

ESTTA Tracking number: **ESTTA468120**

Filing date: **04/19/2012**

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

Proceeding	92051145
Party	Plaintiff Pradeep Mohan
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Date	04/19/2012
Attachments	let1.pdf (2 pages)(40788 bytes)

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

Pradeep Mohan,	Petitioner	Cancellation No 92051145
Vs		Registration No 3619324
3M Company,	Registrant	Mark CARDIOLOGY III

OPPOSITION TO 3M'S REQUEST FOR CONTINUED SUSPENSION.

This letter opposes 3M' request to resume the suspension of the cancellation proceeding.

1. 3M's status report was sent after the 30 day deadline and should be rejected. 3M's claim that it "became aware" of the Board's order on March 28, 2012 is naïve and incredulous. 3M does not claim that it did not receive the Order - only that it was not noticed. The Petitioner (Mohan) received and became aware of the Board's order in a timely manner.

3M's negligence should not be rewarded.

2. The civil case is moot and has no bearing on the trademark validity. The District Judge acknowledged in a Summary Judgment that it would not question the USPTO and would accept that the grant of trademarks ("CARDIOLOGY III") was the jurisdiction of the USPTO. Congress has chartered the USPTO with this obligation and the decision in the Civil case or the Appeal makes no verdict on the validity of the trademark.

It would be circular logic to accept the argument that the Civil Court accepts the USPTO's grant of the trademark and then in turn the USPTO accepts the Court's acceptance to mean that the trademark is indeed valid.

3. 3M presented evidence in the Civil case that it controls more than 90% of the high end stethoscope market. Any delay in the Cancellation proceeding allows 3M to continue its oligarchic strangle hold in the market. Health care issues are a vital part of the US economy and the public interest is harmed in any delay in this proceeding.

Petitioner, Mohan, requests that this case proceed on schedule.

Respectfully submitted

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