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Filing date: **07/17/2020**

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

Proceeding	91256400
Party	Defendant Atom Medical Corporation
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Submission	Answer
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Date	07/17/2020
Attachments	02561038.PDF(315830 bytes)

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

In re Application Serial Number 79/266,785

MASIMO CORPORATION,

Opposer,

v.

ATOM MEDICAL CORPORATION,

Applicant.

Opposition No. 91256400

ANSWER TO NOTICE OF OPPOSITION

Applicant, Atom Medical Corporation (“Applicant”), by and through its attorneys, Ostrolenk Faber LLP, hereby answers the Notice of Opposition as follows:

In response to the unnumbered paragraphs at the start of the Notice of Opposition, Applicant (i) lacks knowledge or information sufficient to form a belief as to the truth of whether Opposer is a corporation organized and existing under the laws of the State of Delaware, located and doing business at 52 Discovery, Irvine, California 92618, and accordingly, denies the same; (ii) denies that Opposer will be damaged by registration of the mark IRIS MONITOR & Design (“Applicant’s Mark”) in Class 10 as set forth in Application Serial No. 79/266,785 (“Applicant’s Application”) to Applicant and (iii) states that the remainder of the statements do not call for a responsive pleading.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and, accordingly, denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and, accordingly, denies the same.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and, accordingly, denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and, accordingly, denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and, accordingly, denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 and, accordingly, denies the same.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 and, accordingly, denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and, accordingly, denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and, accordingly, denies the same.

10. Applicant admits that its mark contains the term IRIS but denies the remaining allegations in Paragraph 10.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

13. Applicant denies the allegations in Paragraph 13.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and, accordingly, denies the same.

16. Applicant denies the allegations in Paragraph 16.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and, accordingly, denies the same

18. Applicant denies the allegations in Paragraph 18.

WHEREFORE, Applicant respectfully requests that this Opposition No. 91256400 be dismissed with prejudice.

Dated: July 17, 2020
New York, New York

Respectfully submitted,



Robert C. Faber
Sean P. McMahon

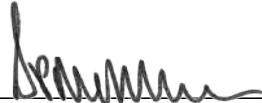
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Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served upon counsel for Opposer this 17th day of July, 2020, by e-mail, addressed as follows:

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Sean P. McMahon