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

Proceeding	91224980
Party	Defendant St. Jude Medical, Inc.
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Submission	Answer
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Date	02/01/2016
Attachments	2016.2.1 St. Jude_Infinity_Answer.pdf(73977 bytes)

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

In the matter of Serial No.: 86/489,503
For the Mark: INFINITY
Filed: December 23, 2014
Published: May 26, 2015

BOSTON SCIENTIFIC)
NEUROMODULATION)
CORPORATION,)
)
 Opposer,)
)
v.)
)
ST. JUDE MEDICAL, INC.,)
)
 Applicant.)
_____)

Opposition No. 91224980

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant St. Jude Medical, Inc. (“Applicant”) answers Boston Scientific Neuromodulation Corporation’s (“Opposer”) Notice of Opposition as follows. Applicant admits, upon information and belief, that Opposer is a Delaware Corporation and that Opposer’s principal place of business is as stated in the Notice of Opposition. Applicant denies that Opposer will be damaged by the registration of Trademark Application Serial No. 86/489,503.

1. Applicant admits, upon information and belief, that Opposer is the owner of U.S. Trademark Registration No. 4,313,589 for the mark INFINION for use in connection with medical leads, namely pulse generator leads within International Class 10. Applicant further admits that that registration states a priority date of March 2, 2011, and a date of first use of November 9, 2011. Except as admitted, denied.

2. Applicant lacks sufficient knowledge or understanding to form a belief as to the truth of the assertions in paragraph 2, and therefore denies same.

3. Admitted.

4. Admitted.

5. Applicant admits that the application Serial No. 86/489,503 for the mark INFINITY is for use in connection with medical devices for deep brain stimulation that may include pulse generator leads. Except as admitted, denied.

6. Applicant admits that the March 2, 2011, claimed priority date of U.S. Trademark Registration No. 4,313,589 is earlier than Applicant's actual use in commerce of the mark INFINITY in connection with medical devices for deep brain stimulation. Except as admitted, denied.

7. Applicant lacks sufficient knowledge or understanding to form a belief as to the truth of the assertions in paragraph 7, and therefore denies same.

8. Denied.

WHEREFORE, Applicant denies that Opposer will be damaged by registration of the INFINITY mark for use in connection with medical devices for deep brain stimulation as requested Trademark Application Serial No. 86/489,503, and requests that the notice of opposition be dismissed and the mark allowed.

Dated: February 1, 2016

Respectfully submitted,

/s/ Jennifer Seraphine

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CERTIFICATE OF SERVICE

I, Jennifer Seraphine, do hereby certify that I cause to be delivered by United States Mail a true and correct copy of the above and foregoing document to the following addressee on this 1st day of February, 2016:

James Steffen
Faegre Baker Daniels LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

/s/ Jennifer Seraphine