ESTTA Tracking number: **ESTTA679305**
Filing date: **06/22/2015**

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

Proceeding	91221949
Party	Defendant Medtronic Ardian Luxembourg S.a.r.l.
Correspondence Address	TRADEMARK DEPT. MEDTRONIC, INC. 710 MEDTRONIC PKWY MINNEAPOLIS, MN 55432-5604 trademark@medtronic.com
Submission	Answer
Filer's Name	Dean R. Karau
Filer's e-mail	ip@fredlaw.com, dkarau@fredlaw.com, cmoyer@fredlaw.com, lrand@fredlaw.com
Signature	/Dean R. Karau/
Date	06/22/2015
Attachments	SPYRADIAL Answer.pdf(15799 bytes)

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

Novadaq Technologies Inc., Opposition No. 91221949

Opposer, Serial No. 86207428

v.

Medtronic Ardian Luxembourg S.a.r.l,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Applicant, Medtronic Ardian Luxembourg S.a.r.l, for its answer to the Notice of Opposition filed by Opposer, Novadaq Technologies Inc., states and alleges as follows:

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

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies same.

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

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies same.

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

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

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

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

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice of Opposition and therefore denies same.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice of Opposition and therefore denies same.

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

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

14. With respect to the allegations contained in Paragraph 14 of the Notice of Opposition, Applicant admits that Applicant's proposed SPYRADIAL mark contains the letters S-P-Y, and Applicant denies the remaining allegations contained in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice of Opposition.

16. With respect to the allegations contained in Paragraph 16 of the Notice of Opposition, Applicant admits that Applicant's products are likely to be used by medical professionals, and Applicant denies the remaining allegations contained in Paragraph 16 of the Notice of Opposition.

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

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

19. Except as expressly admitted or otherwise answered, Applicant denies each and every allegation contained in the Notice of Opposition.

WHEREFORE, Applicant respectfully requests the Board to dismiss the Opposition with prejudice and permit registration of Applicant's mark as set forth in Application Serial No. 86207428.

Please address all communication to Dean R. Karau and Cynthia A. Moyer, Fredrikson &

Byron, P.A., Suite 4000, 200 South Sixth Street, Minneapolis, Minnesota, 55402-1425.

Dated: June 22, 2015

Dean R. Karau
Cynthia A. Moyer
Fredrikson & Byron, P.A.
Suite 4000
200 Sixth Street South
Minneapolis, MN 55402-1425
(t) (612) 492-7000
(f) (612) 492-7077
ip@fredlaw.com; dkarau@fredlaw.com;
cmoyer@fredlaw.com; lrand@fredlaw.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the ANSWER TO NOTICE OF OPPOSITION was served by United States mail on the attorney of record for Opposer in this action, Jennifer Lee Taylor, Morrison & Foerster LLP, 425 Market Street, San Francisco, CA 94105, by mailing it to her address of record by first class mail, postage prepaid, this 22nd day of June, 2015.

Dean R. Karau

56095274_1.DOC