

ESTTA Tracking number: **ESTTA1003917**

Filing date: **09/23/2019**

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	Intuitive Surgical Operations, Inc.
Granted to Date of previous extension	09/25/2019
Address	1020 KIFER ROAD SUNNYVALE, CA 94086 UNITED STATES
Attorney information	MICHELLE D. KAHN SHEPPARD MULLIN FOUR EMBARCADERO CENTER, 17TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES mkahn@sheppardmullin.com, pmarquez@sheppardmullin.com, sftmdocket@sheppardmullin.com no phone number provided

Applicant Information

Application No	88236419	Publication date	05/28/2019
Opposition Filing Date	09/23/2019	Opposition Period Ends	09/25/2019
Applicant	Health Level Seven International, Inc. Suite 227 3300 Washtenaw Ave. Ann Arbor, MI 48104 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Downloadable electronic publications in the nature of standards specification and implementation guides and manuals to enable the exchange of healthcare documents, payments, and information


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national	Trademark Act Section 2(a)

symbols, or brings them into contempt, or disrepute	
Deceptiveness	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2628871	Application Date	03/19/1999
Registration Date	10/01/2002	Foreign Priority Date	NONE
Word Mark	DA VINCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/07/07 First Use In Commerce: 2000/07/07 COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPOSABLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS		

U.S. Registration No.	3978331	Application Date	09/08/2006
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	DA VINCI S HD SURGICAL SYSTEM		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 010. First use: First Use: 2007/01/31 First Use In Commerce: 2007/01/31 Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up anus and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners
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U.S. Registration No.	3561484	Application Date	02/02/2007
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	DA VINCI S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2006/01/11 First Use In Commerce: 2006/01/25 Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles,		

	staplers, tackers, clipappliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners
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U.S. Registration No.	3957958	Application Date	03/14/2008
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	DA VINCI SI HD SURGICAL SYSTEM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 2009/04/30 First Use In Commerce: 2009/04/30</p> <p>Computerized surgical manipulation system comprised of surgeon's console, master control, inversive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, a amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners</p>		

U.S. Registration No.	3854164	Application Date	09/28/2007
Registration Date	09/28/2010	Foreign Priority Date	NONE
Word Mark	DA VINCI SONICPRO		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 010. First use: First Use: 2008/10/10 First Use In Commerce: 2008/10/10 Medical and surgical apparatus, namely,ultrasonic cleaning equipment for use in the field of computerized surgical manipulation
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U.S. Registration No.	3974964	Application Date	09/03/2008
Registration Date	06/07/2011	Foreign Priority Date	NONE

Word Mark	DA VINCI S HD SURGICAL SYSTEM
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Design Mark	 <p>DA VINCI S HD SURGICAL SYSTEM</p>
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Description of Mark	NONE
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Goods/Services	Class 010. First use: First Use: 2007/01/31 First Use In Commerce: 2007/01/31 Computerized surgical manipulation system comprised of surgeons console, mastercontrol, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments,lens cleaning, scrub and biopsy brushes, clip applies and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades andhandles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers,and kiteners
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U.S. Registration No.	4382443	Application Date	06/26/2012
Registration Date	08/13/2013	Foreign Priority Date	NONE

Word Mark	DA VINCI CONNECT
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/03/31 First Use In Commerce: 2009/03/31 Computer hardware and software which facilitates the transmission of surgical advice provided to medical and surgical professionals in the operating room from remote locations via the internet and global computer networks through archived medical images and a data storage and retrieval system, namely, a computer laptop, touchscreen, embedded camera, headset, microphone, mouse, USB flash drive, remote interface and software embedded therein

U.S. Registration No.	4791350	Application Date	12/16/2013
Registration Date	08/11/2015	Foreign Priority Date	NONE
Word Mark	DA VINCI Xi		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2014/04/15 First Use In Commerce: 2014/04/15 Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, ham-		

	mers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners
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U.S. Registration No.	4778063	Application Date	12/16/2013
Registration Date	07/21/2015	Foreign Priority Date	NONE
Word Mark	DA VINCI SI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 2014/04/15 First Use In Commerce: 2014/04/15</p> <p>Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners</p>		

U.S. Registration No.	5232907	Application Date	04/18/2014
Registration Date	06/27/2017	Foreign Priority Date	NONE
Word Mark	DA VINCI SP		

Design Mark	DA VINCI SP
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2017/04/19 First Use In Commerce: 2017/04/19 Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners

U.S. Registration No.	5782073	Application Date	09/28/2016
Registration Date	06/18/2019	Foreign Priority Date	NONE
Word Mark	DA VINCI X		
Design Mark	DA VINCI X		
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2017/06/22 First Use In Commerce: 2017/06/22 Computerized surgical manipulation system comprised of surgeon's console, a patient side-cart and vision-cart		

Attachments	76665748#TMSN.png(bytes) 76672142#TMSN.png(bytes) 76687738#TMSN.png(bytes) 77292138#TMSN.png(bytes) 77561385#TMSN.png(bytes) 85661918#TMSN.png(bytes) 86145229#TMSN.png(bytes) 86145252#TMSN.png(bytes) 86256681#TMSN.png(bytes) 87186704#TMSN.png(bytes) US - Opposition 88236419.pdf(551675 bytes) Ex A - No. 88236419.pdf(106508 bytes) Ex B - 88236419.pdf(116167 bytes) Ex C - 88236419.pdf(106650 bytes) Ex D - 88236419.pdf(114063 bytes) Ex E - 88236419.pdf(65676 bytes) Ex F - 88236419.pdf(104004 bytes) Ex G - 88236419.pdf(74321 bytes) Ex H - 88236419.pdf(102266 bytes) Ex I - 88236419.pdf(100773 bytes) Ex J - 88236419.pdf(100960 bytes) Ex K - 88236419.pdf(24020 bytes) Ex L - 88236419.pdf(509686 bytes)
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Signature	/MDK/
Name	MICHELLE D. KAHN
Date	09/23/2019

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

<u>INTUITIVE SURGICAL</u>)	
OPERATIONS, INC.)	Opposition No. _
)	
Opposer,)	Serial No.: 88/236,419
)	
v.)	Filed: December 20, 2018
)	
HEALTH LEVEL SEVEN)	Published: May 28, 2019
INTERNATIONAL, INC.,)	
DBA - HOOPER HATHAWAY P.C.)	Trademark: DA VINCI
)	
<u>Applicant.</u>		

TO: Commissioner For Trademarks
ATTN: Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, Intuitive Surgical Operations, Inc. (“Opposer” or “Intuitive”) believes that it will be damaged by the registration of the designation DA VINCI that is the subject of U.S. Application Serial No. 88/236,419 (“the Application”), and hereby opposes its registration under Lanham Act Section 13, 15 U.S.C. § 1063, and Trademark Rule 2.101, 37 C.F.R. § 2.101 on the following grounds:

FACTUAL BACKGROUND REGARDING OPPOSER AND ITS MARKS

1. Opposer Intuitive is a Delaware corporation, having its principal place of business at 1020 Kifer Road, Sunnyvale, California 94086-5304.
2. Opposer owns the Marks DA VINCI, DA VINCI S HD SURGICAL SYSTEM, DA VINCI S (design mark), DA VINCI SI HD SURGICAL SYSTEM, DA VINCI SONICPRO, DA VINCI S HD SURGICAL SYSTEM (standard character mark), DA VINCI CONNECT, DA

VINCI XI, DA VINCI SI, DA VINCI SP, DA VINCI X and related Marks for use in connection with surgical systems and associated surgical equipment and surgical instruments (collectively, the “DA VINCI Family of Marks”).

3. The surgical systems and associated surgical equipment and surgical instruments bearing the Marks are used to perform state-of-the-art, minimally invasive surgical procedures across a broad range of surgeries.

4. Opposer has continuously used the DA VINCI Family of Marks since at least as early as July 7, 2000, long before the filing date of the Application.

5. Opposer is the owner of record of the incontestable registered trademark DA VINCI, U.S. Registration No. 2,628,871, U.S. Application Serial No. 75/982,190, filed on March 19, 1999 for “computerized surgical manipulation system comprised of surgeon’s console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable, in other words, limited re-use tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needle, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; a full line of FDA classes I and II exempt surgical

instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicers, electrocautery tools forceps, needle holders, guides and drivers, graspers, and kiteners” in International Class 10 (the “DA VINCI Mark”). Attached hereto as **Exhibit A** is a true and correct copy of the registration for Opposer’s DA VINCI Mark, U.S. Registration No. 2,628,871. The foregoing registration is currently valid and subsisting and is incontestable. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI Mark since at least as early as July 7, 2000.

6. Opposer is also the owner of record of the incontestable registered trademark DA VINCI S HD SURGICAL SYSTEM, U.S. Registration No. 3,978,331, U.S. Application Serial No. 76/665,748, filed on September 8, 2006 for “computerized surgical manipulation system comprised of surgeon’s console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up anus and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicers and clips, tack applicers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, slylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicers, electrocautery tools, forceps, needle holders, guides and drivers,

graspers, and kiteners” in International Class 10 (the “DA VINCI S HD SURGICAL SYSTEM Mark”). Attached hereto as **Exhibit B** is a true and correct copy of the registration for Opposer’s DA VINCI S HD SURGICAL SYSTEM Mark, U.S. Registration No. 3,978,331. The foregoing registration is currently valid and subsisting and is incontestable. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI S HD SURGICAL SYSTEM Mark since at least as early as January 31, 2007.

7. Opposer is also the owner of record of the incontestable registered trademark DA VINCI S, U.S. Registration No. 3,561,484, U.S. Application Serial No. 76/672,142, filed on February 2, 2007 for “computerized surgical manipulation system comprised of surgeon’s console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps,

spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners” in International Class 10 (the “DA VINCI S Mark”). Attached hereto as **Exhibit C** is a true and correct copy of the registration for Opposer’s DA VINCI S Mark, U.S. Registration No. 3,561,484. The foregoing registration is currently valid and subsisting and is incontestable. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI S Mark since at least as early as January 25, 2006.

8. Opposer is also the owner of record of the incontestable registered trademark DA VINCI SI HD SURGICAL SYSTEM, U.S. Registration No. 3,957,958, U.S. Application Serial No. 76/687,738, filed on March 14, 2008 for “computerized surgical manipulation system comprised of surgeon’s console, master control, inversive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, a amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles,

staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners” in International Class 10 (the “DA VINCI SI HD SURGICAL SYSTEM Mark”). Attached hereto as **Exhibit D** is a true and correct copy of the registration for Opposer’s DA VINCI SI HD SURGICAL SYSTEM Mark, U.S. Registration No. 3,957,958. The foregoing registration is currently valid and subsisting and is incontestable. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI SI HD SURGICAL SYSTEM Mark since at least as early as April 30, 2009.

9. Opposer is also the owner of record of the incontestable registered trademark DA VINCI SONICPRO, U.S. Registration No. 3,854,164, U.S. Application Serial No. 77/292,138, filed on September 28, 2007 for “Medical and surgical apparatus, namely, ultrasonic cleaning equipment for use in the field of computerized surgical manipulation” in International Class 10 (the “DA VINCI SONICPRO Mark”). Attached hereto as **Exhibit E** is a true and correct copy of the registration for Opposer’s DA VINCI SONICPRO Mark, U.S. Registration No. 3,854,164. The foregoing registration is currently valid and subsisting and is incontestable. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI SONICPRO Mark since at least as early as October 10, 2008.

10. Opposer is also the owner of record of the incontestable registered trademark DA VINCI S HD SURGICAL SYSTEM, U.S. Registration No. 3,974,964, U.S. Application Serial No. 77/561,385, filed on September 3, 2008 for “computerized surgical manipulation system comprised of surgeons console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes,

endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applies and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners” in International Class 10 (the “Second DA VINCI S HD SURGICAL SYSTEM Mark”). Attached hereto as **Exhibit F** is a true and correct copy of the registration for Opposer’s Second DA VINCI S HD SURGICAL SYSTEM Mark, U.S. Registration No. 3,974,964. The foregoing registration is currently valid and subsisting and is incontestable. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the Second DA VINCI S HD SURGICAL SYSTEM Mark since at least as early as January 31, 2007.

11. Opposer is also the owner of record of the registered trademark DA VINCI CONNECT, U.S. Registration No. 4,382,443, U.S. Application Serial No. 85/661,918, filed on June 26, 2012 for “computer hardware and software which facilitates the transmission of surgical advice provided to medical and surgical professionals in the operating room from remote locations via the internet and global computer networks through archived medical images and a data storage and retrieval system, namely, a computer laptop, touchscreen, embedded camera, headset, microphone, mouse, USB flash drive, remote interface and software embedded therein.”

in International Class 9 (the “DA VINCI CONNECT Mark”). Attached hereto as **Exhibit G** is a true and correct copy of the registration for Opposer’s DA VINCI CONNECT Mark, U.S. Registration No. 4,382,443. The foregoing registration is currently valid and subsisting. Opposer has continuously offered and sold computer hardware and software related to its surgical systems and associated surgical equipment and surgical instruments under the DA VINCI CONNECT Mark since at least as early as March 31, 2009.

12. Opposer is also the owner of record of the registered trademark DA VINCI XI, U.S. Registration No. 4,791,350, U.S. Application Serial No. 86/145,229, filed on December 16, 2013 for “computerized surgical manipulation system comprised of surgeon’s console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners” in International Class 10 (the “DA VINCI XI Mark”). Attached hereto as **Exhibit H** is a true and correct copy of the

registration for Opposer's DA VINCI XI Mark, U.S. Registration No. 4,791,350. The foregoing registration is currently valid and subsisting. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI XI Mark since at least as early as April 15, 2014.

13. Opposer is also the owner of record of the registered trademark DA VINCI SI, U.S. Registration No. 4,778,063, U.S. Application Serial No. 86/145,252, filed on December 16, 2013 for "computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners" in International Class 10 (the "DA VINCI SI Mark"). Attached hereto as **Exhibit I** is a true and correct copy of the registration for Opposer's DA VINCI SI Mark, U.S. Registration No. 4,778,063. The foregoing registration is currently valid and subsisting. Opposer has continuously offered and sold surgical

systems and associated surgical equipment and surgical instruments under the DA VINCI SI Mark since at least as early as April 15, 2014.

14. Opposer is also the owner of record of the registered trademark DA VINCI SP, U.S. Registration No. 5,232,907, U.S. Application Serial No. 86/256,681, filed on April 18, 2014 for “computerized surgical manipulation system comprised of surgeon’s console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners” in International Class 10 (the “DA VINCI SP Mark”). Attached hereto as **Exhibit J** is a true and correct copy of the registration for Opposer’s DA VINCI SP Mark, U.S. Registration No. 5,232,907. The foregoing registration is currently valid and subsisting. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI SP Mark since at least as early as April 19, 2017.

15. Opposer is also the owner of record of the registered trademark DA VINCI X, U.S. Registration No. 5782073, U.S. Application Serial No. 87/186,704, filed on September 28, 2016 for “computerized surgical manipulation system comprised of surgeon's console, a patient side-cart and vision-cart” in International Class 10 (the “DA VINCI X Mark”). Attached hereto as **Exhibit K** is a true and correct copy of registration for Opposer’s DA VINCI X Mark, U.S. Registration No. 5782073. The foregoing registration is currently valid and subsisting. Opposer has continuously offered and sold surgical systems and associated surgical equipment and surgical instruments under the DA VINCI X Mark since at least as early as June 22, 2017.

16. The medical and surgical systems offered by Intuitive Surgical under the DA VINCI Family of Marks are used across a broad range of minimally invasive surgeries and are considered to be state of the art technology.

17. Opposer has invested many millions of dollars in the advertising and promotion of the DA VINCI Family of Marks for its surgical systems and associated surgical equipment and surgical instruments, and as a result of Opposer’s extensive investment and effort in promoting Opposer’s DA VINCI Family of Marks, they have become famous and well-known, and recognized as Opposer’s Marks among consumers in the relevant industry.

FACTUAL BACKGROUND REGARDING THE APPLICATION

18. Upon information and belief, on December 20, 2018, Applicant Health Level Seven International, Inc., DBA Hooper Hathaway P.C., a New Jersey non-profit corporation having a principal place of business at 3300 Washtenaw Avenue, Suite 227, Ann Arbor Michigan 48104 (“Applicant”), filed U.S. Application Serial No. 88/236,419 in the United States Patent & Trademark Office (“USPTO”) seeking registration of “DA VINCI” for use with

“Downloadable electronic publications in the nature of standards specification and implementation guides and manuals to enable the exchange of healthcare documents, payments, and information” in International Class 09 on an intent-to-use basis pursuant to Lanham Act Section 1(b). Applicant is the current owner of record of the Application.

19. Upon information and belief, the Application was published for opposition in the *Official Gazette* on May 28, 2019.

FIRST GROUND FOR OPPOSITION

(Likelihood of Confusion)

20. Opposer incorporates the allegations contained in Paragraphs 1 through 19 herein.

21. Based on Opposer’s longstanding, extensive, and continuous use of Opposer’s DA VINCI Family of Marks, the advertising and publicity they have received, Opposer’s federal registrations for its DA VINCI Family of Marks, and the high degree of consumer recognition for Opposer’s Marks, Opposer’s DA VINCI Family of Marks are entitled to a broad scope of protection.

22. Applicant’s use of the DA VINCI designation is confusingly similar to Opposer’s DA VINCI Family of Marks, which are previously used and registered and, when used in connection with the purported services identified in the Application, is likely to cause confusion or mistake or deception as to source, affiliation and/or sponsorship.

23. The identified services offered by Applicant under the DA VINCI designation are highly related to the goods offered under Opposer’s DA VINCI Marks, and on information and belief, both Opposer’s and Applicant’s respective goods and services are or will be marketed, offered for sale, and/or sold to the same consumers and in the same or similar channels of trade. A true and correct copy of Opposer’s website, “Da Vinci Surgery,” demonstrates that Opposer’s

DA VINCI surgical systems are utilized across a broad range of surgeries which are closely related to the healthcare document and data exchange services which Applicant intends to offer under its DA VINCI designation, is attached hereto as **Exhibit L**.¹

SECOND GROUND FOR OPPOSITION

(Dilution)

24. Opposer incorporates the allegations contained in Paragraphs 1 through 23 herein.

25. Opposer's DA VINCI Family of Marks are famous and distinctive within the meaning of the Federal Trademark Dilution Act, as amended. Opposer's DA VINCI Family of Marks became famous before Applicant's filing date of the Application, and Applicant seeks to commercially use the designation DA VINCI in the United States.

26. The registration of the designation that is the subject of the Application is likely to dilute Opposer's DA VINCI Family of Marks, either through dilution by blurring or dilution by tarnishment, or both.

THIRD GROUND FOR OPPOSITION

(False Suggestion of a Connection)

27. Opposer incorporates the allegations contained in Paragraphs 1 through 26 herein.

28. The trademark DA VINCI is strongly, if not exclusively, associated with Opposer Intuitive Surgical in the relevant medical/surgical space. The trademark DA VINCI is recognized as such, in that it uniquely and unmistakably points to Opposer Intuitive Surgical.

29. The designation that is the subject of the Application is not only a close approximation of but is identical to Opposer's previously used and longstanding trademark, DA

¹ For example, Opposer's surgical systems, instruments and devices offered under its DA VINCI Family of Marks are promoted and available at hospitals and other medical facilities, enabling
continued

VINCI, and creates a false suggestion of a connection or association with Opposer Intuitive Surgical.

30. Opposer's Family of DA VINCI Marks were used long before Applicant's use and/or the filing date of its Application for DA VINCI.

31. Opposer is not connected in any way with Applicant or the proposed use by Applicant of the DA VINCI designation for "downloadable electronic publications in the nature of standards specification and implementation guides and manuals to enable the exchange of healthcare documents, payments, and information" as identified in the Application. The fame and reputation of Opposer Intuitive Surgical is of such a nature that a connection with Opposer will be presumed when Applicant's DA VINCI designation is used on or with or to promote Applicant's surgical services as identified in the Application.

32. Applicant's proposed designation DA VINCI is likely to create a false suggestion of a connection, association, or affiliation with Opposer or as to the origin, sponsorship or approval of Applicant's goods and/or commercial activities by Opposer.

33. Upon information and belief, Applicant's use and/or proposed use of DA VINCI will disparage Opposer, falsely suggest a connection with Opposer, and/or bring Opposer into disrepute.

FOURTH GROUND FOR OPPOSITION

(Misrepresentation of Source)

34. Opposer incorporates the allegations contained in Paragraphs 1 through 33 herein.

surgeons to perform a wide variety of minimally invasive surgeries. *See Exhibit L.*

35. Upon information and belief, Applicant's intention in the use or intended use of DA VINCI is to misrepresent the source of the goods on or in connection with which Applicant uses or intends to use the designation.

36. Upon information and belief, Applicant has taken steps to deliberately pass off its services as related to the goods and state of the art technologies of Opposer, and has engaged in or intends to engage in blatant misuse of DA VINCI in a manner calculated to trade on the goodwill and reputation of Opposer.

DAMAGE TO OPPOSER

37. As a result of all of the foregoing, registration of Applicant's applied-for mark would cause a likelihood of confusion, mistake, or deception with Opposer and Opposer's DA VINCI Family of Marks, a likelihood of false connection, association, or affiliation with Opposer or as to the origin, sponsorship or approval of Applicant's services and/or commercial activities by Opposer, and/or a likelihood of dilution of Opposer's DA VINCI Family of Marks.

38. The registration of Applicant's DA VINCI designation on the Principal Register is inconsistent with Opposer's rights under the aforementioned registrations and common law, and would be damaging to Opposer, in that registration gives Applicant a *prima facie* exclusive right to the use of DA VINCI, despite the likelihood of confusion, mistake, or deception with Opposer and Opposer's DA VINCI Family of Marks and the likelihood of false connection, association, or affiliation with Opposer or as to the origin, sponsorship or approval of Applicant's services and/or commercial activities by Opposer, and/or likelihood of dilution as described above.

PRAYER

WHEREFORE, Opposer requests that U.S. Application Serial No. 88/236,419 be rejected, that no registration be issued in connection with the Application and that the Board rule in favor of Opposer in this Opposition Proceeding.

Dated: September 23, 2019

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Michelle D. Kahn
Michelle D. Kahn
Attorneys for Opposer
INTUITIVE SURGICAL OPERATIONS, INC.

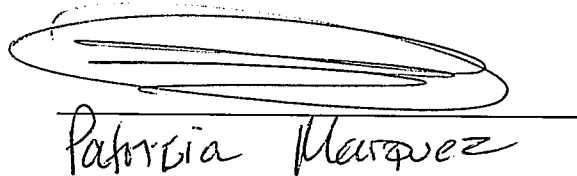
Four Embarcadero Center
17th Floor
San Francisco, CA 94111
TEL: (415) 434-9100
FAX: (415) 434-3947
mkahn@sheppardmullin.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Health Level Seven International, Inc.
DBA - Hooper Hathaway, P.C.
3300 Washtenaw Ave., Suite 227
Ann Arbor, Michigan 48104

on this 23rd day of September, 2019.



A handwritten signature, "Patricia Marquez", is written in cursive script below a horizontal line. Above the signature is a large, loopy, oval-shaped scribble.

EXHIBIT A


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Typed Drawing

Word Mark DA VINCI

Goods and Services IC 010. US 026 039 044. G & S: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPOSABLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS. FIRST USE: 20000707. FIRST USE IN COMMERCE: 20000707

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75982190

Filing Date March 19, 1999

Current Basis 1A

Original Filing Basis 1B

June 13, 2000

**Published
for
Opposition****Registration
Number** 2628871**Registration
Date** October 1, 2002**Owner** (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101
Sunnyvale CALIFORNIA 94086(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION DELAWARE
1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086**Assignment
Recorded** ASSIGNMENT RECORDED**Attorney of
Record** Michelle D Kahn**Type of
Mark** TRADEMARK**Register** PRINCIPAL**Affidavit
Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121017.**Renewal** 1ST RENEWAL 20121017**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

Reg. No. 2,628,871

United States Patent and Trademark Office

Registered Oct. 1, 2002

TRADEMARK
PRINCIPAL REGISTER

DA VINCI

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1340 WEST MIDDLEFIELD ROAD
MOUNTAIN VIEW, CA 94043

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSABLE, IN OTHER WORDS, LIMITED RE-USE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS,

CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLE, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTETOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; A FULL LINE OF FDA CLASSES I AND II EXEMPT SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 7-7-2000; IN COMMERCE 7-7-2000.

SN 75-982,190, FILED 3-19-1999.

VERNA BETH RIRIE, EXAMINING ATTORNEY

EXHIBIT B



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Word Mark DA VINCI S HD SURGICAL SYSTEM

Goods and Services IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up anus and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, sylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners. FIRST USE: 20070131. FIRST USE IN COMMERCE: 20070131

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 26.13.21 - Quadrilaterals that are completely or partially shaded**Serial Number** 76665748**Filing Date** September 8, 2006**Current Basis** 1A**Original Filing Basis** 1B

June 29, 2010

**Published for
Opposition****Registration
Number** 3978331**Registration
Date** June 14, 2011**Owner** (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 950 Kifer Road Sunnyvale
CALIFORNIA 94086(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION
DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086**Assignment
Recorded** ASSIGNMENT RECORDED**Attorney of
Record** Michelle D. Kahn**Prior
Registrations** 2628871**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HD" AND "SURGICAL SYSTEM"
APART FROM THE MARK AS SHOWN**Description
of Mark** Color is not claimed as a feature of the mark.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead
Indicator** LIVE

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United States of America

United States Patent and Trademark Office

da Vinci ^{HD}
SURGICAL SYSTEM

Reg. No. 3,978,331

Registered June 14, 2011

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
950 KIFER ROAD
SUNNYVALE, CA 94086

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND RESPONSABLE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLES, RETRACTORS, SNARES, SLYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTEOTOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS, FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

OWNER OF U.S. REG. NO. 2,628,871.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HD" AND "SURGICAL SYSTEM", APART FROM THE MARK AS SHOWN.

SN 76-665,748, FILED 9-8-2006.

SCOTT BIBB, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT C



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DA VINCI S

Word Mark

DA VINCI S

Goods and Services

IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; medical apparatus, namely, patient-side cart with set-up arms and manipulator slave arms for use in computerized surgical manipulation systems; medical apparatus, namely, sterile adaptors to connect arms to instruments for use in computerized surgical manipulation systems; a full line of resposable limited re-use tools and instruments for medical use, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners. FIRST USE: 20060111. FIRST USE IN COMMERCE: 20060125

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code

LETS-1 S A single letter, multiples of a single letter or in combination with a design

Serial Number 76672142
Filing Date February 2, 2007
Current Basis 1A
Original Filing Basis 1B
Published for Opposition February 26, 2008
Registration Number **3561484**
Registration Date January 13, 2009
Owner (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101 Sunnyvale CALIFORNIA 94086

(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Michelle D. Kahn
Prior Registrations 2628871
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

United States Patent and Trademark Office

Reg. No. 3,561,484

Registered Jan. 13, 2009

TRADEMARK
PRINCIPAL REGISTER

DA VINCI S

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD
SUNNYVALE, CA 94086

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT; MEDICAL APPARATUS, NAMELY, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS FOR USE IN COMPUTERIZED SURGICAL MANIPULATION SYSTEMS; MEDICAL APPARATUS, NAMELY, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS FOR USE IN COMPUTERIZED SURGICAL MANIPULATION SYSTEMS; A FULL LINE OF RESPOSABLE LIMITED RE-USE TOOLS AND INSTRUMENTS FOR MEDICAL USE, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS,

NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLES, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTEOTOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS, FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-11-2006; IN COMMERCE 1-25-2006.

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

OWNER OF U.S. REG. NO. 2,628,871.

SN 76-672,142, FILED 2-2-2007.

STEVEN PEREZ, EXAMINING ATTORNEY

EXHIBIT D

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Word Mark DA VINCI SI HD SURGICAL SYSTEM

Goods and Services IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeon's console, master control, inersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit; patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, a amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners. FIRST USE: 20090430. FIRST USE IN COMMERCE: 20090430

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.13.21 - Quadrilaterals that are completely or partially shaded

Serial Number 76687738

Filing Date March 14, 2008

Current Basis 1A

Original Filing Basis 1B

Published for Opposition August 24, 2010

Registration Number 3957958
Registration Date May 10, 2011
Owner (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101 Sunnyvale CALIFORNIA 94086
(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Michelle D. Kahn
Prior Registrations 2628871
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HD" AND "SURGICAL SYSTEM" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office

da Vinci[®]
SURGICAL SYSTEM

Reg. No. 3,957,958

Registered May 10, 2011

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD, BUILDING 101
SUNNYVALE, CA 94086

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, INVERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT; PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND RESPONSABLE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLES, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTEOTOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS, FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 4-30-2009; IN COMMERCE 4-30-2009.

OWNER OF U.S. REG. NO. 2,628,871.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HD" AND "SURGICAL SYSTEM", APART FROM THE MARK AS SHOWN.

SN 76-687,738, FILED 3-14-2008.

NAAKWAMA ANKRAH, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT E

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DA VINCI SONICPRO

Word Mark	DA VINCI SONICPRO
Goods and Services	IC 010. US 026 039 044. G & S: Medical and surgical apparatus, namely, ultrasonic cleaning equipment for use in the field of computerized surgical manipulation. FIRST USE: 20081010. FIRST USE IN COMMERCE: 20081010
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77292138
Filing Date	September 28, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 9, 2010
Registration Number	3854164
Registration Date	September 28, 2010
Owner	(REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101 Sunnyvale CALIFORNIA 94086 (LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Michelle D. Kahn

Prior Registrations 2628871

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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United States of America

United States Patent and Trademark Office

DA VINCI SONICPRO

Reg. No. 3,854,164

Registered Sep. 28, 2010

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD
SUNNYVALE, CA 94086

FOR: MEDICAL AND SURGICAL APPARATUS, NAMELY, ULTRASONIC CLEANING EQUIPMENT FOR USE IN THE FIELD OF COMPUTERIZED SURGICAL MANIPULATION, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-10-2008; IN COMMERCE 10-10-2008.

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

OWNER OF U.S. REG. NO. 2,628,871.

SN 77-292,138, FILED 9-28-2007.

JACLYN KIDWELL WALKER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

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DA VINCI S HD SURGICAL SYSTEM

Word Mark	DA VINCI S HD SURGICAL SYSTEM
Goods and Services	IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeons console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applies and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers, and kiteners. FIRST USE: 20070131. FIRST USE IN COMMERCE: 20070131
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77561385
Filing Date	September 3, 2008
Current Basis	1A
Original Filing Basis	1B
	September 14, 2010

**Published for
Opposition****Registration
Number** 3974964**Registration
Date** June 7, 2011**Owner** (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Bldg 101
Sunnyvale CALIFORNIA 94086(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION
DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086**Assignment
Recorded** ASSIGNMENT RECORDED**Attorney of
Record** Michelle D. Kahn**Prior
Registrations** 2628871**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HD SURGICAL SYSTEM" APART
FROM THE MARK AS SHOWN**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR).**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

United States of America

United States Patent and Trademark Office

DA VINCI S HD SURGICAL SYSTEM

Reg. No. 3,974,964

Registered June 7, 2011

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD, BLDG 101
SUNNYVALE, CA 94086

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEONS CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSABLE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIES AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CURLETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLES, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTEOTOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS, FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS, AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

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

OWNER OF U.S. REG. NO. 2,628,871.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HD SURGICAL SYSTEM", APART FROM THE MARK AS SHOWN.

SN 77-561,385, FILED 9-3-2008.

PAUL MORENO, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

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DA VINCI CONNECT

Word Mark	DA VINCI CONNECT
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer hardware and software which facilitates the transmission of surgical advice provided to medical and surgical professionals in the operating room from remote locations via the internet and global computer networks through archived medical images and a data storage and retrieval system, namely, a computer laptop, touchscreen, embedded camera, headset, microphone, mouse, USB flash drive, remote interface and software embedded therein. FIRST USE: 20090331. FIRST USE IN COMMERCE: 20090331
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85661918
Filing Date	June 26, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 28, 2013
Registration Number	4382443
Registration Date	August 13, 2013
Owner	(REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101 Sunnyvale CALIFORNIA 94086 (LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Michelle D. Kahn
Prior Registrations	2628871;3561484;3978331
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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United States of America

United States Patent and Trademark Office

DA VINCI CONNECT

Reg. No. 4,382,443

Registered Aug. 13, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD
SUNNYVALE, CA 94086

FOR: COMPUTER HARDWARE AND SOFTWARE WHICH FACILITATES THE TRANSMISSION OF SURGICAL ADVICE PROVIDED TO MEDICAL AND SURGICAL PROFESSIONALS IN THE OPERATING ROOM FROM REMOTE LOCATIONS VIA THE INTERNET AND GLOBAL COMPUTER NETWORKS THROUGH ARCHIVED MEDICAL IMAGES AND A DATA STORAGE AND RETRIEVAL SYSTEM, NAMELY, A COMPUTER LAPTOP, TOUCHSCREEN, EMBEDDED CAMERA, HEADSET, MICROPHONE, MOUSE, USB FLASH DRIVE, REMOTE INTERFACE AND SOFTWARE EMBEDDED THEREIN, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-31-2009; IN COMMERCE 3-31-2009.

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

OWNER OF U.S. REG. NOS. 2,628,871, 3,561,484, AND 3,978,331.

SER. NO. 85-661,918, FILED 6-26-2012.

ELLEN BURNS, EXAMINING ATTORNEY



Steven M. Kistner
Acting Director of the United States Patent and Trademark Office

EXHIBIT H

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DA VINCI Xi

Word Mark

DA VINCI XI

Goods and Services

IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip appliers and clips, tack appliers and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip appliers, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners. FIRST USE: 20140415. FIRST USE IN COMMERCE: 20140415

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

86145229

Filing Date

December 16, 2013

Current Basis

1A

Original Filing Basis

1B

**Published for
Opposition**

**Registration
Number** 4791350

**Registration
Date** August 11, 2015

Owner (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101
Sunnyvale CALIFORNIA 94086

(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION
DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Michelle D. Kahn

**Prior
Registrations** 2628871;3561484;3957958

Type of Mark TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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United States of America

United States Patent and Trademark Office

DA VINCI Xi

Reg. No. 4,791,350

Registered Aug. 11, 2015

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD
SUNNYVALE, CA 94086

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSABLE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CUR-ETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLES, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AMPUTATION HOOKS, OSTEOTOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; SURGICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS, FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).



FIRST USE 4-15-2014; IN COMMERCE 4-15-2014.

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

OWNER OF U.S. REG. NOS. 2,628,871, 3,561,484, AND 3,957,958.

SN 86-145,229, FILED 12-16-2013.

KAMAL PREET, EXAMINING ATTORNEY

Nichelle K. Lee

Director of the United States
Patent and Trademark Office

EXHIBIT I

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DA VINCI Si

Word Mark

DA VINCI SI

Goods and Services

IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners. FIRST USE: 20140415. FIRST USE IN COMMERCE: 20140415

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

86145252

Filing Date

December 16, 2013

Current Basis

1A

Original Filing Basis

1B

Published for May 27, 2014

Opposition

**Registration
Number** 4778063

**Registration
Date** July 21, 2015

Owner (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101
Sunnyvale CALIFORNIA 94086

(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION
DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Michelle D. Kahn

**Prior
Registrations** 2628871;3561484;3957958

Type of Mark TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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United States of America

United States Patent and Trademark Office

DA VINCI Si

Reg. No. 4,778,063

Registered July 21, 2015

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INTUITIVE SURGICAL, INC. (DELAWARE CORPORATION)
1266 KIFER ROAD
SUNNYVALE, CA 94086

FOR: COMPUTERIZED SURGICAL MANIPULATION SYSTEM COMPRISED OF SURGEON'S CONSOLE, MASTER CONTROL, IMMERSIVE VIDEO DISPLAY, CAMERA IMAGE PROCESSING EQUIPMENT, SURGICAL MANIPULATION SYSTEM SOFTWARE AND INSTRUCTIONAL MANUALS PROVIDED AS A UNIT, PATIENT-SIDE CART WITH SET-UP ARMS AND MANIPULATOR SLAVE ARMS, STERILE ADAPTORS TO CONNECT ARMS TO INSTRUMENTS, AND A FULL LINE OF RESPONSABLE TOOLS, NAMELY, LAPAROSCOPES, ENDOSCOPES, TROCARS, CANNULAS, CUTTERS, CLAMPS, ELEVATORS, GOUGES, KNIVES, SCOPE PREHEATERS, LIGHT SOURCES, CABLES AND COMPONENT PARTS, ELECTROSURGICAL INSTRUMENTS, ELECTROCAUTERY INSTRUMENTS, LASER INSTRUMENTS, ULTRASOUND INSTRUMENTS, LENS CLEANING, SCRUB AND BIOPSY BRUSHES, CLIP APPLIERS AND CLIPS, TACK APPLIERS AND TACKS, APPLICATORS, LIGATURE CARRIERS, NEEDLE HOLDERS, CLAMPS, HEMOSTATS, GRASPERS, CUR-ETTES, INSTRUMENT GUIDES, LIGATURE PASSING AND KNOTTING INSTRUMENTS, NEEDLES, RETRACTORS, SNARES, STYLETS, FORCEPS, DISSECTORS, CALIPERS, SCISSORS, SUCTION AND IRRIGATION PROBES, STERILE DRAPES, HEMOSTATS, AM-PUTATION HOOKS, OSTEOTOMES, SAWS, RETAINERS, SUTURING APPARATUS, MEASURING TAPES, CHISELS AND CONTRACTORS, FILES, SKIN GRAFT EXPANDERS, LANCETS, MALLETS, PLIERS, HAMMERS, RASPS, SPATULAS, AND STRIPPERS; SUR-GICAL INSTRUMENTS, NAMELY, SCALPELS, SCALPEL BLADES AND HANDLES, STAPLERS, TACKERS, CLIP APPLIERS, ELECTROCAUTERY TOOLS, FORCEPS, NEEDLE HOLDERS, GUIDES AND DRIVERS, GRASPERS AND KITENERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).



FIRST USE 4-15-2014; IN COMMERCE 4-15-2014.

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

OWNER OF U.S. REG. NOS. 2,628,871, 3,561,484, AND 3,957,958.

SN 86-145,252, FILED 12-16-2013.

KAMAL PREET, EXAMINING ATTORNEY

Michelle K. Lee

Director of the United States
Patent and Trademark Office

EXHIBIT J



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DA VINCI SP

Word Mark

DA VINCI SP

Goods and Services

IC 010. US 026 039 044. G & S: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners. FIRST USE: 20170419. FIRST USE IN COMMERCE: 20170419

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86256681

Filing Date April 18, 2014

Current Basis 1A

Original Filing Basis 1B

**Published for
Opposition** September 16, 2014

**Registration
Number** 5232907

**Registration
Date** June 27, 2017

Owner (REGISTRANT) Intuitive Surgical, Inc. CORPORATION DELAWARE 1266 Kifer Road, Building 101
Sunnyvale CALIFORNIA 94086

(LAST LISTED OWNER) INTUITIVE SURGICAL OPERATIONS, INC. CORPORATION
DELAWARE 1020 KIFER ROAD SUNNYVALE CALIFORNIA 94086

**Assignment
Recorded** ASSIGNMENT RECORDED

**Attorney of
Record** Michelle D. Kahn

**Prior
Registrations** 2628871;3561484;3957958;3978331

Type of Mark TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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United States of America

United States Patent and Trademark Office

DA VINCI SP

Reg. No. 5,232,907

Registered Jun. 27, 2017

Int. Cl.: 10

Trademark

Principal Register

Intuitive Surgical, Inc. (DELAWARE CORPORATION)
1266 Kifer Road, Building 101
Sunnyvale, CA 94086

CLASS 10: Computerized surgical manipulation system comprised of surgeon's console, master control, immersive video display, camera image processing equipment, surgical manipulation system software and instructional manuals provided as a unit, patient-side cart with set-up arms and manipulator slave arms, sterile adaptors to connect arms to instruments, and a full line of resposable tools, namely, laparoscopes, endoscopes, trocars, cannulas, cutters, clamps, elevators, gouges, knives, scope preheaters, light sources, cables and component parts, electrosurgical instruments, electrocautery instruments, laser instruments, ultrasound instruments, lens cleaning, scrub and biopsy brushes, clip applicators and clips, tack applicators and tacks, applicators, ligature carriers, needle holders, clamps, hemostats, graspers, curettes, instrument guides, ligature passing and knotting instruments, needles, retractors, snares, stylets, forceps, dissectors, calipers, scissors, suction and irrigation probes, sterile drapes, hemostats, amputation hooks, osteotomes, saws, retainers, suturing apparatus, measuring tapes, chisels and contractors, files, skin graft expanders, lancets, mallets, pliers, hammers, rasps, spatulas, and strippers; surgical instruments, namely, scalpels, scalpel blades and handles, staplers, tackers, clip applicators, electrocautery tools, forceps, needle holders, guides and drivers, graspers and kiteners

FIRST USE 4-19-2017; IN COMMERCE 4-19-2017

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

OWNER OF U.S. REG. NO. 3978331, 2628871, 3561484, 3957958

SER. NO. 86-256,681, FILED 04-18-2014
NAAKWAMA S ANKRAH, EXAMINING ATTORNEY



Joseph Matol

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

EXHIBIT K

United States of America

United States Patent and Trademark Office

DA VINCI X

Reg. No. 5,782,073

Registered Jun. 18, 2019

Int. Cl.: 10

Trademark

Principal Register

INTUITIVE SURGICAL OPERATIONS, INC. (DELAWARE CORPORATION)
1020 Kifer Road
Sunnyvale, CALIFORNIA 94086

CLASS 10: Computerized surgical manipulation system comprised of surgeon's console, a patient side-cart and vision-cart

FIRST USE 6-22-2017; IN COMMERCE 6-22-2017

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

OWNER OF U.S. REG. NO. 4791350, 3561484, 2628871

SER. NO. 87-186,704, FILED 09-28-2016

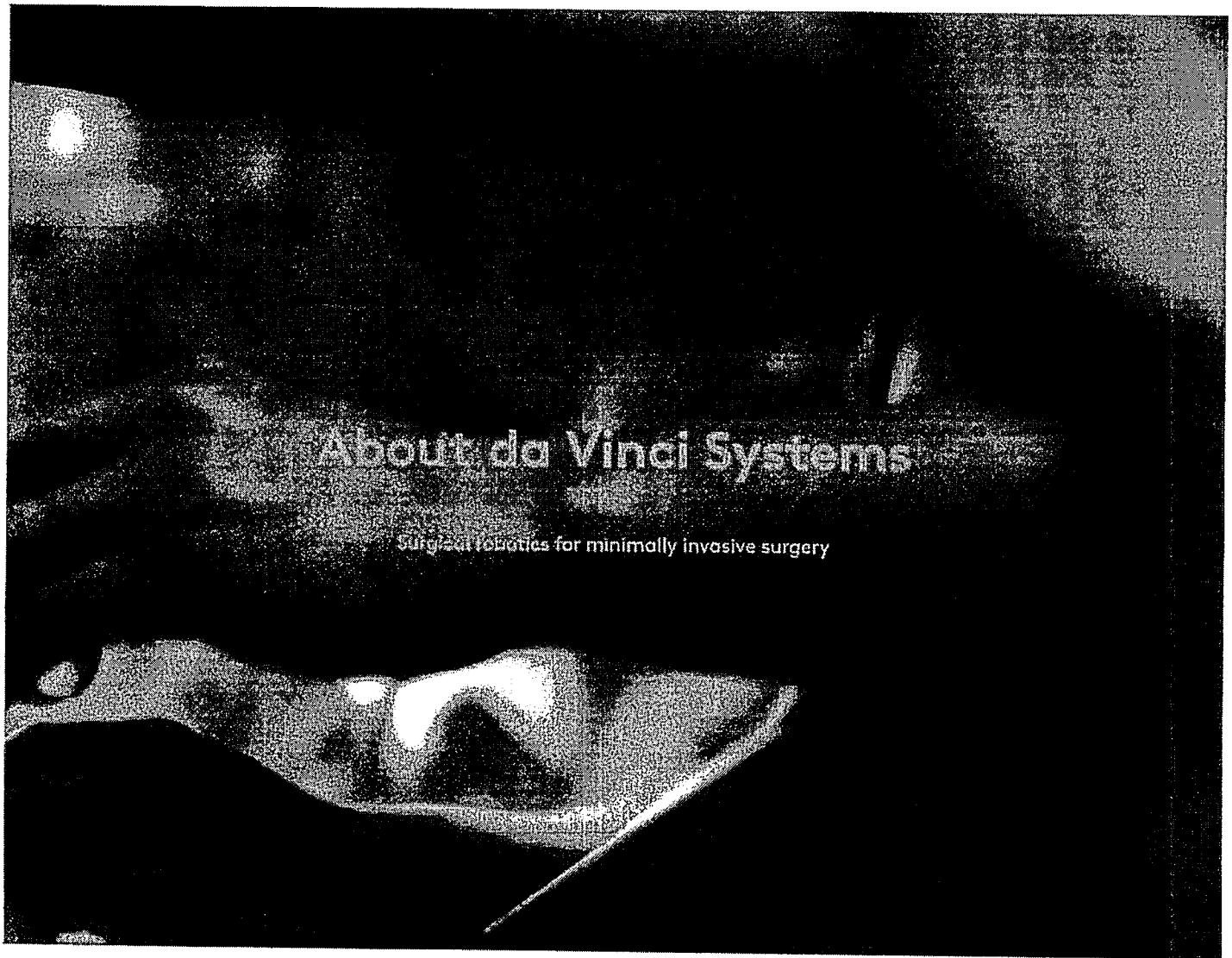


Andrei Iancu

Director of the United States
Patent and Trademark Office

EXHIBIT L

About da Vinci Systems



Your surgeon in control

The da Vinci[®] surgical system gives your surgeon an advanced set of instruments to use in performing robotic-assisted minimally invasive surgery. The term "robotic" often misleads people. Robots don't perform surgery. Your surgeon performs surgery with da Vinci by using instruments that he or she guides via a console.

The da Vinci system translates your surgeon's hand movements at the console in real time, bending and rotating the instruments while performing the procedure. The tiny wristed

instruments move like a human hand, but with a greater range of motion. The da Vinci vision system also delivers highly magnified, 3D high-definition views of the surgical area.

About da Vinci Systems

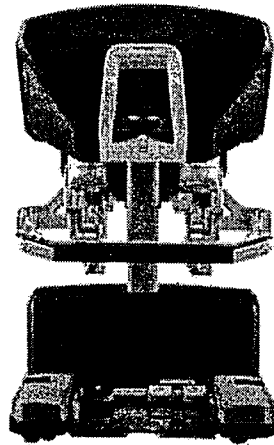


A dedicated care team

The da Vinci system is one part of a much bigger picture. As the company that makes da Vinci, Intuitive's services extend far beyond the surgical system. These include comprehensive and ongoing education, training, and support for surgeons, operating room staff, and hospital care teams. As a patient, you are at the center of a network of dedicated professionals working together to help you get back to what matters most.

Three components of the da Vinci system

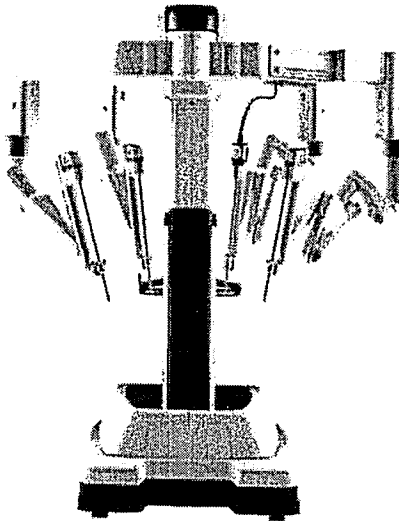
About da Vinci Systems



SURGEON CONSOLE

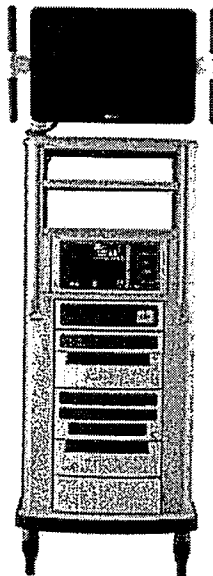
Your surgeon sits at the console, controlling the instruments while viewing your anatomy in high-definition 3D.

About da Vinci Systems



PATIENT CART

Positioned alongside the bed, the patient cart holds the camera and instruments that the surgeon controls from the console.



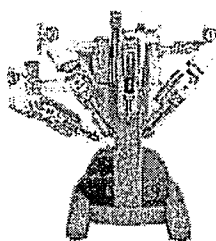
VISION CART

The vision cart makes communication between components possible and supports the 3D high-definition vision system.

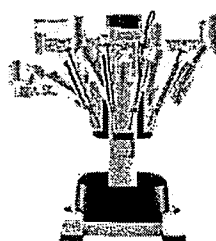
About da Vinci Systems

A family of technologies

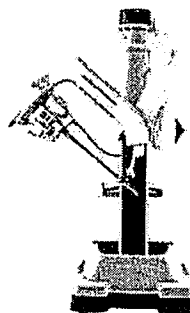
Hospitals may have one or multiple versions of the da Vinci available. These systems all work to enable your surgeon to perform minimally invasive surgery. The different models include:



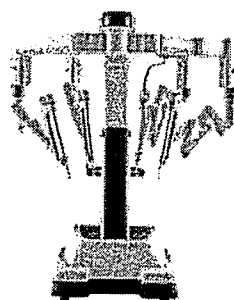
THE DA VINCI SI
SURGICAL SYSTEM



THE DA VINCI X
SURGICAL SYSTEM



THE DA VINCI SP¹
SURGICAL SYSTEM



THE DA VINCI XT
SURGICAL SYSTEM

1. In the U.S., the da Vinci SP[®] system is only cleared for use in single-port urological procedures, lateral oropharyngectomy procedures (commonly referred to as radical tonsillectomy) and tongue base resection.

About da Vinci Systems



Disclosures and Important Safety Information

Important Safety Information

Patients should talk to their doctor to decide if da Vinci® surgery is right for them. Patients and doctors should review all available information on non-surgical and surgical options and associated risks in order to make an informed decision.

Serious complications may occur in any surgery, including da Vinci surgery, up to and including death. Serious risks include, but are not limited to, injury to tissues and organs and conversion to other surgical techniques which could result in a longer operative time and/or increased complications. For Important Safety Information, including surgical risks, indications, and considerations and contraindications for use, please also refer to www.intuitive.com/safety.

Individuals' outcomes may depend on a number of factors, including but not limited to patient characteristics, disease characteristics and/or surgeon experience.

Da Vinci Xi® System Precaution Statement

The demonstration of safety and effectiveness for the specific procedure(s) discussed in this material was based on evaluation of the device as a surgical tool and did not include evaluation of outcomes related to the treatment of cancer (overall survival, disease-free survival, local recurrence) or treatment of the patient's underlying disease/condition. Device usage in all surgical procedures should be guided by the clinical judgment of an adequately trained surgeon.

Medical Advice and Locating a Doctor

Patients should talk to their doctor to decide if da Vinci surgery is right for them. Other options may be available and appropriate. Only a doctor can determine whether da Vinci surgery is appropriate for a patient's situation. Patients and doctors should review all available information on both non-surgical and surgical options in order to make an informed decision.

Surgeons experienced with the da Vinci system can be found using the [Surgeon Locator](#). Intuitive Surgical provides surgeons training on the use of the da Vinci system but does not certify, credential or qualify the surgeons listed in the Surgeon Locator.

Find a Doctor

Cancer

Colorectal

General Surgery

Gynecology

Head & Neck

Thoracic

Urology

Find a Doctor

About da Vinci Systems

Find a Doctor

Find a da Vinci Surgeon



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About da Vinci Systems

PN 1056671 REV B 03/19

