

ESTTA Tracking number: **ESTTA503976**

Filing date: **11/06/2012**

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	Amendia, Inc.		
Entity	Corporation	Citizenship	GA
Address	1755 West Oak Parkway Marietta, GA 30062 UNITED STATES		

Attorney information	Anthony J. DoVale FisherBroyles, LLP 1200 Abernathy Road Building 600, Suite 1700 Atlanta, GA 30328 UNITED STATES trademark@fisherbroyles.com Phone:678-743-1125		
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Applicant Information

Application No	85627247	Publication date	10/09/2012
Opposition Filing Date	11/06/2012	Opposition Period Ends	11/08/2012
Applicant	Warsaw Orthopedic, Inc. 2500 Silveus Crossing Warsaw, IN 46582 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: Surgical implants comprising artificial material and associated surgical instrument sets

Applicant Information

Application No	85627255	Publication date	10/09/2012
Opposition Filing Date	11/06/2012	Opposition Period Ends	11/08/2012
Applicant	Warsaw Orthopedic, Inc. 2500 Silveus Crossing Warsaw, IN 46582 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: Surgical implants comprising artificial material and associated surgical instrument sets

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Attachments	2012-11-06 Notice of Opposition OLIF25 and OLIF51.pdf (3 pages)(100914 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 Overnight Courier on this date.

Signature	/Anthony J DoVale/
Name	Anthony J. DoVale
Date	11/06/2012

**ATTORNEY DOCKET NO.: 48014.5001
NOTICE OF OPPOSITION TO SERIAL NO. 85627247 and 85627255
OPPOSED MARKS: OLIF25 and OLIF51**

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

In the Matter of Trademark Application Serial No. 85627247 and 85627255
Filed: May 16, 2012
For the Marks: OLIF25 and OLIF51
Published in the Official Gazette on: October 9, 2012

AMENDIA, INC.

Opposer,

v.

WARSAW ORTHOPEDIC, INC.,

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer AMENDIA, INC., 1755 West Oak Parkway, Marietta, GA 30062 believes that it will be damaged by registration of the marks OLIF25 and OLIF51 as shown in the above-identified application, and hereby opposes the same pursuant to 15 U.S.C. §1063(a) and 15 U.S.C §1052(e)(1).

As grounds for its opposition, Opposer alleges as follows:

1. Opposer AMENDIA, INC. is a Georgia corporation, with its principal place of business located at 1755 West Oak Parkway, Marietta, GA 30062.
2. Upon information and belief, Applicant Warsaw Orthopedic, Inc. is an Indiana Corporation with a principal place of business located at 2500 Silveus Crossing, Warsaw, IN 46582.

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3. Applicant filed its application for its OLIF25 and OLIF51 marks, Application Serial Nos. 85627247 and 85627255, pursuant to Section 1(b) of the Trademark Act on September 9, 2009, alleging a bona fide intention to use the marks OLIF25 and OLIF51 for:

International Class: 010

Surgical implants comprising artificial material and associated surgical instrument sets

4. OLIF is an acronym for Oblique Lumbar Inter-body Fusion, which is a surgical procedure for use in the treatment of the spine. OLIF25 is an acronym for Oblique Lumbar Inter-body Fusion for vertebral bodies between L2 and L5.

5. OLIF51 is an acronym for Oblique Lumbar Inter-body Fusion for vertebral bodies between L5 and S1.

6. If Application Serial Nos. 85627247 or 85627255 mature to registration or remain pending, they are an obstacle to Opposer's and others' continued use of the term OLIF in connection with Oblique Lumbar Inter-body Fusion devices and/or procedures.

7. Opposer asserts as grounds for opposition mere descriptiveness.

8. Therefore, registration of the application of Applicant for the trademark "OLIF25," Serial No. 85627247 should be rejected and refused.

9. Therefore, registration of the application of Applicant for trademark "OLIF51," Serial No. 85627255 should be rejected and refused.

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OPPOSED MARKS: OLIF25 and OLIF51**

WHEREFORE, Opposer prays that application Serial Nos. 85627247 and 85627255 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Payment in the amount of \$300.00 is submitted herewith.

Respectfully submitted,

FisherBroyles, LLP

/Anthony J. DoVale/

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