

ESTTA Tracking number: **ESTTA1010286**

Filing date: **10/21/2019**

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	NVIDIA Corporation
Granted to Date of previous extension	10/20/2019
Address	2788 SAN TOMAS EXPRESSWAY SANTA CLARA, CA 95051 UNITED STATES

Attorney information	MARK A. JANSEN FENWICK & WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 UNITED STATES trademarks@fenwick.com 650-988-8500
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Applicant Information

Application No	87659747	Publication date	04/23/2019
Opposition Filing Date	10/21/2019	Opposition Period Ends	10/20/2019
International Registration No.	NONE	International Registration Date	NONE
Applicant	G-Therapeutics BV High Tech Campus 32 NL-5656 Eindhoven NETHERLANDS		

Goods/Services Affected by Opposition

<p>Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical and veterinary apparatus and instruments for use in treatment of patients for physical therapy purposes; diagnostic examination, and monitoring equipment for use in treatment of patients for physical therapy purposes; prosthetic and artificial implants, namely, artificial spinal implants and prosthetic neural implants; electric nerve stimulators for nerves for physical therapy purposes; nerve muscle stimulators for nerves for physical therapy purposes; transcutaneous electrical muscle stimulators for nerves for physical therapy purposes; electronic stimulators for medical use for nerves for physical therapy purposes; electronic nerve stimulators for medical use; leads for use with implantable stimulators for nerves for physical therapy purposes; medical apparatus and instruments for the treatments of patients with neuromotor impairment and/or paraplegia and/or locomotion disabilities or handicaps; treadmills for medical use in physiotherapeutic exercise for use in treatment of patients for physical therapy purposes; orthopedic and mobility aids, namely, walkers, canes for medical purposes for use in treatment of patients for physical-</p>

therapy purposes; medical supports for the body for use in treatment of patients for physical therapy purposes; compresses for supporting the body for use in treatment of patients for physical therapy purposes, namely, compression garments, chemically activated hot and/or cold body support compresses, compression socks; bandages for supporting the human body; shaped padding for supporting parts of the body for medical use in treatment of patients for physical therapy purposes

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: IT services for support in the use of medical apparatus and instruments, namely, 24/7 support desk services; Science and technology services in the nature of medical research and development of treatments in the field of physical therapy; Testing, authentication and quality control for others of medical apparatus and instruments; design services for medical apparatus and instruments; medical and pharmacological research services; Engineering services; Surveying; architectural and urban planning services; natural science services in the nature of medical research; clinical research in the field of physical therapy; biomedical research services; conducting clinical trials in the field of physical therapy for others; conducting clinical trials for others in the field of physical therapy; conducting clinical trials for pharmaceutical products in the field of physical therapy for others; conducting early evaluations in the field of new pharmaceuticals; medical research; medical research services; pharmaceutical drug development services; pharmaceutical product evaluation; pharmaceutical products development; pharmaceutical research and development services; pharmaceutical research and development; pharmaceutical research services; providing information about the results of clinical trials for pharmaceutical products; research and development in the pharmaceutical and biotechnology fields; scientific investigations for medical purposes; engineering research; software engineering; mechanical engineering, especially medical engineering in the field of neurostimulation

Class 044. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Human healthcare services; human hygiene and beauty care; medical treatment services in the field of physical therapy; physical rehabilitation; providing physical rehabilitation facilities; occupational therapy and rehabilitation; development of individual physical rehabilitation programmes; provision of exercise facilities specifically for health rehabilitation services; surgery; consultancy services relating to surgery

Grounds for Opposition

No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
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Attachments	GTX MEDICAL.pdf(113585 bytes)
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Signature	/mjansen/
Name	MARK A. JANSEN
Date	10/21/2019

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

In the matter of Trademark App. Ser. No. 87/659747
Filed: October 25, 2017
Published: April 23, 2019
Mark: GTX MEDICAL

NVIDIA Corporation,)
Opposer,)
)
vs.)
)
G-Therapeutics BV,)
Applicant.)

NOTICE OF OPPOSITION

NVIDIA Corporation (“NVIDIA” or “Opposer”), a Delaware corporation having a principal place of business at 2788 San Tomas Expressway, Santa Clara, CA 95051, believes that it will be damaged by registration of the mark GTX MEDICAL (“Applicant’s Mark”) as shown in Application Serial No. 87/659747 (the “Application”), filed by G-Therapeutics BV (“Applicant”), and hereby opposes the Application.

As grounds for this opposition, NVIDIA alleges that:

1. As shown by the publication of Applicant’s Mark in the April 23, 2019 issue of the Official Gazette, Applicant seeks to register the mark for “Medical and veterinary apparatus and instruments for use in treatment of patients for physical therapy purposes; diagnostic examination, and monitoring equipment for use in treatment of patients for physical therapy purposes; prosthetic and artificial implants, namely, artificial spinal implants and prosthetic neural implants; electric nerve stimulators for nerves for physical therapy purposes; nerve muscle stimulators for nerves for physical therapy purposes; transcutaneous electrical muscle stimulators for nerves for physical therapy purposes; electronic stimulators for medical use for nerves for

physical therapy purposes; electronic nerve stimulators for medical use; leads for use with implantable stimulators for nerves for physical therapy purposes; medical apparatus and instruments for the treatments of patients with neuromotor impairment and/or paraplegia and/or locomotion disabilities or handicaps; treadmills for medical use in physiotherapeutic exercise for use in treatment of patients for physical therapy purposes; orthopedic and mobility aids, namely, walkers, canes for medical purposes for use in treatment of patients for physical therapy purposes; medical supports for the body for use in treatment of patients for physical therapy purposes; compresses for supporting the body for use in treatment of patients for physical therapy purposes, namely, compression garments, chemically activated hot and/or cold body support compresses, compression socks; bandages for supporting the human body; shaped padding for supporting parts of the body for medical use in treatment of patients for physical therapy purposes” in International Class 10; for “IT services for support in the use of medical apparatus and instruments, namely, 24/7 support desk services; Science and technology services in the nature of medical research and development of treatments in the field of physical therapy; Testing, authentication and quality control for others of medical apparatus and instruments; design services for medical apparatus and instruments; medical and pharmacological research services; Engineering services; Surveying; architectural and urban planning services; natural science services in the nature of medical research; clinical research in the field of physical therapy; biomedical research services; conducting clinical trials in the field of physical therapy for others; conducting clinical trials for others in the field of physical therapy; conducting clinical trials for pharmaceutical products in the field of physical therapy for others; conducting early evaluations in the field of new pharmaceuticals; medical research; medical research services; pharmaceutical drug development services; pharmaceutical product evaluation;

pharmaceutical products development; pharmaceutical research and development services; pharmaceutical research and development; pharmaceutical research services; providing information about the results of clinical trials for pharmaceutical products; research and development in the pharmaceutical and biotechnology fields; scientific investigations for medical purposes; engineering research; software engineering; mechanical engineering, especially medical engineering in the field of neurostimulation” in International Class 42; and for “Human healthcare services; human hygiene and beauty care; medical treatment services in the field of physical therapy; physical rehabilitation; providing physical rehabilitation facilities; occupational therapy and rehabilitation; development of individual physical rehabilitation programmes; provision of exercise facilities specifically for health rehabilitation services; surgery; consultancy services relating to surgery” in International Class 44. The Application was filed October 25, 2017, based on Applicant’s ownership of EUTM Registration No. 016753841.

2. On information and belief, as of the filing date of the Application, Applicant did not have a bona fide intent to use Applicant’s Mark in commerce in connection with all the goods and services identified in the Application, and the Application is therefore void *ab initio*.

3. NVIDIA is the owner of US Application Serial No. 88/063197 for the mark GTX.

4. If Applicant is permitted to register the mark shown in the Application, Applicant’s registration may conflict with NVIDIA’s registration and use of GTX and GTX-based marks.

WHEREFORE, Opposer NVIDIA Corporation prays that this Notice of Opposition be sustained, that Applicant’s Trademark Application Serial No. 87/659747 be rejected, and that Applicant be denied registration of GTX MEDICAL as a trademark for the goods and services

specified in the Application. Please charge the requisite \$1200.00 filing fee for this Notice of Opposition and any additional fees to our Deposit Account No. 50-0261.

Respectfully submitted,

Dated: October 21, 2019

/mjansen/

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