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

Proceeding no.	91285258
Party	Defendant Telos Health, Inc.
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Date	07/10/2023
Attachments	2023-07-10 Answer to Notice of Opposition - TSPTH.141M.pdf(121577 bytes )

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

TELUS CORPORATION,	)	Opposition No.: 91285258
	)	
	)	Serial No.: 97172319
Opposer,	)	Mark: TELOS HEALTH
v.	)	
	)	
TELOS HEALTH, INC.,	)	
	)	
Applicant.	)	
_____	)	

**ANSWER TO NOTICE OF OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Applicant Telos Health, Inc. (“Applicant”) hereby answers the Notice of Opposition (“Notice”) filed by TELUS Corporation (“Opposer”) against U.S. Trademark Application Serial No. 97/172,319 (the “Application”), as follows:

Unless specifically admitted herein, all allegations in the Notice are denied. Applicant further denies that Opposer is entitled to any relief, including the relief requested in the Notice.

To the extent a response is required to the first unnumbered paragraph of the Notice, Applicant denies that Opposer will be damaged by registration of the Application.

1. Answering Paragraph 1 of Opposer’s Notice, Applicant admits that the Application is for the trademark TELOS HEALTH in connection with “Robotic devices in the nature of surgical robots for use in connection with transvascular medical procedures; Robotic

catheter drive systems comprised of a motorized catheter positioner having rotational and translational movement capability and a tele-robotic controller with rotation, translation and deflection control buttons, to facilitate remote catheterizations, for use in transvascular medical procedures; Robotic guidewire drive systems consisting of a robotic arm, knob, deflection lever, and buttons, to facilitate remote catheterizations, for use in transvascular medical procedures; Medical devices for automated movement, namely, a robotic system comprising motors having rotational and translational movement capability for use in robotic control of catheters and guidewires; Robotic guided catheters for use in transvascular medical procedures; Robotic guided guidewires for use in transvascular medical procedures; Surgical instruments and apparatus for use in transvascular medical procedures, namely, computerized surgical control systems comprising medical catheters and guidewires, computer hardware, and installed firmware for controlling and operating surgical robots and surgical instruments” in Class 10, and “Surgical carts for use in transvascular medical procedures” in 12. Applicant further admits that the Application was published for opposition on May 2, 2023.

2. Answering Paragraph 2 of Opposer’s Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

3. Answering Paragraph 3 of Opposer’s Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

4. Answering Paragraph 4 of Opposer’s Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

5. Answering Paragraph 5 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

6. Answering Paragraph 6 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

7. Answering Paragraph 7 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

8. Answering Paragraph 8 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

9. Answering Paragraph 9 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

10. Answering Paragraph 10 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

11. Answering Paragraph 11 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

12. Answering Paragraph 12 of Opposer's Notice, Applicant admits that the publicly available United States Patent and Trademark Office ("PTO") records identify Opposer as the

owner of U.S. Trademark Registration Nos. 2,396,640, 3,963,126, 3,543,607, 3,613,014, and 7,057,605. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of any remaining allegations contained in Paragraph 12 of the Notice, and therefore, on that basis denies the allegations.

13. Answering Paragraph 13 of Opposer's Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore, on that basis denies these allegations.

14. Answering Paragraph 14 of Opposer's Notice, Applicant admits the allegations contained therein.

15. Answering Paragraph 15 of Opposer's Notice, Applicant denies the allegations contained therein.

16. Answering Paragraph 16 of Opposer's Notice, Applicant denies the allegations contained therein.

17. Answering Paragraph 17 of Opposer's Notice, Applicant denies the allegations contained therein.

18. Answering Paragraph 18 of Opposer's Notice, Applicant denies the allegations contained therein.

19. Answering Paragraph 19 of Opposer's Notice, Applicant denies the allegations contained therein.

20. Answering Paragraph 20 of Opposer's Notice, Applicant denies the allegations contained therein.

21. Answering Paragraph 21 of Opposer's Notice, Applicant denies the allegations contained therein.

22. Answering Paragraph 22 of Opposer’s Notice, Applicant denies the allegations contained therein.

**AFFIRMATIVE DEFENSES**

Applicant has not yet identified affirmative defenses to assert in this proceeding. However, Applicant reserves the right to amend its Answer to the Notice to allege affirmative defenses in the event that discovery of additional information indicates they are appropriate.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 10, 2023

By: /Bita Kianian/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served upon Opposer's counsel via electronic mail on July 10, 2023 to:

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