

ESTTA Tracking number: **ESTTA575540**

Filing date: **12/10/2013**

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	HORUS PHARMA S.A.S.		
Entity	société par actions simplifiée	Citizenship	FRANCE
Address	148, Avenue George Guynemer Cap Var Saint Laurent du Var, F-06700 FRANCE		

Attorney information	G MATHEW LOMBARD LOMBARD & GELIEBTER LLP 1115 BROADWAY 12 FL NEW YORK, NY 10010 UNITED STATES mlombard@lgtrademark.com Phone:9177799967
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### Registration Subject to Cancellation

Registration No	4363459	Registration date	07/09/2013
Registrant	MEDIMAGING INTEGRATED SOLUTION, INC. NO.7, R&D RD. II, HSINCHU SCIENCE PARK HSINCHU, 30076, TWX TWX		

### Goods/Services Subject to Cancellation

Class 010. First Use: 2011/06/23 First Use In Commerce: 2011/08/10  
All goods and services in the class are cancelled, namely: AEROSOL DISPENSERS FOR MEDICAL USE; APPARATUS FOR CLINICAL DIAGNOSIS; CLINICAL THERMOMETERS; DENTAL APPARATUS, NAMELY, INTRA-ORAL LIGHT SYSTEMS; DENTAL INSTRUMENTS, NAMELY, CRIES DETECTION DEVICE, LASER FLUORESCENCE CRIES DETECTION DEVICE, FIBER OPTIC DENTAL LIGHT, DENTAL OPERATING LIGHT, DENTAL BLEACHING MACHINE AND DENTAL 3D IMAGING SYSTEM; DENTAL MIRRORS; ELECTRICALLY-POWERED APPARATUS FOR TREATING SKIN BY APPLYING LOW LEVEL LIGHT AND SONIC VIBRATIONS TO THE SKIN; ELECTRONIC AESTHETIC SKIN TREATMENT DEVICES USING LIGHT EMITTING DIODES, NAMELY, INFRARED, RED, ORANGE, YELLOW, GREEN, AND BLUE WAVELENGTHS FOR GENERATING LIGHT RAYS; ELECTRONIC LIGHT THERAPY APPARATUS FOR THE SKIN; ENDOSCOPIC EQUIPMENT; ENDOSCOPY CAMERAS; EYE PROTECTORS FOR POST-SURGERY EYE PROTECTION; EYE TESTING MACHINES AND APPARATUS; FEVER THERMOMETERS; GASTROSCOPES; HEADLIGHT LENS MODULES FOR MEDICAL AND SURGICAL USE; INTERPUPILLOMETERS; INTRA-ORAL DENTAL LIGHT SYSTEM; KERATOSCOPIES; LARYNGOSCOPIES; LASER POINTERS FOR MEDICAL USE; LASERS FOR MEDICAL PURPOSES; LASERS FOR MEDICAL USE; LASERS FOR SURGICAL AND MEDICAL USE; LASERS FOR THE COSMETIC TREATMENT OF THE FACE AND SKIN; LIGHT EMITTING DEVICES, NAMELY, LAMPS AND LED DEVICES FOR TREATMENT OF A VARIETY OF SKIN CONDITIONS; LIGHT EMITTING DIODE (LED) DEVICES FOR ENERGY-EFFICIENT REPLACEMENT OF STANDARD TUNGSTEN-FILAMENT LIGHTING INCORPORATED INTO HAND-HELD MEDICAL INSTRUMENTS; LIGHT EMITTING DIODE (LED) APPARATUS FOR

LIGHTING, INCORPORATED INTO MEDICAL INSTRUMENTS; LIGHT-BASED MEDICAL DEVICES, NAMELY, A LIGHT EMITTING DIODE (LED) DEVICE FOR INCREASING THE HUMAN BODY'S OWN PRODUCTION OF COLLAGEN; LOUPES FOR MEDICAL PURPOSES, NAMELY, MAGNIFYING GLASSES THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL EXAMINATION PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING LOOPS FOR MEDICAL PURPOSES; MEDICAL AND DENTAL APPARATUS FOR DIMENSIONAL MEASUREMENT, NAMELY, 3D SCANNER FOR HUMAN BODY; MEDICAL AND SURGICAL LAPAROSCOPES; MEDICAL AND SURGICAL LAPAROSCOPES AND CATHETERS; MEDICAL APPARATUS, NAMELY, AN EAR WASH DEVICE IN THE NATURE OF A CONTAINER TO BE FILLED WITH APPROPRIATE FLUID BY THE USER FOR FLUSHING EARWAX FROM THE EAR; MEDICAL DEVICE, NAMELY, CHEMILUMINESCENT LIGHT FOR USE IN ENDOSCOPIC EXAMS; MEDICAL EXAMINATION LAMPS; MEDICAL FLUID INJECTORS; MEDICAL IMAGE PROCESSORS; MEDICAL IMAGING APPARATUS IN THE FIELD OF IRIDOLOGY, SCLEROLOGY, RAYID AND EYOLOGY; MEDICAL IMAGING APPARATUS INCORPORATING MEDICAL IMAGING SOFTWARE; MEDICAL OPERATING LAMPS; MICROSCOPES FOR OPERATIONS; MIRRORS FOR DENTISTS; OPHTHALMOMETERS; OPHTHALMOSCOPES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR LOCATING GROOVES, ENGRAVINGS AND OTHER INDICIA ON OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR MEASURING THE DIAMETER OF OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS FOR LOCATING THE OPTICAL CENTER OF OPHTHALMIC LENSES; ORGANOLEPTIC DIAGNOSTIC TESTING APPARATUS FOR MEDICAL, DENTAL OR COSMETIC USE; OTOSCOPES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES, NAMELY, A LED (LIGHT-EMITTING DIODE) LIGHT SOURCE FOR MEDICAL AND AESTHETIC SKIN TREATMENTS; PHOTOTHERAPEUTIC APPARATUS FOR THE TREATMENT OF JAUNDICE; RETINOSCOPES; RIGID AND FLEXIBLE MEDICAL ENDOSCOPES; SENSORY LIGHT THERAPY UNIT; SKIASCOPES; SKIN CARE ANALYZERS AND LIGHT THERAPY EQUIPMENT, NAMELY, A BLACK-LIGHT BLUE LAMP UNIT FOR USE IN IDENTIFICATION OF A VARIETY OF SKIN CONDITIONS; SOFTWARE FOR USE IN CALCULATING, TRANSFERRING AND STORING DATA RELATING TO THE DIAGNOSIS AND TREATMENT OF EYE DISORDERS, SOLD AS A COMPONENT OF A OPHTHALMIC SURGICAL APPARATUS; SPECULUMS; SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR USE IN GENERAL SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR MEDICAL, DENTAL OR VETERINARY USE; SURGICAL APPARATUS FOR USE IN OPHTHALMIC SURGERY; SURGICAL INSTRUMENTS AND APPARATUS; SURGICAL INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL LAMPS; SURGICAL MIRRORS; SURGICAL OPERATING LAMPS; THERMOMETERS FOR MEDICAL PURPOSES; THORACOSCOPES; VETERINARY IMAGING PRODUCTS, NAMELY, DIGITAL VIDEO CAMERA CONNECTED TO A TAPERED PROBE USEFUL IN VIEWING EAR CANALS OR OTHER CAVITIES OF ANIMALS FOR DIAGNOSIS AND TREATMENT; VETERINARY OPERATING LAMPS

## Grounds for Cancellation

*Torres v. Cantine Torresella S.r.l. Fraud*

808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Attachments

20131210\_2262\_1230902.pdf(5820255 bytes )

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature

/g mathew lombard/

Name	G MATHEW LOMBARD
Date	12/10/2013

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

In the Matter of Registration No. 4363459  
Issued July 9, 2013

HORUS PHARMA S.A.S.,

Petitioner,

v.

MEDIMAGING INTEGRATED SOLUTION, INC.,

Respondent.

Cancellation No. \_\_\_\_\_

**PETITION TO CANCEL**

Petitioner, HORUS PHARMA (“Petitioner”), a société par actions simplifiée organized under the laws of France, having a place of business at 148, Avenue George Guynemer Cap Var, F-06700, Saint Laurent du Var, France, believes that it is and will continue to be damaged by the above-identified registration, and pursuant to 15 U.S.C. § 1064 *et seq.* and 37 C.F.R. § 2.111 *et seq.*, hereby petitions to cancel Registration No. 4363459.

As grounds for cancellation it is alleged:

**BACKGROUND**

1. Petitioner is leading global pharmaceutical, medical and device company, and is in the business of researching, manufacturing and selling high-quality products at the interstate and international levels, including specialized ophthalmology and dermatology products.

2. Petitioner has invested significant time and energy promoting Petitioner’s business and the quality of its products and services, and continues to spend substantial sums of

time and money in the promotion of the same.

2. On January 15, 2013, Petitioner filed Application Serial No. 79128753 for the

mark  **Horus** (HORUS PHARMA & Design) for:

*Soaps; essential oils; cosmetics; hair lotions; dentifrices; all these goods being covered by the pharmaceutical monopoly in Class 3;*

*Pharmaceutical and veterinary products and preparations; chemical preparations for medical or pharmaceutical use; dermatological products for medical use; ophthalmic substances for medical use; dietetic food and substances for medical or veterinary use; food for babies covered by the pharmaceutical monopoly; food and nutritional supplements for humans and animals for medical use; diet and hygiene food products for medical use; ophthalmic food and nutritional supplements for medical use; plasters, materials for dressings covered by the pharmaceutical monopoly; disinfectants covered by the pharmaceutical monopoly; fungicides covered by the pharmaceutical monopoly; solutions for contact lens care; eye lubricating and moisturizing compositions and substances covered by the pharmaceutical monopoly and intended to relieve dryness and mild irritations of the eye; ocular wound-healing preparations covered by the pharmaceutical monopoly; eye solutions for medical use covered by the pharmaceutical monopoly; eye washes covered by the pharmaceutical monopoly; sanitary products for use in medicine covered by the pharmaceutical monopoly; sanitary products for ophthalmic use; creams, gels and lotions for ophthalmic use for medical use; cleansing medicinal creams, gels and lotions for soothing and decongesting the eyes and eye contours for medical use; eye solutions for medical use; compresses for medical use; cotton for medical use; medicated bath preparations in Class 5;*

*Contact lenses; scientific measuring apparatus and instruments; optical apparatus and instruments; pupillometers; video pupillometers in Class 9; and*

*Surgical, medical and veterinary apparatus and instruments; apparatus and instruments for ophthalmology; artificial limbs and eyes; ocular implants made from artificial materials; orthopedic articles; suture materials in Class 10 (“Petitioner’s Original Identification of Goods”).*

3. In response to the Examining Attorney’s first Office Action, Petitioner amended its identification of goods as follows on August 8, 2013:

*Soaps for personal use; essential oils; cosmetics; hair lotions; dentifrices in Class 3;*

*Pharmaceutical and veterinary products and preparations for the treatment of ophthalmological and dermatological diseases; pharmaceutical and veterinary*

*products and preparations for the treatment of allergies, glaucoma, inflammation, infections, viral diseases and conditions, keratoconjunctivitis sicca, dry eyes, and dermatological diseases and conditions ; pharmaceutical and veterinary products and preparations for the promotion of ocular wound healing; chemical preparations for medical or pharmaceutical use, namely, chemical preparations for treatment of diseases, disorders and conditions of the eye and the skin; ophthalmic substances for medical use; food for babies; food and nutritional supplements for humans and animals for medical use; ophthalmic food, namely, dietary and nutritional supplements for eye and skin health and nutritional supplements for medical use; medical plasters, materials for dressings, namely, medical dressing; disinfectants, namely, all-purpose disinfectants; fungicides; solutions for contact lens care; eye drops for lubricating and moisturizing compositions and substances intended to relieve dryness and mild irritations of the eye; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; eye washes; sanitary products for use in medicine, namely, sanitary preparations for medical use; sanitary preparations for medical ophthalmic use; creams, gels and lotions for ophthalmic use for medical use; cleansing medicinal creams, gels and lotions for soothing and decongesting the eyes and eye contours for medical use; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; compresses for medical use, namely, surgical and medicated compresses; cotton for medical use; medicated bath preparations in Class 5;*

*Contact lenses; pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance; video pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance in Class 9; and*

*Surgical apparatus and instruments; medical and veterinary apparatus and instruments for use in eye surgery, ophthalmic surgery; medical and veterinary apparatus and instruments, namely, pupillometers; apparatus and instruments for ophthalmology, namely, surgical apparatus and instruments for use in ophthalmic surgery, instruments for measuring the diameter of ophthalmic lenses, instruments for measuring the optical density of the macular pigment, instruments for measuring, recording and monitoring intraocular pressure, instruments for measuring and recording pupillary reactivity and pupillary distance, and instruments for dyeing and removing vitreous bodies and epiretinal membranes during vitrectomies; artificial limbs and eyes; ocular implants made from artificial materials; orthopedic articles, namely, ocular implants, ocular and ophthalmic inserts for medical or surgical use, inserts for ocular and intraocular use; suture materials in Class 10 (“Petitioner’s Current Identification of Goods”).*

4. In his Second Office Action, dated September 3, 2013, the Examining Attorney withdrew most of his bases for refusal, but maintained certain refusals concerning the identification of goods.

5. Also, in his Second Office Action, the Examining Attorney issued a § 2(d) likelihood of confusion refusal based on Registration No. 4363459 for **HORUS SCOPE & Design**, Respondent's registration.

6. Accordingly, Petitioner's Application Serial No. 77963091 was refused by the U.S. Patent & Trademark Office on the grounds that there exists a likelihood of confusion between Petitioner's applied-for mark and Respondent's mark covered under Registration No. 4363459. See **EXHIBIT A**.

7. On May 29, 2012, Respondent, MEDIMAGING INTEGRATED SOLUTION, INC., a Taiwanese corporation, filed § 1(a) intent-to-use Application Serial No. 85637178 for the mark **HORUS SCOPE & Design** for:

*Aerosol dispensers for medical use; apparatus for clinical diagnosis; clinical thermometers; dental apparatus, namely, intra-oral light systems; dental instruments, namely, caries detection device, laser fluorescence caries detection device, fiber optic dental light, dental operating light, dental bleaching machine and dental 3d imaging system; dental mirrors; electrically-powered apparatus for treating skin by applying low level light and sonic vibrations to the skin; electronic aesthetic skin treatment devices using light emitting diodes, namely, infrared, red, orange, yellow, green, and blue wavelengths for generating light rays; electronic light therapy apparatus for the skin; endoscopic equipment; endoscopy cameras; eye protectors for post-surgery eye protection; eye testing machines and apparatus; fever thermometers; gastroscopes; headlight lens modules for medical and surgical use; interpupillometers; intra-oral dental light system; keratoscopes; laryngoscopes; laser pointers for medical use; lasers for medical purposes; lasers for medical use; lasers for surgical and medical use; lasers for the cosmetic treatment of the face and skin; light emitting devices, namely, lamps and led devices for treatment of a variety of skin conditions; light emitting diode (led) devices for energy-efficient replacement of standard tungsten-filament lighting incorporated into hand-held medical instruments; light emitting diode (led) apparatus for lighting, incorporated into medical instruments; light-based medical devices, namely, a light emitting diode (led) device for increasing the human body's own production of collagen; loupes for*

*medical purposes, namely, magnifying glasses that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user's face in the manner of eyeglasses; magnifying loops for medical purposes; medical and dental apparatus for dimensional measurement, namely, 3d scanner for human body; medical and surgical laparoscopes; medical and surgical laparoscopes and catheters; medical apparatus, namely, an ear wash device in the nature of a container to be filled with appropriate fluid by the user for flushing ear wax from the ear; medical device, namely, chemiluminescent light for use in endoscopic exams; medical examination lamps; medical fluid injectors; medical image processors; medical imaging apparatus in the field of iridology, sclerology, rayid and eyology; medical imaging apparatus incorporating medical imaging software; medical operating lamps; microscopes for operations; mirrors for dentists; ophthalmometers; ophthalmoscopes; optometric instruments, namely, instruments for locating grooves, engravings and other indicia on ophthalmic lenses; optometric instruments, namely, instruments for measuring the diameter of ophthalmic lenses; optometric instruments for locating the optical center of ophthalmic lenses; organoleptic diagnostic testing apparatus for medical, dental or cosmetic use; otoscopes; phototherapeutic apparatus for medical purposes; phototherapeutic apparatus for medical purposes, namely, a led (light-emitting diode) light source for medical and aesthetic skin treatments; phototherapeutic apparatus for the treatment of jaundice; retinoscopes; rigid and flexible medical endoscopes; sensory light therapy unit; skiascopes; skin care analyzers and light therapy equipment, namely, a black-light blue lamp unit for use in identification of a variety of skin conditions; software for use in calculating, transferring and storing data relating to the diagnosis and treatment of eye disorders, sold as a component of a ophthalmic surgical apparatus; speculums; surgical and medical apparatus and instruments for use in general surgery; surgical apparatus and instruments for use in ophthalmic surgery; surgical apparatus and instruments for medical, dental or veterinary use; surgical apparatus for use in ophthalmic surgery; surgical instruments and apparatus; surgical instruments for use in ophthalmic surgery; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; thorascopes; veterinary imaging products, namely, digital video camera connected to a tapered probe useful in viewing ear canals or other cavities of animals for diagnosis and treatment; veterinary operating lamps in Class 10.*

8. Application Serial No. 85637178 matured to registration on July 9, 2013 under Registration No. 4363459.

9. At the time of filing and registration, Respondent identified its address as No.7, R&D Rd. II, Hsinchu Science Park, 1F, Hsinchu, 30076, Taiwan.

10. On May 29, 2012, the application filing date, Respondent submitted a sworn

declaration to the U.S. Patent & Trademark Office in which it affirmatively stated that:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

See **EXHIBIT B**.

11. Also on May 29, 2012, Respondent stated, pursuant to 15 U.S.C. § 1051(d), a sworn declaration to the U.S. Patent & Trademark Office in which it affirmatively stated that:

In International Class 010, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 06/23/2011, and first used in commerce at least as early as 08/10/2011, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) **MARK IS FORMED DIRECTLY ON THE GOODS**.

See **EXHIBIT B**.

12. Respondent claimed the date of first use in commerce as August 10, 2011. See **EXHIBIT B**. 37 C.F.R. §2.34(a)(1)(i); 15 U.S.C. §1051(a).

13. Also on May 29, 2012, Respondent submitted the specimens attached hereto as **EXHIBIT C** as evidence of use of its applied-for mark. 37 C.F.R. §2.34(a)(1)(i); 15 U.S.C. §1051(a).

14. On September 3, 2013, the U.S. Patent & Trademark Office, through Examining Attorney Mayur Vaghani, refused registration of Petitioner's mark, covered by Application Serial No. 79128753, on the grounds that, *inter alia*, that there exists "a likelihood of confusion

with the mark in U.S. Registration No. 4363459 with respect to International Classes 005, 009, and 010.... Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*” *See*

**EXHIBIT A.**

15. On information and belief, Respondent has not used its registered mark in connection with all of the goods identified in Registration No. 4363459 in commerce that Congress may regulate or anywhere.

16. All statements made herein on information and belief are based on the following:  
1) Petitioner’s own research and review of Petitioner’s (or its affiliates’) web site(s) and/or 2) the results of an independent third party investigator from whom Petitioner obtained an [private] investigation report.

17. On information and belief, Respondent has not used its registered mark in connection with at least the following goods covered by Registration No. 4363459: aerosol dispensers for medical use; speculums; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; medical operating lamps; microscopes for operations; mirrors for dentists; loupes for medical purposes, namely, magnifying glasses that fit on the user’s face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user’s face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user’s face in the manner of eyeglasses; and magnifying loops for medical purposes.

**NON-USE**  
**(CLAIM #1)**

18. Petitioner reincorporates and realleges the allegations contained in Paragraphs 1 through 17, inclusive, in the instant PETITION TO CANCEL as if fully set forth herein.

19. On information and belief, Respondent has not used, and has never used, its

**HORUS SCOPE & Design** mark in connection with all goods and/or services listed in its application and registration.

20. On information and belief, Respondent has never used its **HORUS SCOPE & Design** mark in connection with aerosol dispensers for medical use; speculums; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; medical operating lamps; microscopes for operations; mirrors for dentists; loupes for medical purposes, namely, magnifying glasses that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user's face in the manner of eyeglasses; and magnifying loops for medical purposes.

21. On information and belief, the specimen(s) submitted by Respondent in connection with its application, *see* **EXHIBIT C**, demonstrate use of its **HORUS SCOPE & Design** mark in connection with a very specific product in Class 10.

22. On information and belief, the specimens submitted by Respondent in connection with its application, *see* **EXHIBIT C**, do not demonstrate use of its **HORUS SCOPE & Design** mark in connection with at least aerosol dispensers for medical use; speculums; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; medical operating lamps; microscopes for operations; mirrors for dentists; loupes for medical purposes, namely, magnifying glasses that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user's face in the manner of eyeglasses; and magnifying loops for medical purposes.

23. As of the date on which Respondent submitted its specimens in support of its use

of the **HORUS SCOPE & Design** mark, the specimens Respondent submitted did not demonstrate use of its **HORUS SCOPE & Design** mark for products identified in Paragraph 17, above.

24. Insofar as Respondent has failed to show use of its registered mark in connection with all of the goods covered by Respondent's Registration No. 4363459, Registration No. 4363459 should be cancelled for non-use.

**FRAUD ON THE U.S. PATENT & TRADEMARK OFFICE**  
(CLAIM # 2)

25. Petitioner reincorporates and realleges the allegations contained in Paragraphs 1 through 24, inclusive, in the instant PETITION TO CANCEL as if fully set forth herein.

26. As of the date of filing Application Serial No. 85637178, Respondent knew it was not using its **HORUS SCOPE & Design** mark in connection with all of the goods covered by that application and resulting Registration No. 4363459.

27. As of the date of filing Application Serial No. 85637178, Respondent knew it was not using its **HORUS SCOPE & Design** mark in connection with aerosol dispensers for medical use; speculums; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; medical operating lamps; microscopes for operations; mirrors for dentists; loupes for medical purposes, namely, magnifying glasses that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user's face in the manner of eyeglasses; and magnifying loops for medical purposes and/or that Respondent had no *bona fide* intent to use its mark for these products.

28. As a result of this knowledge, Respondent's statements were willful

withholding(s) from the United States Patent & Trademark Office of material information or facts which, if disclosed to the Office, would have resulted in the disallowance of the registration sought or to be maintained, at least for certain goods. *First International Services Corp. v. Chuckles Inc.*, 5 USPQ2d 1628, 1634 (TTAB 1988).

29. Inasmuch as Respondent knew that it did not possess a *bona fide* intent to use its **HORUS SCOPE & Design** mark in connection with all of the products identified in its application and resulting registration, Respondent committed fraud on the U.S. Patent & Trademark Office in signing the declaration submitted with Application Serial No. 85637178 on May 29, 2011.

30. Inasmuch as Respondent knew that the specimens submitted along with its Application Serial No. 85637178 on May 29, 2012 did not show use of its **HORUS SCOPE & Design** mark in connection with aerosol dispensers for medical use; speculums; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; medical operating lamps; microscopes for operations; mirrors for dentists; loupes for medical purposes, namely, magnifying glasses that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user's face in the manner of eyeglasses; and magnifying loops for medical purposes, Respondent committed fraud on the U.S. Patent & Trademark Office in signing the declaration it submitted with its original application.

31. Inasmuch as the specimens submitted along with its application on May 29, 2012 did show use of Respondent's **HORUS SCOPE & Design** mark in connection with aerosol dispensers for medical use; speculums; surgical lamps; surgical mirrors; surgical operating lamps; thermometers for medical purposes; medical operating lamps; microscopes for operations; mirrors for dentists; loupes for medical purposes, namely, magnifying glasses that fit

on the user's face in the manner of eyeglasses; magnifying glasses, for medical purposes, that fit on the user's face in the manner of eyeglasses; magnifying glasses, for medical examination purposes, that fit on the user's face in the manner of eyeglasses; and magnifying loops for medical purposes, Respondent committed fraud on the U.S. Patent & Trademark Office.

32. Respondent's acts described above were done knowingly and with the intent to induce the U.S. Patent & Trademark Office to rely thereon and grant Respondent's registration.

33. On information and belief, the U.S. Patent & Trademark Office, relying on the truth of Respondent's false statement(s) and as a consequence thereof, did, in fact, grant Registration No. 4363459 to Respondent.

34. For the above reasons, Respondent knowingly made false statements to the U.S. Patent & Trademark Office with the intent to obtain a registration based on use in commerce for goods on which Respondent was not using its **HORUS SCOPE & Design** mark, *i.e.*, Respondent committed fraud on the U.S. Patent & Trademark Office.

### CONCLUSION

35. In view of the above allegations, Respondent is not entitled to continued registration of its alleged mark since Respondent 1) has not used its mark in connection with all the goods identified in the registration, and 2) committed fraud in the procurement of the subject registration at the time its application was filed.

36. As a result of the fraudulent misrepresentations made by Respondent at the time Respondent's application was filed, Registration No. 4363459, is void *ab initio*.

37. Insofar as Respondent has failed to use its mark and show use of its mark, in connection with all of the goods identified in the application and resulting registration, Registration No. 4363459 must be cancelled.

WHEREFORE, for the reasons stated above, the Petitioner respectfully prays that  
Registration No. 4363459 be **CANCELLED** and/or declared void *ab initio*.

Dated: New York, New York  
December 10, 2013

Respectfully submitted,

**LOMBARD & GELIEBTER LLP**



---

G. Mathew Lombard  
Darren M. Geliebter  
1115 Broadway  
12 Floor  
New York, New York 10010  
*Attorneys for Respondent*

# **EXHIBIT A**

**To:** HORUS PHARMA ([mlombard@lgtrademark.com](mailto:mlombard@lgtrademark.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 79128753 - HORUS PHARMA - 123.0554

**Sent:** 9/3/2013 7:32:05 PM

**Sent As:** ECOM102@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 79128753

**MARK:** HORUS PHARMA

**\*79128753\***

**CORRESPONDENT ADDRESS:**

G MATHEW LOMBARD  
LOMBARD & GELIEBTER LLP  
1115 BROADWAY  
12 FL  
NEW YORK, NY 10010

**CLICK HERE TO RESPOND TO THIS LETTER**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** HORUS PHARMA

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

123.0554

**CORRESPONDENT E-MAIL ADDRESS:**

mlombard@lgtrademark.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 9/3/2013**

**INTERNATIONAL REGISTRATION NO. 1156732**

**INTRODUCTION**

On 5/10/2013, the trademark examining attorney issued an Office action with the following issues:

- Potential Section 2(d) refusal
- Section 2(d) refusal
- Identification of goods requirement

- Color claim and mark description requirement
- Disclaimer requirement

On 8/08/2013, the applicant filed a timely response:

- With no arguments that there is no potential conflict with the earlier-filed application
- Arguing that the Section 2(d) refusal should be withdrawn
- Providing an amended identification of goods and/or services
- Providing an amended mark description statement
- Providing a disclaimer statement

The earlier-filed application has now registered and is a bar to registration as stated in more detail below.

Having considered the applicant's response, the examining attorney:

- Finds a Section 2(d) refusal with U.S. Registration No. 4363459
- Finds the Section 2(d) refusal has been overcome
- Maintains and now makes final the requirement for an acceptable identification of goods and/or services
- Finds the color claim and mark description requirement has been satisfied
- Finds the disclaimer requirement has been satisfied

### **SUBSTANTIVE REFUSAL**

THIS PARTIAL REFUSAL APPLIES ONLY TO THE CLASSES SPECIFIED THEREIN

#### **Section 2(d) Refusal – Likelihood of Confusion**

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4363459 with respect to International Classes 005, 009, and 010:

Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

The applicant has applied to register HORUS PHARMA with design for:

- Class 003: Soaps for personal use; essential oils; cosmetics; hair lotions; dentifrices
- Class 005: Pharmaceutical and veterinary products and preparations for the treatment of ophthalmological and dermatological diseases; pharmaceutical and veterinary products and preparations for the treatment of allergies, glaucoma, inflammation, infections, viral diseases and conditions, keratoconjunctivitis sicca, dry eyes, and dermatological diseases and conditions ; pharmaceutical and veterinary products and preparations for the promotion of ocular wound healing; chemical preparations for medical or pharmaceutical use, namely, chemical preparations for treatment of diseases, disorders and conditions of the eye and the skin; ophthalmic substances for medical use; food for babies; food and nutritional supplements for humans and animals for medical use; ophthalmic food, namely, dietary and nutritional supplements for eye and skin health and nutritional supplements for medical use; medical plasters, materials for dressings, namely, medical dressing; disinfectants, namely, all-purpose disinfectants; fungicides; solutions for contact lens care; eye drops for lubricating and moisturizing compositions and substances intended to relieve dryness and mild irritations of the eye; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; eye washes; sanitary products for use in medicine, namely, sanitary preparations for medical use; sanitary preparations for medical ophthalmic use;

creams, gels and lotions for ophthalmic use for medical use; cleansing medicinal creams, gels and lotions for soothing and decongesting the eyes and eye contours for medical use; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; compresses for medical use, namely, surgical and medicated compresses; cotton for medical use; medicated bath preparations

- Class 009: Contact lenses; pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance; video pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance
- Class 010: Surgical apparatus and instruments; medical and veterinary apparatus and instruments for use in eye surgery, ophthalmic surgery; medical and veterinary apparatus and instruments, namely, pupillometers; apparatus and instruments for ophthalmology, namely, surgical apparatus and instruments for use in ophthalmic surgery, instruments for measuring the diameter of ophthalmic lenses, instruments for measuring the optical density of the macular pigment, instruments for measuring, recording and monitoring intraocular pressure, instruments for measuring and recording pupillary reactivity and pupillary distance, and instruments for dyeing and removing vitreous bodies and epiretinal membranes during vitrectomies; artificial limbs and eyes; ocular implants made from artificial materials; orthopedic articles, namely, ocular implants, ocular and ophthalmic inserts for medical or surgical use, inserts for ocular and intraocular use; suture materials

The registered mark is:

- HORUS SCOPE for Class 010: “AEROSOL DISPENSERS FOR MEDICAL USE; APPARATUS FOR CLINICAL DIAGNOSIS; CLINICAL THERMOMETERS; DENTAL APPARATUS, NAMELY, INTRA-ORAL LIGHT SYSTEMS; DENTAL INSTRUMENTS, NAMELY, CARIES DETECTION DEVICE, LASER FLUORESCENCE CARIES DETECTION DEVICE, FIBER OPTIC DENTAL LIGHT, DENTAL OPERATING LIGHT, DENTAL BLEACHING MACHINE AND DENTAL 3D IMAGING SYSTEM; DENTAL MIRRORS; ELECTRICALLY-POWERED APPARATUS FOR TREATING SKIN BY APPLYING LOW LEVEL LIGHT AND SONIC VIBRATIONS TO THE SKIN; ELECTRONIC AESTHETIC SKIN TREATMENT DEVICES USING LIGHT EMITTING DIODES, NAMELY, INFRARED, RED, ORANGE, YELLOW, GREEN, AND BLUE WAVELENGTHS FOR GENERATING LIGHT RAYS; ELECTRONIC LIGHT THERAPY APPARATUS FOR THE SKIN; ENDOSCOPIC EQUIPMENT; ENDOSCOPY CAMERAS; EYE PROTECTORS FOR POST-SURGERY EYE PROTECTION; EYE TESTING MACHINES AND APPARATUS; FEVER THERMOMETERS; GASTROSCOPES; HEADLIGHT LENS MODULES FOR MEDICAL AND SURGICAL USE; INTERPUPILLOMETERS; INTRA-ORAL DENTAL LIGHT SYSTEM; KERATOSCOPIES; LARYNGOSCOPIES; LASER POINTERS FOR MEDICAL USE; LASERS FOR MEDICAL PURPOSES; LASERS FOR MEDICAL USE; LASERS FOR SURGICAL AND MEDICAL USE; LASERS FOR THE COSMETIC TREATMENT OF THE FACE AND SKIN; LIGHT EMITTING DEVICES, NAMELY, LAMPS AND LED DEVICES FOR TREATMENT OF A VARIETY OF SKIN CONDITIONS; LIGHT EMITTING DIODE (LED) DEVICES FOR ENERGY-EFFICIENT REPLACEMENT OF STANDARD TUNGSTEN-FILAMENT LIGHTING INCORPORATED INTO HAND-HELD MEDICAL INSTRUMENTS; LIGHT EMITTING DIODE (LED) APPARATUS FOR LIGHTING, INCORPORATED INTO MEDICAL INSTRUMENTS; LIGHT-BASED MEDICAL DEVICES, NAMELY, A LIGHT EMITTING DIODE (LED) DEVICE FOR INCREASING THE HUMAN BODY'S OWN PRODUCTION OF COLLAGEN; LOUPES FOR MEDICAL PURPOSES, NAMELY, MAGNIFYING GLASSES THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGASSES. MAGNIFYING GLASSES, FOR MEDICAL PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGASSES; MAGNIFYING GLASSES, FOR MEDICAL EXAMINATION PURPOSES, THAT FIT ON THE

USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING LOOPS FOR MEDICAL PURPOSES; MEDICAL AND DENTAL APPARATUS FOR DIMENSIONAL MEASUREMENT, NAMELY, 3D SCANNER FOR HUMAN BODY; MEDICAL AND SURGICAL LAPAROSCOPES; MEDICAL AND SURGICAL LAPAROSCOPES AND CATHETERS; MEDICAL APPARATUS, NAMELY, AN EAR WASH DEVICE IN THE NATURE OF A CONTAINER TO BE FILLED WITH APPROPRIATE FLUID BY THE USER FOR FLUSHING EAR WAX FROM THE EAR; MEDICAL DEVICE, NAMELY, CHEMILUMINESCENT LIGHT FOR USE IN ENDOSCOPIC EXAMS; MEDICAL EXAMINATION LAMPS; MEDICAL FLUID INJECTORS; MEDICAL IMAGE PROCESSORS; MEDICAL IMAGING APPARATUS IN THE FIELD OF IRIDOLOGY, SCLEROLOGY, RAYID AND EYOLOGY; MEDICAL IMAGING APPARATUS INCORPORATING MEDICAL IMAGING SOFTWARE; MEDICAL OPERATING LAMPS; MICROSCOPES FOR OPERATIONS; MIRRORS FOR DENTISTS; OPHTHALMOMETERS; OPHTHALMOSCOPES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR LOCATING GROOVES, ENGRAVINGS AND OTHER INDICIA ON OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR MEASURING THE DIAMETER OF OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS FOR LOCATING THE OPTICAL CENTER OF OPHTHALMIC LENSES; ORGANOLEPTIC DIAGNOSTIC TESTING APPARATUS FOR MEDICAL, DENTAL OR COSMETIC USE; OTOSCOPES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES, NAMELY, A LED (LIGHT-EMITTING DIODE) LIGHT SOURCE FOR MEDICAL AND AESTHETIC SKIN TREATMENTS; PHOTOTHERAPEUTIC APPARATUS FOR THE TREATMENT OF JAUNDICE; RETINOSCOPES; RIGID AND FLEXIBLE MEDICAL ENDOSCOPES; SENSORY LIGHT THERAPY UNIT; SKIASCOPES; SKIN CARE ANALYZERS AND LIGHT THERAPY EQUIPMENT, NAMELY, A BLACK-LIGHT BLUE LAMP UNIT FOR USE IN IDENTIFICATION OF A VARIETY OF SKIN CONDITIONS. SOFTWARE FOR USE IN CALCULATING, TRANSFERRING AND STORING DATA RELATING TO THE DIAGNOSIS AND TREATMENT OF EYE DISORDERS, SOLD AS A COMPONENT OF A OPHTHALMIC SURGICAL APPARATUS; SPECULUMS; SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR USE IN GENERAL SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR MEDICAL, DENTAL OR VETERINARY USE; SURGICAL APPARATUS FOR USE IN OPHTHALMIC SURGERY; SURGICAL INSTRUMENTS AND APPARATUS; SURGICAL INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL LAMPS; SURGICAL MIRRORS; SURGICAL OPERATING LAMPS; THERMOMETERS FOR MEDICAL PURPOSES; THORACOSCOPES; VETERINARY IMAGING PRODUCTS, NAMELY, DIGITAL VIDEO CAMERA CONNECTED TO A TAPERED PROBE USEFUL IN VIEWING EAR CANALS OR OTHER CAVITIES OF ANIMALS FOR DIAGNOSIS AND TREATMENT; VETERINARY OPERATING LAMPS.”

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). In the seminal decision *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the court listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). See TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In*

re *E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 et seq.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. See *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); *In re 1st USA Realty Prof'ls Inc.*, 84 USPQ2d 1581, 1584 (TTAB 2007); see also *In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. See *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

### **Comparison of the Marks**

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

In the present case, applicant's mark HORUS PHARMA is similar to the registered mark HORUS SCOPE in sound, appearance, and connotation. First, both marks are similar in appearance as they begin with HORUS which is also identically spelled. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions).

Next, although the applicant's mark contains a design element, consumers are likely to give greater weight to the word portion of the mark. For a composite mark containing both words and a design, the word portion may be more likely to be impressed upon a purchaser's memory and to be used when requesting the goods and/or services. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1596 (TTAB 1999); TMEP §1207.01(c)(ii); see *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012) (citing *CBS Inc. v. Morrow*, 708 F. 2d 1579, 1581-82, 218 USPQ 198, 200 (Fed. Cir. 1983)). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366, 101 USPQ2d at 1911 (Fed. Cir. 2012) (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Finally, although the applicant's and registrant's marks end in PHARMA and SCOPE respectively, the wording is merely descriptive and therefore disclaimed apart from the marks, leaving HORUS as the

dominant literal element in both marks. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii).

Overall, the marks have the same commercial impression.

### **Comparison of Goods**

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); *Gen. Mills Inc. v. Fage Dairy Processing Indus. SA*, 100 USPQ2d 1584, 1597 (TTAB 2011); TMEP §1207.01(a)(i).

In the present case, applicant’s various eye-related pharmaceutical and veterinary goods, vision correction and measuring goods, and various eye-related medical apparatus are related to registrant’s various optical goods and instruments because the goods are the type sold to consumers seeking vision-related goods. First, the registrant’s “interpupillometers” is broad enough to include the applicant’s various pupillometers. Second, the registrant’s “surgical apparatus and instruments” is broad enough to include the applicant’s various surgical apparatus and instruments. Attached is evidence from multiple websites showing the various goods similar and/or related to those identified by applicant and registrant sold under the same mark or through the same channels of trade.

The trademark examining attorney has also attached evidence from the USPTO’s X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein, namely applicant’s and registrant’s goods, are of a kind that may emanate from a single source under a single mark. See *In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Accordingly, the goods and/or services would be sold to the same class of purchasers and encountered under circumstances leading one to mistakenly believe the goods and/or services originate from the same source.

Since the marks are similar and the goods and/or services are related, there is a likelihood of confusion as to the source of the applicant’s goods and/or services. Therefore, applicant’s mark is not entitled to

registration.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement set forth below.

## **PROCEDURAL ISSUE**

THIS PARTIAL REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN

### **Identification of Goods Requirement**

#### **International Class 003**

- *Original identification*: Soaps; essential oils; cosmetics; hair lotions; dentifrices; all these goods being covered by the pharmaceutical monopoly
- *Amended identification*: Soaps for personal use; essential oils; cosmetics; hair lotions; dentifrices

#### **International Class 005**

- *Original identification*: Pharmaceutical and veterinary products and preparations; chemical preparations for medical or pharmaceutical use; dermatological products for medical use; ophthalmic substances for medical use; dietetic food and substances for medical or veterinary use; food for babies covered by the pharmaceutical monopoly; food and nutritional supplements for humans and animals for medical use; diet and hygiene food products for medical use; ophthalmic food and nutritional supplements for medical use; plasters, materials for dressings covered by the pharmaceutical monopoly; disinfectants covered by the pharmaceutical monopoly; fungicides covered by the pharmaceutical monopoly; solutions for contact lens care; eye lubricating and moisturizing compositions and substances covered by the pharmaceutical monopoly and intended to relieve dryness and mild irritations of the eye; ocular wound-healing preparations covered by the pharmaceutical monopoly; eye solutions for medical use covered by the pharmaceutical monopoly; eye washes covered by the pharmaceutical monopoly; sanitary products for use in medicine covered by the pharmaceutical monopoly; sanitary products for ophthalmic use; creams, gels and lotions for ophthalmic use for medical use; cleansing medicinal creams, gels and lotions for soothing and decongesting the eyes and eye contours for medical use; eye solutions for medical use; compresses for medical use; cotton for medical use; medicated bath preparations
- *Amended identification*: Pharmaceutical and veterinary products and preparations for the treatment of ophthalmological and dermatological diseases; pharmaceutical and veterinary products and preparations for the treatment of allergies, glaucoma, inflammation, infections, viral diseases and conditions, keratoconjunctivitis sicca, dry eyes, and dermatological diseases and conditions ; pharmaceutical and veterinary products and preparations for the promotion of ocular wound healing; chemical preparations for medical or pharmaceutical use, namely, chemical preparations for treatment of diseases, disorders and conditions of the eye and the skin; ophthalmic substances for medical use; food for babies; food and nutritional supplements for humans and animals for medical use; ophthalmic food, namely, dietary and nutritional supplements for eye and skin health and nutritional supplements for medical use; medical plasters, materials for dressings, namely, medical dressing; disinfectants, namely, all-purpose disinfectants; fungicides; solutions for contact lens care; eye drops for lubricating and moisturizing compositions and substances intended to relieve dryness and mild irritations of the eye; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; eye washes; sanitary products for use in medicine,

namely, sanitary preparations for medical use; sanitary preparations for medical ophthalmic use; creams, gels and lotions for ophthalmic use for medical use; cleansing medicinal creams, gels and lotions for soothing and decongesting the eyes and eye contours for medical use; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; compresses for medical use, namely, surgical and medicated compresses; cotton for medical use; medicated bath preparations

#### **International Class 009**

- *Original identification*: Contact lenses; scientific measuring apparatus and instruments; optical apparatus and instruments; pupillometers; video pupillometers
- *Amended identification*: Contact lenses; pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance; video pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance

#### **International Class 010**

- *Original identification*: Surgical, medical and veterinary apparatus and instruments; apparatus and instruments for ophthalmology; artificial limbs and eyes; ocular implants made from artificial materials; orthopedic articles; suture materials
- *Amended identification*: Surgical apparatus and instruments; medical and veterinary apparatus and instruments for use in eye surgery, ophthalmic surgery; medical and veterinary apparatus and instruments, namely, pupillometers; apparatus and instruments for ophthalmology, namely, surgical apparatus and instruments for use in ophthalmic surgery, instruments for measuring the diameter of ophthalmic lenses, instruments for measuring the optical density of the macular pigment, instruments for measuring, recording and monitoring intraocular pressure, instruments for measuring and recording pupillary reactivity and pupillary distance, and instruments for dyeing and removing vitreous bodies and epiretinal membranes during vitrectomies; artificial limbs and eyes; ocular implants made from artificial materials; orthopedic articles, namely, ocular implants, ocular and ophthalmic inserts for medical or surgical use, inserts for ocular and intraocular use; suture materials

First, the wording “eye drops for lubricating and moisturizing compositions and substances intended to relieve dryness and mild irritations of the eye” is indefinite and must be clarified because the type of lubricating and moisturizing compositions and substances must be specified by common commercial name. *See* TMEP §§1402.01

Second, the wording “pupillometers,” “ocular implants,” and “ocular and ophthalmic inserts for medical or surgical use, inserts for ocular and intraocular use” in the identification of goods must be clarified because it is too broad and could include goods in other international classes. For example, pupillometers for medical purposes are in Class 010 while pupillometers for scientific use are in Class 009. Similarly, “ocular and ophthalmic inserts in the nature of contact lenses” are in Class 009 while “intraocular implants for changing eye color made of artificial materials” are in Class 010. Ocular implants made of living tissue are in Class 005 while those made of artificial materials are in Class 010. *See* TMEP §§1402.01, 1402.03.

Applicant may amend the identification to list only those items that are within the scope of the goods and/or services set forth in the application or within the scope of a previously accepted amendment to the identification. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.*, 1402.07.

The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification the International Bureau assigned to the goods and/or services in the corresponding international registration. TMEP §§1401.03(d), 1904.02(b).

Therefore, any modification to this wording must identify goods and/or services that are within the scope of the goods and/or services set forth in the present identification.

The following substitute wording is suggested, if appropriate:

- Class 003: Soaps for personal use; essential oils; cosmetics; hair lotions; dentifrices
- Class 005: Pharmaceutical and veterinary products and preparations for the treatment of ophthalmological and dermatological diseases; pharmaceutical and veterinary products and preparations for the treatment of allergies, glaucoma, inflammation, infections, viral diseases and conditions, keratoconjunctivitis sicca, dry eyes, and dermatological diseases and conditions ; pharmaceutical and veterinary products and preparations for the promotion of ocular wound healing; chemical preparations for medical or pharmaceutical use, namely, chemical preparations for treatment of diseases, disorders and conditions of the eye and the skin; ophthalmic substances for medical use; food for babies; food and nutritional supplements for humans and animals for medical use; ophthalmic food, namely, dietary and nutritional supplements for eye and skin health and nutritional supplements for medical use; medical plasters, materials for dressings, namely, medical dressing; disinfectants, namely, all-purpose disinfectants; fungicides; solutions for contact lens care; eye drops for lubricating and moisturizing compositions and substances, **namely, eye drops** intended to relieve dryness and mild irritations of the eye; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; eye washes; sanitary products for use in medicine, namely, sanitary preparations for medical use; sanitary preparations for medical ophthalmic use; creams, gels and lotions for ophthalmic use for medical use; cleansing medicinal creams, gels and lotions for soothing and decongesting the eyes and eye contours for medical use; eye solutions for medical use, namely, irrigating, lubricating, rewetting and antibiotic solutions for eye care; compresses for medical use, namely, surgical and medicated compresses; cotton for medical use; medicated bath preparations
- Class 009: Contact lenses; pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance **not for medical use**; video pupillometers for measuring pupillary distance and eye position in the spectacle frame by digital capture of corneal reflections and for measuring lens/eye distance **not for medical use**
- Class 010: Surgical apparatus and instruments; medical and veterinary apparatus and instruments for use in eye surgery, ophthalmic surgery; medical and veterinary apparatus and instruments, namely, pupillometers; apparatus and instruments for ophthalmology, namely, surgical apparatus and instruments for use in ophthalmic surgery, instruments for measuring the diameter of ophthalmic lenses, instruments for measuring the optical density of the macular pigment, instruments for measuring, recording and monitoring intraocular pressure, instruments for measuring and recording pupillary reactivity and pupillary distance, and instruments for dyeing and removing vitreous bodies and epiretinal membranes during vitrectomies; artificial limbs and eyes; ocular implants made from artificial materials; orthopedic articles, namely, ocular implants **made of artificial materials**, ocular and ophthalmic inserts for medical or surgical use, **namely, intraocular implants for changing eye color made of artificial materials**, inserts for ocular and intraocular use, **namely, intraocular implants for changing eye color made of artificial materials**; suture materials

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable Manual of Acceptable Identifications of Goods and Services at <http://tess2.uspto.gov/netathtml/tidm.html>. See TMEP §1402.04.

### **RESPONSE TO OFFICE ACTION**

Applicant must respond within six months of the date of issuance of this final Office action or the following classes to which the final refusal(s) and/or requirement(s) apply will be **deleted** from the application by Examiner's Amendment:

- **International Classes 005, 009, and 010**

37 C.F.R. §2.65(a); *see* 15 U.S.C. §1062(b).

The application will then proceed for the following class: **International Class 003**.

Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements;
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/mvaghani/  
Mayur Vaghani  
Examining Attorney  
Law Office 102  
Phone: (571) 272-1615  
Fax: (571) 273-9102  
mayur.vaghani@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**DESIGN MARK**

**Serial Number**

85637178

**Status**

REGISTERED

**Word Mark**

HORUS SCOPE

**Standard Character Mark**

No

**Registration Number**

4363459

**Date Registered**

2013/07/09

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

MEDIMAGING INTEGRATED SOLUTION, INC. CORPORATION TAIWAN NO.7, R&D RD.  
II, HSINCHU SCIENCE PARK 1F HSINCHU, 30076 TAIWAN

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: AEROSOL DISPENSERS FOR MEDICAL USE; APPARATUS FOR CLINICAL DIAGNOSIS; CLINICAL THERMOMETERS; DENTAL APPARATUS, NAMELY, INTRA-ORAL LIGHT SYSTEMS; DENTAL INSTRUMENTS, NAMELY, CAVITIES DETECTION DEVICE, LASER FLUORESCENCE CAVITIES DETECTION DEVICE, FIBER OPTIC DENTAL LIGHT, DENTAL OPERATING LIGHT, DENTAL BLEACHING MACHINE AND DENTAL 3D IMAGING SYSTEM; DENTAL MIRRORS; ELECTRICALLY-POWERED APPARATUS FOR TREATING SKIN BY APPLYING LOW LEVEL LIGHT AND SONIC VIBRATIONS TO THE SKIN; ELECTRONIC AESTHETIC SKIN TREATMENT DEVICES USING LIGHT EMITTING DIODES, NAMELY, INFRARED, RED, ORANGE, YELLOW, GREEN, AND BLUE WAVELENGTHS FOR GENERATING LIGHT RAYS; ELECTRONIC LIGHT THERAPY APPARATUS FOR THE SKIN; ENDOSCOPIC EQUIPMENT; ENDOSCOPY CAMERAS; EYE PROTECTORS FOR POST-SURGERY EYE PROTECTION; EYE TESTING MACHINES AND APPARATUS; FEVER THERMOMETERS; GASTROSCOPES; HEADLIGHT LENS MODULES FOR MEDICAL AND SURGICAL USE; INTERPUPILLOMETERS; INTRA-ORAL DENTAL LIGHT SYSTEM; KERATOSCOPIES; LARYNGOSCOPIES; LASER POINTERS FOR MEDICAL USE; LASERS FOR MEDICAL PURPOSES; LASERS FOR MEDICAL USE; LASERS FOR

SURGICAL AND MEDICAL USE; LASERS FOR THE COSMETIC TREATMENT OF THE FACE AND SKIN; LIGHT EMITTING DEVICES, NAMELY, LAMPS AND LED DEVICES FOR TREATMENT OF A VARIETY OF SKIN CONDITIONS; LIGHT EMITTING DIODE (LED) DEVICES FOR ENERGY-EFFICIENT REPLACEMENT OF STANDARD TUNGSTEN-FILAMENT LIGHTING INCORPORATED INTO HAND-HELD MEDICAL INSTRUMENTS; LIGHT EMITTING DIODE (LED) APPARATUS FOR LIGHTING, INCORPORATED INTO MEDICAL INSTRUMENTS; LIGHT-BASED MEDICAL DEVICES, NAMELY, A LIGHT EMITTING DIODE (LED) DEVICE FOR INCREASING THE HUMAN BODY'S OWN PRODUCTION OF COLLAGEN; LOUPES FOR MEDICAL PURPOSES, NAMELY, MAGNIFYING GLASSES THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL EXAMINATION PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING LOOPS FOR MEDICAL PURPOSES; MEDICAL AND DENTAL APPARATUS FOR DIMENSIONAL MEASUREMENT, NAMELY, 3D SCANNER FOR HUMAN BODY; MEDICAL AND SURGICAL LAPAROSCOPES; MEDICAL AND SURGICAL LAPAROSCOPES AND CATHETERS; MEDICAL APPARATUS, NAMELY, AN EAR WASH DEVICE IN THE NATURE OF A CONTAINER TO BE FILLED WITH APPROPRIATE FLUID BY THE USER FOR FLUSHING EAR WAX FROM THE EAR; MEDICAL DEVICE, NAMELY, CHEMILUMINESCENT LIGHT FOR USE IN ENDOSCOPIC EXAMS; MEDICAL EXAMINATION LAMPS; MEDICAL FLUID INJECTORS; MEDICAL IMAGE PROCESSORS; MEDICAL IMAGING APPARATUS IN THE FIELD OF IRIDODOLOGY, SCLERODOLOGY, RAYID AND EYODOLOGY; MEDICAL IMAGING APPARATUS INCORPORATING MEDICAL IMAGING SOFTWARE; MEDICAL OPERATING LAMPS; MICROSCOPES FOR OPERATIONS; MIRRORS FOR DENTISTS; OPHTHALMOMETERS; OPHTHALMOSCOPES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR LOCATING GROOVES, ENGRAVINGS AND OTHER INDICIA ON OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR MEASURING THE DIAMETER OF OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS FOR LOCATING THE OPTICAL CENTER OF OPHTHALMIC LENSES; ORGANOLECTIC DIAGNOSTIC TESTING APPARATUS FOR MEDICAL, DENTAL OR COSMETIC USE; OTOSCOPES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES, NAMELY, A LED (LIGHT-EMITTING DIODE) LIGHT SOURCE FOR MEDICAL AND AESTHETIC SKIN TREATMENTS; PHOTOTHERAPEUTIC APPARATUS FOR THE TREATMENT OF JAUNDICE; RETINOSCOPES; RIGID AND FLEXIBLE MEDICAL ENDOSCOPES; SENSORY LIGHT THERAPY UNIT; SKIASCOPES; SKIN CARE ANALYZERS AND LIGHT THERAPY EQUIPMENT, NAMELY, A BLACK-LIGHT BLUE LAMP UNIT FOR USE IN IDENTIFICATION OF A VARIETY OF SKIN CONDITIONS; SOFTWARE FOR USE IN CALCULATING, TRANSFERRING AND STORING DATA RELATING TO THE DIAGNOSIS AND TREATMENT OF EYE DISORDERS, SOLD AS A COMPONENT OF A OPHTHALMIC SURGICAL APPARATUS; SPECULUMS; SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR USE IN GENERAL SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR MEDICAL, DENTAL OR VETERINARY USE; SURGICAL APPARATUS FOR USE IN OPHTHALMIC SURGERY; SURGICAL INSTRUMENTS AND APPARATUS; SURGICAL INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL LAMPS; SURGICAL MIRRORS; SURGICAL OPERATING LAMPS; THERMOMETERS FOR MEDICAL PURPOSES; THORACOSCOPES; VETERINARY IMAGING PRODUCTS, NAMELY, DIGITAL VIDEO CAMERA CONNECTED TO A TAPERED PROBE USEFUL IN VIEWING EAR CANALS OR OTHER CAVITIES OF ANIMALS FOR DIAGNOSIS AND TREATMENT; VETERINARY OPERATING LAMPS. First Use: 2011/04/23. First Use In Commerce:

2011/08/10.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SCOPE" APART FROM THE MARK AS SHOWN.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2012/05/29

**Examining Attorney**

PARK, JENNY

**Attorney of Record**

NORTON J. ROSENBERG

**horus**

SCOPE


**NEW DESIGN**


### PreserVision Eye Vitamins:

- Only the original PreserVision Eye Vitamin AREDS formula was shown to reduce the risk of progression in people with moderate to advanced AMD in the National Eye Institute's Age-Related Eye Disease Study (AREDS2).<sup>1</sup>
- #1 recommended brand by your doctor for people with moderate to advanced AMD.<sup>2</sup>
- Brought to you by **Bausch + Lomb** — the leader in eye care.<sup>3</sup>

### Join the Joy of Sight Community



- The most recommended brand for AMD
- Inspiration and support from thousands of thousands of members.



## BAUSCH+LOMB

See better. Live better.

There's nothing better than seeing the world in color. And there's nothing better than seeing the world in color. And there's nothing better than seeing the world in color. And there's nothing better than seeing the world in color.

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## Contact Lenses for Myopia

There are several options for contact lenses for myopia.

## Contact Lenses for Presbyopia

Contact lenses for presbyopia are designed to help you see both near and far objects clearly. There are several options for contact lenses for presbyopia.

## Contact Lenses for Contact Preference

With a contact lens, you can see both near and far objects clearly. There are several options for contact lenses for contact preference.

## 1-800-4-A-BUSCH

For more information, please call 1-800-4-A-BUSCH. We'll be happy to help you find the right contact lenses for your needs.

Visit our website at [www.us.bausch.com](http://www.us.bausch.com) for more information.

## Our Integrated Program

Our integrated program provides a comprehensive solution for your contact lens needs. From contact lenses to contact lens care solutions, we have everything you need to see better and live better.

## Contact Lenses



## Contact Lens Care



## Contact Lens Solutions

Visit our website at [www.us.bausch.com](http://www.us.bausch.com) for more information.

		<p><b>Water Dropping Treatment</b>                  Special Contact Lens Dropping Treatment (CCL) is available for contact lens wearers who are unable to use standard eye drops. The CCL is a special lens that allows eye drops to be applied directly to the lens.</p> <p><b>Custom Soft Contact Lenses</b>                  Receive your custom soft contact lenses that cater to the shape of your cornea and eyes with precision and with superior comfort.</p>	<p><b>Specialty Contact Lenses</b></p> <p><b>Specialty Contact Lenses</b>                  Specialized contact lenses for various eye conditions and needs.</p> <p><b>Specialty Contact Lenses</b>                  Specialized contact lenses for various eye conditions and needs.</p>		
<p><b>Water and Eye Health</b></p> <ul style="list-style-type: none"> <li>Water Safety</li> <li>Swimming and Eye Health</li> <li>Swimming and Eye Health</li> <li>Swimming and Eye Health</li> <li>Swimming and Eye Health</li> </ul>	<p><b>Products</b></p> <ul style="list-style-type: none"> <li>Contact Lenses</li> </ul>	<p><b>Customer Support</b></p> <ul style="list-style-type: none"> <li>Contact Us</li> </ul>	<p><b>Legal</b></p> <ul style="list-style-type: none"> <li>Privacy Policy</li> </ul>	<p><b>Follow Us</b></p> <ul style="list-style-type: none"> <li>Facebook</li> <li>Twitter</li> <li>Instagram</li> <li>LinkedIn</li> <li>YouTube</li> <li>Pinterest</li> <li>Google Plus</li> <li>Snapchat</li> <li>WhatsApp</li> </ul>	
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### Dry Eye Products



Oasis LID & LASH AQUEOUS GEL CLEANSER

COMING SOON

 <p>Oasis Eye Drops</p> <p>Light Blue</p>	 <p>Oasis Eye Wash</p> <p>Light Blue</p>	 <p>Oasis Eye Drops</p> <p>Light Blue</p>	 <p>Oasis Eye Drops</p> <p>Light Blue</p>
			

3M  
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6271117 Anatomical Plug

Single Use Plug



6271116 Preferred Anatomic Plug Set

Single Use Plug



6271115 Preferred Anatomic Plug Set

Single Use Plug



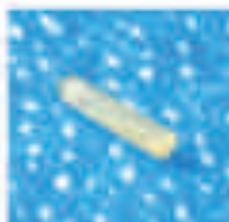
6271114 Deluxe Anatomic Plug 25 mm Plug

Single Use Plug



6271113 New Onset Plug

Single Use Plug



6271112 Collagen Anatomic Plug

Single Use Plug



6271111 Extended Duration Plug Set

Single Use Plug



6271110 Extended Duration Plug Set

Single Use Plug

Product ID: 6271117

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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Conduit Fugillometer

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### Conduit Fugillometer

Availability: In Stock  
 Days to Ship:

#### Description

- Accuracy tested to high standards for correct diameter of conduit and correct conduit take length
- Uses light diffraction technology to allow detection of the correct conduit & correct diameter
- Flexible construction allows use in conduit and pipe work
- Lightweight, standard battery operated
- Available in multiple sizes (please see product page)



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## INNOVA PRO-4000 Digital Pushphone



The INNOVA PRO-4000 is a rugged, handheld mobile phone designed for use in harsh environments. It features a large, high-contrast LCD screen and a full QWERTY keypad. The phone is built to withstand extreme temperatures, dust, and moisture, making it ideal for industrial and outdoor applications. It also offers advanced features such as call forwarding, call waiting, and call transfer.

The INNOVA PRO-4000 is a rugged, handheld mobile phone designed for use in harsh environments. It features a large, high-contrast LCD screen and a full QWERTY keypad. The phone is built to withstand extreme temperatures, dust, and moisture, making it ideal for industrial and outdoor applications. It also offers advanced features such as call forwarding, call waiting, and call transfer.

- High-contrast LCD screen
- Full QWERTY keypad
- High-contrast LCD screen
- High-contrast LCD screen
- High-contrast LCD screen

INNOVA EQUIPMENT

INNOVA EQUIPMENT



- 1. [unclear]
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- 3. [unclear]

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- Careers

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- Equity Research
- AI-Powered Tools
- ESG
- Portfolio Analytics
- Valuation
- Risk Management
- Compliance

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Research & Analytics

Technology





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- Portfolio
- Behavioral Assessment
- Interim Assessment
- Assessment
- Tools
- Test & Practice

ON THE FOREFRONT  
OF EFFECTIVE ASSESSMENT



FORWARD THINKING

**General Eye Surgery Information and the Joint Replacement System**

It's important to be ready for the next election year. There are some common misconceptions about...  
...the...  
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**Overview of Cataract and Cataract Eye Surgery Correction**

When...  
...the...  
...the...

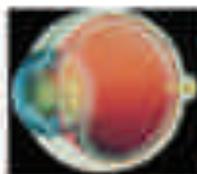
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**What is a cataract?**

The...  
...the...  
...the...



the body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.



the body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.

**What are the internal organs?**

the body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.

- Heart
- Lungs
- Liver
- Stomach
- Intestines
- Kidneys
- Pancreas
- Spleen
- Gallbladder
- Bladder
- Uterus
- Testes
- Thyroid
- Adrenal
- Pituitary
- Hypothalamus
- Pineal
- Hypophysis
- Pituitary
- Hypothalamus
- Pineal
- Hypophysis

The body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.

The body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.

**What are the external organs?**

The body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.

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The body's internal organs and the external environment. The body's internal organs are the heart, lungs, liver, stomach, and intestines. The external environment is the air, water, and food that the body takes in.

...and the ...

**How is customer loyalty performed?**

Through the ...

The ...



The ...

...

**Integration of CRM System into the HR and Customer Service Department System**

...

...

**How is it?**

The ...

...

**The Expansion of Global Supply Chain**

The ...

**How is it?**

The ...





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RESEARCH SOLUTIONS

**Assessing Student Learning | Using information and evidence for Learning Assessment**

Assessing student learning is a complex task. It requires a variety of data and evidence to inform the process. This research solution provides a framework for assessing student learning.

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**Assessing Student Learning | Using information and evidence for Learning Assessment**

Assessing student learning is a complex task. It requires a variety of data and evidence to inform the process. This research solution provides a framework for assessing student learning.

The purpose of this research solution is to provide a framework for assessing student learning. It includes a variety of data and evidence to inform the process.

Assessing student learning is a complex task. It requires a variety of data and evidence to inform the process. This research solution provides a framework for assessing student learning.



The abstract for this article is available at <https://doi.org/10.1002/ajim.14000>.

14000

### Review Abstracting Surgery Options with Qualified Occupational Therapists

The abstract for this article is available at <https://doi.org/10.1002/ajim.14000>.

14000

### Abstracts

1. Abstract for article: <https://doi.org/10.1002/ajim.14000>
2. Abstract for article: <https://doi.org/10.1002/ajim.14000>
3. Abstract for article: <https://doi.org/10.1002/ajim.14000>

14000

# Learn the Truth About Cataracts

A Vision Survey by AARP and Alcon

Learn More

80%

of people over 65 who responded to the survey said that cataracts are **EXTREMELY IMPORTANT**.



75%

of people over 65 who were asked to describe their cataracts in order to **BETTER ENJOY DAILY ACTIVITIES**.

Cataracts affect millions of Americans, but the original cataract and cataract surgery are being passed down...

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### How Not Satisfied Patients

Download our free app to help you get more satisfied patients. It's simple to use and works on both your smartphone and tablet.

Learn More



## Cataracts Happen to Everyone

After age 40, you have a 1 in 10 chance of developing cataracts. The likelihood of developing cataracts increases with age. Cataracts are a common eye condition that can affect anyone, even those who are young and healthy.

## Correcting Cataracts

There are several ways to correct cataracts. In some cases, you may be able to correct cataracts with glasses or contact lenses. In other cases, surgery may be necessary to remove the cataracts and replace them with an artificial lens.

### Options

1. [Cataract surgery](#) is the most common way to correct cataracts. It involves making a small incision in the eye to remove the cataract and replace it with an artificial lens.
2. [Laser cataract surgery](#) is a newer technique that uses a laser to break up the cataract, making it easier to remove.

Learn more about cataracts and how to correct them.

Learn more about cataract surgery and laser cataract surgery.

### Understanding Your

### Options



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### Alcon

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- My Cataract  
Treatment
- Personal Notes



### Which Lens is Right for Me?

Discover the answer with the online calculator

#### Consent/Quit Charts



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#### Find an Eye Surgeon

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### The Most Frequently Trused IOLs in the World

The world's most frequently trused intraocular lenses (IOLs) are ranked according to the number of trusings performed in the United States and worldwide. This book provides a comprehensive overview of the most frequently trused IOLs, including their design, features, and trusing techniques. It is an essential resource for ophthalmologists and optometrists who perform cataract surgery.

The book is available in both print and electronic formats. It includes a CD-ROM with additional information and software.

- Comprehensive overview of the most frequently trused IOLs
- Detailed information on IOL design, features, and trusing techniques
- Practical information on IOL selection and trusing
- Includes a CD-ROM with additional information and software

### Comparing Intraocular Lenses (IOLs)

This book provides a comprehensive overview of the most frequently trused IOLs, including their design, features, and trusing techniques. It is an essential resource for ophthalmologists and optometrists who perform cataract surgery.

Author:

### Testimonials

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Specialty Product 12

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Specialty Product 18



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**DESIGN MARK**

**Serial Number**

75802614

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

ISTA PHARMACEUTICALS

**Standard Character Mark**

No

**Registration Number**

2923339

**Date Registered**

2005/02/01

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

ISTA PHARMACEUTICALS, INC. CORPORATION CALIFORNIA 15279 ALTON PARKWAY,  
STE 100 IRVINE CALIFORNIA 92618

**Name Change**

BY CHANGE OF NAME; BY CHANGE OF NAME; BY CHANGE OF NAME

**Original Owner**

Advanced Corneal Systems, Inc. CORPORATION Irvine CALIFORNIA 92618

**Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: PHARMACEUTICAL PREPARATIONS, NAMELY, OPHTHALMICS; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF OPHTHALMIC DISEASES AND CONDITIONS. First Use: 2004/07/27. First Use In Commerce: 2004/07/27.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: CLINICAL KITS CONSISTING PRIMARILY OF AN APPARATUS FOR APPLYING SOFTENING AND STABILIZING SOLUTIONS TO THE EYES AND THE SOFTENING AND STABILIZING SOLUTIONS FOR EYES, ALL FOR USE IN THE TREATMENT OF DEFICIENT VISION. First Use: 2004/07/27. First Use In Commerce: 2004/07/27.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PHARMACEUTICALS" APART FROM THE MARK AS SHOWN.

**Filing Date**

2000/01/24

**Examining Attorney**

CARROLL, DORITT L.

**Attorney of Record**

Tirzah Abe Lowe

# **ISTA PHARMACEUTICALS**

**DESIGN MARK**

**Serial Number**  
76566273

**Status**  
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**  
FLENTS

**Standard Character Mark**  
Yes

**Registration Number**  
3275690

**Date Registered**  
2007/08/07

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Apothecary Products, Inc. CORPORATION MINNESOTA 11750 12th Avenue  
South Burnsville MINNESOTA 553371297

**Goods/Services**  
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Travel  
wristbands and headache headbands. First Use: 2005/09/00. First Use  
In Commerce: 2005/09/00.

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 039. G & S:  
Fire blankets, namely, rescue blankets. First Use: 2005/09/00. First  
Use In Commerce: 2005/09/00.

**Goods/Services**  
Class Status -- ACTIVE. IC 005. US 004 010 044 046 051 052. G & S:  
first aid kits, lice control spray; dental preparations, namely,  
plaque identifying tablets; orthodontic wax; medicated diagnostic ph  
test strips for diabetics; pre-moistened sanitizing wipes for toilet  
seats. First Use: 2006/09/00. First Use In Commerce: 2006/09/00.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.  
G & S: dental care products, namely and toothbrush covers,  
toothpicks, dental floss, toothpaste tube winders. First Use:  
2006/09/00. First Use In Commerce: 2006/09/00.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Foot care  
products, namely, insoles, toe caps, pads, patches, splints, heel  
cups, bunion shields, bunion sleeves; thermal cold and hot packs for  
first aid and therapeutic purposes; dental care products, namely,  
dental mirrors, irrigating syringes, plastic tongue cleaners; diabetic  
care products, namely, syringe magnifiers, specimen containers,  
syringe carrying cases, alcohol applicator bottles, lancets, syringe  
safety holders, syringe guards; first aid supplies and health care  
products, namely, eyewash cups, irrigating eyewash bottles, eye  
droppers, finger guards, finger splints, finger sleeves, finger cots,  
thermometers for medical purposes, eye patches for medical use,  
surgical instruments, namely, surgical scissors, surgical tape  
removers; eye dropper guides, tongue depressors; steam inhalers for  
therapeutic use sold empty, external nasal dilators, splinter removal  
kits comprised of tweezers and magnifying glass; orthopedic products,  
namely, arm slings, otoscopes; filtration masks for medical use;  
personal care products, namely, toilet seat covers, toilet seat wipes,  
portable urinals for medical purposes; rectal syringes, medical ice  
packs in the nature of ice bags, ear syringes, enamel bottles sold  
empty, vaginal applicators, specimen cups, and lice and lice eggs  
detection kits comprised of lice comb, cleaning brush, tweezers, and  
magnifying glass. First Use: 2005/09/00. First Use In Commerce:  
2005/09/00.

**Prior Registration(s)**

0230234;0854228;2350614

**Filing Date**

2003/12/11

**Examining Attorney**

ENGEL, MICHAEL

**Attorney of Record**

Andrew S. Ehard

# FLENTS

**DESIGN MARK**

**Serial Number**

76695475

**Status**

REGISTERED

**Word Mark**

HOPKINS MEDICAL PRODUCTS

**Standard Character Mark**

Yes

**Registration Number**

3912639

**Date Registered**

2011/02/01

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Hopkins Medical Products CORPORATION MARYLAND 5 Greenwood Place  
Baltimore MARYLAND 21208

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: medical bags sold empty; apparatus for taking blood samples; sphygmomanometers; nursing bags designed to hold specific medical apparatus; apparatus for clinical diagnosis; CPR masks; pulse measuring devices; pulse oximeter for use on the finger; stethoscopes; digital thermometers for medical purposes; medical gloves; containers especially adapted for the disposal of medical instruments, syringes, and other contaminated medical waste; devices for measuring wounds; surgical sponges; surgical masks; medical gowns; medical test kits for monitoring diabetes and its effects on the foot; [otoscopes;] ophthalmoscopes; transilluminator for highlighting the veins which absorb the light; clinical thermometers; handheld medical examinations tools, namely, pinwheel rolling devices and body hammers for testing muscular and nerve reactions; surgical scissors; force and motion testing apparatus for physical training; respiratory masks for medical purposes; disposable containers for medical waste, specifically for needles and syringes; small transportable disposable containers for

medical waste, specifically for needles and syringes; brushes for cleaning body cavities; suture removal tray; a wound gauge to monitor ulcer or wound size; wound suction apparatus; medical devices in the nature of hand held lights for use in gauging and stimulating the pupil of the eye; eye charts for medical examination use; cardiopulmonary resuscitation masks; shields for use with cardiopulmonary resuscitation masks; medical devices for patient hygiene, namely, stations for patient personal hygiene composed of hand pumped shampoo bottles sold empty, inflatable sinks, shampoo trays, bath thermometers, patient communication board, privacy screen, portable IV pole, and carrying case; lancets; medical devices for instant monitoring blood glucose for medical purposes; blood testing apparatus for testing bilirubin; suture removal kits and supplies, namely, tweezers, scissors; stethoscopes, speculums; rolling lab transport systems comprising foam padded container, front zip compartment, two sided mesh pockets, leak-proof needle disposal container, re-usable ice pack, bio-hazard labeled containers with foam to safely transport filled blood draw tubes; forceps; apparatus for clinical diagnosis; blood pressure cuffs; containers in the nature of carriers for biohazardous medical waste; disposal bags for biohazardous medical waste; hand held medical tools, namely, medical manicure sticks for medical purposes; tongue depressor; medical hand held manual tools in the nature of aneroïd gauges; disposable bags for bio-hazardous medical waste; skinfold calipers \* all of the above excluding endoscopes or medical imaging equipment \*. First Use: 1987/12/31. First Use In Commerce: 1987/12/31.

#### Goods/Services

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: waterless hand sanitizing preparations; wound dressings; medical adhesive tapes; surface disinfectants for sanitary purposes; disinfecting hand wash; cotton swabs for medical purposes; tapes for varicose veins; sterile saline wash for medical purposes; medical cotton balls for use in applying topical medicine; cotton tipped applicators for medical purposes; disinfectants for medical instruments; anti-diabetic pharmaceuticals; First Aid Kit. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

#### Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: baby scales, weighing scales for home health care use, floor scales laser doppler for measuring purposes; disposable paper measuring tape; guiding devices for use with fiberglass tape measures; baseline caliper; stadimeters; goniometer; protective eye wear. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

#### Goods/Services

Class Status -- ACTIVE. IC 011. US 019 021 023 031 034. G & S: ceiling lights; pen lights. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

**Goods/Services**

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: tote bags with a side for holding clean items such as clothing and a side for holding dirty items such as clothing; tote bags; hip pouches; back packs. First Use: 1996/12/31. First Use In Commerce: 1996/12/31.

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 019 029 029 030 039 040 050. G & S: pill boxes for personal use. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

**Goods/Services**

Class Status -- ACTIVE. IC 040. US 100 103 106. G & S: custom imprinting of the logos of others on medical supplies. First Use: 1995/12/31. First Use In Commerce: 1995/12/31.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDICAL PRODUCTS" APART FROM THE MARK AS SHOWN.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Section 2f Statement**

2(F) ENTIRE MARK

**Filing Date**

2009/01/27

**Examining Attorney**

CAPSHAW, DANIEL

**Attorney of Record**

JONATHAN E. GRANT

# HOPKINS MEDICAL PRODUCTS

**DESIGN MARK**

**Serial Number**

77270377

**Status**

REGISTERED

**Word Mark**

AUMED

**Standard Character Mark**

Yes

**Registration Number**

3513769

**Date Registered**

2008/10/07

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Aumed Corporation CORPORATION CHINA Zhong Rd Haidan District 1206 High Tech Bldg 229 Bei Si Huan Beijing CHINA 100083

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Low vision video magnifier consisting of convex lenses or lens systems intended to magnify the appearance of objects; low vision video magnifier in the nature of a loupe, namely, a device that consists of two eyepieces each with a lens or lens system, intended for industrial purposes to magnify the appearance of objects; digital imaging system, namely, a device that provides capabilities relating to the acceptance, transfer, display, storage and digital processing of medical images and comprised of CCD/CMOS camera, digitizers, computers, video monitors, optical disk, digital data storage devices, hardcopy devices and software for performing operations related to image manipulation, enhancement, compression and quantification; lasermeter, namely, a device intended to measure the power of lenses, prisms and their centers; low vision video magnifier, namely, a closed-circuit television reading system consisting of a lens, video camera and video monitor for use by a patient who has subnormal vision to magnify reading material. First Use: 2006/10/10. First Use In

Commerce: 2006/10/10.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Medical equipment in the field of ophthalmology, namely, auto refractometer and keratometer; computerized visual acuity system, namely, a device with a computerized display of a chart on a screen, such as a Snellen chart with block letters or other symbols in graduated sized, intended to test visual acuity and consisting of a compact computer integrated with an LCD monitor, a software for visual acuity testing and a remote control panel; non-contact tonometer, namely, an automatic device intended to measure intraocular pressure by applying a puff of air and a beam of light on the cornea of the eye and measuring the amount of intensity of light reflected from the cornea when it is pressed to flat by air and intended for use in the diagnosis of glaucoma, retinal camera for taking photographs of the eye retina and the surrounding area; vision tester comprised of a set of lenses of various dioptric powers intended to measure the refractive power and error of the eyes; PD meter for measuring the distance between the pupils of the two eyes by use of reflected light; ophthalmoscope; retinoscope; slit lamp microscope; operation microscope; electrophysiology system for diagnosing the retina, optic nerve, visual pathways in the clinic, comprised of electrodes, computer software, signal amplifier, monitor, and stimulator; perimeter in the nature of a device which projects light on various points of a curved surface to determine the extent of the peripheral visual field of a patient; optometric instrument table for use during surgery; operating table; trial lens set, namely, a device consisting of a set of lenses of various dioptric powers intended to be handheld or inserted in a trial frame for vision testing to determine refraction. First Use: 2006/10/10. First Use In Commerce: 2006/10/10.

**Filing Date**  
2007/09/03

**Examining Attorney**  
DIXON, JENNIFER

**Attorney of Record**  
Jeffrey K. Furr

Aumed

**DESIGN MARK**

**Serial Number**

77426159

**Status**

REGISTERED

**Word Mark**

NIDEX

**Standard Character Mark**

No

**Registration Number**

3614781

**Date Registered**

2009/05/05

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

NIDEX CO., LTD. CORPORATION JAPAN 34-14, Maehara, Hiroishi-cho  
Ganagori, Aichi JAPAN 443-0038

**Goods/Services**

Class Status -- ACTIVE. IC 007. US 013 019 021 023 031 034 035. G & S: Housemark for a full line of lens processing machines and components thereof for the production of lenses, namely, lens edgers for retail use, lens edgers for laboratory use, lens conveyance robots, centering devices, drills, pliable cups, drainers, filters, pumps and tank; Housemark for transfer tinting machine for eyeglasses. First Use: 1978/01/00. First Use In Commerce: 1984/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Housemark for optical machines in ophthalmic and optometric field, all for laboratory use namely, lensmeters, funduscameras, visual acuity chart projectors; Housemark for measuring machines in ophthalmic and optometric field, all for laboratory use, namely, tracers, blockers; Housemark for eyeglass lenses; Housemark for computers and computer software for use in medical and optometric field, namely, software for connecting ophthalmic equipments, software for communicating eyeglass

processing information, software for patient data and clinical information analysis, software for telemetry network, software for informed consent, software for ophthalmic data analysis; Housemark for trial lens sets for eyewear. First Use: 1978/01/00. First Use In Commerce: 1984/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. U & S: Housemark for a full line of ophthalmic and dermatological surgery and treatment instruments and components thereof, namely, lasers, photocoagulators, phacoemulsifiers, vitrectomy instruments, intraocular lenses, injectors, keratomes, knives; Housemark for a full line of ophthalmic medical and diagnostic examination machines, instruments and components thereof, all for medical, diagnostic, treatment and therapeutic purposes, namely, refractometers, keratometers, tonometers, refractors, visual acuity charts, visual acuity projectors, corneal topographers, lensmeters, ultrasonic scanners, pachymeters, ophthalmometers, slitlamps, pupil distance meters, fundus cameras, perimeters, and microscopes; Housemark for trial lens sets, namely, devices consisting of a set of lenses of various dioptric powers intended to be handheld or inserted in a trial frame for vision testing to determine refraction; Hospital supportive equipment, namely, tables and chairs for ophthalmic use. First Use: 1978/01/00. First Use In Commerce: 1984/11/00.

**Prior Registration(s)**

1546140;3182958

**Description of Mark**

The mark consists of black square with the stylized word "NIDEK" with an eye like design.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2008/03/19

**Examining Attorney**

ROSSMAN, MARY

**Attorney of Record**

Gary D. Krugman



**NIDEK**

**DESIGN MARK**

**Serial Number**

78550931

**Status**

REGISTERED

**Word Mark**

AS A PHARMACIST, I RECOMMEND IT. AS A PARENT, I USE IT.

**Standard Character Mark**

Yes

**Registration Number**

3213382

**Date Registered**

2007/02/27

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

NEW ALBERTSON'S, INC. CORPORATION OHIO 11840 VALLEY VIEW ROAD EDEN PRAIRIE MINNESOTA 553443691

**Goods/Services**

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050. G & S: Beauty and personal care products, namely, bath products, namely, facial cleaning buffs, daily cleaning cloths, toothbrushes, dental floss, foot brushes. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Health care products, namely, external nasal dilators, aspirators for medical use, blood glucose meters, chemically activated hot and cold gel packs for medical purposes, thermometers for medical purposes, compression bandages, dental instruments, namely, mirrors, picks and interdental stimulators, ear syringes, lancets, medical ice packs, medical syringes, silicone gel sheeting for treatment of scars, and vaginal douche syringes; ear plugs for medical purposes. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 009 051 052. G & S: Beauty and personal care products, namely, after sun skin lotion, after shave preparations, namely, creams, gels and lotions, all purpose cotton swabs for personal use, non-medicated anti-cavity mouth rinses, bath gels and soaps, bath oils, beauty lotions, body oils, body powders, body cleansers, bronzing sunless tan accelerating foam, bubble bath, coarse and smooth nail emery boards, cosmetics, cotton balls for cosmetic purposes, cotton puffs and squares for cosmetic purposes, cream skin cleansers, daily pore facial cleansers, dental travel kit consisting of toothpaste, toothbrush and mouth wash all sold as a unit, dentifrices, denture cleaners, denture cleaning preparations, emery boards, non-medicated foot creams, gauze pads for cosmetic purposes, skin lotion containing glycerine and rosewater, hair care preparations, hair shampoo and conditioners, hair tonics, bath milks, non-medicated mouth rinses, non-medicated mouthwash, nail polish remover, non-medicated diaper rash ointment and lotions, non-medicated hair care preparations, non-medicated lip balm, non-medicated skin care preparations, non-medicated oatmeal body baths, petroleum jelly for cosmetic purposes, pre-moistened cosmetic wipes, pre-moistened facial cleaning towelettes, pumice stones for personal use, shaving balms, gels, creams and lotions, shaving preparations, shower and bath powders, skin cleansers and creams, skin lotions and creams, skin moisturizers, soaps, sunscreen and sun-block preparations, sun tanning preparations, teeth whitening gels and films, and toothpaste. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Health care products, namely, acetaminophen, pharmaceutical preparations for stomach acid reduction, sore treatment preparations, adhesive bandages, adhesive tape for medical use, allergy relief medications, medicated aloe vera gels for treatment of sunburn, analgesics, antacids, antibacterial pharmaceuticals, antibiotic creams and ointments, anti-diarrhea medications, anti-fungal creams for medical use, anti-gas medications, antihistamines, anti-itch creams, nausea treatment preparations, medicated anti-plaque mouth rinse, antiseptics, arthritis pain relief medication, artificial tears, aspirin, bandages for skin wounds, bismuth preparations for pharmaceutical purposes, bronchial dilators, calamine lotions, castor and mineral oils for medical purposes, pharmaceutical preparations for the treatment of chest congestion, preparations for the treatment of colds, contact lens cleaning solutions, contact lens wetting solutions, contact lens disinfectants, cotton for medical purposes, cough drops and cough syrup, cough treatment preparations, dairy lactose digestive supplements, pharmaceutical preparations for the treatment of dairy intolerance, decongestants, dental rinse, denture adhesives, diarrhea medication, douches, medicated drawing salves for treatment of minor skin irritations, ear drops, enema preparations, Epsom salts, expectorants, eye drops, eye washes, feminine hygiene

pads, dietary fiber food supplements, flu cold and cough treatment preparations, pharmaceutical preparations for gas relief, glucose tablets for use as a dietary supplement, hand sanitizers, hemorrhoidal treatment, preparations and ointments, hydrocortisone, hydrogen peroxide for medical use, ibuprofen for use as oral analgesic, incontinence garments and pads, iodine, irrigating solutions for eye use, isopropyl alcohol for medical use, laxatives, lice treatment shampoos, lice treatment preparations, medicated body powders, medicated decongestant chest rubs, medicated chewing gum to stop smoking, medicated skin cleansers, medicated diaper rash ointments, medicated hair care preparations, medicated lozenges, medicated mouth wash, medicated pre-moistened hemorrhoidal, medicated pre-moistened wipes, medicated sunburn gels, miconazole nitrate preparations for the treatment of athlete's foot, migraine treatment preparations, milk of magnesia, essential mineral oils for medical use, minoxidil, motion sickness treatment preparations, muscle relaxants, nasal spray preparations, nutritional supplements, herbal supplements, ovulation test kits, pain relief medications, panty liners, panty shields, gels for use as a personal lubricants, petroleum jelly for medical purposes, medicated petroleum lip balm, pregnancy test kits for home use, preparations for treating colds, rubbing alcohol, rubbing compounds for medical and/or therapeutic use, saline nasal spray preparations, saline solutions for contact lenses, sanitary pads, medicated shampoos and conditioners, pharmaceutical preparations, namely, simethicone drops for use in treating excessive gas in the digestive tract and colic, sleeping pills, sore throat lozenges, pharmaceutical preparations for use as stay-awake aids, stool softeners, medicated styte ointments, suppositories, tampons, topical anesthetics, transdermal patches for use in the treatment of smokers to stop smoking, medicated vaginal creams, vaginal topical anesthetics, vapor inhalers filled with levmetamfetamine, vapor inhalers filled with epinephrine, medicated vitamin A and E lotions, vitamin and mineral supplements, medicated vitamin E body oils, witch hazel, other health care products, namely, wound dressings, gauze, medicated acne treatment pads and pore strips, acne treatment preparations, pharmaceutical preparations, namely, miconazole nitrate preparations for the treatment of athlete's foot and yeast infections, medicated tioconazole ointment, warming gels for use as a personal lubricant, and medicated zinc ointment; medicated foot creams. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

#### Goods/Services

Class Status -- ACTIVE. IC 009. US 023 020 044. G & S: Beauty and personal care products, namely, callus rasps, callus cutters, cuticle scissors and pushers, eyelash curlers, nail scissors, nail buffers and clippers, nail files, razor blades, toenail nippers, tweezers, and manicure sets. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

#### Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Beauty aid

products, namely, gel insoles, insoles. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail drugstore and pharmacy services; online retail drugstore and pharmacy services. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

**Filing Date**

2005/01/20

**Examining Attorney**

LAPTER, ALAIN

**Attorney of Record**

Richard J. Tolley, Esq.

AS A PHARMACIST, I  
RECOMMEND IT. AS  
A PARENT, I USE IT.

**DESIGN MARK**

**Serial Number**  
78811713

**Status**  
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Registration Number**  
3241675

**Date Registered**  
2007/05/15

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(2) DESIGN ONLY

**Owner**  
Casia Medical, Inc. CORPORATION CALIFORNIA 514 So. Vermont Avenue  
Glendora CALIFORNIA 91741

**Goods/Services**  
Class Status -- ACTIVE. IC 010. US 026 033 044. G & S: Medical devices primarily for use in ophthalmic procedures, namely, silicone and intracanalicular plugs for treating dry eye, tear testing threads, plug placement instruments, scalpels, knives, blades, needles, cannula, cataractomy instruments, extraction devices, cellulose and Polyvinyl Alcohol foam spears, wicks, rings and drains, corneal marking pens, collagen corneal shields[, irrigation and aspiration handpieces and tips, astigmatome.] pupillometer and cautery. First Use: 2003/10/00. First Use In Commerce: 2003/10/00.

**Goods/Services**  
Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed instructional, educational and teaching material in the field of dry eye treatment. First Use: 2003/10/00. First Use In Commerce: 2003/10/00.

**Goods/Services**  
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Ophthalmic pharmaceutical preparations, namely, Viscoelastic solutions. First Use: 2003/10/00. First Use In Commerce: 2003/10/00.

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:

**Print: Sep 3, 2013**

**788-11713**

Collagen contact lenses. First Use: 2003/10/00. First Use In  
Commerce: 2003/10/00.

**Description of Mark**

The mark consists of a palm tree with a circular band around the tree.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

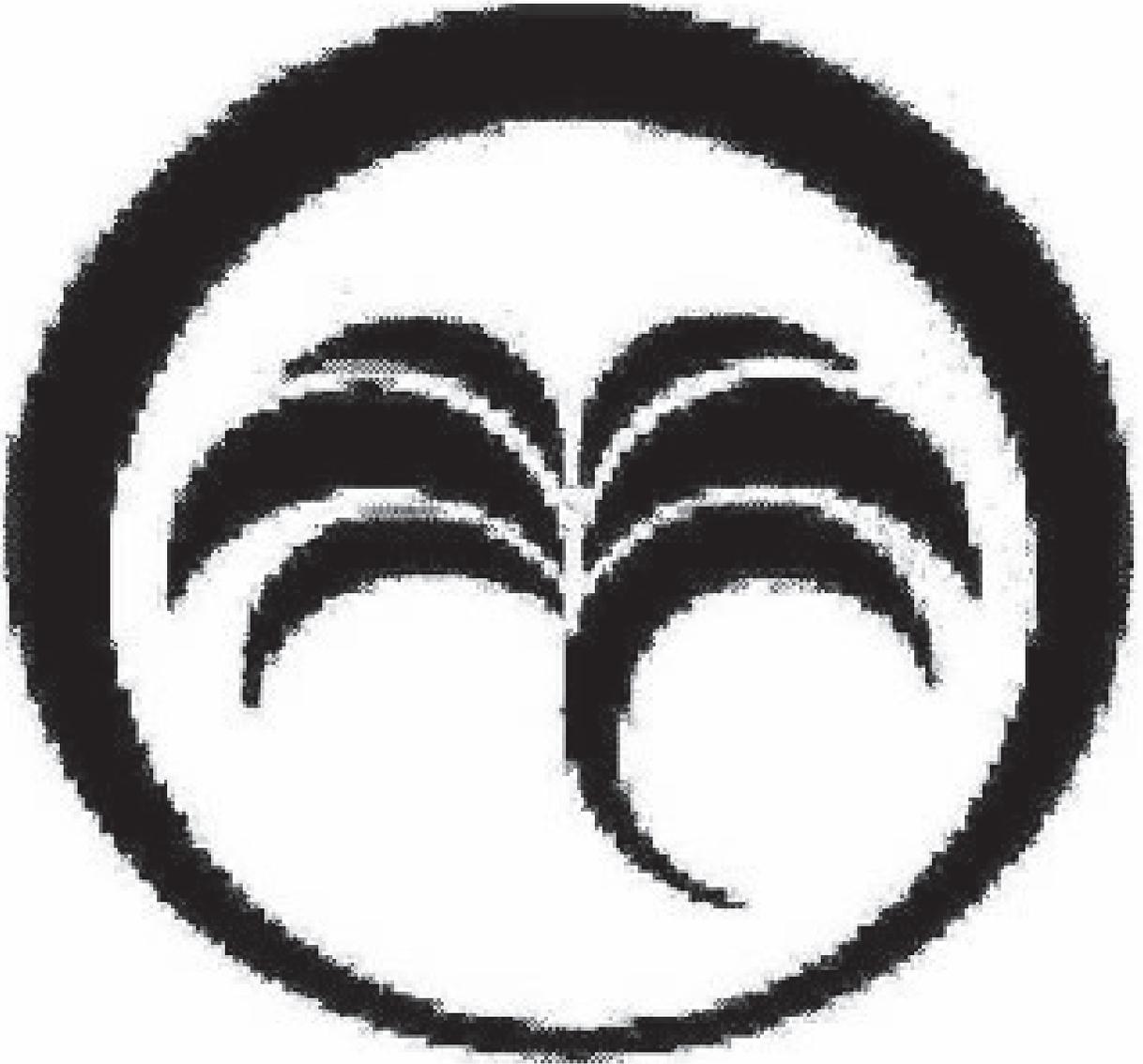
2006/02/09

**Examining Attorney**

BHANOT, KAPIL

**Attorney of Record**

Michael J. Ran



**DESIGN MARK**

**Serial Number**

85060682

**Status**

REGISTERED

**Word Mark**

IMAGECAM

**Standard Character Mark**

Yes

**Registration Number**

4062142

**Date Registered**

2011/11/29

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Oculus Optikgeräte GmbH gesellschaft mit beschränkter haftung (gmbh)  
FED REP GERMANY Münchholzäuser Str. 29 Wetzlar-Dutenhofen FED REP  
GERMANY 35582

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
ophthalmological apparatus and instruments for scientific use, namely,  
namely electronic eye scanners for scientific research purposes;  
computer hardware for use in the field of ophthalmology, namely, for  
use in conjunction with electronic eye scanners and computer operating  
software for use therewith for ophthalmic applications, namely,  
software for programming, calibrating and operating ophthalmologic  
apparatus and instruments for scientific use; optical goods in the  
nature of photographic apparatuses, namely, a digital slit lamp camera  
system comprised primarily of a slit lamp, beam splitter, digital  
video camera, operating software, and image storage disks; magnifying  
glasses; optical goods in the nature of spectacle glasses, spectacle  
frames and spectacle lenses; color measurement apparatuses in the  
nature of electronic spectrophotometer for use in measuring colors,  
optical prisms, namely, prisms for optics purposes, optical filters,  
contact lenses; optical goods, namely, filters for optical devices and

laser equipment designed for drilling optical lenses for eyeglasses; all of the aforesaid goods for use in the field of ophthalmology; optical goods, namely, refractometers to be used in the field of ophthalmology. First Use: 1999/12/31. First Use In Commerce: 2008/11/30.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Ophthalmologic apparatuses and instruments for medical use, namely, ophthalmoscopes and ophthalmometers; vision-testing devices, namely, eye testing machines and apparatus; instruments for the treatment of eye conditions, ocular disorders and malfunctions, namely, eye droppers, medical apparatus in the nature of an injectable oxygen delivery system comprising an oxygen device which produces nanobubbles to prevent or treat eye disease and therapeutic eye hydration goggles for the treatment of dry eyes; electronic vision-testing devices in the nature of eye testing machines, visual signs in the nature of cards printed with lines of varying widths used for testing and analyzing vision, ophthalmologic refraction devices, namely, refraction units for medical diagnostic use; autorefractionometers for determining the objective refractive state of the eye for medical purposes, ophthalmologic medical devices, namely, pachymeters, topography medical devices for measuring of the cornea, medical laser devices, namely, YAG, diode and excimer lasers; eye testing machines and apparatus in the nature of visual field testing devices; photographic apparatuses for medical imaging, namely, medical imaging apparatus for documentation of the anterior and posterior eye segment, fluo image control during contact lens wearing or fitting process, documentation for tracking progression of disease or improvement after surgery. First Use: 1999/12/31. First Use In Commerce: 2008/11/30.

**Foreign Country Name**

ERPN CMNTY TM OFC

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

008806978

**Foreign Filing Date**

2010/01/13

**Foreign Registration Number**

008806978

**Foreign Registration Date**

2010/11/09

**Foreign Expiration Date**

2020/01/13

Print: Sep 3, 2013

85060882

**Filing Date**

2010/06/11

**Examining Attorney**

NADELMAN, ANDREA K.

**Attorney of Record**

Dean R. Karau

IMAGECAM

**DESIGN MARK**

**Serial Number**

85490510

**Status**

REGISTERED

**Word Mark**

DB ORTHODONTICS

**Standard Character Mark**

No

**Registration Number**

4189810

**Date Registered**

2012/08/14

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

DB Orthodontics LTD CORPORATION UNITED KINGDOM Unit 6, Ryefield Way  
Silsden, W. Yorkshire UNITED KINGDOM

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Surgical, medical, dental and veterinary apparatus and instruments, namely, pliers, screw drivers, cutters, files, gauges, bone punches, mucotomes, mucotome blades, scalpels, ratchets, implant drivers, forceps, surgical blades, drills, and replacement parts therefor; orthodontic appliances for use in orthodontia and oral surgery, namely, dental implants, braces for teeth, brackets, wires, ligatures, archwire, hooks, springs, bands and molar bands, and screws and dental apparatus and instruments for manipulating, attaching, detaching, adjusting and/or opening the aforementioned articles, particularly, cutters, pliers, tweezers, forceps, ligature tuckers, ligature tiers, ligature directors, band seating instruments, scalers, band pushers, gauge calipers, stress and tension gauges, arch turrets, bracket positioning tools, disposable brushes, application tools for adhesives, picks, burrs, mirrors, and stands, holders, and brackets specifically designed for organizing the same; orthodontic appliances, bands, and brackets; dental instruments for use in oral surgery and

orthodontics: Surgical and medical apparatus and instruments, namely, bone cutting forceps, bone holding forceps, bone levers, bone rongeurs, chisels, chucks, clamps, curettes, dissecting forceps, drills, drivers, nail and bone elevators, extractors, gouges, hooks, inspectors, introducers, knives, mallets, nail guides, probes, retractors, shears, spreaders, staple instruments, staples, suture scissors, wire benders and wire cutters, instruments for orthopedic surgery and chiropody, namely, nippers, cantilever nippers, scope and seekers, syringe cartridges sold empty, toe spreaders, pliers, screw drivers, cutters, bone punches, dissectors, nail elevators, nail splitters, bone cutting forceps, bone holding forceps, bone levers, bone rongeurs, chisels, chucks, clamps, curettes, dissecting forceps, files, needle holders specifically designed for holding needles, cuticle nippers, scalpels, scalpel blades, probes, spatulas, gauze applicators, tweezers, scissors, drills, diamond burs, tungsten burs, drivers, nail and bone elevators, extractors, gouges, hooks, inspectors, introducers, knives, mallets, nail guides, surgical trays specifically designed for holding surgical instruments, surgical kits comprised of surgical devices and instruments, chiropody kits comprised of surgical devices and instruments, forceps, gouges, probes, retractors, shears, spreaders, staple instruments, staples, suture scissors, wire benders and wire cutters. First Use: 2000/01/01. First Use In Commerce: 2004/06/30.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORTHODONTICS" APART FROM THE MARK AS SHOWN.

**Description of Mark**

The mark consists of the word "orthodontics" below the letters "db" and, to the right of the letters "db", a floret above and contiguous with the word "orthodontics" wherein the floret consists of eight petals one of which is removed from and offset from the floret.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2011/12/09

**Examining Attorney**

STEEL, ALYSSA

**Attorney of Record**

Edward K Welch II

**db**   
orthodontics

**DESIGN MARK**

**Serial Number**  
85720122

**Status**  
REGISTERED

**Word Mark**  
KOBOLD

**Standard Character Mark**  
Yes

**Registration Number**  
4393856

**Date Registered**  
2012/08/27

**Type of Mark**  
TRADEMARK; SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
NORTHWEST ONCOLOGY DEVICES, LLC LIMITED LIABILITY COMPANY WASHINGTON  
2410 S. SUMNER LANE GREENACRES WASHINGTON 99016

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Fiber optic cables; fiber optic instruments, namely, optics for use in  
medical procedures and treatments; fiber optic light and image  
conduits; fiber optics; optical fibers sold as a component of fiber  
optical cables; protective sheaths for fiber optical cables. First  
Use: 2012/09/12. First Use In Commerce: 2012/09/12.

**Goods/Services**  
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Braces for  
limbs and joints, for medical use; emergency medical equipment,  
namely, headboards; gynecological medical instruments for examining  
women's reproductive organs; injection needles for medical use; light  
emitting diode (LED) apparatus for lighting, incorporated into medical  
instruments; lower body alignment apparatus for medical purposes;  
medical and surgical catheters; medical and surgical laparoscopes;  
medical and surgical laparoscopes and catheters; medical apparatus and  
instrument for diagnostic use, namely, apparatus for medical

diagnostic testing in the fields of cancer or other tissue-based diagnostic testing, cytology and cell-based testing; medical apparatus and instruments for diagnostic radiopharmaceutical uses; medical apparatus and instruments for use in surgery; medical apparatus for detecting cancer; medical apparatus for introducing pharmaceutical preparations into the human body; medical apparatus, namely, implantable ports; medical apparatus, namely, infusion and injection devices for administering drugs; medical apparatus, namely, invasive and non-invasive ventilation apparatus and instruments; medical apparatus, namely, marking pens for use in surgical procedures; medical cutting devices; medical device for accessing subcutaneous structures of the human body for the purpose of administering medical treatment; medical device for detecting cancer; medical device for treating cancer; medical devices and apparatus, namely, medical guidewires and parts and fittings therefor; medical devices and apparatus, namely, ultrasound imaging apparatus, scanners and needle guides, and parts and fittings therefor; medical devices for dosimetry purposes in the field of radiotherapy; medical diagnostic apparatus for detecting cancer; medical dose meter that measures the total radiation dose received by a patient during a diagnostic procedure; medical fluid injectors; Medical guidewires; medical guidewires and parts and fittings therefor; medical imaging apparatus incorporating medical imaging software; medical instrument organizer specially fitted with pockets adapted for holding medical instruments; medical instruments and devices, namely, external fixators; medical instruments for cutting tissues; medical instruments for use in performing biopsies; medical instruments for use in brachytherapy, radiotherapy, radiation therapy, and radiation oncology treatments; medical instruments, namely, orthopedic apparatus and instruments; medical introducers; medical intubation equipment; medical needles and introducers; medical stents; medical stretchers; medical syringes; medical tubing for brachytherapy, radiotherapy, radiation therapy, and radiation oncology treatments, and for the insertion or application of instruments into patients; needles for medical purposes; needles for medical use; orthopedic braces; patient moving device, namely, a low friction pad for sliding patients to or from a stretcher and bed; patient stretchers; radiological apparatus for medical purposes; rigid and flexible medical endoscopes; splints; stirrups for use with medical examination tables; stretchers; supporters for medical purposes; supports for general medical use; supports for the immobilization of the body or specific body parts for medical use; surgical and medical apparatus and instruments for use in general surgery; syringes for medical purposes and for injections; thread for medical use; traction apparatus for medical use; uterine syringes.  
 First Use: 2012/09/12. First Use In Commerce: 2012/09/12.

#### Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. © & S: Pharmaceutical research and development; product research and development; providing medical research and scientific research information in the field of oncology via the Internet; research and development and consultation

related thereto in the field of medical devices, cancer treatment, brachytherapy, radiotherapy, radiation therapy, and radiation oncology treatments; research and development in the pharmaceutical and biotechnology fields; research and development of new products; research and development of new products for others; research and development of technology in the field of medical devices, cancer treatment, brachytherapy, radiotherapy, radiation therapy, and radiation oncology treatments; scientific research and development.  
First Use: 2012/09/12. First Use In Commerce: 2012/09/12.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2012/09/04

**Examining Attorney**

SANTO MARTINO, KATHA

**Attorney of Record**

Robert J. Kinner

KOBOLD

**DESIGN MARK**

**Serial Number**  
85728185

**Status**  
REGISTERED

**Word Mark**  
ELI ESR

**Standard Character Mark**  
Yes

**Registration Number**  
4386841

**Date Registered**  
2012/08/20

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
U.S. Ophthalmic, L.L.C. LIMITED LIABILITY COMPANY FLORIDA 9990 N.W. 14  
St. Suite 105 Miami FLORIDA 33172

**Goods/Services**  
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Ophthalmic and optometric apparatus and instruments and optical optician laboratory apparatus and accessories for use in optometric and ophthalmic examinations, namely, automatic refractometers, manual refractors, digital refractors, digital lensmeters, eye testing screen and chart projectors, and refraction units composed primarily of a reclining chair, an overhead lamp, a phoropter arm, a sliding and rotating table, and a base, sold as a unit. First Uses 2011/10/28. First Use In Commerce: 2011/10/31.

**Name/Portrait Statement**  
The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Filing Date**  
2012/09/13

Print: Sep 3, 2013

86728185

**Examining Attorney**  
FINNEGAN, TIMOTHY

**Attorney of Record**  
Salomon B. Esquenazi

ELI EZER

**DESIGN MARK**

**Serial Number**

85728204

**Status**

REGISTERED

**Word Mark**

ELI E3ER

**Standard Character Mark**

No

**Registration Number**

4386842

**Date Registered**

2013/08/20

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

U.S. Ophthalmic, L.L.C. LIMITED LIABILITY COMPANY FLORIDA Suite 105  
9990 N.W. 14 St. Miami FLORIDA 33172

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Ophthalmic and optometric apparatus and instruments and optical optician laboratory apparatus and accessories for use in optometric and ophthalmic examinations, namely, automatic refractometers, manual refractors, digital refractors, digital lensmeters, eye testing screen and chart projectors, and refraction units composed primarily of a reclining chair, an overhead lamp, a phoropter arm, a sliding and rotating table, and a base, sold as a unit. First Uses 2011/10/28. First Use In Commerce: 2011/10/31.

**Name/Portrait Statement**

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Description of Mark**

The mark consists of the word "ELI" depicted in stylized uppercase letters in the color black 85%, located directly above a stylized

uppercase letter "E" which is the first letter of the word "EZER", which is also depicted in stylized uppercase letters, of which both letters "E" and the letter "R" are in the color Black 650. The letter "Z" in the word "EZER" is depicted with the center diagonal line of the letter doubled with the first center line connected to the top line of said letter "Z" and depicted in the color Pantone 361 (green), and the second center line connected to the bottom line of said letter "Z" and depicted in the color Pantone 371 (green).

**Colors Claimed**

The color(s) Pantone 361 (green), Pantone 371 (green), and Black 650 is/are claimed as a feature of the mark.

**Filing Date**

2012/09/13

**Examining Attorney**

FINNEGAN, TIMOTHY

**Attorney of Record**

Salomon B. Esquenazi

meZer

**DESIGN MARK**

**Serial Number**  
85780381

**Status**  
REGISTERED

**Word Mark**  
ROOMFUN

**Standard Character Mark**  
No

**Registration Number**  
4378308

**Date Registered**  
2012/08/06

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
Jiedong Rimeo Industrial Co., Ltd. LIMITED LIABILITY COMPANY CHINA  
South of Qixi Rd., Jiedong Economic Zone, Jiedong County Jieyang,  
Guangdong CHINA 515500

**Goods/Services**  
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Arch supports for boots or shoes; Artificial limbs; Contraceptives; Dental mirrors; Feeding bottles; Foot massage apparatus; Gloves for massage; Massage apparatus; Medical apparatus and instruments for use in surgery; Medical products, namely, therapeutic mattresses, beds, seats and cushions; Suture materials; Vibromassage devices. First Use: 2010/10/05. First Use In Commerce: 2010/10/05.

**Description of Mark**  
The mark consists of the silhouettes of a man and woman seated and facing each other within an outline of a room in the background; the wording "ROOMFUN" appears at the bottom of the mark with the letters "OO" appearing in a swirl design.

**Colors Claimed**  
Color is not claimed as a feature of the mark.

Print: Sep 3, 2013

86788381

**Filing Date**

2012/12/10

**Examining Attorney**

YOUNG, SKYE

**Attorney of Record**

MINGYA ZHANG



ROOMFEUN

**To:** HORUS PHARMA ([mlombard@lgtrademark.com](mailto:mlombard@lgtrademark.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 79128753 - HORUS PHARMA - 123.0554  
**Sent:** 9/3/2013 7:32:06 PM  
**Sent As:** ECOM102@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **9/3/2013** FOR U.S. APPLICATION SERIAL NO. 79128753

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **9/3/2013** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the**

**ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

# **EXHIBIT B**

# Trademark/Service Mark Application, Principal Register

Serial Number: 85637178

Filing Date: 05/29/2012

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85637178
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS\EXPORT16\IMAGEOUT16\856\371\85637178\xml1\ APP0002.JPG">\\TICRS\EXPORT16\IMAGEOUT16\856\371\85637178\xml1\ APP0002.JPG</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	horus SCOPE
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized letters "horus" above the word SCOPE.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	900 x 576
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	MEDIMAGING INTEGRATED SOLUTION, INC.
INTERNAL ADDRESS	1F
*STREET	NO.7, R&D RD. II, HSINCHU SCIENCE PARK
*CITY	HSINCHU, 30076
*COUNTRY	Taiwan
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Taiwan

**GOODS AND/OR SERVICES AND BASIS INFORMATION****INTERNATIONAL CLASS**

010

AEROSOL DISPENSERS FOR MEDICAL USE; APPARATUS FOR CLINICAL DIAGNOSIS; CLINICAL THERMOMETERS; DENTAL APPARATUS, NAMELY, INTRA-ORAL LIGHT SYSTEMS; DENTAL INSTRUMENTS, NAMELY, CARIES DETECTION DEVICE, LASER FLUORESCENCE CARIES DETECTION DEVICE, FIBER OPTIC DENTAL LIGHT, DENTAL OPERATING LIGHT, DENTAL BLEACHING MACHINE AND DENTAL 3D IMAGING SYSTEM; DENTAL MIRRORS; ELECTRICALLY-POWERED APPARATUS FOR TREATING SKIN BY APPLYING LOW LEVEL LIGHT AND SONIC VIBRATIONS TO THE SKIN; ELECTRONIC AESTHETIC SKIN TREATMENT DEVICES USING LIGHT EMITTING DIODES, NAMELY, INFRARED, RED, ORANGE, YELLOW, GREEN, AND BLUE WAVELENGTHS FOR GENERATING LIGHT RAYS; ELECTRONIC LIGHT THERAPY APPARATUS FOR THE SKIN; ENDOSCOPIC EQUIPMENT; ENDOSCOPY CAMERAS; EYE PROTECTORS FOR POST-SURGERY EYE PROTECTION; EYE TESTING MACHINES AND APPARATUS; FEVER THERMOMETERS; GASTROSCOPES; HEADLIGHT LENS MODULES FOR MEDICAL AND SURGICAL USE; INTERPUPILLOMETERS; INTRA-ORAL DENTAL LIGHT SYSTEM; KERATOSCOPIES; LARYNGOSCOPIES; LASER POINTERS FOR MEDICAL USE; LASERS FOR MEDICAL PURPOSES; LASERS FOR MEDICAL USE; LASERS FOR SURGICAL AND MEDICAL USE; LASERS FOR THE COSMETIC TREATMENT OF THE FACE AND SKIN; LIGHT EMITTING DEVICES, NAMELY, LAMPS AND LED DEVICES FOR TREATMENT OF A VARIETY OF SKIN CONDITIONS; LIGHT EMITTING DIODE

**\*IDENTIFICATION**

(LED) DEVICES FOR ENERGY-EFFICIENT REPLACEMENT OF STANDARD TUNGSTEN-FILAMENT LIGHTING INCORPORATED INTO HAND-HELD MEDICAL INSTRUMENTS; LIGHT EMITTING DIODE (LED) APPARATUS FOR LIGHTING, INCORPORATED INTO MEDICAL INSTRUMENTS; LIGHT-BASED MEDICAL DEVICES, NAMELY, A LIGHT EMITTING DIODE (LED) DEVICE FOR INCREASING THE HUMAN BODY'S OWN PRODUCTION OF COLLAGEN; LOUPES FOR MEDICAL PURPOSES, NAMELY, MAGNIFYING GLASSES THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL EXAMINATION PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING LOOPS FOR MEDICAL PURPOSES; MEDICAL AND DENTAL APPARATUS FOR DIMENSIONAL MEASUREMENT, NAMELY, 3D SCANNER FOR HUMAN BODY; MEDICAL AND SURGICAL LAPAROSCOPES; MEDICAL AND SURGICAL LAPAROSCOPES AND CATHETERS; MEDICAL APPARATUS, NAMELY, AN EAR WASH DEVICE IN THE NATURE OF A CONTAINER TO BE FILLED WITH APPROPRIATE FLUID BY THE USER FOR FLUSHING EAR WAX FROM THE EAR; MEDICAL DEVICE, NAMELY, CHEMILUMINESCENT LIGHT FOR USE IN ENDOSCOPIC EXAMS; MEDICAL EXAMINATION LAMPS; MEDICAL FLUID INJECTORS; MEDICAL IMAGE PROCESSORS; MEDICAL IMAGING APPARATUS IN THE FIELD OF IRIDOLOGY, SCLEROLOGY, RAYID AND EYOLOGY; MEDICAL IMAGING APPARATUS INCORPORATING MEDICAL IMAGING SOFTWARE; MEDICAL OPERATING LAMPS; MICROSCOPES FOR OPERATIONS;

MIRRORS FOR DENTISTS;  
OPHTHALMOMETERS;  
OPHTHALMOSCOPES; OPTOMETRIC  
INSTRUMENTS, NAMELY,  
INSTRUMENTS FOR LOCATING  
GROOVES, ENGRAVINGS AND OTHER  
INDICIA ON OPHTHALMIC LENSES;  
OPTOMETRIC INSTRUMENTS,  
NAMELY, INSTRUMENTS FOR  
MEASURING THE DIAMETER OF  
OPHTHALMIC LENSES; OPTOMETRIC  
INSTRUMENTS FOR LOCATING THE  
OPTICAL CENTER OF OPHTHALMIC  
LENSES; ORGANOLEPTIC DIAGNOSTIC  
TESTING APPARATUS FOR MEDICAL,  
DENTAL OR COSMETIC USE;  
OTOSCOPES; PHOTOTHERAPEUTIC  
APPARATUS FOR MEDICAL PURPOSES;  
PHOTOTHERAPEUTIC APPARATUS FOR  
MEDICAL PURPOSES, NAMELY, A LED  
(LIGHT-EMITTING DIODE) LIGHT  
SOURCE FOR MEDICAL AND  
AESTHETIC SKIN TREATMENTS;  
PHOTOTHERAPEUTIC APPARATUS FOR  
THE TREATMENT OF JAUNDICE;  
RETINOSCOPES; RIGID AND FLEXIBLE  
MEDICAL ENDOSCOPES; SENSORY  
LIGHT THERAPY UNIT; SKIASCOPES;  
SKIN CARE ANALYZERS AND LIGHT  
THERAPY EQUIPMENT, NAMELY, A  
BLACK-LIGHT BLUE LAMP UNIT FOR  
USE IN IDENTIFICATION OF A  
VARIETY OF SKIN CONDITIONS;  
SOFTWARE FOR USE IN  
CALCULATING, TRANSFERRING AND  
STORING DATA RELATING TO THE  
DIAGNOSIS AND TREATMENT OF EYE  
DISORDERS, SOLD AS A COMPONENT  
OF A OPHTHALMIC SURGICAL  
APPARATUS; SPECULUMS; SURGICAL  
AND MEDICAL APPARATUS AND  
INSTRUMENTS FOR USE IN GENERAL  
SURGERY; SURGICAL APPARATUS  
AND INSTRUMENTS FOR USE IN  
OPHTHALMIC SURGERY; SURGICAL  
APPARATUS AND INSTRUMENTS FOR  
MEDICAL, DENTAL OR VETERINARY  
USE; SURGICAL APPARATUS FOR USE  
IN OPHTHALMIC SURGERY; SURGICAL

	INSTRUMENTS AND APPARATUS; SURGICAL INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL LAMPS; SURGICAL MIRRORS; SURGICAL OPERATING LAMPS; THERMOMETERS FOR MEDICAL PURPOSES; THORACOSCOPES; VETERINARY IMAGING PRODUCTS, NAMELY, DIGITAL VIDEO CAMERA CONNECTED TO A TAPERED PROBE USEFUL IN VIEWING EAR CANALS OR OTHER CAVITIES OF ANIMALS FOR DIAGNOSIS AND TREATMENT; VETERINARY OPERATING LAMPS
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/23/2011
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/10/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="file:///TICRS/EXPORT16/IMAGEOUT/16/856/371/85637178/xml1/APP0003.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\856\371\85637178\xml1\ APP0003.JPG</a>
	<a href="file:///TICRS/EXPORT16/IMAGEOUT/16/856/371/85637178/xml1/APP0004.JPG">\\TICRS\EXPORT16\IMAGEOUT 16\856\371\85637178\xml1\ APP0004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	MARK IS FORMED DIRECTLY ON THE GOODS
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	MORTON J. ROSENBERG
<b>ATTORNEY DOCKET NUMBER</b>	MR3579-190
<b>FIRM NAME</b>	ROSENBERG, KLEIN & LEE
<b>STREET</b>	3458 ELLICOTT CENTER DRIVE-SUITE 101
<b>CITY</b>	ELLICOTT CITY
<b>STATE</b>	Maryland
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	21043
<b>PHONE</b>	410-465-6678
<b>FAX</b>	410-461-3067
<b>EMAIL ADDRESS</b>	RKL@RKLPLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes

<b>OTHER APPOINTED ATTORNEY</b>	DAVID I. KLEIN; JUN Y. LEE
<b>DOMESTIC REPRESENTATIVE INFORMATION</b>	
<b>NAME</b>	ROSENBERG, KLEIN & LEE
<b>FIRM NAME</b>	ROSENBERG, KLEIN & LEE
<b>STREET</b>	3458 ELLICOTT CENTER DRIVE-SUITE 101
<b>CITY</b>	ELLICOTT CITY
<b>STATE</b>	Maryland
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<b>FAX</b>	410-461-3067
<b>EMAIL ADDRESS</b>	RKL@RKLPLAW.COM
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	MORTON J. ROSENBERG
<b>FIRM NAME</b>	ROSENBERG, KLEIN & LEE
<b>STREET</b>	3458 ELLICOTT CENTER DRIVE-SUITE 101
<b>CITY</b>	ELLICOTT CITY
<b>STATE</b>	Maryland
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<b>FAX</b>	410-461-3067
<b>EMAIL ADDRESS</b>	RKL@RKLPLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325

**SIGNATURE INFORMATION**

<b>SIGNATURE</b>	/CHU-MING CHENG/
<b>SIGNATORY'S NAME</b>	CHU-MING CHENG
<b>SIGNATORY'S POSITION</b>	PRESIDENT
<b>DATE SIGNED</b>	05/29/2012

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 85637178**

**Filing Date: 05/29/2012**

### To the Commissioner for Trademarks:

**MARK:** horus SCOPE (stylized and/or with design, see [mark](#))

The literal element of the mark consists of horus SCOPE.

The mark consists of the stylized letters "horus" above the word SCOPE.

The applicant, MEDIMAGING INTEGRATED SOLUTION, INC., a corporation of Taiwan, having an address of

1F,  
NO.7, R&D RD. II, HSINCHU SCIENCE PARK  
HSINCHU, 30076  
Taiwan

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 010: AEROSOL DISPENSERS FOR MEDICAL USE; APPARATUS FOR CLINICAL DIAGNOSIS; CLINICAL THERMOMETERS; DENTAL APPARATUS, NAMELY, INTRA-ORAL LIGHT SYSTEMS; DENTAL INSTRUMENTS, NAMELY, CARIES DETECTION DEVICE, LASER FLUORESCENCE CARIES DETECTION DEVICE, FIBER OPTIC DENTAL LIGHT, DENTAL OPERATING LIGHT, DENTAL BLEACHING MACHINE AND DENTAL 3D IMAGING SYSTEM; DENTAL MIRRORS; ELECTRICALLY-POWERED APPARATUS FOR TREATING SKIN BY APPLYING LOW LEVEL LIGHT AND SONIC VIBRATIONS TO THE SKIN; ELECTRONIC AESTHETIC SKIN TREATMENT DEVICES USING LIGHT EMITTING DIODES, NAMELY, INFRARED, RED, ORANGE, YELLOW, GREEN, AND BLUE WAVELENGTHS FOR GENERATING LIGHT RAYS; ELECTRONIC LIGHT THERAPY APPARATUS FOR THE SKIN; ENDOSCOPIC EQUIPMENT; ENDOSCOPY CAMERAS; EYE PROTECTORS FOR POST-SURGERY EYE PROTECTION; EYE TESTING MACHINES AND APPARATUS; FEVER THERMOMETERS; GASTROSCOPES; HEADLIGHT LENS MODULES FOR MEDICAL AND SURGICAL USE; INTERPUPILLOMETERS; INTRA-ORAL DENTAL LIGHT SYSTEM; KERATOSCOPIES; LARYNGOSCOPIES; LASER POINTERS FOR MEDICAL USE; LASERS FOR MEDICAL PURPOSES; LASERS FOR MEDICAL USE; LASERS FOR SURGICAL AND MEDICAL USE; LASERS FOR THE COSMETIC TREATMENT OF THE FACE AND SKIN; LIGHT EMITTING DEVICES, NAMELY, LAMPS AND LED DEVICES FOR TREATMENT OF A VARIETY OF SKIN CONDITIONS; LIGHT EMITTING DIODE (LED) DEVICES FOR ENERGY-EFFICIENT REPLACEMENT OF STANDARD TUNGSTEN-FILAMENT LIGHTING INCORPORATED INTO HAND-HELD MEDICAL INSTRUMENTS; LIGHT EMITTING DIODE (LED) APPARATUS FOR LIGHTING, INCORPORATED INTO MEDICAL INSTRUMENTS; LIGHT-BASED MEDICAL

DEVICES, NAMELY, A LIGHT EMITTING DIODE (LED) DEVICE FOR INCREASING THE HUMAN BODY'S OWN PRODUCTION OF COLLAGEN; LOUPES FOR MEDICAL PURPOSES, NAMELY, MAGNIFYING GLASSES THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING GLASSES, FOR MEDICAL EXAMINATION PURPOSES, THAT FIT ON THE USER'S FACE IN THE MANNER OF EYEGLASSES; MAGNIFYING LOOPS FOR MEDICAL PURPOSES; MEDICAL AND DENTAL APPARATUS FOR DIMENSIONAL MEASUREMENT, NAMELY, 3D SCANNER FOR HUMAN BODY; MEDICAL AND SURGICAL LAPAROSCOPES; MEDICAL AND SURGICAL LAPAROSCOPES AND CATHETERS; MEDICAL APPARATUS, NAMELY, AN EAR WASH DEVICE IN THE NATURE OF A CONTAINER TO BE FILLED WITH APPROPRIATE FLUID BY THE USER FOR FLUSHING EAR WAX FROM THE EAR; MEDICAL DEVICE, NAMELY, CHEMILUMINESCENT LIGHT FOR USE IN ENDOSCOPIC EXAMS; MEDICAL EXAMINATION LAMPS; MEDICAL FLUID INJECTORS; MEDICAL IMAGE PROCESSORS; MEDICAL IMAGING APPARATUS IN THE FIELD OF IRIDOLOGY, SCLEROLOGY, RAYID AND EYOLOGY; MEDICAL IMAGING APPARATUS INCORPORATING MEDICAL IMAGING SOFTWARE; MEDICAL OPERATING LAMPS; MICROSCOPES FOR OPERATIONS; MIRRORS FOR DENTISTS; OPHTHALMOMETERS; OPHTHALMOSCOPES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR LOCATING GROOVES, ENGRAVINGS AND OTHER INDICIA ON OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS, NAMELY, INSTRUMENTS FOR MEASURING THE DIAMETER OF OPHTHALMIC LENSES; OPTOMETRIC INSTRUMENTS FOR LOCATING THE OPTICAL CENTER OF OPHTHALMIC LENSES; ORGANOLEPTIC DIAGNOSTIC TESTING APPARATUS FOR MEDICAL, DENTAL OR COSMETIC USE; OTOSCOPES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES; PHOTOTHERAPEUTIC APPARATUS FOR MEDICAL PURPOSES, NAMELY, A LED (LIGHT-EMITTING DIODE) LIGHT SOURCE FOR MEDICAL AND AESTHETIC SKIN TREATMENTS; PHOTOTHERAPEUTIC APPARATUS FOR THE TREATMENT OF JAUNDICE; RETINOSCOPES; RIGID AND FLEXIBLE MEDICAL ENDOSCOPES; SENSORY LIGHT THERAPY UNIT; SKIASCOPES; SKIN CARE ANALYZERS AND LIGHT THERAPY EQUIPMENT, NAMELY, A BLACK-LIGHT BLUE LAMP UNIT FOR USE IN IDENTIFICATION OF A VARIETY OF SKIN CONDITIONS; SOFTWARE FOR USE IN CALCULATING, TRANSFERRING AND STORING DATA RELATING TO THE DIAGNOSIS AND TREATMENT OF EYE DISORDERS, SOLD AS A COMPONENT OF A OPHTHALMIC SURGICAL APPARATUS; SPECULUMS; SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR USE IN GENERAL SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL APPARATUS AND INSTRUMENTS FOR MEDICAL, DENTAL OR VETERINARY USE; SURGICAL APPARATUS FOR USE IN OPHTHALMIC SURGERY; SURGICAL INSTRUMENTS AND APPARATUS; SURGICAL INSTRUMENTS FOR USE IN OPHTHALMIC SURGERY; SURGICAL LAMPS; SURGICAL MIRRORS; SURGICAL OPERATING LAMPS; THERMOMETERS FOR MEDICAL PURPOSES; THORACOSCOPES; VETERINARY IMAGING PRODUCTS, NAMELY, DIGITAL VIDEO CAMERA CONNECTED TO A TAPERED PROBE USEFUL IN VIEWING EAR CANALS OR OTHER CAVITIES OF ANIMALS FOR DIAGNOSIS AND TREATMENT; VETERINARY OPERATING LAMPS

In International Class 010, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 06/23/2011, and first used in commerce at least as early as 08/10/2011, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) MARK IS FORMED DIRECTLY ON THE GOODS.

[Specimen File 1](#)

[Specimen File2](#)

The applicant's current Attorney Information:

MORTON J. ROSENBERG and DAVID I. KLEIN; JUN Y. LEE of ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, Maryland 21043  
United States

The attorney docket/reference number is MR3579-190.

The applicant hereby appoints ROSENBERG, KLEIN & LEE of ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY Maryland 21043  
United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

MORTON J. ROSENBERG  
ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, Maryland 21043  
410-465-6678(phone)  
410-461-3067(fax)  
RKL@RKLPTLAW.COM (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Declaration Signature**

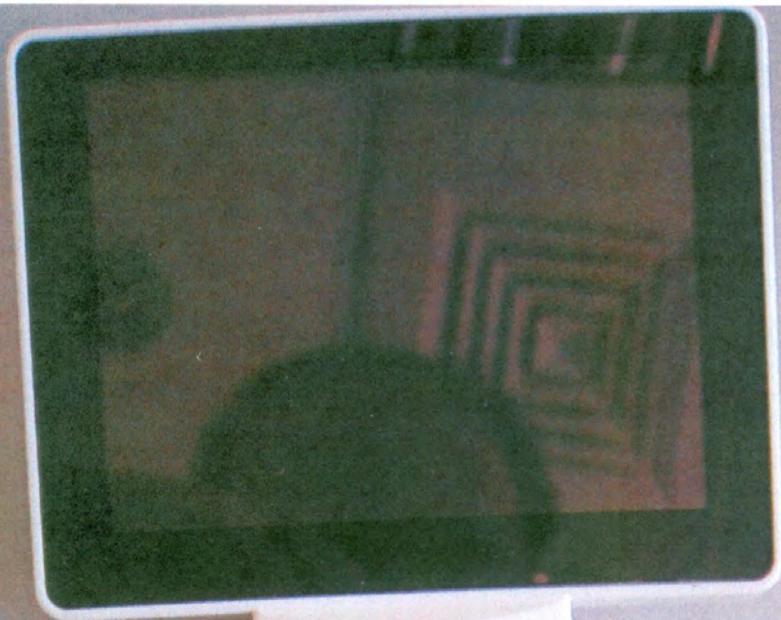
Signature: /CHU-MING CHENG/ Date: 05/29/2012  
Signatory's Name: CHU-MING CHENG

Signatory's Position: PRESIDENT  
RAM Sale Number: 339  
RAM Accounting Date: 05/30/2012

Serial Number: 85637178  
Internet Transmission Date: Tue May 29 14:06:45 EDT 2012  
TEAS Stamp: USPTO/BAS-173.166.137.9-2012052914064525  
3630-85637178-4902d36771e8a873c225b4f2cb  
1269851-CC-339-20120529133655463141

**horus**

SCOPE



MENU

ok



Handheld  
CCFL

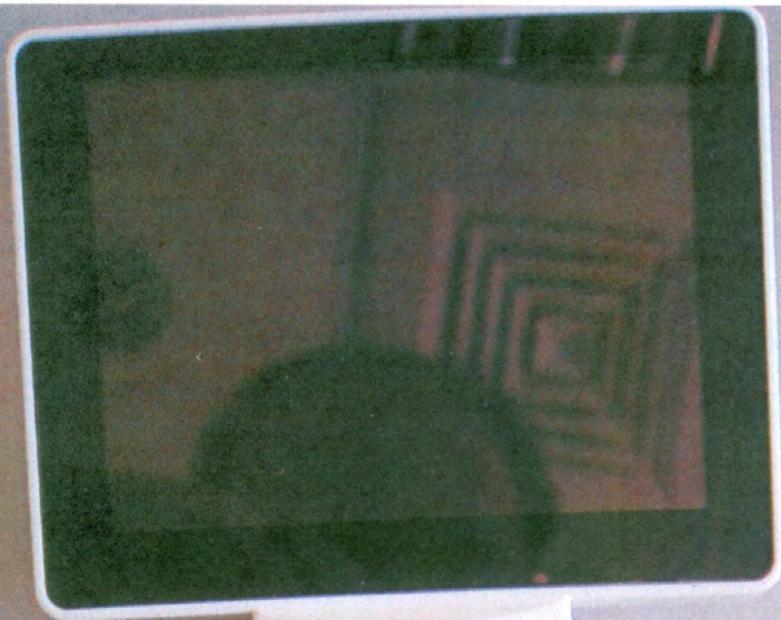


HAUTLUS  
SCOPE



**horus**

SCOPE



MENU

ok



HTC  
E600



HAUTLUS  
SCOPE



# **EXHIBIT C**



MENU

ok



HP  
cool



MOBILE  
SCOPE



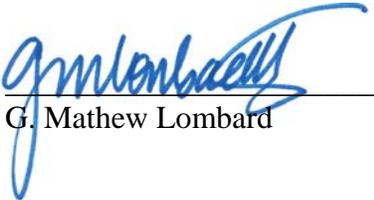
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the PETITION TO CANCEL (with Exhibits A – C) was served on Respondent by Express Mail, postage pre-paid, this 10<sup>th</sup> day of December 2013:

Mr. Chu-Ming Cheng  
President  
**MEDIMAGING INTEGRATED SOLUTION, INC.**  
1F  
No.7, R&D Road II  
Hsinchu Science Park  
Hsinchu, 30076  
**TAIWAN**

– and –

Morton J. Rosenberg, Esq.  
**ROSENBERG, KLEIN & LEE**  
3458 Ellicott Center Drive  
Suite 101  
Ellicott City, Maryland 21043  
*(by email and Priority Mail only, as a courtesy copy).*

  
\_\_\_\_\_  
G. Mathew Lombard