

ESTTA Tracking number: **ESTTA196836**

Filing date: **03/06/2008**

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	Artemis Health, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	480 Arsenal St., Ste. 130 Watertown, MA 02472 UNITED STATES		

Attorney information	Mark S. Warnick Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 UNITED STATES trademarks@wsgr.com Phone:650-493-9300		
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Registration Subject to Cancellation

Registration No	2784608	Registration date	11/18/2003
Registrant	Artemis Medical, Inc. 21021 Corsair Boulevard, Suite 100 Hayward, CA 94545 UNITED STATES		

Goods/Services Subject to Cancellation

Class 010. First Use: 2003/01/30 First Use In Commerce: 2003/01/30 All goods and services in the class are cancelled, namely: Surgical instruments used in connection with the investigation and treatment of cancer, namely, cutting tools and site identifiers for cancer surgery
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	artemis.pdf (4 pages)(86329 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	/Mark S. Warnick/
Name	Mark S. Warnick

Date	03/06/2008
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 2,784,608

For the mark ARTEMIS MEDICAL

Registration date: November 18, 2003

ARTEMIS HEALTH, INC.,)	Cancellation No.:
)	
Petitioner,)	
)	PETITION FOR CANCELLATION
v.)	
)	
ARTEMIS MEDICAL, INC.,)	
)	
Respondent.)	
_____)	

Petitioner Artemis Health, Inc. ("Petitioner") believes that it has been and will be damaged by Registration No. 2,784,608 and hereby petitions to cancel the registration.

As grounds for this Petition, Petitioner alleges that:

1. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2,784,608 is as follows:

Registrant:	Artemis Medical, Inc.
Mark:	ARTEMIS MEDICAL
Last listed address:	21021 Corsair Boulevard Suite 100 Hayward, CA 94545
Registration date:	November 18, 2003
International Class:	10
Goods:	surgical instruments used in connection with the investigation and treatment of cancer, namely, cutting tools and site identifiers for cancer surgery

2. Petitioner is a Delaware corporation with its principal U.S. place of business in Massachusetts.

3. On June 10, 2007, Petitioner filed with the United States Patent and Trademark Office an intent-to use application to register the mark ARTEMIS HEALTH in International Classes 10 and 44. The application has been assigned Serial No. 77/202,298. The goods covered by that application are “pre-natal testing equipment in the field of reproductive health” and the services covered by that application are “medical services and treatment associated with reproductive health.”

4. On September 22, 2007, the United States Patent and Trademark Office refused to register Petitioner’s mark ARTEMIS HEALTH, application Serial No. 77/202,298, on the ground that the mark, when used in connection with the identified goods and services, so resembles the mark ARTEMIS MEDICAL in Registration No. 2,784,608 as to be likely to cause confusion among consumers.

5. Petitioner is informed and believes, and therefore alleges, that Respondent owns Registration No. 2,784,608 for the mark ARTEMIS MEDICAL. The covered services are “surgical instruments used in connection with the investigation and treatment of cancer, namely, cutting tools and site identifiers for cancer surgery” in International Class 10.

6. Upon information and belief, Respondent has stopped using the mark ARTEMIS MEDICAL in commerce.

7. Upon information and belief, Respondent has stopped using the mark ARTEMIS MEDICAL in commerce with an intent not to resume use.

8. Upon information and belief, Respondent’s mark ARTEMIS MEDICAL has been abandoned.

9. Petitioner has been and will be damaged by Respondent's registration because, among other reasons, Respondent's registration is an obstacle to registration of Petitioner's ARTEMIS HEALTH mark.

WHEREFORE, Petitioner prays that Registration No. 2,784,608 be cancelled and that this Petition for Cancellation be sustained in favor of the Petitioner.

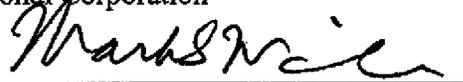
Please address all U.S.P.T.O. communications regarding this Petition to Petitioner's attorneys:

Aaron D. Hendelman
Mark S. Warnick
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304-1050
Tel: (650) 493-9300
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trademarks@wsgr.com

Dated: March 6, 2008

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation



By: Mark S. Warnick
Attorneys for Petitioner

CERTIFICATE OF SERVICE BY MAIL

I, Carol R. Zenga, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

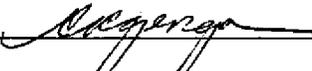
I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **PETITION FOR CANCELLATION** on the company listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Artemis Medical, Inc.
21021 Corsair Boulevard
Suite 100
Hayward, CA 94545

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Palo Alto, California on March 6, 2008.



Carol R. Zenga