

ESTTA Tracking number: **ESTTA120272**

Filing date: **01/18/2007**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Synthes (U.S.A.)		
Entity	Partnership	Citizenship	Pennsylvania
Composed Of:	General Partners SYTH, Inc., a Delaware corporation, and Synthes North America, Inc., a Delaware corporation		
Address	1302 Wrights Lane East West Chester, PA 19380 UNITED STATES		

Attorney information	Nancy A. Zoubek Jones Day 222 East 41st Street New York, NY 10017-6702 UNITED STATES nazoubek@jonesday.com Phone:212-326-3717
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Applicant Information

Application No	76595674	Publication date	12/19/2006
Opposition Filing Date	01/18/2007	Opposition Period Ends	01/18/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	COMBI Corporation No. 2-6-7, Motoasakusa Taito-ku, Tokyo, JAPAN		

Goods/Services Affected by Opposition

Class 010. Opposed goods and services in the class: bag pillows for medical purposes, supportive bandages, surgical catguts, feeding cups for medical purposes, dropping pipettes for medical purposes, medical ice bags, medical ice bag holders, finger guards for medical purposes, artificial tympanic membranes; prosthetic or filling materials, namely, artificial materials for use in the replacement of bones; gloves for medical purposes, urinals for medical purposes, bedpans, ear picks for medical purposes, heating or cooling packs filled with chemical substances ready to react when required for medical use

Attachments	COMBI Not of Opp.pdf (4 pages)(205483 bytes)
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Signature	/Nancy A. Zoubek/
Name	Nancy A. Zoubek
Date	01/18/2007

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

NOTICE OF OPPOSITION

In the Matter of Application Serial No. 76/595,674
Published in the Official Gazette on
December 19, 2006.

SYNTHES (U.S.A.),

Opposer,

v.

COMBI CORPORATION,

Applicant.

Opposition No.

Attorney Docket No.:

232191-999035 (008932-1354-999)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

SYNTHES (U.S.A.), a general partnership organized under the laws of the State of Pennsylvania, with its principal place of business at 1302 Wrights Lane East, West Chester, Pennsylvania 19380 (hereinafter "Opposer"), believes that it will be damaged by the registration of the trademark COMBI in Class 10 by Combi Corporation, Application Serial No. 76/595,674.

As grounds of opposition, it is alleged that:

1. Opposer, and its predecessors, have been for nearly thirty-five years a leading provider in the United States in the orthopaedic field of a wide variety of medical and surgical hardware, appliances and apparatus, which now include various tissue growth products, relating to orthopaedics and maxillofacial and spinal surgery, including bone replacement and

reconstruction. Opposer's extensive range of products is continuously expanding and is marketed and sold to a diverse range of medical and health care providers.

2. Prior to Applicant filing its application to register COMBI, and continuously since at least as early as November 27, 2001, Opposer has used its trademark COMBI on or in connection with bone replacement and support products, namely orthopaedic implants.

3. Opposer has a federal trademark registration in the United States for the trademark COMBI for "orthopedic implants, namely bone plates and surgical instruments for inserting and for the fixation of the implants", U.S. Registration No 2,963,007, filed on April 19, 2004, and registered on June 21, 2005.

4. Since its initial use of the COMBI mark, Opposer has made a substantial investment in advertising and promoting its goods under its trademark. Opposer has extensively used, advertised, promoted and offered Opposer's goods bearing the mark to the public, with the result that Opposer's customers and the medical community, have come to know and recognize Opposer's mark and associate same with Opposer and/or goods sold by Opposer.

5. On June 4, 2004, several years after Opposer's first use and after Opposer filed its application to register the COMBI mark, Applicant filed U.S. Application Serial No. 76/595,674 for COMBI requesting coverage in several classes, including Class 10. The Class 10 coverage of this application covers numerous goods, including goods used for the replacement of bones as well as other medical related goods. Accordingly, Opposer's orthopaedic implants and Opposer's medical related goods are likely to be used together.

6. Upon information and belief, Opposer's and Applicant's Class 10 medical related goods will be purchased and consumed by the same general class of purchasers.

7. Applicant's proposed mark COMBI is identical to Opposer's COMBI trademark, which is registered in the United States Patent and Trademark Office, as to be likely, when used on or in connection with the medical related goods of Applicant, to cause confusion, or to cause mistake, or deceive.

8. Opposer, believes that its customers, the medical community and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed Class 10 medical related goods to be marketed under Applicant's COMBI mark and misled into believing that such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

9. Opposer believes it will be damaged by the Class 10 coverage of the registration sought herein by Applicant because such registration would support and assist Applicant in the confusing and misleading use of Applicant's designation sought to be registered, and will give color of exclusive statutory rights in Applicant in violation and derogation of the prior superior rights of Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's designation and prays that Application Serial No. 79/010,466 not be allowed.

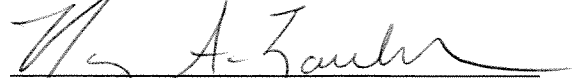
Please recognize as attorneys in this proceeding for Opposer, Nancy A. Zoubek and Stephen Kampmeier, members of the Bar of the State of New York, and the law firm of Jones Day, 222 East 41st Street, New York, New York 10017-6702.

Please address all communications to Nancy A. Zoubek, Esq. at the above address.

Date: January 18, 2007

By:

Respectfully submitted,



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**ATTORNEYS FOR OPPOSER
SYNTHES (U.S.A.)**