

ESTTA Tracking number: **ESTTA1091024**

Filing date: **10/26/2020**

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

Proceeding	91264850
Party	Defendant Invenio Imaging, Inc.
Correspondence Address	AARON D. HENDELMAN WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304 UNITED STATES Primary Email: trademarks@wsgr.com 650-493-9300
Submission	Answer
Filer's Name	Aaron D. Hendelman
Filer's email	trademarks@wsgr.com
Signature	/Aaron D. Hendelman/
Date	10/26/2020
Attachments	2020-10-26 Answer to Notice of Opposition.pdf(170781 bytes)

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

Intuitive Surgical Operations, Inc.,)	
Opposer,)	Opposition No: 91264850
v.)	Serial No. 88881230
Invenio Imaging, Inc.,)	
Applicant.)	
<hr style="border: 0.5px solid black;"/>		

ANSWER

Invenio Imaging, Inc. (“Applicant”), through its undersigned attorneys, hereby submits this Answer to the Notice of Opposition filed by Intuitive Surgical Operations, Inc. (“Opposer”) in the above-mentioned proceeding. Unless expressly admitted herein, each allegation contained in the Notice of Opposition is denied.

1. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 1 of the Notice of Opposition, and therefore denies the allegations.
2. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 2 of the Notice of Opposition, and therefore denies the allegations.
3. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 3 of the Notice of Opposition, and therefore denies the allegations.
4. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 4 of the Notice of Opposition, and therefore denies the allegations.
5. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 5 of the Notice of Opposition, and therefore denies the allegations.
6. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 6 of the Notice of Opposition, and therefore denies the allegations.
7. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 7 of the Notice of Opposition, and therefore denies the allegations.
8. Applicant admits the allegations in Paragraph 8 of the Notice of Opposition.

9. Applicant admits the allegations in Paragraph 9 of the Notice of Opposition.
10. Applicant admits the allegations in Paragraph 10 of the Notice of Opposition.

FIRST GROUND FOR OPPOSITION

(Likelihood of Confusion)

11. Applicant repeats its answers to Paragraphs 1 through 10 of the Notice of Opposition.
12. Applicant denies the allegations in Paragraph 12 of the Notice of Opposition.
13. Applicant denies the allegations in Paragraph 13 of the Notice of Opposition.

DAMAGE TO OPPOSER

14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.
15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

16. Opposer's claims are barred by estoppel.

Second Affirmative Defense


17. Opposer's claims are barred by waiver.

Third Affirmative Defense

18. Opposer's claims are barred by acquiescence.

Dated: October 26, 2020

WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation

By: 

Aaron D. Hendelman
Christine K. Au-Yeung

Attorneys for Applicant
Invenio Imaging, Inc.

Please address all communications concerning this proceeding to:

Aaron D. Hendelman
Christine K. Au-Yeung
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304-1050
Telephone: (650) 493-9300
Fax: (650) 493-6811
trademarks@wsgr.com

CERTIFICATE OF SERVICE BY EMAIL

I, Elvira Minjarez, declare:

I am employed in Santa Clara County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

On this date, I served **ANSWER** by forwarding the document(s) by electronic transmission on this date to the Internet email address listed below:

Michelle D. Kahn
Sheppard Mullin
mkahn@sheppardmullin.com
pmarquez@sheppardmullin.com
sftmdocket@sheppardmullin.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on October 26, 2020.



Elvira Minjarez