

ESTTA Tracking number: **ESTTA1062514**

Filing date: **06/17/2020**

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	Integra Biosciences AG
Granted to Date of previous extension	06/17/2020
Address	TARDISSTRASSE 201 ZIZERS, 7205 SWITZERLAND

Domestic Representative	Edward R. Williams Attorney of Record Andrus Intellectual Property Law, LLP 100 East Wisconsin Avenue Suite 1100 Milwaukee, WI 53202 UNITED STATES tmdocketing@andruslaw.com, ewilliams@andruslaw.com, mkleine@andruslaw.com, cathym@andruslaw.com, mariem@andruslaw.com 4142717590
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Applicant Information

Application No	79266239	Publication date	02/18/2020
Opposition Filing Date	06/17/2020	Opposition Period Ends	06/17/2020
International Registration No.	1484830	International Registration Date	06/18/2019
Applicant	Arctiko A/S Lammefjordsvej 5 DK-6715 Esbjerg N DENMARK		


Goods/Services Affected by Opposition


Class 011. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Refrigerating and freezing equipment, namely, refrigerators and freezers for low and ultra-low temperatures; deep freezing apparatus, namely, electric freezers; biomedical freezers and refrigerators, including biomedical freezers and refrigerators for use in life sciences; cryogenic freezers


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4798481	Application Date	11/13/2014
Registration Date	08/25/2015	Foreign Priority Date	NONE
Word Mark	INTEGRA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1993/12/15 First Use In Commerce: 1993/12/15 Non-medical laboratory equipment and supplies, namely, pipettes, pipette tips, microplate dispensers, peristaltic pumps and tubing, aspiration apparatus, reagent reservoirs, media filling stations, media preparatory apparatus, laboratory stirring plates, cell cultivation equipment, apparatus for promoting controlled tissue growth</p> <p>Class 011. First use: First Use: 1993/12/15 First Use In Commerce: 1993/12/15 Flame sterilizers not for medical purposes, and Bunsen burners for laboratory use</p>		

U.S. Registration No.	4798487	Application Date	11/13/2014
Registration Date	08/25/2015	Foreign Priority Date	NONE
Word Mark	INTEGRA		
Design Mark			
Description of Mark	The mark consists of the word "INTEGRA" with the "INTEGR" in black and a stylized "A" in teal.		
Goods/Services	<p>Class 009. First use: First Use: 1993/12/15 First Use In Commerce: 1993/12/15 Non-medical laboratory equipment and supplies, namely, pipettes, pipette tips, microplate dispensers, peristaltic pumps and tubing, aspiration apparatus, reagent reservoirs, media filling stations, media preparatory apparatus, laboratory stirring plates, cell cultivation equipment, apparatus for promoting controlled tissue growth</p> <p>Class 011. First use: First Use: 1993/12/15 First Use In Commerce: 1993/12/15 Flame sterilizers not for medical purposes, and Bunsen burners for laboratory use</p>		

U.S. Registration No.	4798488	Application Date	11/13/2014
Registration Date	08/25/2015	Foreign Priority Date	NONE
Word Mark	INTEGRA		
Design Mark			
Description of Mark	The mark consists of the word "INTEGRA"with a stylized "A".		
Goods/Services	<p>Class 009. First use: First Use: 1993/12/15 First Use In Commerce: 1993/12/15 Non-medical laboratory equipment and supplies, namely, pipettes, pipette tips, microplate dispensers, peristaltic pumpsand tubing, aspiration apparatus, reagent reservoirs, media filling stations, media preparatory apparatus, laboratory stirring plates, cell cultivation equipment, apparatus for promoting controlled tissue growth</p> <p>Class 011. First use: First Use: 1993/12/15 First Use In Commerce: 1993/12/15 Flame sterilizers not for medical purposes, and Bunsen burners for laboratory use</p>		

Related Proceedings	European Union Intellectual Property Office Opposition B 003081526 contesting trade mark number 018001445
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Attachments	86453018#TMSN.png(bytes) 86453630#TMSN.png(bytes) 86453694#TMSN.png(bytes) 2020-06-17_5244-00261_Notice_of_Opposition.pdf(113361 bytes)
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Signature	/Edward R. Williams/
Name	Edward R. Williams
Date	06/17/2020

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

INTEGRA BIOSCIENCES AG,)
)
 Opposer,) OPPOSITION NO. _____
)
 v.) Serial No. 79/266,239
)
 ARCTIKO A/S,)
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 Applicant.)
)
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NOTICE OF OPPOSITION

Integra Biosciences AG, (“Opposer”), believes that it will be damaged by registration of the trademark shown in U.S. Trademark Application No. 79/266,239 (“the ’239 Application”) for INTEGRALINE, filed by Arctiko A/S, (“Applicant”) and published for opposition on February 18, 2020. Opposer hereby opposes the ’239 Application. The grounds for this opposition are as follows:

Parties and Introduction

1. Opposer, Integra Biosciences AG, is a Swiss corporation located and doing business at Tardisstrasse 201 CH-7205 Zizers, Switzerland.
2. Upon information and belief, Applicant, Arctiko A/S, is a Danish corporation located and doing business at Lannefjordsvej 5 DK-6715 Esbjerg N Denmark.
3. Opposer has manufactured and sold laboratory equipment across the United States and around the globe since 1965. Beginning in 2009, Opposer also manufactures and sells laboratory equipment using the name INTEGRA in the United States through a wholly owned

affiliate, presently operating as Integra Biosciences Corp., a New Hampshire corporation, located and doing business at 48 Friars Drive, Hudson, NH 03051. The form of the INTEGRA mark and logo that is currently in use was first used in the United States in 2010.

4. Opposer has a real interest in the proceeding, and in the outcome of the subject application, because there is a likelihood of confusion with Opposer's prior rights in similar marks.

Applicant's '239 Application – INTEGRALINE

5. Upon information and belief, Applicant filed the '239 Application on June 18, 2019 under Section 66(a) for INTEGRALINE. The '239 Application claims the benefit of European Union Application 018001445 filed on December 18, 2018.

6. The '239 Application asserts use in IC 011 / US 013, 021, 023, 031, and 034 for goods and services: Refrigerating and freezing equipment, namely, refrigerators and freezers for low and ultra-low temperatures; deep freezing apparatus, namely, electric freezers; biomedical freezers and refrigerators, including biomedical freezers and refrigerators for use in life sciences; cryogenic freezers.

7. The '239 Application published for opposition on February 18, 2020, and Opposer filed timely extensions of time to oppose.

8. No statement of use or specimen has been filed for the '239 Application.

Opposer's INTEGRA and Related Trademarks and Registrations

9. Opposer's INTEGRA trademarks are symbolic of goodwill and consumer recognition built by Opposer, its predecessors and affiliates through substantial time, money, and other resources to market, promote, and advertise its goods and services under the INTEGRA trademarks.

10. Opposer first used the INTEGRA marks and first used the INTEGRA marks in commerce at least by December 15, 1993.

11. Opposer's use of the trademark INTEGRA predates any use of INTEGRALINE by Applicant and, therefore, Opposer has superior rights.

12. Applicant's trademark INTEGRALINE is confusingly similar to Opposer's INTEGRA trademarks in appearance, sound, connotation and commercial impression.

13. The goods on which Applicant has applied for registration of INTEGRALINE are goods associated with Opposer's goods designated by its INTEGRA trademarks.

14. The goods on which Applicant has applied for registration of INTEGRALINE are goods that are advertised and sold in channels of trade that are associated with and similar to the channels of trade of Opposer's services designated by its INTEGRA trademarks.

U.S. Trademark Registration No. 4,798,481

15. Opposer filed U.S. Trademark Application No. 86/453,018 ("the '018 Application") for the word mark INTEGRA on November 13, 2014.

16. Opposer filed the '018 Application for IC 009 / US 021, 023, 026, 036, and 038 which published with the following listing of goods and services: Non-medical laboratory equipment and supplies, namely, pipettes, pipette tips, microplate dispensers, peristaltic pumps and tubing, aspiration apparatus, reagent reservoirs, media filling stations, media preparatory apparatus, laboratory stirring plates, cell cultivation equipment, apparatus for promoting controlled tissue growth; and IC 011 / US 013, 021, 023, 031, and 034 for goods and services: Flame sterilizers not for medical purposes, and Bunsen burners for laboratory use.

17. The '018 Application states that Opposer first used the INTEGRA word mark and first used the INTEGRA word mark in commerce at least by December 15, 1993.

18. The '018 Application was registered as U.S. Trademark No. 4,798,481 on August 25, 2015.

U.S. Trademark Registration No. 4,798,487

19. Opposer filed U.S. Trademark Application No. 86/453,630 (“the '630 Application”) for the color design mark INTEGRA on November 13, 2014.

INTEGRA

20. Opposer filed the '630 Application for IC 009 / US 021, 023, 026, 036, and 038 which published with the following listing of goods and services: Non-medical laboratory equipment and supplies, namely, pipettes, pipette tips, microplate dispensers, peristaltic pumps and tubing, aspiration apparatus, reagent reservoirs, media filling stations, media preparatory apparatus, laboratory stirring plates, cell cultivation equipment, apparatus for promoting controlled tissue growth; and IC 011 / US 013, 021, 023, 031, and 034 for goods and services: Flame sterilizers not for medical purposes, and Bunsen burners for laboratory use.

21. The '630 Application states that Opposer first used the INTEGRA color design mark and first used the INTEGRA color design mark in commerce at least by December 15, 1993.

22. The '630 Application was registered as U.S. Trademark No. 4,798,487 on August 25, 2015.

U.S. Trademark Registration No. 4,798,488

23. Opposer filed U.S. Trademark Application No. 86/453,694 (“the '694 Application”) for the design mark INTEGRA on November 13, 2014.

INTEGRA

24. Opposer filed the '694 Application for IC 009 / US 021, 023, 026, 036, and 038 which published with the following listing of goods and services: Non-medical laboratory equipment and supplies, namely, pipettes, pipette tips, microplate dispensers, peristaltic pumps and tubing, aspiration apparatus, reagent reservoirs, media filling stations, media preparatory apparatus, laboratory stirring plates, cell cultivation equipment, apparatus for promoting controlled tissue growth; and IC 011 / US 013, 021, 023, 031, and 034 for goods and services: Flame sterilizers not for medical purposes, and Bunsen burners for laboratory use.

25. The '694 Application states that Opposer first used the INTEGRA design mark and first used the INTEGRA design mark in commerce at least by December 15, 1993.

26. The '630 Application was registered as U.S. Trademark No. 4,798,488 on August 25, 2015.

Grounds for Opposition to Applicant's '239 Application – INTEGRALINE

27. Since well before the filing date of the '239 Application, Opposer has continuously used the INTEGRA marks in interstate commerce in connection with a variety of laboratory equipment, including, but not limited to, pipettes, pipette tips, reagent reservoirs, microplate dispensers, aspiration apparatuses, and media filling stations.

28. Applicant's INTEGRALINE trademark so resembles Opposer's INTEGRA marks and common law rights as to be likely, when applied to the goods of Applicant, to cause confusion or to deceive purchasers as to the source of the goods, resulting in damage to Opposer.

29. Applicant's INTEGRALINE trademark so resembles Opposer's INTEGRA marks as to be likely, when applied to goods of Applicant, to deceive purchasers or potential purchasers

of the parties' goods and services into believing that Applicant's goods emanate from, are licensed by, or are in some way directly or indirectly associated with, approved by, or sponsored by Opposer, resulting in damage to Opposer.

30. Accordingly, the Board should refuse registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes and avers that it is being damaged and will continue to be damaged by registration of the proposed INTEGRALINE trademark, and therefore prays that Applicant's Trademark Application No. 79/266,239 be rejected in accordance with the provisions of the Trademark Act, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

The required fee is submitted herewith; however, please charge any additional fees that may be due in this opposition proceeding or credit any overpayments to Deposit Account No. 01.2000.

Respectfully submitted,

Date: June 17, 2020

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