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

Proceeding	92059848
Party	Defendant Boston Scientific Scimed, Inc.
Correspondence Address	BOSTON SCIENTIFIC SCIMED INC ONE SCIMED PLACE MAPLE GROVE, MN 55311 UNITED STATES
Submission	Answer
Filer's Name	Louis T. Perry
Filer's e-mail	tmindy@faegrebd.com, louis.perry@faegrebd.com, james.steffen@faegrebd.com
Signature	/Louis T. Perry/
Date	09/30/2014
Attachments	2014-09-30 - Answer to Kinamed Petition to Cancel (Boston Scientific).pdf(16479 bytes )

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

In the Matter of U.S. Reg. No. 4,569,095  
For the Mark: NAVIPRO  
Filed: December 28, 2012  
Registered: July 15, 2014

KINAMED NAVIGATION	)	
SYSTEMS, LLC,	)	Cancellation No. 92059848
	)	
Petitioner,	)	
	)	
v.	)	<u><b>ANSWER TO</b></u>
	)	<u><b>PETITION FOR CANCELLATION</b></u>
	)	
BOSTON SCIENTIFIC SCIMED, INC.	)	
	)	
Registrant	)	
	)	

For its Answer to the Petition for Cancellation (the "Petition") filed by Kinamed Navigation Systems, LLC ("Petitioner"), Boston Scientific Scimed, Inc. ("Registrant"), a Minnesota corporation having a place of business at One Scimed Place, Maple Grove, Minnesota 55311, answers and alleges as set forth below. Except as hereinafter expressly admitted, qualified or otherwise answered, Registrant denies each and every allegation, matter, statement and thing asserted in the Petition.

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Petition.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Petition, except admits that a printout of the TSDR records for U.S. Trademark Registration No. 2,830,739 was attached to the Petition, states that those TSDR records speak for themselves, and admits that the dates of registration, use and

application stated in those TSDR records are earlier than the corresponding dates stated in the certificate of Registrant's subject registration.

3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Petition.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Petition.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Petition, except denies that the relevant class of the public has come to associate Petitioner with the NAVIPRO mark.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Petition.

7. Registrant denies the allegations of paragraph 7 of the Petition.

8. Registrant denies the allegations of paragraph 8 of the Petition, except admits that Registrant filed the application that matured into the subject registration after the date on which Petitioner filed the application that matured into U.S. Registration No. 2,830,739, and is without knowledge or information sufficient to form a belief as to whether U.S. Registration No. 2,830,739 is valid and subsisting.

9. Registrant denies the allegations of paragraph 9 of the Petition, except admits that both parties' registrations are for standard character marks consisting of "NAVIPRO."

10. Registrant denies the allegations of paragraph 10 of the Petition.

11. Registrant denies the allegations of paragraph 11 of the Petition.

12. Answering paragraph 12 of the Petition, Registrant admits that it has no license, consent or permission from Petitioner to use or register the NAVIPRO mark, but denies any implication that any such license, consent or permission was necessary or appropriate.

**Affirmative Defense**

The Petition fails, in whole or in part, to state a claim upon which relief may be granted.

WHEREFORE, Registrant prays that Petitioner's Petition for Cancellation be dismissed with prejudice and on the merits.

Consistent with Trademark Rule 2.18, please address all correspondence relating to the above-captioned proceeding to:

James R. Steffen  
Faegre Baker Daniels LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: (612) 766-7000  
Facsimile: (612) 766-1600  
E-mail: [james.steffen@faegrebd.com](mailto:james.steffen@faegrebd.com)  
[Louis.perry@faegrebd.com](mailto:Louis.perry@faegrebd.com)  
[trademarkmpls@faegre.com](mailto:trademarkmpls@faegre.com)

No fees are seen to be due in connection with the filing of this Answer to Petition for Cancellation; however, if it is determined that any such fees are due, the Commissioner may charge them to Deposit Account No. 06-0029.

Dated: September 30, 2014

**FAEGRE BAKER DANIELS LLP,**  
as Attorneys for Respondent

By /Louis T. Perry/  
James R. Steffen  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 766-7000  
Facsimile: (612) 766-1600

Louis T. Perry  
300 North Meridian Street  
Suite 2700  
Indianapolis, Indiana 46204  
Telephone: (317) 237-1089  
Facsimile: (317) 237-1000

CERTIFICATE OF SERVICE

I, Louis T. Perry, do hereby certify that a true and correct copy of the above and foregoing document has been forwarded by United States mail, first class, postage prepaid, to:

Lynda J. Zadra-Symes  
Deborah Shepherd  
Nicole R. Townes  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614

as representative of Petitioner, this 30th day of September 2014.

/Louis T. Perry/