

ESTTA Tracking number: **ESTTA291467**

Filing date: **06/24/2009**

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	Pradeep Mohan		
Entity	Individual	Citizenship	UNITED STATES
Address	115 Chace Street SANTA CRUZ, CA 95060 UNITED STATES		

Correspondence information	Pradeep Mohan 115 Chace Street SANTA CRUZ, CA 95060 UNITED STATES pradeepmohan@gmail.com Phone:831-423-5668		
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Registration Subject to Cancellation

Registration No	3619324	Registration date	05/12/2009
Registrant	3M Company 220-09-E01 3M Center, 2501 Hudson Rd. St. Paul, MN 55144 UNITED STATES		

Goods/Services Subject to Cancellation

Class 010. First Use: 1997/08/00 First Use In Commerce: 1997/08/00 All goods and services in the class are cancelled, namely: Stethoscopes

Grounds for Cancellation

The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
Genericness	Trademark Act section 23
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
Other	Being used as an abusive predatory non-marketing tactic for unfair competition and to restrain trade

Related Proceedings	US District Court for the District of Minnesota Civil action No 09 w 1413 ADM/FLN
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	Cardiology 9
Goods/Services	stethoscopes

Attachments	trademark3.txt (1 page)(1702 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/pradeep mohan/
Name	Pradeep Mohan
Date	06/24/2009

The term cardiology is a generic English phrase
The Roman numeral III is also a part of everyday usage
The simple combination "CARDIOLOGY III" is not sufficiently
unique, stylish, creative, or memorable to enjoy trademark protection.
This term is merely descriptive and functional.
It could be used for any item in any situation.
The rational listener thinks it means the third generation of scopes.
In fact 3M advertising implies as such.
Car models have used 5 series, 7 series etc
as standard adjectives to indicate the version level.
Average people are likely to use this phrase in normal conversation.
Over time This mark has become generic to refer
to all high end stethoscopes with dual heads.
We have substantial experience of doctors who
have referred to product as the Cardiology III
without any encouragement.
3M has diluted this term by having used it for many years
often without claiming trademarks. The trademark was obtained only in
May 2009
3M also uses similar designators such as Cardiology II.
3M has over 50 models and initially
the cardiology iii was merely a model number.
This term may have entered the public domain.
People colloquially use the phrase cardiology 3.
To substitute III for 3 does not appear sufficiently unique or
distinctive.
The medical world, especially, is rife with numbering schemes
e.g third heart sound, 4th vertebrae etc.
Hence the III in the trademark appears standard usage to doctors and
nurses.
We feel that 3M is abusing the trademark system.
Rather than using a unique distinguishing brand identity
It has chosen to trademark a common place phrase
With the purpose of restraining trade.