

ESTTA Tracking number: **ESTTA630576**

Filing date: **10/02/2014**

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	Seeq Corporation
Granted to Date of previous extension	10/29/2014
Address	1301 Second Ave Suite 2850 Seattle, WA 98101 UNITED STATES
Correspondence information	Michael G. Atkins Attorney of record Atkins Intellectual Property, PLLC 93 South Jackson Street #18483 Seattle, WA 98104-2818 UNITED STATES mike@atkinsip.com Phone:206-628-0983

Applicant Information

Application No	86232315	Publication date	07/01/2014
Opposition Filing Date	10/02/2014	Opposition Period Ends	10/29/2014
Applicant	Medtronic, Inc. 710 Medtronic Parkway Minneapolis, MN 554325604 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical services, namely, remote monitoring of a patient's cardiac activity monitor and reviewing, analyzing and interpreting the cardiac data and creating physician reports for diagnostic and therapeutic purposes
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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.	4517327	Application Date	06/24/2013
Registration Date	04/22/2014	Foreign Priority Date	NONE
Word Mark	SEEQ		

Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 042. First use: First Use: 2013/04/23 First Use In Commerce: 2013/04/25</p> <p>Application service provider (ASP) featuring software for use to store and analyze time series data from commercial processes; Application service provider (ASP), namely, hosting computer software applications of others; Business technology software consultation services; Cloud computing featuring software for use in storing and analyzing time series data from commercial processes; Computer monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance; Computernetwork design and computer software design for the storing and analyzing time series data from commercial processes; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of storing and analyzing time series data from commercial processes; Computer services, namely, designing and implementing software for storing and analyzing time series data from commercial processes for others; Computer software development in the field of storing and analyzing time series data from commercial processes; Computer software development, computer programming and maintenance of computer software for storing and analyzing time series data from commercial processes; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Consulting services in the field of hosting computer software applications; Consulting services in the field of providing online, non-downloadable software and applications; Consulting services in the field of software as a service (SAAS); Design and development of computer software for storing and analyzing time series data from commercial processes; Design, development, installation and maintenance of computer software; Providing on-line non-downloadable software for storing and analyzing time series data from commercial processes; Software as a service (SAAS) services featuring software for storing and analyzing time series data from commercial processes; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications</p>
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U.S. Registration No.	4517328	Application Date	06/24/2013
Registration Date	04/22/2014	Foreign Priority Date	NONE
Word Mark	SEEQ		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2013/04/23 First Use In Commerce: 2013/04/25 Business advisory services in the field of software that stores and analyzes time series data from commercial processes; Business evaluation of software that stores and analyzes time series data from commercial processes; Business management and consultation in the field of software that stores and analyzes time series data from commercial processes; Business management consulting and advisory services for the time series data management industry; Business process outsourcing services in the field of storing and analyzing time series data from commercial processes; Compiling and analyzing statistics, data and other sources of information for business purposes; Computerized database management

U.S. Registration No.	4517326	Application Date	06/24/2013
Registration Date	04/22/2014	Foreign Priority Date	NONE

Word Mark	SEEQ
Design Mark	
Description of Mark	The mark consists of the word "Seeq" with the letter "S" in upper case and the letters "eeq" in lower case, and the last letter "q" meant to appear as a magnifying glass with shading or a reflection mark inside the letter.
Goods/Services	Class 035. First use: First Use: 2013/04/23 First Use In Commerce: 2013/04/25 Business advisory services in the field of software that stores and analyzes time series data from commercial processes; Business evaluation of software that stores and analyzes time series data from commercial processes; Business management and consultation in the field of software that stores and analyzes time series data from commercial processes; Business management consulting and advisory services for the time series data management industry; Business process outsourcing services in the field of storing and analyzing time series data from commercial processes; Compiling and analyzing statistics, data and other sources of information for business purposes; Computerized database management

U.S. Registration No.	4517325	Application Date	06/24/2013
Registration Date	04/22/2014	Foreign Priority Date	NONE
Word Mark	SEEQ		
Design Mark			
Description of Mark	The mark consists of the word "Seeq" with the letter "S" in upper case and the letters "eeq" in lower case, and the last letter "q" meant to appear as a magnifying glass with shading or a reflection mark inside the letter.		
Goods/Services	<p>Class 042. First use: First Use: 2013/04/23 First Use In Commerce: 2013/04/25</p> <p>Application service provider (ASP) featuring software for use to store and analyze time series data from commercial processes; Application service provider (ASP), namely, hosting computer software applications of others; Business technology software consultation services; Cloud computing featuring software for use in storing and analyzing time series data from commercial processes; Computer monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance; Computernetwork design and computer software design for the storing and analyzing time series data from commercial processes; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of storing and analyzing time series data from commercial processes; Computer services, namely, designing and implementing software for storing and analyzing time series data from commercial processes for others; Computer software development in the field of storing and analyzing time series data from commercial processes; Computer software development, computer programming and maintenance of computer software for storing and analyzing time series data from commercial processes; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Consulting services in the field of hosting computer software applications; Consulting services in the field of providing online, non-downloadable software and applications; Consulting services in the field of software as a service (SAAS); Design and development of computer software for storing and analyzing time series data from commercial processes; Design, development, installation and maintenance of computer software; Providing on-line non-downloadable software for storing and analyzing time series data from commercial processes; Software as a service (SAAS) services featuring software for storing and analyzing time series data from commercial processes; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications</p>		

U.S. Application No.	85954567	Application Date	06/08/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SEEQ
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer software for application and database integration; Computer software for computer system and application development, deployment and management; Computer software for creating searchable databases of information and data; Computersoftware for providing an on-line database in the field of transaction processing to upload transactional data, providestatistical analysis, and produce notifications and reports; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for storing and analyzing time series data from commercial processes; Computer software platformsfor storing and analyzing time series data for commercial processes; Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Database management software for storing and analyzing time series data from commercial processes; Downloadable cloud computersoftware for storing and analyzing timeseries data from commercial processes; Downloadable computer software for storing and analyzing time series data from commercial processes; Enterprise softwarein the nature of a database for non-transactional data and a search engine for database content

U.S. Application No.	85957297	Application Date	06/12/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEEQ		
Design Mark			
Description of Mark	The mark consists of the word "Seeq" with the letter "S" in upper case and the letters "eeq" in lower case, and the last letter "q" meant to appear as a magnifying glass with shading or a reflection mark inside the letter.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0		

	<p>Computer software for application and database integration; Computer software for computer system and application development, deployment and management; Computer software for creating searchable databases of information and data; Computersoftware for providing an on-line database in the field of transaction processing to upload transactional data, providestatistical analysis, and produce notifications and reports; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for storing and analyzing time series data from commercial processes; Computer software platformsfor storing and analyzing time series data for commercial processes; Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Database management software for storing and analyzing time series data from commercial processes; Downloadable cloud computersoftware for storing and analyzing timeseries data from commercial processes; Downloadable computer software for storing and analyzing time series data from commercial processes; Enterprise softwarein the nature of a database for non-transactional data and a search engine for database content</p>
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Attachments	<p>85967948#TMSN.png(bytes) 85968164#TMSN.png(bytes) 85967935#TMSN.png(bytes) 85967915#TMSN.png(bytes) 85954567#TMSN.png(bytes) 85957297#TMSN.png(bytes) Notice of Opposition - SEEQ - 86232315.pdf(19664 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	/Michael G. Atkins/
Name	Michael G. Atkins
Date	10/02/2014

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

In the matter of Serial No. 86232315

Trademark: SEEQ

Publication Date: July 1, 2014

Opposition Deadline Extended to: October 29, 2014

SEEQ CORPORATION,

Opposer,

v.

MEDTRONIC, INC.,

Applicant

Opposition No.

NOTICE OF OPPOSITION

Opposer Seeq Corporation (“Opposer”) opposes the application to register SEEQ (Serial No. 86232315) filed by Medtronic, Inc. (“Applicant”), as follows:

1. Opposer is a Delaware corporation. Its principal place of business is located at 1301 Second Avenue, Suite 2850, Seattle, WA 98101.
2. Opposer owns SEEQ (Reg. No. 4517327; first use at least as early as April 25, 2013) in International Class 042 for “Application service provider (ASP) featuring software for use to store and analyze time series data from commercial processes; Application service provider (ASP), namely, hosting computer software applications of others; Business technology software consultation services; Cloud computing featuring software for use in storing and analyzing time series data from commercial processes; Computer monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance; Computer network design and computer software design for the storing and analyzing time series data from commercial processes; Computer

services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of storing and analyzing time series data from commercial processes; Computer services, namely, designing and implementing software for storing and analyzing time series data from commercial processes for others; Computer software development in the field of storing and analyzing time series data from commercial processes; Computer software development, computer programming and maintenance of computer software for storing and analyzing time series data from commercial processes; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Consulting services in the field of hosting computer software applications; Consulting services in the field of providing online, non-downloadable software and applications; Consulting services in the field of software as a service (SAAS); Design and development of computer software for storing and analyzing time series data from commercial processes. Design, development, installation and maintenance of computer software; Providing on-line non-downloadable software for storing and analyzing time series data from commercial processes; Software as a service (SAAS) services featuring software for storing and analyzing time series data from commercial processes; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications”; SEEQ (Reg. No. 4517328; first use at least as early as April 25, 2013) in International Class 035 for “Business advisory services in the field of software that stores and analyzes time series data from commercial processes; Business evaluation of software that stores and analyzes time series data from commercial processes; Business management and consultation in the field of software that stores and analyzes time series data from commercial processes; Business management consulting and advisory services for the time series data management industry; Business process outsourcing services in the field of storing and analyzing time series data from commercial processes; Compiling and analyzing statistics,

data and other sources of information for business purposes; Computerized database management”; SEEQ (and Design) (Reg. No. 4517326; first use at least as early as April 25, 2013) in International Class 035 for “Business advisory services in the field of software that stores and analyzes time series data from commercial processes; Business evaluation of software that stores and analyzes time series data from commercial processes; Business management and consultation in the field of software that stores and analyzes time series data from commercial processes; Business management consulting and advisory services for the time series data management industry; Business process outsourcing services in the field of storing and analyzing time series data from commercial processes; Compiling and analyzing statistics, data and other sources of information for business purposes; Computerized database management”; SEEQ (and Design) (Reg. No. 4517325; first use at least as early as April 25, 2013) in Class 042 for “Application service provider (ASP) featuring software for use to store and analyze time series data from commercial processes; Application service provider (ASP), namely, hosting computer software applications of others; Business technology software consultation services; Cloud computing featuring software for use in storing and analyzing time series data from commercial processes; Computer monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance; Computer network design and computer software design for the storing and analyzing time series data from commercial processes; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of storing and analyzing time series data from commercial processes; Computer services, namely, designing and implementing software for storing and analyzing time series data from commercial processes for others; Computer software development in the field of storing and analyzing time series data from commercial processes; Computer software development, computer programming and maintenance of computer software for storing and analyzing time series data from commercial processes; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Consulting

services in the field of hosting computer software applications; Consulting services in the field of providing online, non-downloadable software and applications; Consulting services in the field of software as a service (SAAS); Design and development of computer software for storing and analyzing time series data from commercial processes. Design, development, installation and maintenance of computer software; Providing on-line non-downloadable software for storing and analyzing time series data from commercial processes; Software as a service (SAAS) services featuring software for storing and analyzing time series data from commercial processes; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications”; SEEQ (Serial No. 85954567; June 8, 2013, intent-to-use filing date) in International Class 009 for “Computer software for application and database integration; Computer software for computer system and application development, deployment and management; Computer software for creating searchable databases of information and data; Computer software for providing an on-line database in the field of transaction processing to upload transactional data, provide statistical analysis, and produce notifications and reports; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for storing and analyzing time series data from commercial processes; Computer software platforms for storing and analyzing time series data for commercial processes; Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Database management software for storing and analyzing time series data from commercial processes; Downloadable cloud computer software for storing and analyzing time series data from commercial processes; Downloadable computer software for storing and analyzing time series data from commercial processes;

Enterprise software in the nature of a database for non-transactional data and a search engine for database content”; and SEEQ (and Design) (Serial No. 85957297; June 12, 2013, intent-to-use filing date) in International Class 009 for “Computer software for application and database integration; Computer software for computer system and application development, deployment and management; Computer software for creating searchable databases of information and data; Computer software for providing an on-line database in the field of transaction processing to upload transactional data, provide statistical analysis, and produce notifications and reports; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for storing and analyzing time series data from commercial processes; Computer software platforms for storing and analyzing time series data for commercial processes; Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Database management software for storing and analyzing time series data from commercial processes; Downloadable cloud computer software for storing and analyzing time series data from commercial processes; Downloadable computer software for storing and analyzing time series data from commercial processes; Enterprise software in the nature of a database for non-transactional data and a search engine for database content” (collectively, “Opposer’s SEEQ Family of Trademarks”).

3. Opposer also owns common law rights in its SEEQ trade names and family of trademarks in connection with the goods and services described above.

4. On March 26, 2014, Applicant applied to register SEEQ (Serial No. 86232315) on an intent-to-use basis with the U.S. Patent and Trademark Office in International Class 044 in connection with “medical services, namely, remote monitoring of a patient’s cardiac activity monitor and reviewing, analyzing and interpreting the cardiac data and creating physician reports for diagnostic and therapeutic purposes.”

5. Applicant's trademark is likely to cause confusion with Opposer's trade name and Opposer's SEEQ Family of Trademarks under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052. Among other things, the literal elements of both parties' trademarks are identical or substantially identical; Applicant's monitoring, reviewing, analyzing, data-gathering, and interpreting services are functionally equivalent to the monitoring, reviewing, analyzing, data-gathering, and interpreting services that Opposer provides; and both parties market and sell their competing goods and services to the identical target market.

6. Given Opposer's earlier use and registration, its superior rights should be afforded priority over Applicant's conflicting rights.

7. Opposer believes it would be damaged if Applicant's application matured to registration.

WHEREFORE, Opposer requests that the U.S. Trademark Trial and Appeal Board sustain Opposer's opposition and deny Applicant's application to register SEEQ as a trademark.

Respectfully submitted this 2nd day of October, 2014.

By /s/ Michael G. Atkins

Michael G. Atkins
Atkins Intellectual Property, PLLC
93 South Jackson Street #18483
Seattle, WA 98104-2818
T (206) 628-0983/F (206) 299-3701
E-mail: mike@atkinsip.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on October 2, 2014, by
ESTTA and First-Class Mail on:

Medtronic, Inc.
710 Medtronic Parkway
Minneapolis, MN 55432-5604

Applicant

/s/ Michael G. Atkins
Michael G. Atkins