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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: April 19, 2005

Cancellation No. 92044436
Reg. Nos. 2312233
2457574

SYNERON CANADA CORPORATION

v.

Premier Laser Systems, Inc.

Michelle Greenfield, Legal Assistant:

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the petition to cancel that was intended for registrant to an incorrect address. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to registrant at the correct address: Premier Laser Systems, Inc., 3 Morgan Irvine, CA 92618.

If there has been any transfer of interest in the involved registration, registrant must so advise the Board and registrant must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.



05-10-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

In view of the circumstances herein, the time for filing an answer to the petition to cancel is extended to forty days from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to close: November 5, 2005

30-day testimony period for party
in position of plaintiff to close: February 2, 2006

30-day testimony period for party
in position of defendant to close: April 4, 2006

15-day rebuttal testimony period to close: May 19, 2006

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

ESTTA Tracking number: **ESTTA30642**

Filing date: **04/14/2005**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Syneron Canada Corp.		
Entity	Corporation	Citizenship	Canada
Address	Unit 110 111 Granton Drive Richmond Hill, Ont L4B 1L5 CANADA		

Attorney information	Nick Marsico Dykema Gossett Rooks Pitts PLLC 10 S. Wacker Drive, Suite 2300 Chicago, IL 60606 UNITED STATES nmarsico@dykema.com Phone:312-627-2147
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Registrations Subject to Cancellation

Registration No	2312233	Registration date	01/25/2000
Registrant	Premier Laser Systems, Inc. 3 Morgan Irvine, CA 92618 UNITED STATES		
Goods/Services Subject to Cancellation	Class 010. First Use: 19910316, First Use In Commerce: 19910901 Goods/Services: lasers for medical use		
Grounds for	The registered mark has been abandoned.		

Cancellation	
Registration No	2457574
Registration date	06/05/2001
Registrant	Premier Laser Systems, Inc. 3 Morgan Irvine, CA 92618 UNITED STATES
Goods/Services Subject to Cancellation	Class 010. First Use: 19950400, First Use In Commerce: 19951200 Goods/Services: lasers for medical use
Attachments	AURORA petition for cancellation.pdf (2 pages) POLARIS petition for cancellation.pdf (2 pages)
Signature	/Nick Marsico/
Name	Nick Marsico
Date	04/14/2005

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

In re Registration No.: 2,457,574
For the Mark: AURORA
Date Registered: June 5, 2001

Syneron Canada Corp., Petitioner, v. Premier Laser Systems, Inc., Registrant.	Cancellation No.
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PETITION TO CANCEL

Syneron Canada Corp. ("Petitioner") is a Canadian corporation having its principal business address at Unit 110 111 Granton Drive, Richmond Hill L4B 1L5, Canada. To the best of Petitioner's knowledge, Premier Laser Systems, Inc. ("Registrant") is the current owner of Registration No. 2,457,574, and to the best of Petitioner's knowledge, Registrant is a California corporation having its principal business address at 3 Morgan, Irvine California 92618.

Petitioner believes that he is and/or will be damaged by the above-referenced registration and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

- 1 On June 5, 2001, Registrant obtained a registration for the mark AURORA, Registration No. 2,457,574, for lasers for medical use in International Class 10.
- 2 Upon information and belief, Registrant has not used the mark AURORA for at least three years and does not intend to resume use of such mark.
- 3 Upon information and belief, Registrant has ceased operating its business.
- 4 Registrant has abandoned the mark AURORA.
- 5 Petitioner has been engaged for many years in the business of selling medical aesthetic equipment designed to rejuvenate skin and other cosmetic applications.
- 6 Petitioner is and has been using the mark AURORA extensively in U.S. commerce since at least as early as December 31, 2001 as a mark in connection with medical

devices used for hair removal and the treatment of skin, using a combination of radio-frequency and laser energies. Petitioner's use of such marks has been continuous and has not been abandoned.

7 On August 16, 2001, Petitioner filed an application for registration for the mark AURORA DS, Serial No. 78/079,671, for medical devices, namely, pulsed light and radio frequency devices for dermatological medical purposes, in International Class 10.

8 Petitioner's application for AURORA DS was refused by the trademark examiner based on the likelihood of confusion with Registration No. 2,457,574.

9 On August 16, 2001, Petitioner filed an application for registration for the mark AURORA PS, Serial No. 78/079,668, for medical and esthetic devices, namely, lasers and other types of pulsed light devices used for the treatment of skin, in International Class 10.

10 Petitioner's application for AURORA PS was refused by the trademark examiner based on the likelihood of confusion with Registration No. 2,457,574.

11 On February 17, 2005, Petitioner filed an application for registration for the mark AURORA, Serial No. 78/569,214, for medical devices used for hair removal and the treatment of skin, using a combination of radio-frequency and laser energies, in International Class 10.

12 Petitioner has been and will continue to be damaged by the existence of Registration No. 2,457,574 in that such registration precludes the Petitioner's application for a similar mark from maturing to registration.

WHEREFORE, Petitioner requests that Registration No. 2,457,574 be canceled, and that this Petition to Cancel be sustained in favor of Petitioner.

Respectfully submitted,

SYNERON CANADA CORP.,
Petitioner

Dated: April 14, 2005

By:

Nick Marsico

Nick Marsico
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Attorneys for Petitioner

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

In re Registration No.: 2,312,233
For the Mark: POLARIS
Date Registered: January 25, 2000

Syneron Canada Corp.,

Petitioner,

v.

Premier Laser Systems, Inc.,

Registrant.

Cancellation No.

PETITION TO CANCEL

Syneron Canada Corp. ("Petitioner") is a Canadian corporation having its principal business address at Unit 110 111 Granton Drive, Richmond Hill L4B 1L5, Canada. To the best of Petitioner's knowledge, Premier Laser Systems, Inc. ("Registrant") is the current owner of Registration No. 2,312,233, and to the best of Petitioner's knowledge, Registrant is a California corporation having its principal business address at 3 Morgan, Irvine California 92618.

Petitioner believes that he is and/or will be damaged by the above-referenced registration and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1 On January 25, 2000, Registrant obtained a registration for the mark POLARIS, Registration No. 2,312,233, for lasers for medical use in International Class 10.

2 Upon information and belief, Registrant has not used the mark POLARIS for at least three years and does not intend to resume use of such mark.

3 Upon information and belief, Registrant has ceased operating its business.

4 Registrant has abandoned the mark POLARIS.

5 Petitioner has been engaged for many years in the business of selling medical aesthetic equipment designed to rejuvenate skin and other cosmetic applications.

6 Petitioner is and has been using the mark POLARIS extensively in U.S. commerce since at least as early as May 31, 2003 as a mark in connection with medical devices

used for the treatment of skin and leg veins, using a combination of radio-frequency and laser energies. Petitioner's use of such mark has been continuous and has not been abandoned.

7 On February 18, 2005, Petitioner filed an application for registration for the mark POLARIS, Serial No. 78/570,730, for medical devices used for the treatment of skin and leg veins, using a combination of radio-frequency and laser energies, in International Class 10.

8 Petitioner will be damaged by the existence of Registration No. 2,312,233 in that such registration precludes the Petitioner's application for a similar mark from maturing to registration.

WHEREFORE, Petitioner requests that Registration No. 2,312,233 be canceled, and that this Petition to Cancel be sustained in favor of Petitioner.

Respectfully submitted,

SYNERON CANADA CORP.,
Petitioner

Dated: April 14, 2005

By:

Nick Marsico

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United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1461
Alexandria, VA 22313-1461
If Undeliverable Return in Ten Days

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