

ESTTA Tracking number: **ESTTA701971**

Filing date: **10/13/2015**

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

Proceeding	92059314
Party	Defendant Merit Medical Systems, Inc.
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Date	10/13/2015
Attachments	Status Update Regarding Related Civil Proceeding.pdf(85231 bytes )

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

In the matter of: Trademark Registration Nos. 1,526,710 and 4,413,590  
Marks: MERIT and MERIT MEDICAL  
Dates Registered: February 28, 1989 and October 8, 2013

<p>MERIT HEALTHCARE INTERNATIONAL, INC. dba MERIT PHARMACEUTICAL,  Petitioner,  v.  MERIT MEDICAL SYSTEMS, INC.,  Respondent.</p>	<p>Cancellation No. 92059314  <b>STATUS UPDATE REGARDING RELATED CIVIL PROCEEDING</b></p>
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Defendant submits this status update in response to the Board's September 25, 2015 request for a status update. The civil action which occasioned the suspension of these proceedings, captioned *Merit Healthcare International, Inc. dba Merit Pharmaceutical v. Merit Medical Systems, Inc.*, Case No. 2:14-cv-04280, is pending in the U.S. District Court for the Central District of California. Fact discovery closed on June 26, 2015, Merit Medical Systems, Inc., filed a motion to dismiss for lack of a case or controversy on August 3, 2015, and the parties filed cross-motions for summary judgment on August 24, 2015. On October 1, 2015, the court vacated all remaining pretrial deadlines, the Final Pretrial Conference, Trial Briefs, and the Trial pending the outcome of the Court's ruling on the motion to dismiss and the cross-motions for summary judgment.

DATED this 13<sup>th</sup> day of October, 2015.

By: /Brent P. Lorimer/  
BRENT P. LORIMER

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Attorneys for Respondent  
MERIT MEDICAL SYSTEMS, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **STATUS UPDATE REGARDING RELATED CIVIL PROCEEDING** was served upon Petitioner by emailing true copies thereof to its attorney of record at the address below, with confirmation copies via First Class mail, postage prepaid this 13th day of October, 2015, in an envelope addressed as follows:

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/Brent P. Lorimer/