

ESTTA Tracking number: **ESTTA579028**

Filing date: **12/27/2013**

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	Sanovas, Inc.
Granted to Date of previous extension	01/01/2014
Address	30 Liberty Ship Way, Suite 3320 Sausalito, CA 94965 UNITED STATES

Attorney information	David W. Aldrich St. Onge Steward Johnston & Reens, LLC 986 Bedford Street Stamford, CT 06905-5619 UNITED STATES acorea@ssjr.com, litigation@ssjr.com Phone:203-324-6155
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**Applicant Information**

Application No	85901128	Publication date	09/03/2013
Opposition Filing Date	12/27/2013	Opposition Period Ends	01/01/2014
Applicant	KCI LICENSING, INC. 12930 IH-10 West San Antonio, TX 782492248 GERMANY		

**Goods/Services Affected by Opposition**

Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical and surgical apparatus, namely, negative pressure wound therapy device
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**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.	4388435	Application Date	05/17/2010
Registration Date	08/20/2013	Foreign Priority Date	NONE
Word Mark	SANOVAS		

Design Mark	<b>SANOVAS</b>
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2013/05/29 First Use In Commerce: 2013/05/29 Surgical apparatus and instruments for medical, dental or veterinary use

U.S. Application No.	85414260	Application Date	09/02/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SANOVAS BIOSCIENCE
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Design Mark	<b>SANOVAS BIOSCIENCE</b>
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical products for use in the treatment of medical conditions and diseases, namely, cardiological, otolaryngological, neurological, gynecological, pulmonary and vascular conditions and diseases Class 010. First use: First Use: 0 First Use In Commerce: 0 Surgical apparatus and instruments for medical, dental or veterinary use; Drug delivery systems Class 041. First use: First Use: 0 First Use In Commerce: 0 Educational services, namely, providingsurgical technique instruction Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing medical and scientific research information in the field of clinical trials, therapeutic, clinical and diagnostic technologies

U.S. Application No.	85414253	Application Date	09/02/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SANOVAS PULMONARY
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical products for pulmonary use</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0 Surgical apparatus and instruments for medical, dental or veterinary use; Drug delivery systems</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Educational services, namely, providing surgical technique instruction</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing medical and scientific research information in the field of clinical trials, therapeutic, clinical and diagnostic technologies</p>

Attachments	<p>85039935#TMSN.jpeg( bytes )  85414260#TMSN.jpeg( bytes )  85414253#TMSN.jpeg( bytes )  85901128 Not of Opposition.pdf(1530943 bytes )</p>
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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	/Andy I. Corea/
Name	Andy I. Corea
Date	12/27/2013

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

<b>Sanovas, Inc,</b>	:		
	:		
<b>Opposer,</b>	:		
<b>v.</b>	:	<b>Opposition No.</b>	
	:	<b>[not yet assigned]</b>	
<b>KCI Licensing, Inc.</b>	:		
	:		
<b>Applicant.</b>	:		

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**U.S. Trademark Application Serial No.  
85901128  
NANOVA**

**NOTICE OF OPPOSITION**

Opposer believes it will be damaged by the allowance and subsequent registration of the marks and serial no. referenced above, and hereby opposes registration thereof pursuant to Section 13 of the 1946 Trademark Act (15 U.S.C. §1063), alleging as grounds for opposition that:

1. Opposer, Sanovas, Inc. (“Opposer”) is a Nevada corporation with a business address at: 30 Liberty Ship Way, Sausalito, California 94965.
2. Opposer and its predecessors in interest have used the trademark SANOVAS continuously since at least as early as 2011 for a variety of medical and surgical instruments and apparatus.
3. Opposer is the owner of following U.S. trademark registrations and pending applications featuring the SANOVAS trademark:

Mark	Registration No.	Goods	Filing Date
SANOVAS	4,388,435	Surgical apparatus and instruments for medical, dental or veterinary use	May 17, 2010
SANOVAS BIOSCIENCE	85414260 (pending application)	Surgical apparatus and instruments for medical, dental or veterinary use; Drug delivery systems  Educational services, namely, providing surgical technique instruction  Providing medical and scientific research information in the field of clinical trials, therapeutic, clinical and diagnostic technologies	September 2, 2011
SANOVAS PULMONARY	85414253 (pending application)	Surgical apparatus and instruments for medical, dental or veterinary use; Drug delivery systems  Educational services, namely, providing surgical technique instruction  Providing medical and scientific research information in the field of clinical trials, therapeutic, clinical and diagnostic technologies	September 2, 2011

Copies of the applications from the USPTO online database are attached collectively as Exhibit A and made of record in this proceeding pursuant to Trademark Rule 2.122(d).

4. USPTO records indicate that Opposer's registration for SANOVAS ("the SANOVAS Registration) was filed May 17, 2010 and registered on September 2, 2011.

5. USPTO records indicate that Opposer's pending applications for SANOVAS BIOSCIENCE and SANOVAS PULMONARY ("the SANOVAS Applications") were filed on September 2, 2011.

6. Opposer has used the mark NANOVA since at least as early as 2011 in connection with versions of its instruments for nano-surgery.

7. The records of the USPTO indicate that Applicant is a Delaware corporation with a business address at: 12930 IH-10 West San Antonio TEXAS 78249-2248.

8. The records of the USPTO indicate that Applicant is the owner of the following trademark application:

Mark	Application Serial No.	Priority Filing Date	Goods-Services
NANOVA	85901128	April 11, 2013	Medical and surgical apparatus, namely, negative pressure wound therapy device

("Opposed Application").

9. The Opposed Application is based on Section 1(b) of the Lanham Act, and Applicant has not asserted a first use date.

9. The SANOVAS Registration was filed and issued prior to the filing date of Application Serial No. 85901128.

10. The SANOVAS Applications were filed prior to the filing date of Application Serial No. 85901128.

11. Opposer's rights in the SANOVAS trademark therefore predate any date that Applicant may rely upon in this proceeding.

12. Opposer's of NANOVAS in connection with surgical instruments predates any date that Applicant may rely upon in this proceeding.

13. The marks SANOVAS and NANOVA are similar in sound, appearance, meaning, connotation, and commercial impression.

14. The terms NANOVAS and NANOVA are virtually identical in sound, appearance, and meaning.

15. The goods identified in the Application Serial No. 85901128 travel in the same channels of trade, are directed to the same consumers, and sold under the commercial conditions as those identified in the SANOVAS Registration and SANOVAS Applications and sold by Opposer under the SANOVAS and NANOVAS trademarks.

16. The goods and services identified in Application Serial No. 85901128 include goods in the medical field that are identical of highly related to those marketed by Opposer under the SANOVAS and NANOVAS trademarks.

17. In view of the similarities between Opposer's SANOVAS/NANOVAS trademarks and application and the NANOVA mark in the Opposed Application, compounded by the relatedness of the parties' respective goods and services, there is a likelihood that Applicant's products are likely to be seen as being sponsored by, affiliated with, or originating from Opposer.

18. The marks in the Opposed Application so resemble Opposer's SANOVAS and NANOVAS trademarks and Opposer's Registration for SANOVAS, as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the identified goods within the

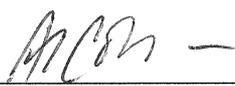
meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

19. The use and registration of the marks in the Opposed Application will damage Opposer in the selling of its goods and services by causing a likelihood of confusion.

WHEREFORE, Opposer prays that said the Trademark Trial and Appeal Board deny registration to U.S. Trademark Application Serial No. 85901128 (**NANOVA**) and otherwise sustain this opposition.

Respectfully submitted,

SANOVAS, INC.



December 27, 2013

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David W. Aldrich (daldrich@ssjr.com)  
Andy I. Corea (acorea@ssjr.com)  
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ATTORNEYS FOR OPPOSER

## EXHIBIT A



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# SANOVAS

Word Mark	SANOVAS
Goods and Services	IC 010. US 026 039 044. G & S: Surgical apparatus and instruments for medical, dental or veterinary use. FIRST USE: 20130529. FIRST USE IN COMMERCE: 20130529
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85039935
Filing Date	May 17, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 19, 2010
Registration Number	4388435
International Registration Number	1058865
Registration Date	August 20, 2013
Owner	(REGISTRANT) SANOVAS, INC. CORPORATION NEVADA 30 Liberty Ship Way, Suite 3320 SAUSALITO CALIFORNIA 94965
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	David W. Aldrich
Type of Mark	TRADEMARK
Register	PRINCIPAL

Live/Dead Indicator    LIVE

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# SANOVAS BIOSCIENCE

**Word Mark** SANOVAS BIOSCIENCE

**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical products for use in the treatment of medical conditions and diseases, namely, cardiological, otolaryngological, neurological, gynecological, pulmonary and vascular conditions and diseases

IC 010. US 026 039 044. G & S: Surgical apparatus and instruments for medical, dental or veterinary use; Drug delivery systems

IC 041. US 100 101 107. G & S: Educational services, namely, providing surgical technique instruction

IC 042. US 100 101. G & S: Providing medical and scientific research information in the field of clinical trials, therapeutic, clinical and diagnostic technologies

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85414260

**Filing Date** September 2, 2011

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** August 21, 2012  
**Owner** (APPLICANT) Sanovas, Inc. CORPORATION DELAWARE 85 Liberty Ship Way, Suite 110-B Sausalito CALIFORNIA 94965  
**Attorney of Record** Tara Reedy Sliva  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIOSCIENCE" APART FROM THE MARK AS SHOWN  
**Type of Mark Register** TRADEMARK. SERVICE MARK  
**Principal**  
**Live/Dead Indicator** LIVE

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# SANOVAS PULMONARY

**Word Mark** SANOVAS PULMONARY  
**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical products for pulmonary use  
 IC 010. US 026 039 044. G & S: Surgical apparatus and instruments for medical, dental or veterinary use; Drug delivery systems  
 IC 041. US 100 101 107. G & S: Educational services, namely, providing surgical technique instruction  
 IC 042. US 100 101. G & S: Providing medical and scientific research information in the field of clinical trials, therapeutic, clinical and diagnostic technologies  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 85414253  
**Filing Date** September 2, 2011  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** August 21, 2012  
**Owner** (APPLICANT) Sanovas, Inc. CORPORATION DELAWARE 85 Liberty Ship Way, Suite 110-B Sausalito CALIFORNIA 94965

**Attorney of Record** Tara Reedy Sliva  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PULMONARY" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK, SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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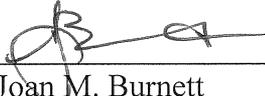
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**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served by first class mail, postage prepaid on the Correspondent for the Applicant at the address identified in USPTO records:

Pamela B. Huff  
Cox Smith Matthews Incorporated  
112 E Pecan St Ste 1800  
San Antonio, Texas 78205-1521  
United States

December 27, 2013  
Date

  
\_\_\_\_\_  
Joan M. Burnett