

ESTTA Tracking number: **ESTTA886515**

Filing date: **03/29/2018**

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	Beckman Coulter, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	250 South Kramer Blvd Brea, CA 92821 UNITED STATES		

Attorney information	R. Peter Spies Dineff Trademark Law Limite 160 N. Wacker Drive Chicago, IL 60606 UNITED STATES Email: pspies@dineff.com, tmlaw@dineff.com Phone: 3123381000		
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### Applicant Information

Application No	87599428	Publication date	02/27/2018
Opposition Filing Date	03/29/2018	Opposition Period Ends	03/29/2018
Applicant	Alere Switzerland GmbH Bahnhofstrasse 28 Zug, CH-6300 SWITZERLAND		

### Goods/Services Affected by Opposition


Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Drug testing kits comprised of medical diagnostic reagents and test strips for testing body fluids; reagents for medical use for use with medical diagnostic test kits
Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Body fluid analyzers for medical diagnostic use comprised of a scanner and accompanying software sold as a unit; medical diagnostic test kits comprising body fluid analyzers comprised of a scanner and accompanying software sold as a unit

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Deceptiveness	Trademark Act Section 2(a)


### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4202662	Application Date	02/05/2009
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Registration Date	09/04/2012	Foreign Priority Date	NONE
Word Mark	DXH		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 2009/02/20 First Use In Commerce: 2009/02/20  Diagnostic reagents and assays and chemical preparations all for scientific, bioresearch, biomedical, and laboratory purposes and analysis; diagnostic reagents and assays and chemical preparations all for scientific and research purposes in the field of biotechnology; diagnostic chemicals and reagents for in vitro clinical or medical laboratory use; antibody based chemicals and reagents for scientific and research use, namely, monoclonal antibodies; immunoassay test kits consisting primarily of in vitro reagents for the diagnosis and monitoring of conditions of physiological significance, all for laboratory, biotechnology, and bioresearch use</p> <p>Class 005. First use: First Use: 2009/02/20 First Use In Commerce: 2009/02/20  Reagents for medical use; medical assays for testing of body fluids; chemical preparations, namely, chemical reagents for medical purposes; medical diagnostic reagents and assays for testing of body fluids; diagnostic preparations for medical purposes; diagnostic chemicals and diagnostic reagents for in vitro medical diagnostic use; diagnostic chemicals and diagnostic reagents for medical use; diagnostic chemicals and diagnostic reagents for medical use; antibody-based chemicals and reagents for medical use, namely, monoclonal antibodies; diagnostic assay test kits for medical use consisting of medical diagnostic chemicals and reagents; immunoassay test kits for medical use consisting primarily of in vitro reagents for the diagnosis and monitoring of physiological significance</p> <p>Class 009. First use: First Use: 2009/02/20 First Use In Commerce: 2009/02/20  Instruments, systems, equipment and devices for laboratory, biotechnology, bioresearch, biomedical and clinical diagnosis research, namely, hematology and blood analyzers; automated microbiology analyzers for clinical laboratory use; automated hematology chemistry analyzers for clinical laboratory use; laboratory equipment, namely, automated biological testing sample handling apparatus, clinical laboratory analyzers for scientific and laboratory use for measuring, testing and analyzing blood and other bodily fluids, and chemistry analyzers for use therewith</p> <p>Class 010. First use: First Use: 2009/02/20 First Use In Commerce: 2009/02/20  Hematology analyzers for medical diagnostic uses; sample preparation device for medical diagnostic uses; automated microbiology analyzers for medical diagnostic use; automated hematology chemistry analyzers for medical diagnostic uses</p>		
U.S. Registration No.	2900671	Application Date	12/18/2002
Registration Date	11/02/2004	Foreign Priority	NONE

		Date	
Word Mark	DXI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 2001/07/21 First Use In Commerce: 2003/06/27 diagnostic reagents for scientific or research use</p> <p>Class 009. First use: First Use: 2001/07/21 First Use In Commerce: 2003/06/27 laboratory equipment, namely, automated sample handling equipment, clinical laboratory analyzers, chemistry analyzers and software for use therewith, all in the field of scientific and laboratory use</p> <p>Class 010. First use: First Use: 2001/07/21 First Use In Commerce: 2003/06/27 Medical and laboratory diagnostic equipment, namely, clinical laboratory analyzers, chemistry analyzers, and automated sample handling equipment, all for medical use</p>		

U.S. Registration No.	4076105	Application Date	11/08/2010
Registration Date	12/27/2011	Foreign Priority Date	NONE

Word Mark	DXC		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2004/02/00 First Use In Commerce: 2004/02/00 Laboratory equipment, namely, automated sample handling equipment, clinical laboratory analyzers, chemistry analyzers and software for use therewith, all in the field of scientific and laboratory use</p> <p>Class 010. First use: First Use: 2004/02/00 First Use In Commerce: 2004/02/00 Medical and laboratory diagnostic equipment, namely, clinical laboratory analyzers, chemistry analyzers, and automated sample handling equipment, all for medical use</p>		

Attachments	<p>77663845#TMSN.png( bytes )</p> <p>85171787#TMSN.png( bytes )</p> <p>DXLink 3-27-18 Final.pdf(667285 bytes )</p>
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Signature	/rpspies/
Name	R. Peter Spies
Date	03/29/2018



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

In the matter of application Serial No. 87/599428  
For the mark **DXLINK**  
Published in the "Official Gazette" of February 27, 2018

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<b>Beckman Coulter, Inc.</b>	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. N.A.
	)	
<b>Alere Switzerland GmbH</b>	)	
	)	
Applicant,	)	
<hr/>	)	

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**NOTICE OF OPPOSITION**

Beckman Coulter, Inc., a Delaware Corporation, having its principal place of business at 250 South Kraemer Blvd., Brea, CA 92821 (hereinafter referred to as "Opposer"), believes that it will be damaged by the registration of the mark DXLINK as shown in Serial Number 87/599428, covering International Classes 5 and 10, in the name of Alere Switzerland GmbH, a Swiss Limited Liability Corporation, having its principal place of business at Bahnhofstrasse 28, Zug, CH-6300, Switzerland (hereinafter referred to as "Applicant"), and hereby opposes same in accordance with 15 U.S.C. § 1063 and 37 C.F.R. § 2.101.

As grounds of opposition, it is alleged that:

1. Opposer is a well-known developer and manufacturer of scientific and laboratory devices and apparatus that advance research and patient care. Opposer's products simplify, automate and innovate complex biomedical testing. Opposer's instruments are found in hospitals and other critical care settings around the world. Opposer provides scientific solutions across the globe for laboratory customers at universities, governments, biotechnology and pharmaceutical companies, hospitals, and commercial laboratories.
2. Opposer was established in 1935 and over the years has grown exponentially to become a recognized player in the global diagnostics and life science field.
3. Opposer is the owner of numerous DX-formative trademarks, such as trademark DXH, US Reg. No. 4202662, covering among other classes "*reagents for medical use; medical assays for testing of body fluids; chemical preparations, namely, chemical reagents for medical purposes; medical diagnostic reagents and assays for testing of body fluids; diagnostic preparations for medical purposes; diagnostic chemicals and diagnostic reagents for in vitro medical diagnostic use; diagnostic chemicals and diagnostic reagents for medical use; diagnostic chemicals and diagnostic reagents for medical use; antibody-based chemicals and reagents for medical use, namely, monoclonal antibodies; diagnostic assay test kits for medical use consisting of medical diagnostic chemicals and reagents; immunoassay test kits for medical use consisting primarily of in vitro reagents for the diagnosis and monitoring of physiological significance.*" in Class 5 and "*hematology analyzers for medical diagnostic uses; sample preparation device for medical diagnostic uses; automated microbiology analyzers for medical diagnostic use; automated hematology chemistry analyzers for medical diagnostic uses*" in Class 10; DXI, US Reg. No. 2900671, covering "*diagnostic reagents for scientific or research use*" in Class 1, "*laboratory equipment, namely, automated sample handling equipment,*

*clinical laboratory analyzers, chemistry analyzers and software for use therewith, all in the field of scientific and laboratory use” in Class 9, “medical and laboratory diagnostic equipment, namely, clinical laboratory analyzers, chemistry analyzers, and automated sample handling equipment, all for medical use” in Class 10, DXC, Reg. No. 4076105, covering “laboratory equipment, namely, automated sample handling equipment, clinical laboratory analyzers, chemistry analyzers and software for use therewith, all in the field of scientific and laboratory use” in Class 9 and “medical and laboratory diagnostic equipment, namely, clinical laboratory analyzers, chemistry analyzers, and automated sample handling equipment, all for medical use” in Class 10.*

4. *Opposer further owns pending applications for DX formative marks, such as, DXM, US Serial No. 86/553089 covering “diagnostic reagents and assays for scientific or research use” in Class 1, “laboratory equipment, namely, automated sample handling equipment, clinical laboratory analyzers, molecular target analyzers and software for use therewith, all in the field of scientific and laboratory use” in Class 9, “medical and laboratory diagnostic equipment, namely, clinical laboratory analyzers, molecular target analyzers, and automated sample handling equipment, all for medical use” in Class 10; DXM, US Serial No. 87/252461 covering “Diagnostic reagents and assays for scientific or research use; diagnostic reagents for clinical and medical laboratory use” in Class 1, “Antibiotics in test containers, canisters, panels and microtitre plates for clinical and medical laboratory use” in Class 5, Computer software for use with clinical diagnostic and microbiology instruments used to analyze and interpret data and generate printed reports; communications software for connecting hospital pharmacies, physicians and laboratories to a proprietary computer network providing proprietary laboratory test data; computer software for monitoring drug levels in biological fluids; multimedia*

*software recorded on CD-ROM in the field of microbiology; computerized apparatus for clinical laboratory and microbiology use, namely, chemical and micro-organism analyzers; computerized apparatus, namely, chemical and micro-organism analyzers for use identifying bacteria and testing their susceptibility to antibiotics; panel readers, namely, a chart for use in identifying and testing bacteria; laboratory apparatus, namely, reagent bottles sold empty, reagent holding trays, funnels, droppers, dropper caps and waste bags; laboratory apparatus, namely, rehydrator and inoculator devices for rehydrating and inoculating multiple wells with inoculum liquids for in vitro diagnostic use” in Class 9 and “Clinical diagnostic instruments for use in automated microbial identification and susceptibility testing” in Class 10; DxONE, US Serial No. . 87/030367, covering “computer system comprised primarily of computer hardware and computer software used for managing data from medical analysis automation in all fields of laboratory work, namely, programs for generating requests, processing and validating patient results by means of rules utilizing several different parameters, printing quantitative or qualitative results in different formats, monitoring quality control as well as providing numerous statistics and ensuring result traceability in the fields of chemistry, immunoassay, electrophoresis, hematology, cytometry and coagulation; computer application software for wireless devices, handheld computers, computers and laboratory instruments, namely, software for use in clinical diagnostics, financial management, inventory, scheduling, and laboratory management and regulatory reporting in the field of hospitals and medical laboratories; computer software for use in clinical diagnostics, financial management, inventory, scheduling, and laboratory management and regulatory reporting” in Class 9 and DxONE, US Serial No. 87/427868, covering “software design and development; Software as a service (SAAS) services featuring software for*



*automating and optimizing workflow operations, for workflow management of hospital and medical laboratories, electronic data interchange (EDI); Providing temporary use of non-downloadable medical analysis software for use in patients diagnostics; Providing temporary use of non-downloadable cloud-based software for assisting hospital and medical laboratories in clinical, financial reimbursement decisions, inventory management, sample scheduling, and laboratory management and regulatory reporting”* in Class 42.

5. Opposer’s Federal Registration Nos. 4202662, 2900671 and 4076105 are valid, subsisting, and provide *prima facie* evidence of Opposer’s ownership of its DX-formative marks of the validity of said mark, and of Opposer’s exclusive right to use these marks in commerce. In addition, Opposer’s Federal Registration Nos. 2900671 and 4076105 are incontestable due to the submission of the Section 15 affidavit. See Exhibit “A” for copies of the certificates of registration and other supporting documents for these marks.
6. Applicant seeks to register the mark DXLINK for “*drug testing kits comprised of medical diagnostic reagents and test strips for testing body fluids; reagents for medical use for use with medical diagnostic test kits*” in Class 5 and “*body fluid analyzers for medical diagnostic use comprised of a scanner and accompanying software sold as a unit; medical diagnostic test kits comprising body fluid analyzers comprised of a scanner and accompanying software sold as a unit*” in Class 10. (hereinafter referred to as “Applicant’s Mark”).
7. There is no issue as to priority. The filing date of Applicant’s Mark is subsequent to Opposer’s first use date, subsequent to the issuance date of Opposer’s U.S. registrations and subsequent to the introduction and use of Opposer’s goods to the purchasing public.

8. Applicant's Mark is very similar to the Opposer's Mark in the sense of Section 2(d) of the Lanham Act, 15 U.S.C. 1052 (d). The trademark proposed under Serial No. 87/360259, DXLINK, is very similar to Opposer's earlier marks, DXH, DXI and DXC, in appearance, sound and connotation and, consequently, in its overall commercial impression. Over the years Applicant has established a family of DX formative marks as evidenced by the marks set forth above. Opposer, thus, stresses that Applicant's mark DXLINK may likely be perceived by consumers as part of Opposer's family of DX-formative marks and a person "having a general recollection" of Opposer's mark would be likely, upon seeing Applicant's mark, to assume that Opposer's and Applicant's mark emanate from the same source or connected sources, that there exist an affiliation, connection or association between Opposer and the Applicant.
  
9. Applicant's mark covers "*Drug testing kits comprised of medical diagnostic reagents and test strips for testing body fluids; reagents for medical use for use with medical diagnostic test kits*" in Class 5, "*Body fluid analyzers for medical diagnostic use comprised of a scanner and accompanying software sold as a unit; medical diagnostic test kits comprising body fluid analyzers comprised of a scanner and accompanying software sold as a unit*" in Class 10, thus, covers goods that may be considered closely related to those covered by Opposer's marks. The fact that not only the marks are very similar, but also the goods that are covered by the respective marks will lead consumers to be confused as to source of Applicant's goods in the sense of §2(d).
  
10. The Applicant's mark so closely resembles Opposer's marks that it is deceptive in that it falsely suggests a connection with or approval by Opposer, in violation of Section §2(a) of the Trademark Act. Applicant's mark is likely, when applied to Applicant's goods, to

cause confusion, and mistake and to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods, or commercial activities, with consequent injury to Opposer, the consumer and the trade.

11. If Applicant is permitted to register and use the Applicant's mark for its goods, as specified in the application herein opposed, confusion resulting in damage and injury to Opposer would be caused and would result by reason of the identity between Applicant's Mark Opposer's Marks.
12. If Applicant were granted the registration herein opposed it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Number 87/599428 be refused and for such other and further relief as the Commissioner of Patents and Trademarks shall deem proper and required by the Principles of Equity and Good Conscience.

The fee required in Section 2.6(a)(17) in the amount of \$400.00 per class is enclosed herewith.

Beckman Coulter, Inc.  
By and through its attorney

/R. Peter Spies/  
R. Peter Spies  
DINEFF TRADEMARK LAW LIMITED  
160 N. Wacker

Chicago, Illinois 60606  
Phone (312) 338-1000  
Facsimile (312) 338-1500  
[tmlaw@dineff.com](mailto:tmlaw@dineff.com)  
Dated: March 29, 2018

## EXHIBIT A

**Int. Cls.: 1, 9, and 10**

**Prior U.S. Cls.: 1, 5, 6, 10, 21, 23, 26, 36, 38, 39, 44, and 46**

**United States Patent and Trademark Office**

**Reg. No. 2,900,671**

**Registered Nov. 2, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**DXI**

BECKMAN COULTER, INC. (DELAWARE CORPORATION)  
4300 N. HARBOR BOULEVARD  
FULLERTON, CA 92835

FOR: DIAGNOSTIC REAGENTS FOR SCIENTIFIC OR RESEARCH USE, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 7-21-2001; IN COMMERCE 6-27-2003.

FOR: LABORATORY EQUIPMENT, NAMELY, AUTOMATED SAMPLE HANDLING EQUIPMENT, CLINICAL LABORATORY ANALYZERS, CHEMISTRY ANALYZERS AND SOFTWARE FOR USE THEREWITH, ALL IN THE FIELD OF SCIENTIFIC AND LABORATORY USE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-21-2001; IN COMMERCE 6-27-2003.

FOR: MEDICAL AND LABORATORY DIAGNOSTIC EQUIPMENT, NAMELY, CLINICAL LABORATORY ANALYZERS, CHEMISTRY ANALYZERS, AND AUTOMATED SAMPLE HANDLING EQUIPMENT, ALL FOR MEDICAL USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 7-21-2001; IN COMMERCE 6-27-2003.

SN 78-196,004, FILED 12-18-2002.

TRICIA THOMPSON, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

# DXC

**Reg. No. 4,076,105**

BECKMAN COULTER, INC. (DELAWARE CORPORATION)  
250 SOUTH KRAEMER BLVD.  
BREA, CA 92821

**Registered Dec. 27, 2011**

**Int. Cls.: 9 and 10**

FOR: LABORATORY EQUIPMENT, NAMELY, AUTOMATED SAMPLE HANDLING EQUIPMENT, CLINICAL LABORATORY ANALYZERS, CHEMISTRY ANALYZERS AND SOFTWARE FOR USE THEREWITH, ALL IN THE FIELD OF SCIENTIFIC AND LABORATORY USE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

**PRINCIPAL REGISTER**

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: MEDICAL AND LABORATORY DIAGNOSTIC EQUIPMENT, NAMELY, CLINICAL LABORATORY ANALYZERS, CHEMISTRY ANALYZERS, AND AUTOMATED SAMPLE HANDLING EQUIPMENT, ALL FOR MEDICAL USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

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

SER. NO. 85-171,787, FILED 11-8-2010.

THEODORE MCBRIDE, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**



# United States of America

United States Patent and Trademark Office

# DXH

**Reg. No. 4,202,662**

**Registered Sep. 4, 2012**

**Int. Cls.: 1, 5, 9, and 10**

**TRADEMARK**

**PRINCIPAL REGISTER**

BECKMAN COULTER, INC. (CALIFORNIA CORPORATION)  
250 S. KRAEMER BOULEVARD  
BREA, CA 92821

FOR: DIAGNOSTIC REAGENTS AND ASSAYS AND CHEMICAL PREPARATIONS ALL FOR SCIENTIFIC, BIORESEARCH, BIOMEDICAL, AND LABORATORY PURPOSES AND ANALYSIS; DIAGNOSTIC REAGENTS AND ASSAYS AND CHEMICAL PREPARATIONS ALL FOR SCIENTIFIC AND RESEARCH PURPOSES IN THE FIELD OF BIOTECHNOLOGY; DIAGNOSTIC CHEMICALS AND REAGENTS FOR IN VITRO CLINICAL OR MEDICAL LABORATORY USE; ANTIBODY BASED CHEMICALS AND REAGENTS FOR SCIENTIFIC AND RESEARCH USE, NAMELY, MONOCLONAL ANTIBODIES; IMMUNOASSAY TEST KITS CONSISTING PRIMARILY OF IN VITRO REAGENTS FOR THE DIAGNOSIS AND MONITORING OF CONDITIONS OF PHYSIOLOGICAL SIGNIFICANCE, ALL FOR LABORATORY, BIOTECHNOLOGY, AND BIORESEARCH USE, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 2-20-2009; IN COMMERCE 2-20-2009.

FOR: REAGENTS FOR MEDICAL USE; MEDICAL ASSAYS FOR TESTING OF BODY FLUIDS; CHEMICAL PREPARATIONS, NAMELY, CHEMICAL REAGENTS FOR MEDICAL PURPOSES; MEDICAL DIAGNOSTIC REAGENTS AND ASSAYS FOR TESTING OF BODY FLUIDS; DIAGNOSTIC PREPARATIONS FOR MEDICAL PURPOSES; DIAGNOSTIC CHEMICALS AND DIAGNOSTIC REAGENTS FOR IN VITRO MEDICAL DIAGNOSTIC USE; DIAGNOSTIC CHEMICALS AND DIAGNOSTIC REAGENTS FOR MEDICAL USE; DIAGNOSTIC CHEMICALS AND DIAGNOSTIC REAGENTS FOR MEDICAL USE; ANTI-BODY-BASED CHEMICALS AND REAGENTS FOR MEDICAL USE, NAMELY, MONOCLONAL ANTIBODIES; DIAGNOSTIC ASSAY TEST KITS FOR MEDICAL USE CONSISTING OF MEDICAL DIAGNOSTIC CHEMICALS AND REAGENTS; IMMUNOASSAY TEST KITS FOR MEDICAL USE CONSISTING PRIMARILY OF IN VITRO REAGENTS FOR THE DIAGNOSIS AND MONITORING OF PHYSIOLOGICAL SIGNIFICANCE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 2-20-2009; IN COMMERCE 2-20-2009.

FOR: INSTRUMENTS, SYSTEMS, EQUIPMENT AND DEVICES FOR LABORATORY, BIOTECHNOLOGY, BIORESEARCH, BIOMEDICAL AND CLINICAL DIAGNOSIS RESEARCH, NAMELY, HEMATOLOGY AND BLOOD ANALYZERS; AUTOMATED MICROBIOLOGY



*David J. Kappas*

Director of the United States Patent and Trademark Office

**Reg. No. 4,202,662** ANALYZERS FOR CLINICAL LABORATORY USE; AUTOMATED HEMATOLOGY CHEMISTRY ANALYZERS FOR CLINICAL LABORATORY USE; LABORATORY EQUIPMENT, NAMELY, AUTOMATED BIOLOGICAL TESTING SAMPLE HANDLING APPARATUS, CLINICAL LABORATORY ANALYZERS FOR SCIENTIFIC AND LABORATORY USE FOR MEASURING, TESTING AND ANALYZING BLOOD AND OTHER BODILY FLUIDS, AND CHEMISTRY ANALYZERS FOR USE THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-20-2009; IN COMMERCE 2-20-2009.

FOR: HEMATOLOGY ANALYZERS FOR MEDICAL DIAGNOSTIC USES; SAMPLE PREPARATION DEVICE FOR MEDICAL DIAGNOSTIC USES; AUTOMATED MICROBIOLOGY ANALYZERS FOR MEDICAL DIAGNOSTIC USE; AUTOMATED HEMATOLOGY CHEMISTRY ANALYZERS FOR MEDICAL DIAGNOSTIC USES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 2-20-2009; IN COMMERCE 2-20-2009.

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

SN 77-663,845, FILED 2-5-2009.

CYNTHIA TRIPI, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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**Requirements in the First Ten Years\***

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***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
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