandoned - After Inter-Partes Decision	77096957	
SURE CHEK	Abandoned - After Inter-Partes Decision	77089900	

Plaintiff(s)

Name: Roche Diagnostics GmbH, Roche Diagnostics Operations, Inc.

Correspondent Address: Melinda R. Shapiro
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis IN , 46204
UNITED STATES

Correspondent e-mail: mshapiro@boselaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK	Renewed	73340850	1277867
ACCU-CHEK	Renewed	75688347	2403536
ACCU-CHEK INTERVIEW	Cancelled - Section 8	76337147	2618065
ACCU-CHEK COMPACT	Renewed	75792547	2628696
ACCU-CHEK	Renewed	76254845	2651417
ACCU-CHEK COMPASS	Renewed	76070019	2681644
ACCU-CHEK ACTIVE	Renewed	76178662	2703048
ACCU-CHEK INFORM	Section 8 and 15 - Accepted and Acknowledged	76078713	2732629
ACCU-CHEK	Section 8 and 15 - Accepted and Acknowledged	78414430	3016330
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846
ACCU-CHEK	706	79007860	3076905

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 21, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 21, 2007	Dec 31, 2007
3	PENDING, INSTITUTED	Nov 21, 2007	
4	ANSWER	Dec 27, 2007	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 29, 2008	
6	EXTENSION OF TIME GRANTED	Mar 18, 2008	
7	P'S NOTICE OF SERVICE ON COUNSEL FOR APPLICANT	Mar 31, 2008	
8	STIPULATION OF THE PARTIES	Jun 05, 2008	
9	TRIAL DATES SET	Jun 06, 2008	
10	P'S REQUEST TO DISCLOSURE PROTECTIVER ORDER	Jun 12, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jun 17, 2008	
12	STIPULATION FOR AN EXTENSION OF TIME	Jun 18, 2008	
13	D'S OPPOSITION/RESPONSE TO MOTION	Jun 27, 2008	
14	STIPULATION FOR AN EXTENSION OF TIME	Jul 28, 2008	
15	P's REPLY to STANDARD ORDER	Aug 11, 2008	
16	TRIAL DATES RESET	Aug 12, 2008	
17	TRIAL DATES SET	Aug 18, 2008	
18	P'S PRETRIAL DISCLOSURES	Dec 29, 2008	
19	TRIAL DATES REMAIN AS SET	Jan 07, 2009	
20	APPEARANCE	Jan 22, 2009	

21 WITHDRAWAL OF APPLICATION Feb 03, 2009
 22 BOARD'S DECISION: SUSTAINED Feb 05, 2009
 23 TERMINATED Feb 05, 2009

Type of Proceeding: Extension of Time

Proceeding Number: [78343530](#) **Filing Date:** Oct 27, 2004
Status: Terminated **Status Date:** Feb 26, 2005

Interlocutory Attorney:

Defendant

Name: Roche Diagnostics GmbH

Correspondent Address: D. Michael Young
 Roche Diagnostics Corporation
 9115 Hague Road
 INDIANAPOLIS IN , 46250

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACCU-CHEK AVIVA	Section 8 and 15 - Accepted and Acknowledged	78343530	3071846

Potential Opposer(s)

Name: Baxter International Inc.

Correspondent Address: Laurel V. Dineff
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 160 North Wacker Drive
 Chicago IL , 60606
 UNITED STATES

Correspondent e-mail: tmlaw@dineff.com

Name: Baxter International Inc.

Correspondent Address: Laurel V. Dineff
 Dineff Trademark Law Limited
 160 North Wacker Drive
 Chicago IL , 60606
 UNITED STATES

Correspondent e-mail: tmlaw@dineff.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 27, 2004	
2	EXTENSION OF TIME GRANTED	Oct 27, 2004	
3	INCOMING - EXT TIME TO OPPOSE FILED	Oct 27, 2004	
4	EXTENSION OF TIME GRANTED	Oct 27, 2004	
5	INCOMING - EXT TIME TO OPPOSE FILED	Nov 24, 2004	
6	EXTENSION OF TIME GRANTED	Nov 24, 2004	

Int. Cls.: 5 and 10

Prior U.S. Cls.: 6, 18, 26, 39, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,071,846

Registered Mar. 21, 2006

**TRADEMARK
PRINCIPAL REGISTER**

ACCU-CHEK AVIVA

ROCHE DIAGNOSTICS GMBH (FED REP GER-
MANY LTD LIAB CO)
SANDHOFER STRASSE 116
MANNHEIM, FED REP GERMANY D-68305

FOR: DIAGNOSTIC TEST STRIPS FOR DETER-
MINING LEVELS OF GLUCOSE IN BLOOD; AND
CONTROL SOLUTIONS USED FOR QUALITY
CHECKS ON BLOOD GLUCOSE MONITORS AND
DIAGNOSTIC TEST STRIPS ALL FOR MEDICAL
DIAGNOSTIC USE, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

FIRST USE 1-20-2005; IN COMMERCE 7-15-2005.

FOR: BLOOD GLUCOSE MONITORS; AND
BLOOD GLUCOSE MONITORING KITS CONSIST-
ING OF A BLOOD GLUCOSE MONITOR, DIAG-

NOSTIC TEST STRIPS, LANCETS AND CONTROL
SOLUTIONS ALL FOR MEDICAL DIAGNOSTIC
USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-20-2005; IN COMMERCE 7-15-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,277,867, 2,732,629,
AND OTHERS.

SN 78-343,530, FILED 12-19-2003.

KATHERINE STOIDES, EXAMINING ATTORNEY