

ESTTA Tracking number: **ESTTA480081**

Filing date: **06/26/2012**

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	Baxano, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	655 River Oaks Parkway San Jose, CA 95134 UNITED STATES		

Attorney information	Susan L. Heller Greenberg Traurig, LLP 1840 Century Park East, Suite 1900 Los Angeles, CA 90067 UNITED STATES latm2@gtlaw.com Phone:3105867700
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Applicant Information

Application No	85462826	Publication date	06/26/2012
Opposition Filing Date	06/26/2012	Opposition Period Ends	07/26/2012
Applicant	Extremity Medical, LLC 300 Interpace Parkway, Suite 410 Parsippany, NJ 07054 UNITED STATES		

Goods/Services Affected by Opposition


Class 010. All goods and services in the class are opposed, namely: Medical devices, namely, intramedullary fusion devices


Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3894968	Application Date	09/01/2009
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	IOFLEX		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2009/10/07 First Use In Commerce: 2009/10/07 Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue		


U.S. Registration No.	3887573	Application Date	09/01/2009
Registration Date	12/07/2010	Foreign Priority Date	NONE
Word Mark	IOFLEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2009/10/07 First Use In Commerce: 2009/10/07 Medical services		


U.S. Registration No.	3894969	Application Date	09/01/2009
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	IO-FLEX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2009/10/07 First Use In Commerce: 2009/10/07 Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue

U.S. Registration No.	3887574	Application Date	09/01/2009
Registration Date	12/07/2010	Foreign Priority Date	NONE
Word Mark	IO-FLEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2009/10/07 First Use In Commerce: 2009/10/07 Medical services		

U.S. Registration No.	3894970	Application Date	09/01/2009
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	IO Â· FLEX		

Design Mark	
Description of Mark	The mark consists of the term "iO", with a lower-case "i" and an upper-case "O", followed by a hyphen, followed by the word "Flex". The letter "F" in "Flex" is capitalized.
Goods/Services	Class 010. First use: First Use: 2009/10/07 First Use In Commerce: 2009/10/07 Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue

U.S. Registration No.	3894971	Application Date	09/01/2009
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	iO · FLEX		
Design Mark			
Description of Mark	The mark consists of the term "iO", with a lower-case "i" and an upper-case "O", followed by a hyphen, followed by the word "FLEX". The letter "F" in "FLEX" is capitalized.		
Goods/Services	Class 044. First use: First Use: 2009/10/07 First Use In Commerce: 2009/10/07 Medical services		

Attachments	77817765#TMSN.jpeg (1 page)(bytes) 77817782#TMSN.jpeg (1 page)(bytes) 77817791#TMSN.jpeg (1 page)(bytes) 77817794#TMSN.jpeg (1 page)(bytes) 77817829#TMSN.jpeg (1 page)(bytes) 77817833#TMSN.jpeg (1 page)(bytes) opp.pdf (33 pages)(2250756 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/cek/
Name	Candice E. Kim
Date	06/26/2012

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

In the matter of Application Ser. No. 85/462,826

For the mark:



Published in the *Official Gazette* on June 26, 2012

BAXANO, INC., a Delaware corporation,

Opposer,

vs.

EXTREMITY MEDICAL, LLC, a New Jersey limited
liability company,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer Baxano, Inc. ("Opposer"), a Delaware corporation, having a principal place of business at 655 River Oaks Parkway, San Jose, California 95134, believes that it will be damaged by the issuance of a registration for the mark that is the subject of Application Serial No. 85/462,826 (the "Application") and hereby opposes the same pursuant to Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

As grounds for the opposition, Opposer asserts as follows:

1. Opposer is a leading provider of surgical and medical devices, machines, instruments, apparatus and systems in the United States.
2. Since at least as early as October 7, 2009, Opposer has continuously and exclusively used the marks IOFLEX, IO-FLEX and IO · FLEX (collectively referred to as the "IOFLEX Marks") in connection with surgical and medical devices and instruments, surgical and medical systems and medical services.

3. Opposer is the owner of all right, title and interest in and to the IOFLEX Marks and is the owner of several U.S. federal trademark registrations for the IOFLEX Marks. Opposer owns the following U.S. federal trademark registrations for the IOFLEX Marks:

MARK	DATE OF FIRST USE	REG. NO. REG. DATE	CLASS: GOODS/SERVICES
IOFLEX	07-Oct-2009	3,894,968 21-Dec-2010	10: Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue
IOFLEX	07-Oct-2009	3,887,573 07-Dec-2010	44: Medical services
iO-Flex	07-Oct-2009	3,894,969 21-Dec-2010	10: Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue
iO-Flex	07-Oct-2009	3,887,574 07-Dec-2010	44: Medical services
iO·Flex	07-Oct-2009	3,894,970 21-Dec-2010	10: Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue
iO·Flex	07-Oct-2009	3,894,971 21-Dec-2010	44: Medical services

These registrations are valid, subsisting, unrevoked and have not been cancelled, and constitute *prima facie* evidence of the validity of the IOFLEX Marks and of Opposer's exclusive right to use the IOFLEX Marks on the goods and services identified in the registrations. A copy of the registration certificates and

corresponding TARR status reports are attached hereto as Exhibit A and are made part of the record in these proceedings.

4. Beginning at least as early as October 7, 2009, continuously through to the present and without abandonment, Opposer has advertised, promoted, marketed, offered and sold its goods and services in commerce under the IOFLEX Marks, establishing valuable common law rights in the marks in addition to the rights afforded by its federal trademark registrations.

5. Through continuous and exclusive use in commerce, and as a result of extensive marketing, promotion, advertising and sales activity, Opposer's well-known and distinctive IOFLEX Marks have acquired enormous value and have achieved widespread recognition and fame among the relevant public as a symbol of Opposer's goodwill and reputation as a leading provider of surgical and medical devices.

6. As a result of Opposer's efforts, the IOFLEX Marks are famous.



7. Applicant Extremity Medical, LLC ("Applicant") is a New Jersey limited liability company with a place of business at 300 Interpace Parkway, Suite 410, Parsippany, New Jersey 07054.

8. According to the U.S. Patent and Trademark Office ("PTO") records, on November 2, 2011, Applicant filed application Ser. No. 85/462,826 to register the mark IO FIX PLUS INTRAOSSEOUS FIXATION and Design as depicted immediately below:



("Applicant's Mark" or the "IO FIX PLUS Mark") covering "medical devices, namely, intramedullary fusion devices" in Class 10 (the "Application"). The Application was filed on an intent-to-use basis.

9. Applicant's applied-for IO FIX PLUS Mark is highly similar to Opposer's IOFLEX Marks. In particular, Applicant's Mark bears a striking resemblance to Opposer's IO · FLEX mark. To illustrate, below is a side-by-side comparison of the two marks:¹

Opposer's Mark	Applicant's Mark
	

As shown above, the two marks share the common prefix “IO” and the wording “F_X” (both one syllable - FLEX vs. FIX). In addition, the marks both contain a stylized “X” at the end of the mark with curved line(s). Although Applicant's Mark also contains the wording “PLUS,” this non-distinctive wording is insufficient to overcome the remarkably confusing similarities. Similarly, the descriptive wording INTRAOSSEOUS FIXATION depicted in much smaller lettering at the bottom of the mark is also insufficient to overcome the confusing similarities.² Visually and aurally, the two marks are strikingly and confusingly similar.

10. Moreover, the goods identified in Applicant's Application are identical and/or highly related to the goods and services that are identified in Opposer's federal trademark registrations and offered by Opposer in connection with Opposer's IOFLEX Marks.

11. Upon information and belief, the goods identified in Applicant's Application would be offered to the same, substantially similar, and/or overlapping classes of consumers as those to which Opposer offers.

¹ Opposer notes that the standard for a likelihood of confusion is not a side-by-side comparison as ordinary consumers retain only a general impression of a mark. Therefore, courts tend to focus on the lesser standard of “general recollection” produced by the marks and not a side-by-side comparison.

² The term “intraosseous fixation” is defined as “the reduction and stabilization of fractured bony parts by direct fixation to one another with surgical wires, screws, pins and/or plates.” See <http://medical-dictionary.thefreedictionary.com/intraosseous+fixation>.

12. Upon information and belief, the goods identified in Applicant's Application would be offered through the same, substantially similar, and/or overlapping channels of trade as those through which Opposer offers its goods and services.

13. Applicant's Application was filed on an intent-to-use basis on November 2, 2011, long after Opposer's first use in commerce and registration of its famous and distinctive IOFLEX Marks. Opposer thus has priority of use and registration over Applicant.

14. Upon information and belief, Applicant was on actual notice of Opposer's prior rights in the IOFLEX Marks before seeking to register Applicant's Mark opposed herein. As a matter of law, based on Opposer's federal trademark registrations for its IOFLEX Marks, Applicant is deemed to have constructive notice of Opposer's rights in the IOFLEX Marks in connection with goods in Class 10.

15. There has never been any relationship between Applicant and Opposer and Opposer has not consented to or authorized Applicant's use or application to register the mark opposed herein.

16. Applicant's registration of Applicant's Mark in connection with the goods identified in the Application would be damaging to Opposer.

17. The proposed use and registration by Applicant of Applicant's Mark for the goods identified in Application Serial No. 85/462,826 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that such goods emanate from the same source or origin as Opposer, or are in some other way associated, endorsed, licensed, authorized, sponsored by, or, connected with Opposer, all to Opposer's irreparable damage in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

18. Applicant's proposed registration and use of Applicant's Mark would falsely suggest a connection with Opposer and/or Opposer's goods and/or services, thereby causing loss, damage and injury to Opposer, in violation of Section 2(a) of the Trademark Act of 1946, 15 U.S.C. § 1052(a).

19. By reason of the similarity between Applicant's Mark and Opposer's IOFLEX Marks, the fame of the IOFLEX Marks and the exclusive association between the IOFLEX Marks and Opposer, registration of Applicant's Mark would dilute and/or is likely to dilute Opposer's IOFLEX Marks by

impairing the distinctiveness of Opposer's IOFLEX Marks to identify exclusively goods from Opposer. Accordingly, registration of the mark shown in the Application herein opposed violates the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c).

For the reasons set forth herein, Opposer believes and asserts that it will be damaged by the registration of Application Serial No. 85/462,826. Accordingly, Opposer prays that this Opposition be sustained, and that Applicant be refused registration of its mark, IO FIX PLUS INTRAOSSEOUS FIXATION and Design, for the goods set forth in Application Serial No. 85/462,826.

* * * *

This Notice of Opposition is being filed electronically, accompanied by payment of the \$300.00 filing fee. In the event of a deficiency, please charge the filing fee to the deposit account of Opposer's counsel, No. 50-2638.

Respectfully submitted,

GREENBERG TRAURIG, LLP



By: _____

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Candice E. Kim
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Fax: (310) 586-0568
hellers@gtlaw.com
kimce@gtlaw.com

Attorneys for Opposer

Dated: June 26, 2012

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant by depositing one copy thereof in the U.S. Mail, First-Class Certified Mail, postage prepaid, on June 26, 2012, addressed as follows:

Michael J. Zinna, Esq.
Ward & Zinna, LLC
382 Springfield Ave., Suite 300
Summit, NJ 07901-2707

and to

Extremity Medical, LLC
300 Interpace Parkway, Suite 410
Parsippany, New Jersey 07054



Exhibit A

United States of America

United States Patent and Trademark Office

IOFLEX

Reg. No. 3,894,968

Registered Dec. 21, 2010

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

BAXANO, INC. (DELAWARE CORPORATION)
655 RIVER OAKS PARKWAY
SAN JOSE, CA 95134

FOR: SURGICAL AND MEDICAL DEVICES AND INSTRUMENTS, NAMELY, SURGICAL INSTRUMENTS FOR ACCESSING, LOCALIZING AND MODIFYING TISSUE; SURGICAL AND MEDICAL SYSTEMS, COMPRISED OF A SET OF MINIMALLY INVASIVE SURGICAL INSTRUMENTS USED IN SEQUENCE FOR ACCESSING, LOCALIZING AND MODIFYING TISSUE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-7-2009; IN COMMERCE 10-7-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-817,765, FILED 9-1-2009.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-20 18:08:02 ET

Serial Number: 77817765 Assignment Information Trademark Document Retrieval

Registration Number: 3894968

Mark

IOFLEX

(words only): IOFLEX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-12-21

Filing Date: 2009-09-01

Transformed into a National Application: No

Registration Date: 2010-12-21

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-11-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Baxano, Inc.

Address:

Baxano, Inc.
655 River Oaks Parkway

San Jose, CA 95134

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue

Basis: 1(a)

First Use Date: 2009-10-07

First Use in Commerce Date: 2009-10-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-01 - TEAS Change Of Correspondence Received

2010-12-21 - Registered - Principal Register

2010-11-19 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-11-18 - Law Office Registration Review Completed

2010-11-18 - Assigned To LIE

2010-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2010-11-02 - Statement Of Use Processing Complete

2010-10-18 - Use Amendment Filed

2010-11-02 - Case Assigned To Intent To Use Paralegal

2010-10-18 - TEAS Statement of Use Received

2010-05-11 - NOA Mailed - SOU Required From Applicant

2010-04-19 - Applicant/Correspondence Changes (Non-Responsive) Entered
2010-04-19 - TEAS Change Of Owner Address Received
2010-03-16 - Official Gazette Publication Confirmation E-Mailed
2010-03-16 - Published for opposition
2010-02-05 - Law Office Publication Review Completed
2010-02-05 - Assigned To LIE
2010-01-13 - Approved For Pub - Principal Register
2010-01-13 - Teas/Email Correspondence Entered
2010-01-12 - Communication received from applicant
2010-01-12 - TEAS Response to Office Action Received
2009-12-09 - Notification Of Non-Final Action E-Mailed
2009-12-09 - Non-final action e-mailed
2009-12-09 - Non-Final Action Written
2009-12-04 - Assigned To Examiner
2009-09-09 - Notice Of Pseudo Mark Mailed
2009-09-08 - New Application Office Supplied Data Entered In Tram
2009-09-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan L. Heller

Correspondent

Susan L. Heller

GREENBERG TRAURIG, LLP

1840 Century Park East, Suite 1900

Los Angeles CA 90067-2121

Phone Number: (310) 586-7700

Fax Number: (310) 586-7800

United States of America

United States Patent and Trademark Office

IOFLEX

Reg. No. 3,887,573

Registered Dec. 7, 2010

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

BAXANO, INC. (DELAWARE CORPORATION)
655 RIVER OAKS PARKWAY
SAN JOSE, CA 95134

FOR: MEDICAL SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 10-7-2009; IN COMMERCE 10-7-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-817,782, FILED 9-1-2009.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-20 18:08:49 ET

Serial Number: 77817782 Assignment Information Trademark Document Retrieval

Registration Number: 3887573

Mark

IOFLEX

(words only): IOFLEX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-12-07

Filing Date: 2009-09-01

Transformed into a National Application: No

Registration Date: 2010-12-07

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-11-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Baxano, Inc.

Address:

Baxano, Inc.
655 River Oaks Parkway

San Jose, CA 95134

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 044

Class Status: Active

Medical services

Basis: 1(a)

First Use Date: 2009-10-07

First Use in Commerce Date: 2009-10-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-01 - TEAS Change Of Correspondence Received

2010-12-07 - Registered - Principal Register

2010-11-03 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-11-02 - Law Office Registration Review Completed

2010-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2010-11-02 - Notice Of Approval Of Extension Request E-Mailed

2010-11-01 - Statement Of Use Processing Complete

2010-10-18 - Use Amendment Filed

2010-11-01 - Extension 1 granted

2010-10-18 - Extension 1 filed

2010-11-01 - Case Assigned To Intent To Use Paralegal

2010-10-18 - TEAS Extension Received

2010-10-18 - TEAS Statement of Use Received

2010-04-27 - NOA Mailed - SOU Required From Applicant

2010-04-19 - Applicant/Correspondence Changes (Non-Responsive) Entered

2010-04-19 - TEAS Change Of Owner Address Received

2010-02-02 - Official Gazette Publication Confirmation E-Mailed

2010-02-02 - Published for opposition

2009-12-29 - Law Office Publication Review Completed

2009-12-29 - Assigned To LIE

2009-12-09 - Approved For Pub - Principal Register

2009-12-04 - Assigned To Examiner

2009-09-09 - Notice Of Pseudo Mark Mailed

2009-09-08 - New Application Office Supplied Data Entered In Tram

2009-09-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan L. Heller

Correspondent

Susan L. Heller

GREENBERG TRAURIG, LLP

1840 Century Park East, Suite 1900

Los Angeles CA 90067-2121

Phone Number: (310) 586-7700

Fax Number: (310) 586-7800

United States of America

United States Patent and Trademark Office

iO-Flex

Reg. No. 3,894,969

Registered Dec. 21, 2010

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

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FOR: SURGICAL AND MEDICAL DEVICES AND INSTRUMENTS, NAMELY, SURGICAL INSTRUMENTS FOR ACCESSING, LOCALIZING AND MODIFYING TISSUE; SURGICAL AND MEDICAL SYSTEMS, COMPRISED OF A SET OF MINIMALLY INVASIVE SURGICAL INSTRUMENTS USED IN SEQUENCE FOR ACCESSING, LOCALIZING AND MODIFYING TISSUE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-7-2009; IN COMMERCE 10-7-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-817,791, FILED 9-1-2009.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

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This page was generated by the TARR system on 2012-06-20 18:09:36 ET

Serial Number: 77817791 Assignment Information Trademark Document Retrieval

Registration Number: 3894969

Mark

iO-Flex

(words only): IO-FLEX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-12-21

Filing Date: 2009-09-01

Transformed into a National Application: No

Registration Date: 2010-12-21

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

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San Jose, CA 95134

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue

Basis: 1(a)

First Use Date: 2009-10-07

First Use in Commerce Date: 2009-10-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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2012-05-01 - TEAS Change Of Correspondence Received

2010-12-21 - Registered - Principal Register

2010-11-19 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-11-18 - Law Office Registration Review Completed

2010-11-18 - Assigned To LIE

2010-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2010-11-02 - Statement Of Use Processing Complete

2010-10-18 - Use Amendment Filed

2010-11-02 - Case Assigned To Intent To Use Paralegal

2010-10-18 - TEAS Statement of Use Received

2010-05-11 - NOA Mailed - SOU Required From Applicant

2010-04-19 - Applicant/Correspondence Changes (Non-Responsive) Entered
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2009-12-09 - Notification Of Non-Final Action E-Mailed
2009-12-09 - Non-final action e-mailed
2009-12-09 - Non-Final Action Written
2009-12-04 - Assigned To Examiner
2009-09-08 - New Application Office Supplied Data Entered In Tram
2009-09-04 - New Application Entered In Tram

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Los Angeles CA 90067-2121

Phone Number: (310) 586-7700

Fax Number: (310) 586-7800

United States of America

United States Patent and Trademark Office

iO-Flex

Reg. No. 3,887,574

Registered Dec. 7, 2010

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

BAXANO, INC. (DELAWARE CORPORATION)
655 RIVER OAKS PARKWAY
SAN JOSE, CA 95134

FOR: MEDICAL SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

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THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-817,794, FILED 9-1-2009.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

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Serial Number: 77817794 Assignment Information Trademark Document Retrieval

Registration Number: 3887574

Mark

iO-Flex

(words only): IO-FLEX

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-12-07

Filing Date: 2009-09-01

Transformed into a National Application: No

Registration Date: 2010-12-07

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-11-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Baxano, Inc.

Address:

Baxano, Inc.
655 River Oaks Parkway

San Jose, CA 95134

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 044

Class Status: Active

Medical services

Basis: 1(a)

First Use Date: 2009-10-07

First Use in Commerce Date: 2009-10-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-01 - TEAS Change Of Correspondence Received

2010-12-07 - Registered - Principal Register

2010-11-03 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-11-02 - Law Office Registration Review Completed

2010-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2010-11-02 - Notice Of Approval Of Extension Request E-Mailed

2010-11-01 - Statement Of Use Processing Complete

2010-10-18 - Use Amendment Filed

2010-11-01 - Extension 1 granted

2010-10-18 - Extension 1 filed

2010-11-01 - Case Assigned To Intent To Use Paralegal

2010-10-18 - TEAS Extension Received

2010-10-18 - TEAS Statement of Use Received

2010-04-27 - NOA Mailed - SOU Required From Applicant

2010-04-19 - Applicant/Correspondence Changes (Non-Responsive) Entered

2010-04-19 - TEAS Change Of Owner Address Received

2010-02-02 - Official Gazette Publication Confirmation E-Mailed

2010-02-02 - Published for opposition

2009-12-29 - Law Office Publication Review Completed

2009-12-29 - Assigned To LIE

2009-12-09 - Approved For Pub - Principal Register

2009-12-04 - Assigned To Examiner

2009-09-08 - New Application Office Supplied Data Entered In Tram

2009-09-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan L. Heller

Correspondent

Susan L. Heller

GREENBERG TRAURIG, LLP

1840 Century Park East, Suite 1900

Los Angeles CA 90067-2121

Phone Number: (310) 586-7700

Fax Number: (310) 586-7800

United States of America
United States Patent and Trademark Office

iO·Flex

Reg. No. 3,894,970

Registered Dec. 21, 2010

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

BAXANO, INC. (DELAWARE CORPORATION)
655 RIVER OAKS PARKWAY
SAN JOSE, CA 95134

FOR: SURGICAL AND MEDICAL DEVICES AND INSTRUMENTS, NAMELY, SURGICAL INSTRUMENTS FOR ACCESSING, LOCALIZING AND MODIFYING TISSUE; SURGICAL AND MEDICAL SYSTEMS, COMPRISED OF A SET OF MINIMALLY INVASIVE SURGICAL INSTRUMENTS USED IN SEQUENCE FOR ACCESSING, LOCALIZING AND MODIFYING TISSUE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-7-2009; IN COMMERCE 10-7-2009.

THE MARK CONSISTS OF THE TERM "iO", WITH A LOWER-CASE "i" AND AN UPPER-CASE "O", FOLLOWED BY A HYPHEN, FOLLOWED BY THE WORD "FLEX". THE LETTER "F" IN "FLEX" IS CAPITALIZED.

SN 77-817,829, FILED 9-1-2009.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-20 18:11:00 ET

Serial Number: 77817829 Assignment Information Trademark Document Retrieval

Registration Number: 3894970

Mark

The logo for IO-Flex. It features the letters 'iO' in a bold, sans-serif font, followed by a dot, and then the word 'Flex' in a similar font. A stylized, curved line or swoosh extends from the end of the 'x' in 'Flex'.

(words only): IO · FLEX

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-12-21

Filing Date: 2009-09-01

Transformed into a National Application: No

Registration Date: 2010-12-21

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-11-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Baxano, Inc.

Address:

Baxano, Inc.
655 River Oaks Parkway

San Jose, CA 95134

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Surgical and medical devices and instruments, namely, surgical instruments for accessing, localizing and modifying tissue; Surgical and medical systems, comprised of a set of minimally invasive surgical instruments used in sequence for accessing, localizing and modifying tissue

Basis: 1(a)

First Use Date: 2009-10-07

First Use in Commerce Date: 2009-10-07

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the term "IO", with a lower-case "I" and an upper-case "O", followed by a hyphen, followed by the word "Flex". The letter "F" in "Flex" is capitalized.

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

27.03.01 - Geometric figures forming letters, numerals or punctuation

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-01 - TEAS Change Of Correspondence Received

2010-12-21 - Registered - Principal Register

2010-11-19 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-11-18 - Law Office Registration Review Completed

2010-11-18 - Assigned To LIE

2010-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2010-11-02 - Statement Of Use Processing Complete

2010-10-18 - Use Amendment Filed

2010-11-02 - Case Assigned To Intent To Use Paralegal

2010-10-18 - TEAS Statement of Use Received

2010-05-11 - NOA Mailed - SOU Required From Applicant

2010-04-19 - Applicant/Correspondence Changes (Non-Responsive) Entered

2010-04-19 - TEAS Change Of Owner Address Received

2010-03-16 - Official Gazette Publication Confirmation E-Mailed

2010-03-16 - Published for opposition

2010-02-05 - Law Office Publication Review Completed

2010-02-05 - Assigned To LIE

2010-01-13 - Approved For Pub - Principal Register

2010-01-13 - Teas/Email Correspondence Entered

2010-01-12 - Communication received from applicant

2010-01-12 - TEAS Response to Office Action Received

2009-12-09 - Notification Of Non-Final Action E-Mailed

2009-12-09 - Non-final action e-mailed

2009-12-09 - Non-Final Action Written

2009-12-04 - Assigned To Examiner

2009-09-09 - Notice Of Design Search Code Mailed

2009-09-08 - New Application Office Supplied Data Entered In Tram

2009-09-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan L. Heller

Correspondent

Susan L. Heller

GREENBERG TRAURIG, LLP

1840 Century Park East, Suite 1900

Los Angeles CA 90067-2121

Phone Number: (310) 586-7700

Fax Number: (310) 586-7800

United States of America
United States Patent and Trademark Office

iO·Flex

Reg. No. 3,894,971

Registered Dec. 21, 2010

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

BAXANO, INC. (DELAWARE CORPORATION)
655 RIVER OAKS PARKWAY
SAN JOSE, CA 95134

FOR: MEDICAL SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 10-7-2009; IN COMMERCE 10-7-2009.

THE MARK CONSISTS OF THE TERM "iO", WITH A LOWER-CASE "I" AND AN UPPER-CASE "O", FOLLOWED BY A HYPHEN, FOLLOWED BY THE WORD "FLEX". THE LETTER "F" IN "FLEX" IS CAPITALIZED.

SN 77-817,833, FILED 9-1-2009.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-06-20 18:11:41 ET

Serial Number: 77817833 Assignment Information Trademark Document Retrieval

Registration Number: 3894971

Mark

The logo for IO-Flex. It features the letters 'iO' in a bold, sans-serif font, followed by a dot, and then 'Flex' in a similar font. A stylized, curved line sweeps under the 'Flex' portion, ending in a small arrowhead pointing towards the right.

(words only): IO · FLEX

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-12-21

Filing Date: 2009-09-01

Transformed into a National Application: No

Registration Date: 2010-12-21

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-11-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Baxano, Inc.

Address:

Baxano, Inc.
655 River Oaks Parkway

San Jose, CA 95134

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 044

Class Status: Active

Medical services

Basis: 1(a)

First Use Date: 2009-10-07

First Use in Commerce Date: 2009-10-07

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the term "IO", with a lower-case "I" and an upper-case "O", followed by a hyphen, followed by the word "FLEX". The letter "F" in "FLEX" is capitalized.

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

27.03.01 - Geometric figures forming letters, numerals or punctuation

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-05-01 - TEAS Change Of Correspondence Received

2010-12-21 - Registered - Principal Register

2010-11-19 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-11-18 - Law Office Registration Review Completed

2010-11-18 - Assigned To LIE

2010-11-02 - Allowed for Registration - Principal Register (SOU accepted)

2010-11-02 - Notice Of Approval Of Extension Request E-Mailed

2010-11-01 - Statement Of Use Processing Complete

2010-10-18 - Use Amendment Filed

2010-11-01 - Extension 1 granted

2010-10-18 - Extension 1 filed

2010-11-01 - Case Assigned To Intent To Use Paralegal

2010-10-18 - TEAS Extension Received

2010-10-18 - TEAS Statement of Use Received

2010-04-27 - NOA Mailed - SOU Required From Applicant

2010-04-19 - Applicant/Correspondence Changes (Non-Responsive) Entered

2010-04-19 - TEAS Change Of Owner Address Received

2010-02-02 - Official Gazette Publication Confirmation E-Mailed

2010-02-02 - Published for opposition

2009-12-31 - Law Office Publication Review Completed

2009-12-31 - Assigned To LIE

2009-12-11 - Approved For Pub - Principal Register

2009-12-11 - Assigned To Examiner

2009-12-04 - Assigned To Examiner

2009-09-09 - Notice Of Design Search Code Mailed

2009-09-08 - New Application Office Supplied Data Entered In Tram

2009-09-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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