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Filing date: **02/27/2006**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Laserscope		
Entity	Corporation	Citizenship	California
Address	3070 Orchard Drive San Jose, CA 95134 UNITED STATES		

Attorney information	Thomas H. Zellerbach & Diana M. Rutowski Orrick Herrington & Sutcliffe LLP 4 Park Plaza, Suite 1600 IP Prosecution Department Irvine, CA 92614-2558 UNITED STATES ipprosecution@orrick.com, agarcia@orrick.com, drutowski@orrick.com, tzellerbach@orrick.com Phone: 650-614-7400
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Registration Subject to Cancellation

Registration No	2441254	Registration date	04/03/2001
Registrant	Ela Medical 98-100, rue Maurice Arnoux 92120 Montrouge, FRANCE		
Goods/Services Subject to Cancellation	Class 010. First Use: 1999/03/06 , First Use In Commerce: 1999/03/06 Goods/Services: defibrillators, heart pacemakers and leads		

Attachments	Petition to Cancel LYRA Ela Medical.pdf (3 pages)
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Signature	/Diana M. Rutowski/
Name	Thomas H. Zellerbach & Diana M. Rutowski
Date	02/27/2006

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

In the matter of trademark Registration No. 2441254

Mark: LYRA

Registered on April 3, 2001

<p>LASERSCOPE,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">-v-</p> <p>ELA MEDICAL,</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No. _____</p>
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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

PETITION TO CANCEL

Laserscope, a California Corporation with a principal place of business at 3070 Orchard Drive, San Jose, CA 95134 (hereinafter referred to as "Petitioner"), believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is Ela Medical, a French Societe Anonyme, 98-100, rue Maurice Arnouz, 92120 Montrouge, France.

The grounds for cancellation are as follows:

1. Petitioner filed application Serial No. 78/431,278 ("Petitioner's Application") to register its mark LYRA ("Petitioner's mark") on the Principal Register on or about June 7, 2004 for a medical apparatus, namely, a surgical laser for use in medical, cosmetic, dermatology, and aesthetic procedures and related accessories, namely a hand piece for

controlling the delivery of the laser beam, an umbilicus for transmitting the laser beam to the hand piece, and an optical delivery device, namely a lens system through which the laser beam is delivered, not for use in cardiac procedures. Petitioner's mark is inherently distinctive for such goods and Petitioner is the owner of the mark and of the goodwill connected with it.

2. Registrant filed an application to register the mark LYRA ("Registrant's mark") on or about January 22, 1998 for defibrillators, heart pacemakers and leads. The mark registered on or about April 3, 2001.

3. On or about January 9, 2005, the Trademark Office issued an office action in which it refused to register Petitioner's mark on the ground that Petitioner's mark may be likely to cause confusion, to cause mistake, or to deceive with respect to Registrant's mark.

4. On or about July 11, 2005, Petitioner responded to the office action on the ground that there is no potential likelihood of confusion between Petitioner's mark and Registrant's mark.

5. On or about August 29, 2004, the Trademark Office issued an office action making final its refusal to register Petitioner's mark on the ground that Petitioner's mark may be likely to cause confusion, to cause mistake, or to deceive with respect to Registrant's mark.

6. On information and belief, Registrant abandoned Registrant's mark.

7. In view of the foregoing, registration of Registrant's mark is damaging to Petitioner within the meaning of 15 U.S.C. § 1064.

Wherefore, Petitioner prays that this petition be sustained and that the registration for LYRA be cancelled.

Petitioner hereby appoints the law firm of Orrick, Herrington & Sutcliff LLP, 1000 Marsh Road, Menlo Park, California 94025, telephone number (650) 614-7400, as the address to whom all communications are to be directed and hereby appoints each of the following attorneys associated with said firm, and at the same address, individually and collectively, its attorneys, with full power of substitution and revocation, to prosecute this cancellation proceeding and to transact all business in the United State Patent and Trademark Office in connection therewith: Thomas H. Zellerbach and Diana Rutowski.

Dated: February 27, 2006

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP
THOMAS H. ZELLERBACH
DIANA RUTOWSKI



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Attorneys for Petitioner
Laserscope.