

TTAB

REVAMD.020TIS

TRADEMARK

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

REVA Medical, Inc., )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 SciMed Life Systems, Inc., )  
 )  
 Applicant. )

Opposition No. \_\_\_\_\_

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on

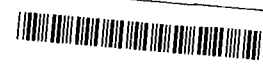
April 18, 2003

(Date)

*Anne Marie Kaiser*  
Anne Marie Kaiser

**NOTICE OF OPPOSITION**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513



04-22-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

ATT: BOX TTAB FEE

Dear Sir:

Opposer, REVA Medical, Inc., a California corporation (hereinafter referred to as "Opposer"), located and doing business at 5751 Copley Drive, Suite B, San Diego, California 92111, believes that it will be damaged by registration of the mark REVAX shown in Application Serial No. 78/122365, filed April 17, 2002, by SciMed Life Systems, Inc. (hereinafter referred to as "Applicant"), and hereby opposes same. A description of Applicant's pending Intent-to-Use application is as follows:

Mark: REVAX  
Serial No.: 78/122365  
Filed: April 17, 2002  
Published: October 22, 2002  
Goods: Balloon expandable stents  
Class: 10

SEARCHED  
SERIALIZED  
INDEXED  
MAY 19 2003

5

**Mark: REVAX**  
**Serial No.: 78/122365**

As grounds for opposition, it is alleged that:

1. Since at least as early as January, 2002, which is prior to Applicant's filing date, Opposer is and has been engaged in the business of development, manufacture and sale of medical devices used in the treatment of coronary and vascular diseases, including coronary and vascular stents, under the trade name and mark REVA MEDICAL.
2. Opposer's company logo for the name REVA MEDICAL was commissioned in January 2002, and, effective March 7, 2002, Opposer legally changed its corporate name to REVA Medical, Inc., a California corporation.
3. Opposer has used its trade name and mark, REVA MEDICAL, on letterhead, envelopes, business cards, and shipping labels since March 11, 2002, and on its web site since March 12, 2002. Further, Opposer's building signage was installed on its corporate headquarters in April 2002.
4. Opposer's mark and name, by virtue of substantial and continuous use as specified in paragraphs 1, 2 and 3 above, has acquired great value as an identification of Opposer's company and its goods, which include coronary and vascular stents, and distinguishes them from the goods of others.
5. Opposer, through extensive use, has built up, at great expense and effort, valuable goodwill symbolized by its REVA MEDICAL name and mark. Opposer trademark and trade name is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.
6. Opposer's use of REVA MEDICAL has been valid and continuous since at least as early as January 2002, which is prior to Applicant's filing date of its intent-to-use application, and has not been abandoned. In view of the similarity of the respective marks, and the identical nature of the goods of the respective parties, it

Mark: **REVAX**  
Serial No.: **78/122365**

is alleged that Applicant's mark so resembles Opposer's trademark and trade name previously used in the United States and not abandoned, as to be likely to cause confusion or to cause mistake or to deceive.

7. Purchasers and users, and prospective purchasers and users, familiar with Opposer's goods and business identified by the REVA MEDICAL mark and name are likely to be misled into believing, contrary to fact, that Applicant's goods sold and business conducted in conjunction with the REVAX mark opposed herein, emanate from, or are in some way sponsored or endorsed by, or affiliated with, Opposer, all to Opposer's irreparable damage through loss or dilution of its goodwill as symbolized in its REVA MEDICAL mark and name.

WHEREFORE, Opposer prays that Application Serial No. 78/122365 be rejected and stricken, that no registration be issued thereon to Applicant, and this opposition be sustained in favor of Opposer.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP  
Attorneys for Opposer, REVA Medical, Inc.

Dated: April 18, 2003

By: AnneMarie Kaiser  
AnneMarie Kaiser  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404