

ESTTA Tracking number: **ESTTA716394**

Filing date: **12/22/2015**

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	Lohmann & Rauscher GmbH & Co. KG
Granted to Date of previous extension	12/23/2015
Address	Westerwaldstrasse 4, 56579 Rengsdorf, GERMANY

Attorney information	James W. Dabney Hughes Hubbard & Reed LLP One Battery Park Plaza New York, NY 10004 UNITED STATES trademarks@hugheshubbard.com, lena.saltos@hugheshubbard.com, james.dabney@hugheshubbard.com
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Applicant Information

Application No	86248355	Publication date	08/25/2015
Opposition Filing Date	12/22/2015	Opposition Period Ends	12/23/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	Crawford Woundcare Limited King Edward Court Cheshire, WA160BE UNITED KINGDOM		

Goods/Services Affected by Opposition

<p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medicinal, veterinary and sanitary preparations and products, namely, medicated compresses, dressings for wounds, fixation bandages for dressings, retention bandages for dressings, tubular net bandages for dressings, gauze, adhesive and non-adhesive tape for retention and fixation of dressings and bandages, non-woven polyester medical dressings, non-woven medical dressings, adhesive non-woven fabric for application and fixation of medical dressings, self-adhesive medical dressings, surgical dressings, gauze for dressings, bandages for dressings, medicated pads for the prevention of inflammation; sanitary preparations for medical purposes; medicated, sanitary or disinfecting preparations for the treatment of the body and skin; medicated skin care preparations; therapeutic skin care preparations for the cleaning and debridement of wounds; wound dressings and materials for dressings, namely, absorbent pads for skin wounds, medical wound dressings for use in cleansing wounds, exfoliating skin and wounds and removing debris from skin and wounds; sanitizing wipes and pads; medicated cleansing pads for the skin; medicated absorbent pads for skin wounds; disinfectant preparations for skincare being all purpose disinfectants, antiseptics, antifungal preparations; medicated pads for medical, veterinary or</p>

sanitary use, namely, shaped pads impregnated with or incorporating anti-infective preparations
<p>Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Surgical, medical, dental and veterinary apparatus and instruments, namely, orthopaedic footwear, orthotic inserts for footwear, orthopaedic cushions and padding, padding for orthopaedic casts, orthopaedic padding for the treatment and prevention of oedema or scarring, orthopaedic padding for use in combination with casts or with prosthetics; orthopaedic cushions and padding, namely, pressure relieving cushions, pressure relieving pads, pressure redistributing pads, protective apparatus against the hardening, ulceration or inflammation of areas of skin, cushions for care of the feet; orthopaedic articles, namely, orthopaedic insoles, disposable orthopaedic insoles, hosiery for medical, surgical, and orthopaedic purposes; instruments and apparatus for placing bandages, namely, slings; apparatus for the fixing of fingers and toes, namely, splints; elastic bandages for joints; elastic bandages, namely, elastic gaiters; medical braces for knees, namely, elastic knee-joints; elastic bandages; gloves for medical, surgical, veterinary use; gloves and mittens made of fibre and/or yarn for use in woundcare; fibrous and/or woven textured gloves and mittens made for the cleaning of wounds</p>
<p>Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Non-medicated cleansing pads for the skin; non-medicated absorbent pads for cleansing or exfoliating the skin</p>

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.	3991867	Application Date	07/28/2010
Registration Date	07/12/2011	Foreign Priority Date	02/02/2010
Word Mark	DEBRISOFT		
Design Mark	DEBRISOFT		
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 SANITARY PREPARATIONS FOR MEDICAL PURPOSES; FOOD FOR BABIES; MEDICAL PLASTERS AND MEDICAL COOLING PLASTERS; MATERIALS FOR DRESSINGS, NAMELY, BINDINGS AND BANDAGES FOR DRESSINGS, WOUND DRESSING BANDAGES, FIRST-AID DRESSINGS FOR WOUNDS AND BURNS, TUBULAR BANDAGES FOR DRESSINGS ANDSKIN WOUND PROTECTION, SUPPORTS AND RETENTION, ADHESIVE FABRICS AND FILMS FOR MEDICAL PURPOSES FOR BINDING WOUNDS, IMMOBILIZING DRESSING BANDAGES AND SKIN WOUND DRESSING BANDAGES, OF FILM, BEING WOUND COVERING MATERIAL, COVERING MATERIAL, NAMELY, MEDICAL AND SURGICAL WOUND COVERING ADHESIVES, BANDAGES, ADHESIVE FILM DRESSINGS, UNMEDICATED AND NON-ADHESIVE WOUND DRESSINGS FOR TREATING FRESH AND EXUDING WOUNDS, DRESSINGS FOR WOUND BED PREPARATION AND CLEANSING; MATERIAL FOR STOPPING TEETH, DENTAL WAX; ALL PURPOSE DISINFECTANTS; PREPARATIONS FOR DESTROYINGVERMIN; FUNGICIDES, HERBICIDES</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0 ARTIFICIAL LIMBS, EYES AND TEETH; ORTHOPEDIC ARTICLES, NAMELY, ORTHOPEDIC SUPPORT BANDAGES AND ELASTIC BINDINGS, INCLUDING</p>		

	FOR SPORT, ORTHOPEDIC PLASTER OF PARIS CASTS, DRESSINGS AND STRIPS, ORTHOPEDIC BELTS, BRACES AND SPLINTS, SPLINTS FOR SURGICAL AND ORTHOPEDIC PURPOSES, SUPPORT AND COMPRESSION STOCKINGS FOR ORTHOPEDIC PURPOSES, SUPPORT STOCKINGS AND SUPPORT TIGHTS FOR HEALTHCARE PURPOSES; SUTURE MATERIALS
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Attachments	79085963#TMSN.png(bytes) DEBRIMITT_Notice of Opposition.pdf(18491 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 W. Dabney/
Name	James W. Dabney
Date	12/22/2015

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

In the Matter of Application Serial No. 86/248,355
Filed on April 10, 2014
For the Mark DEBRIMITT
Published in the Official Gazette on August 25, 2015

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Lohmann & Rauscher GmbH & Co. KG,	:	
	:	Opposition No. _____
Opposer,	:	
	:	Serial No.: 86/248,355
-v-	:	Published: August 25, 2015
	:	Trademark: DEBRIMITT
Crawford Woundcare Limited,	:	
	:	
Applicant.	:	
----- X	:	

NOTICE OF OPPOSITION

Opposer, Lohmann & Rauscher GmbH & Co. KG (hereinafter referred to as “Opposer”), a limited liability company organized and existing under the laws of Germany, having an address at Westerwaldstrasse 4, 56579 Rengsdorf, Germany, believes it will be damaged by the registration of the mark DEBRIMITT, Application Ser. No. 86/248,355, currently pending registration in the name of Crawford Woundcare Limited (“Applicant”), published in the Official Gazette on August 25, 2015. The Trademark Trial Appeal Board granted Opposer’s request for an extension of time to oppose registration of Applicant’s mark DEBRIMITT up until and including December 23, 2015.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the owner of U.S. Reg. No. 3,991,867 for the trademark DEBRISOFT (hereinafter the “DEBRISOFT Registration”).

2. The DEBRISOFT Registration covers the following goods: “Sanitary preparations for medical purposes; medical plasters; materials for dressings, namely, first-aid dressings for wounds and burns, unmedicated and non-adhesive wound dressings for treating fresh and exuding wounds, dressings for wound bed preparation and cleansing.”

3. By reason of long use, advertising, sales, and promotion, the DEBRISOFT mark has come to symbolize extensive goodwill owned by Opposer.

4. Applicant is a direct competitor of Opposer in the field of medical devices.

5. On April 10, 2014 -- long after Opposer had obtained the DEBRISOFT Registration -- Applicant filed United States Application Serial No.86/248,355 seeking registration on the principal register of DEBRIMITT as a purported trademark owned by Applicant (the “DEBRIMITT Application”).

6. The DEBRIMITT Application is based on a claim of bona fide intent to use the trademark DEBRIMITT on or in connection with the goods listed below:

<u>International</u> <u>Class</u>	<u>Goods</u>
005	Medicinal, veterinary and sanitary preparations and products, namely, medicated compresses, dressings for wounds, fixation bandages for dressings, retention bandages for dressings, tubular net bandages for dressings, gauze, adhesive and non-adhesive tape for retention and fixation of dressings and bandages, non-woven polyester medical dressings, non-woven medical dressings, adhesive non-woven fabric for application and fixation of medical dressings, self-adhesive medical dressings, surgical dressings, gauze for dressings, bandages for dressings, medicated pads for the prevention of inflammation; sanitary preparations for medical purposes; medicated, sanitary or disinfecting preparations for the treatment of the body and skin; medicated skin care preparations; therapeutic skin care preparations for the cleaning and debridement of wounds; wound dressings and materials for dressings, namely, absorbent pads for skin wounds, medical wound dressings for use in cleansing wounds, exfoliating skin and wounds and removing debris from skin and wounds; sanitizing wipes and pads; medicated cleansing pads for the skin;

International
Class

Goods

medicated absorbent pads for skin wounds; disinfectant preparations for skin care being all purpose disinfectants, antiseptics, antifungal preparations; medicated pads for medical, veterinary or sanitary use, namely, shaped pads impregnated with or incorporating anti-infective preparations.

- 010 Surgical, medical, dental and veterinary apparatus and instruments, namely, orthopaedic footwear, orthotic inserts for footwear, orthopaedic cushions and padding, padding for orthopaedic casts, orthopaedic padding for the treatment and prevention of oedema or scarring, orthopaedic padding for use in combination with casts or with prosthetics; orthopaedic cushions and padding, namely, pressure relieving cushions, pressure relieving pads, pressure redistributing pads, protective apparatus against the hardening, ulceration or inflammation of areas of skin, cushions for care of the feet; orthopaedic articles, namely, orthopaedic insoles, disposable orthopaedic insoles, hosiery for medical, surgical, and orthopaedic purposes; instruments and apparatus for placing bandages, namely, slings; apparatus for the fixing of fingers and toes, namely, splints; elastic bandages for joints; elastic bandages, namely, elastic gaiters; medical braces for knees, namely, elastic knee-joints; elastic bandages; gloves for medical, surgical, veterinary use; gloves and mittens made of fibre and/or yarn for use in woundcare; fibrous and/or woven textured gloves and mittens made for the cleaning of wounds
- 021 Non-medicated cleansing pads for the skin; non-medicated absorbent pads for cleansing or exfoliating the skin.

7. Applicant's proposed trademark DEBRIMITT so resembles Opposer's prior mark DEBRISOFT as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive within the meaning of Trademark Act § 2(d), 15 U.S.C. § 1052(d).

8. Opposer believes it would be damaged by the registration of Applicant's proposed trademark DEBRIMITT, because such registration would support and assist Applicant in the confusing and misleading use of Applicant's proposed mark, and would give color of rights to Applicant in derogation of Opposer's prior and superior rights in the DEBRISOFT trademark.

WHEREFORE, Opposer prays that this Opposition be sustained and that the application for registration of the mark DEBRIMITT be refused.

Dated: New York, New York
December 22, 2015

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: /James W. Dabney/

James W. Dabney

Lena C. Saltos

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Attorneys for Opposer

CERTIFICATE OF TRANSMISSION

I hereby certify that an original copy of the foregoing Notice of Opposition was transmitted online on this 22nd day of December 2015, through the ESTTA page on the website of the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.

Dated: New York, New York
December 22, 2015

By: /Lena C. Saltos/
Lena C. Saltos

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18 years, not a party to this action, and that on this 22nd day of December 2015, I caused to be served a true and correct copy of the foregoing Notice of Opposition by first-class mail and electronic mail to the Attorney of Record for

Applicant:

Miriam D. Trudell
Sheridan Ross P.C.
1560 Broadway Ste. 1200
Denver, Colorado 80202-5145
mtrudell@sheridanross.com

Dated: New York, New York
December 22, 2015

By: /Lena C. Saltos/
Lena C. Saltos