

ESTTA Tracking number: **ESTTA316442**

Filing date: **11/12/2009**

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	C. R. Bard, Inc.		
Entity	Corporation	Citizenship	New Jersey
Address	730 Central Avenue Murray Hill, NJ 07974 UNITED STATES		

Attorney information	Roberta S. Bren Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P. 1940 Duke Street Alexandria, VA 22314 UNITED STATES tmdocket@oblon.com, clisenby@oblon.com Phone:703-413-3000		
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Registration Subject to Cancellation

Registration No	1666607	Registration date	12/03/1991
Registrant	BOSTON SCIENTIFIC SCIMED, INC. ONE SCIMED PLACE MAPLE GROVE, MN 55311 UNITED STATES		

Goods/Services Subject to Cancellation

Class 010. First Use: 1990/10/02 First Use In Commerce: 1990/10/02 All goods and services in the class are cancelled, namely: guide wire for catheters

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	1666607-Cancellation.pdf (4 pages)(104351 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	/beth a. chapman/cli/
Name	Beth A. Chapman
Date	11/12/2009

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

_____)	
C. R. BARD, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	Registration No. 1,666,607
BOSTON SCIENTIFIC SCIMED, INC.,)	Mark: SEEKER LITE
)	
Respondent.)	
_____)	

PETITION FOR CANCELLATION

C. R. Bard, Inc. (“Petitioner”), is a corporation organized under the laws of New Jersey, with a place of business at 730 Central Avenue, Murray Hill, New Jersey 07974, and believes it is or will be damaged by Registration No. 1,666,607 for the mark SEEKER LITE, and hereby petitions to cancel the same.

As grounds for this Petition, it is alleged that:

1. Petitioner owns Application No. 77/826,553 for the mark SEEKER for “medical devices, namely, catheters and parts and fittings therefor.”
2. Boston Scientific Scimed, Inc. (“Respondent”) is listed in the United States Patent and Trademark Office (“USPTO”) records as the owner of record of Registration No. 1,666,607 for the mark SEEKER LITE for “guide wire for catheters.”

3. Petitioner's Application Serial No. 77/826,553 for SEEKER has been refused registration by the USPTO Examining Attorney based on asserted likelihood of confusion under Section 2(d) of the Trademark Act with Registration No. 1,666,607 for SEEKER LITE.

4. Upon information and belief, Respondent is not using the mark SEEKER LITE in commerce.

5. Upon information and belief, Respondent has not used the mark SEEKER LITE during the three-year period immediately preceding the filing of this cancellation petition.

6. Upon information and belief, Respondent has discontinued use of the mark SEEKER LITE, with no intent to resume use.

7. Upon information and belief, Respondent has abandoned the mark SEEKER LITE.

8. Petitioner is being damaged by the continued registration by Respondent of the mark SEEKER LITE as set forth in Respondent's Registration No. 1,666,607, in that Respondent's registration has been cited by the USPTO Examining Attorney as a bar to the registration of Petitioner's mark SEEKER.

WHEREFORE, C. R. BARD, INC. prays that this Petition for Cancellation be granted and that Registration No. 1,666,607 be cancelled.

Petitioner has appointed ROBERTA S. BREN, and the following attorneys of the law firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P., as its attorneys with full powers and substitution and revocation, file and prosecute this Petition for Cancellation.

Norman F. Oblon
Marvin J. Spivak
Gregory J. Maier
Arthur I. Neustadt
David J. Kera
Jeffrey H. Kaufman
Brian D. Anderson
Roberta S. Bren
Jonathan Hudis

Jordan S. Weinstein
Kathleen Cooney-Porter*
Beth A. Chapman*
Jeffrey S. Molinoff*
Christopher I. Donahue
Kyoko Imai
David H. Aleskow*
Kelley Clements Keller
Richard D. Kelly

James D. Hamilton
Eckhard H. Kuesters
Robert T. Pous
Charles L. Gholz
Jean-Paul Lavalleye
Stephen G. Baxter
Richard L. Treanor
Steven P. Weihrouch
Richard L. Chinn

Members of the Bar of Virginia (except as indicated)

*Member of the Bar other than Virginia

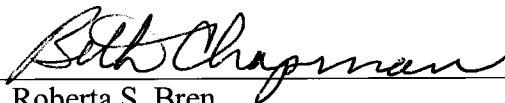
Please address all correspondence to **Roberta S. Bren** at OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P., 1940 Duke Street, Alexandria, Virginia 22314.

We enclose our credit card payment form for the required filing fee for this Petition for Cancellation. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-2014.

Respectfully submitted,

C. R. BARD, INC.

By:



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Beth A. Chapman
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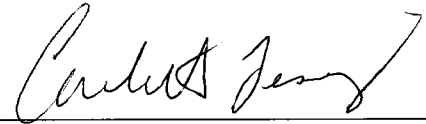
Dated: November 12, 2009

RSB/BAC/cli {2083029_1.DOC}

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **PETITION FOR CANCELLATION** was served in accordance with Trademark Rules 2.111(a) and (b) and 2.119 on Respondent, this 12th day of November, 2009, by sending same via First Class mail, postage prepaid, to:

BOSTON SCIENTIFIC SCIMED, INC.
One Scimed Place
Maple Grove, MN 55311



Carlette Lisenby