

ESTTA Tracking number: **ESTTA1329645**Filing date: **12/20/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91287645
Party	Defendant Seer Medical Pty Ltd
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Date	12/20/2023
Attachments	Answer to Notice of Opposition - 91287645 Seer Design.pdf(53979 bytes)

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

Seer, Inc.

Opposer,

v.

Seer Medical Pty. Ltd.,

Applicant.

Opposition No. 91287645

Serial No. 79310920

Mark: SEER & Design

Published: April 11, 2023

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

In response to Seer, Inc.’s (“Opposer”) Notice of Opposition against Seer Medical Holdings Limited’s, formerly Seer Medical Pty Ltd. (“Applicant”) application to register the mark SEER (and Design), Serial No. 79310920 (“Opposed Mark”), Applicant, through its undersigned attorneys, hereby denies every allegation in Opposer’s Notice of Opposition not specifically admitted herein and further responds as follows:

1. Responding to paragraph 1 of the Notice of Opposition, Applicant admits only so much as may allege that requests for extension of time were timely filed during the publication period of the Opposed Mark. Applicant denies any remaining allegations of paragraph 1.

2. Responding to paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 and, therefore, the allegations in paragraph 2 of the Notice of Opposition are denied.

3. Responding to paragraph 3 of the Notice of Opposition, Applicant admits only that Opposer owns a registration for SEER, U.S. Reg. No. 6646616, and that this registration

speaks for itself. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3 and, therefore, these allegations are denied.

4. Applicant lacks information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Notice of Opposition, and therefore, denies those allegations.

5. Responding to paragraph 5 of the Notice of Opposition, Applicant admits only that Opposer appears to operate a website at <seer.bio>. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 and, therefore, these allegations are denied.

6. Applicant lacks information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Notice of Opposition, and therefore, denies those allegations.

7. Applicant lacks information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Notice of Opposition, and therefore, denies those allegations.

8. Applicant lacks information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Notice of Opposition, and therefore, denies those allegations.

9. Applicant denies the allegations of paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations of paragraph 10 of the Notice of Opposition.

11. Applicant admits the allegations of paragraph 11 of the Notice of Opposition.

12. Applicant lacks information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Notice of Opposition, and therefore, denies those allegations.

13. Applicant denies the allegations of paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations of paragraph 15 of the Notice of Opposition.

CERTIFICATE OF SERVICE

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Seer Medical Holdings Limited, formerly Seer Medical Pty Ltd., do hereby certify that on the date listed below I have served counsel for Opposer in this action with a true and complete copy of the foregoing pleading(s) herein below specified by emailing, pursuant to 37 C.F.R. § 2.119, a copy of the same to the email address set forth below:

Pleadings:

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

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Dated: December 20, 2023

/John C. McElwaine/