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

Proceeding	92071349
Party	Plaintiff NT-MDT LLC
Correspondence Address	LANCE C VENABLE LAW OFFICE OF LANCE C VENABLE PLLC 4939 WEST RAY RD STE 4-219 CHANDLER, AZ 85226 UNITED STATES uspto@venableiplaw.com, docketing@venableiplaw.com 602-730-1422
Submission	Motion for Summary Judgment Yes , the Filer previously made its initial disclosures pursuant to Trademark Rule 2.120(a); OR the motion for summary judgment is based on claim or issue preclusion, or lack of jurisdiction. The deadline for pretrial disclosures for the first testimony period as originally set or reset: 05/12/2020
Filer's Name	Lance C. Venable
Filer's email	uspto@venableiplaw.com
Signature	/Lance C. Venable/
Date	05/29/2020
Attachments	2020-05-29 Second Motion for Summary Judgment - Filed.pdf(406894 bytes) 2020-05-29 Declaration of Lance C. Venable - Filed.pdf(147508 bytes) Exhibit A - File History.pdf(4657926 bytes) Exhibit B - Kozodaev Email Exchange with Marcaria.pdf(828109 bytes) Exhibit C - Kozodaeva Response to Interrogatory 52.pdf(378158 bytes) Exhibit E- Email Exchange between Venable and Salas.pdf(110496 bytes)

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

In the Matter of Trademark Registration No. 5,753,336, Registered May 14, 2019

NT-MDT, LLC,

Petitioner,

v.

IRINA KOZODAEVA,

Registrant.

Cancellation No. 92071349

**PETITIONER’S S SECOND MOTION
FOR SUMMARY JUDGMENT**

Under Rule 56, Petitioner, NT-MDT, LLC (“NT-MDT, LLC”), moves for summary judgment based on the uncontroverted fact that Registrant, Irina Kozodaeva, did not use the NT-MDT trademark (the “Mark”) in interstate commerce as of the date she alleges when she filed her statement of use on March 10, 2019. In fact, at least as of March 27, 2020, Kozodaeva still had not used the Mark in interstate commerce in the U.S. Hence, the resulting ‘336 Registration must be voided ab initio.

I. Statement of Facts

On July 19, 2018, Kozodaeva filed an intent-to-use application for the NT-MDT (logo and words) in Class 9 of goods.¹ The USPTO examined the application and subsequently issued the Notice of Allowance on February 12, 2019.² In an email exchange from February 14-25, 2019, between Kozodaeva’s husband, Dimitry

¹ Declaration of Lance C. Venable, ¶ 3, (NT-00042-46).

² *Id.* (NT-00028).

Kozodaev and Kozodaeva's U.S. attorney, Ms. Christina Schmidt, Kozodaev asserted that Kozodaeva first used the mark in interstate commerce on January 8, 2019.³

From: info@techno-nt.com <info@techno-nt.com>
Sent: Friday, February 15, 2019 4:54 PM
To: 'Marcaria.com' <info@marcaria.com>
Cc: 'consuelo@marcaria.com' <consuelo@marcaria.com>
Subject: RE: June 12, 2019: SPECIMEN OF USE - NT-MDT - USA

Dear Christina,

Please find quotation for our customer in Dallas Texas University in the attachment. So we are in Purchase process now. We plan to sale there the exact system which is on the pictures. Also you can find our direct communications with customer attached.

So the date of first use in commerce in USA is 8th January 2019.

We hope that it will be enough for now.

When is the deadline?

Best regards

Dmitry Kozodaev

Dmitry Kozodaev February 25, 2019 23:00

Dear Christina,

Please find some pictures of our product in the attachment.

We are planing to sell this system to Dallas Texas University. We have already an order from them.

You can see also our logo on this product.

We hope it will be enough for now.

Best regards,

Dmitry Kozodaev

But the emails indicate that, as of January 8, 2019, Kozodaeva **had not used the mark** in the U.S. by selling or shipping any item bearing the Mark to the U.S to The University of Texas at Dallas. Instead, Kozodaev told the attorney that as of February 15 he and his wife only had a “plan to sell there.”⁴

³ *Id.* ¶ 4, Exhibit E (KOZ446-5),

⁴ *See id.* (KOZ52-53).

Despite knowing that Kozodaeva had not shipped or sold anything, on March 10, 2019, Kozodaeva filed a statement of use, **swearing under penalty of perjury**, that she had personally used the Mark on all the goods listed in her application as of January 8, 2019.⁵ On April 11, 2019, the USPTO accepted the statement of use,⁶ and on May 14, 2019, the USPTO issued the registration of NT-MDT mark.⁷

During discovery, Kozodaeva's counsel confirmed that the only product she had ever sold to the U.S. was the purported single sale that she made to the University of Texas at Dallas referenced in the February email exchange supporting the Statement of Use.⁸ Furthermore, Kozodaeva never filed a corrected or amended statement of use either. Thus, Kozodaeva admits that as of the '336 registration date, Kozodaeva had not used the mark in the U.S.

Not only has Kozodaeva admitted these facts, the University of Texas has confirmed that they are true as well. On October 11, 2019, the University of Texas at Dallas' counsel, Mr. Timothy Shaw responded to NT-MDT, LLC's counsel, Lance Venable inquiry regarding the details of Kozodaeva's purported sale. Shaw responded with the following email:⁹

⁵ See *id.*, ¶ 3, (NT-00021-27).

⁶ See *id.*, ¶ 2, (NT-00012).

⁷ See *id.*

⁸ See *id.*, ¶ 5, (Kozodaeva's Response 52 to First Set of Interrogatories, served September 17, 2019) (declaring that Kozodaeva had sold only one item in the United States as of the date of first use alleged in the statement of use); See also *id.*, ¶ 4 (KOZ453) (Kozodaeva confirmed to Schmidt that the only alleged buyer in the U.S. is UT Dallas and their alleged first use in commerce was on January 8, 2019).


⁹ See *id.*, ¶ 6.



Shaw, Timothy <Tim.Shaw@utdallas.edu>

To: Lance Venable

Cc: Kunz, Leigh; Vockell, Marc

 You forwarded this message on 5/19/2020 9:58 PM.

 Reply  Reply All  Forward 

Fri 10/11/2019 2:00 PM

Lance,

I received your email. Where did you get a copy of the email from Dr. Malko? In any event, the university has not purchased anything from Mr. Kozodaev or Techno NT, nor do we have any plans to purchase anything from Mr. Kozodaev or Techno NT. The decision not to purchase from Mr. Kozodaev or Techno NT was made prior to receiving your letter yesterday and based on academic and research-related reasons.

I hope you are able to resolve your dispute with Mr. Kozodaev and his wife to your client's satisfaction.

Thanks,

Tim

Timothy Shaw

University Attorney

The University of Texas at Dallas

800 West Campbell Road, AD 2.412

Mailcode: AD35

Richardson, TX 75080

tim.shaw@utdallas.edu

Furthermore, as recently as May 13, 2020, Kozodaeva has refused to provide any evidence of her purported sale to the University. In an email exchange between May 6-13, 2020, with Kozodoeava's counsel, Mr. Kenneth Motolenich-Salas. NT-MDT, LLC's counsel, Lance Venable, specifically requested Mr. Salas to confirm whether Kozodaeva had any evidence that she sold or shipped any product to UT Dallas or somewhere else in the U.S. prior to June 12, 2019.¹⁰ Despite several cordial requests, Mr. Salas refused to answer. Therefore, as of the filing date of this Motion, Kozodaeva has still presented no evidence that she has ever sold or shipped any product bearing the Mark to the U.S.

II. Because Kozodaeva never shipped or sold any product bearing the NT-MDT mark as she declared in the statement of use, the TTAB must void the '336 Registration ab initio.

Summary judgment is appropriate when “there is no genuine dispute as to any material fact, and the movant is entitled to judgment as a matter of law.”¹¹ In

¹⁰ See *id.*, ¶¶ 7-9 (Lance Venable's emails to Kenneth Motolenich-Salas dated May 6, 2020, 7:42 PM, May 6 8:16, May 13, 2020, 2:41 PM, and May 13, 2020, 3:01 PM).

¹¹ Fed.R.Civ.P. 56(a), which is applicable for TTAB proceedings under TBMP § 101.01.

deciding a motion for summary judgment, the Court (or TTAB in this instance) generally accepts the non-moving party's evidence as true.¹²

Section 1(d)(1) of the Trademark Act requires that "the applicant shall file ... a verified statement that the mark is in **use in commerce** ..." ¹³ within six months of the notice of allowance, or within a previously granted extension of time to file a statement of use.¹⁴

Section 45 of the Trademark Act states:

"The term "**use in commerce**" means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For purposes of this Act, a mark shall be deemed to be in use in commerce—

(1) on goods when—

(A) it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable, then on documents associated with the goods or their sale, and

(B) the goods are sold or transported in commerce."¹⁵

When an applicant has not used the mark in interstate commerce on any of the goods identified in the listing of goods in the application as of the date alleged in the statement of use, the remedy for non-use, which is not correctable outside of the statement of use filing deadline, is the cancellation of the mark by voiding it *ab initio*.¹⁶

¹² *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

¹³ 15 U.S.C. §1051(d)(1).

¹⁴ TMEP § 1109.10.

¹⁵ 15 U.S.C. § (45)

¹⁶ 37 CFR § 2.59(b)(2); *Sensient Techs. Corp. v. SensoryEffects Flavor Co.*, 613 F.3d 754, 762–63 (8th Cir. 2010) (cited in *Couture v. Playdom, Inc.*, 778 F.3d 1379, 1382 (Fed. Cir. 2015) (holding no use in commerce where ... there was no evidence of any sale or transport of goods under the SensoryFlavors name, Sensient fails to establish a triable issue of fact as to whether the goods were “used in commerce,”)).

Because Kozodaeva can present no facts disputing her own admissions that she had not used the mark as of the '336 registration date, let alone her alleged date of first use in her statement of use, the TTAB must grant summary judgment in NT-MDT, LLC's favor.

A. Because Kozodaeva neither sold, shipped, nor transported goods in U.S. interstate commerce bearing the NT-MDT mark, Kozodaeva did not satisfy the “use in commerce” requirement when she filed the statement of use.

Lanham Act § 45, 15 U.S.C.A. § 1127 defines use in commerce for a trademark on goods as when the mark is: (1) placed on the goods or documents associated with the goods and (2) “the goods are sold or transported in commerce.” The mere interstate delivery of trademarked goods to applicants from the manufacturer, without actual sale,¹⁷ or shipments and sales between foreign nations do not establish trademark rights in the United States.¹⁸

Here, The USPTO issued the Notice of Allowance on February 12, 2019. On March 10, 2019, Kozodaeva filed a statement of use, under penalty of perjury, alleging that the first date she ever used the mark in interstate commerce in the U.S. was on

¹⁷ *Avakoff v. Southern Pacific Co.*, 765 F.2d 1097, 1098, 226 U.S.P.Q. 435, 436 (Fed. Cir. 1985) (“[D]elivery of the goods to applicant from the manufacturer ... was a shipment of the goods in preparation for offering the goods for sale. It did not make the goods available to the purchasing public. Clearly, the shipment by applicant's manufacturer to the applicant **was not use of the mark by applicant in commerce.**”); *See also The Clorox Company v. Salazar*, 108 U.S.P.Q.2d 1083, 1087, 2013 WL 5498171 (T.T.A.B. 2013) (“[S]uch transportation of [parts] from a manufacturer to the owner of the trademark, even when the goods bear the trademark, is purely a delivery of the goods to the trademark owner in preparation for offering the goods for sale and, therefore, **does not constitute bona fide use of applicant's mark in commerce.**”). (emphasis ours).

¹⁸ *General Healthcare Ltd. v. Qashat*, 364 F.3d 332, 70 U.S.P.Q.2d 1566 (1st Cir. 2004) (Intra-corporate transportation of ingredients from the U.S. to the U.K. for assembly and sales in the Middle East does not count as trademark “use.” Thus, the party was held to have abandoned whatever trademark rights it acquired by purchase).

January 8, 2019.¹⁹ Kozodaeva based her alleged January 8, 2019, first use date on a supposed single sale of a computer controller to the University of Texas at Dallas. But Kozodaeva admitted that sale never occurred. The evidence shows that not only did this supposed sale never occur as of January 9, 2019, to this day Kozodaeva has sold and shipped nothing in interstate commerce to the U.S.

1. Kozodaeva's email exchange with her trademark counsel reveals that, as of January 8, 2019, she had never sold or transported any goods to the U.S.

As shown above in the email exchange between Dimitry Kozodaev and Kozodaeva's U.S. trademark counsel, Christina Schmidt from Marcaria.com Network, Kozodaeva never sold or shipped any product bearing the Mark to the University of Texas at Dallas as of her purported date of first use of January 8, 2019.²⁰ Kozodaeva's statements in this email exchange demonstrate that she had not used the mark in interstate commerce as of January 8, 2019. Despite knowing that she had not sold or shipped the goods to the U.S., she falsely claimed she had used the Mark as of January 8, 2019 in her statement of use.²¹ For that reason alone, the TTAB must void the '336 registration.²²

2. The University of Texas at Dallas' attorney confirmed that the University never purchased anything from Kozodaeva at any time between January 8, 2019, and October 11, 2019.

As stated above, not only did Kozodaeva confirm in her own words that she never sold or shipped any product to the University of Texas, the attorney who represents the University of Texas at Dallas confirmed this fact to be true. The

¹⁹ Declaration of Lance C. Venable, ¶ 3, (NT-00021-27); *See also, id.* ¶ 5.

²⁰ *See id.*, ¶ 4.

²¹ *See id.*

²² *See Sensient Techs. Corp.*, 613 F.3d, at 762–63.

University of Texas at Dallas’ attorney, Mr. Timothy Shaw’s categorical denial that the University had ever “purchased anything from Mr. Kozodaev or Techno NT or have any plans to purchase anything from Mr. Kozodaev or Techno NT”²³ leaves no doubt that Kozodaeva falsified the March 10, 2019, statement of use. Clearly, Kozodaeva’s own words and Mr. Shaw’s words confirm that Kozodaeva never sold or shipped any products bearing the NT-MDT Mark to the University. Again, based on this evidence the TTAB must void the ‘336 registration.

3. Despite several recent attempts requesting Kozodaeva’s counsel correct the record and produce any evidence to support that Kozodaeva sold any product to the University, her counsel has ignored the requests.

As if Kozodaeva’s and Shaw’s words were not enough, even today, Kozodaeva’s Attorney has refused to respond to NT-MDT, LLC’s recent requests for any evidence that Kozodaeva sold or shipped any product to UT Dallas or somewhere else in the U.S. prior to June 12, 2019.²⁴ The TTAB should take Mr. Salas’ silence as confirmation that Kozodaeva has no evidence supporting any use of the Mark as of today let alone her alleged date of first use of January 8, 2019. Again, based on this evidence the TTAB must void the ‘336 registration.

4. Because Kozodaeva confirmed that her only alleged “use” pertains to her purported “sale” she references in her statement of use involving the University of Texas at Dallas, Kozodaeva never used the mark as of her statement of use filing date.

Kozodaeva swore under oath in Response 52 to her first set of Interrogatories that, as of March 27, 2020, her only use of the mark pertained to her purported sale of a single item to the University of Texas at Dallas on January 8, 2019.²⁵ And because NT-

²³ See Declaration of Lance C. Venable, ¶ 6.

²⁴ See *id.*, ¶¶ 7-9 (email chain between May 6–13, 2020 between Lance Venable and Kenneth Motolenich-Salas).

²⁵ See *id.*, ¶ 5.

MDT, LLC has shown that her this has been shown this demonstrably and unequivocally false, Kozodaeva never used the Mark as of her statement of use filing date, and therefore, violated the use requirement under Section 1(d)(1) of the Trademark Act. As a result, the TTAB must void the '336 registration.

B. Because Kozodaeva never used the mark in the U.S. as stated before the USPTO on January 8, 2019, and March 10, 2019, the TTAB must Grant the Petitioner's Motion and Cancel Kozodaeva's '336 Registration as void

In a petition to cancel a registration less than five years old, the allegation of non-use in commerce is a proper ground to void the mark ab initio.²⁶ NT-MDT, LLC has proven that as of the registration date of May 14, 2019, *Kozodaeva never used the trademark in interstate commerce*. Kozodaeva also intentionally falsified her statement of use by claiming she had used the Mark as of January 8, 2019, and then by never correcting the document prior to the deadline to file the statement of use. Kozodaeva did not ship, sell, or transport any product bearing the NT-MDT mark to the U.S. NT-MDT, LLC confirmed this fact not only with Kozodaeva's own words, but with the words from the only purported purchaser that denied purchasing any product in the past or planned in the future from either Irina Kozodaeva or any business that she owns. Kozodaeva's attorney further confirmed this fact by ignoring several recent requests to provide any evidence by May 13, 2020, to prove the use in the commerce of their registered mark.

²⁶ See *Aycock Engineering, Inc. v. Airflite, Inc.*, 560 F.3d 1350, 1357, 90 U.S.P.Q.2d 1301 (Fed. Cir. 2009) ("The registration of a mark that does not meet the use requirement is void ab initio."); See also *Paramount Pictures Corp. v. White*, 31 U.S.P.Q.2d 1768 (T.T.A.B. 1994) (holding an allegation that the applicant's mark was **not properly "used" in "commerce" is a proper ground for opposition** to a use-based application).

Thus, based on the evidence presented, there are no disputed issues of fact regarding Kozodaeva's non-use of the Mark in U.S. commerce, and the TTAB must void the Mark ab initio.

III. Conclusion

For the reasons cited in Petitioner NT-MDT, LLC's motion, and the present reply, NT-MDT, LLC respectfully submits that this Board should grant it summary judgment and cancel the '336 Registration.

Respectfully submitted this 29th day of May 2020

/Lance C. Venable/

Law Office of Lance C. Venable, PLLC.
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Chandler, AZ 85226
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docketing@venableiplaw.com
Attorney for the Petitioner

Certificate of Service

I hereby certify that the preceding was electronically FILED via ESTTA on May 29, 2020, and that a copy has been SERVED on counsel for Registrant Irina Kozodaeva on May 29, 2020, by forwarding the copy by email to:

Kenneth M. Motolenich-Salas
16210 North 63rd Street
Scottsdale, AZ 85254
Telephone: (202) 257-3720
Email: Ken@motosalasalaw.com
Counsel for Registrant Irina Kozodaeva.

By: s/Lance C. Venable/

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

NT-MDT LLC.

Petitioner,

v.

IRINA KOZODAEVA,

Registrant

In re Registration of NT-MDT

Declaration of Lance C. Venable

I, Lance C. Venable, declare under penalty of perjury that I am making the following statements based on personal knowledge and affirmatively state that I am competent to testify to the matters stated below and that the statements are true and correct.

1. I am an attorney, who since 1996 has been licensed in the State of Arizona and as a registered patent attorney before the U.S. Patent and Trademark Office.

2. I represent the petitioner in the case, NT-MDT, LLC and have first-hand knowledge of the facts I recite in this declaration.

3. I have attached as Exhibit A to this Declaration, the file history of U.S. Registration 5,753,336 that I obtained from the USPTO.

4. I have attached as Exhibit B to this Declaration, a true and correct copy of Exhibit E to the Affidavit of Irina Kozodaeva she submitted as part of her Response to NT-MDT, LLC's first Motion for Summary Judgment. According to Kozodaeva, Exhibit E contains the contents of an email exchange that occurred between her husband, Dimitri Kozodaev and their counsel, Marcaria between February 12 and February 27, 2019 that

she produced as KOZ445-455. Kozodaeva also attached the document as Exhibit 11 to her Affidavit as part of her Response to Petitioner's First Motion for Summary Judgment.

5. I have attached as Exhibit C to this Declaration, a true and authentic copy of Kozodaeva's Response 52 to NT-MDT, LLC's First Set of Interrogatories she served on September 17, 2019,¹ by swearing under oath that her response was true.

6. I have attached as Exhibit D to this Declaration, a true and authentic copy of an email and letter exchange between me and Mr. Timothy Shaw, General Counsel at University of Texas, at Dallas. On October 10, 2019, I emailed a demand letter to Mr. Shaw requesting that the University of Texas at Dallas refrain from purchasing any goods from Kozodaeva or her husband Dimitri Kozodaev. Mr. Shaw responded to the email the next day and unequivocally denied that the University had ever purchased anything from the Kozodaeva.


7. In mid May 2020, when I received and reviewed Kozodaeva's response to my client's first Motion for Summary Judgment, I tried to confirm that the statements Kozodaeva made in her Affidavit regarding her sale to the University of Texas at Dallas.

8. I contacted Kozodaeva's counsel, Mr. Ken Motolenich-Salas, by email and requested several times that he provide me with evidence that Kozodaeva had shipped any products bearing the NT-MDT Mark to the University of Texas at Dallas, or any other entity in the U.S. at any time. I have attached as Exhibit E, a true and authentic copy of the email exchange between me and Mr. Salas.

9. Despite my cordial attempts to obtain any information, as of the filing of this document, has ignored my request. In fact, Mr. Salas never responded to my most recent email to him dated May 13, 2020. I can only assume that his failure to respond confirms that Kozodaeva has no evidence that she has ever used the NT-MDT Mark in interstate commerce in the U.S.

¹ Kozodaeva also amended these responses on March 27, 2020. But the amended responses did not include any changes to Response 52.

Executed on May 29, 2020.



Lance C. Venable

EXHIBIT A

Generated on: This page was generated by TSDR on 2019-08-12 15:32:01 EDT

Mark: NT-MDT



US Serial Number: 88045462

Application Filing Date: Jul. 19, 2018

US Registration Number: 5753336

Registration Date: May 14, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: May 21, 2019

Publication Date: Dec. 18, 2018

Notice of Allowance Date: Feb. 12, 2019

Mark Information

Mark Literal Elements: NT-MDT

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, "NT-MDT", in a large stylistic blue font.

Color Drawing: Yes

Color(s) Claimed: The color(s) red and blue is/are claimed as a feature of the mark.

Design Search Code(s): 26.03.02 - Ovals, plain single line; Plain single line ovals
26.05.21 - Triangles that are completely or partially shaded
26.11.21 - Rectangles that are completely or partially shaded

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 08, 2019

Use in Commerce: Jan. 08, 2019

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

NT-00001

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Kozodaeva, Irina S.

Owner Address: Hoveniersdreef 315
Apeldoorn 7328KJ
NETHERLANDS

Legal Entity Type: INDIVIDUAL

Citizenship: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: KENNETH M MOTOLENICH-SALAS
MOTOSALAS LAW PLLC
16210 NORTH 63RD STREET
SCOTTSDALE, ARIZONA 85254
UNITED STATES

Domestic Representative

Domestic Representative Name: Curt Handley, Esq.

Phone: 888-932-5291

Domestic Representative e-mail: curt@intuitlaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
May 21, 2019	CANCELLATION INSTITUTED NO. 999999	71349
May 14, 2019	REGISTERED-PRINCIPAL REGISTER	
Apr. 15, 2019	WITHDRAWAL OF ATTORNEY GRANTED	
Apr. 15, 2019	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Apr. 15, 2019	TEAS WITHDRAWAL AS DOMESTIC REPRESENTATIVE RECEIVED	
Apr. 11, 2019	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 10, 2019	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 26, 2019	STATEMENT OF USE PROCESSING COMPLETE	66230
Mar. 10, 2019	USE AMENDMENT FILED	66230
Mar. 26, 2019	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Mar. 10, 2019	TEAS STATEMENT OF USE RECEIVED	
Feb. 12, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 18, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 18, 2018	PUBLISHED FOR OPPOSITION	
Nov. 28, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 06, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 06, 2018	ASSIGNED TO EXAMINER	73706
Jul. 26, 2018	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 25, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 23, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 10, 2019

NT-00002

Proceedings

Summary

Number of 1
Proceedings:

Type of Proceeding: Cancellation

Proceeding Number: [92071349](#)

Filing Date: May 20, 2019

Status: Pending

Status Date: May 21, 2019

Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY

Defendant

Name: Irina S. Kozodaeva

Correspondent Address: KENNETH M MOTOLENICH-SALAS
MOTOSALAS LAW PLLC
16210 NORTH 63RD STREET
SCOTTSDALE AZ , 85254
UNITED STATES

Correspondent e-mail: Ken@motosalaslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NT-MDT	Cancellation Pending	88045462	5753336

Plaintiff(s)

Name: NT-MDT LLC

Correspondent Address: LANCE C VENABLE
LAW OFFICE OF LANCE C VENABLE PLLC
4939 WEST RAY RD STE 4-219
CHANDLER AZ , 85226
UNITED STATES

Correspondent e-mail: uspto@venableiplaw.com , docketing@venableiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NT-MDT	Publication/Issue Review Complete	88402894	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 21, 2019	Jun 30, 2019
3	INSTITUTED	May 21, 2019	
4	D MOT FOR EXT W/O CONSENT	Jun 27, 2019	
5	D APPEARANCE / POWER OF ATTORNEY	Jun 27, 2019	
6	P OPP/RESP TO MOTION	Jun 29, 2019	
7	EXTENSION OF TIME GRANTED	Jul 09, 2019	
8	ANSWER	Jul 12, 2019	

NT-00003

United States of America

United States Patent and Trademark Office



Reg. No. 5,753,336

Kozodaeva, Irina S. (NETHERLANDS INDIVIDUAL)
Hoveniersdreef 315

Registered May 14, 2019

Apeldoorn, NETHERLANDS 7328KJ

Int. Cl.: 9

Trademark

Principal Register

CLASS 9: Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

FIRST USE 1-8-2019; IN COMMERCE 1-8-2019

The color(s) red and blue is/are claimed as a feature of the mark.

The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, "NT-MDT", in a large stylistic blue font.

SER. NO. 88-045,462, FILED 07-19-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

NT-00004

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Withdrawal of Attorney

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88045462
MARK SECTION	
MARK	NT-MDT (stylized and/or with design, see https://tmng-al.uspto.gov/resting2/api/img/88045462/large)
WITHDRAWAL OF ATTORNEY SECTION	
REASON TEXT	Due to recently uncovered information, Applicant appears to have intentionally misrepresented its position as true owner of this mark. As such, Attorney must withdraw due to ethical considerations.
WITHDRAWAL STATEMENT	(1) I have notified the owner/holder of my withdrawal from employment and the filing of this request for withdrawal with the USPTO.
WITHDRAWAL STATEMENT	(2) I have delivered to the owner/holder all documents and property in any file concerning the application, registration, or proceeding to which the owner/holder is entitled.
WITHDRAWAL STATEMENT	(3) I have notified the owner/holder of any response that may be due and the deadline for his/her response.
WITHDRAWAL STATEMENT	(4) I have notified the owner/holder, whose application currently has TEAS Plus or TEAS RF status, that any prior e-mail authorization will not continue and that, to retain TEAS Plus or TEAS RF status, the owner/holder must provide the USPTO an e-mail address and authorize the USPTO to communicate via e-mail, or I affirm that this notification is not necessary because the application does not currently have TEAS Plus or TEAS RF status.
WITHDRAWAL STATEMENT	(5) I have given the owner/holder notice of my withdrawal from employment at least two (2) months prior to the expiration of the response period, if applicable; OR, notice of my withdrawal from employment was not required because the owner/holder terminated representation when less than two (2) months remained in the response period.
CORRESPONDENCE SECTION	
ORIGINAL CORRESPONDENCE ADDRESS	Curt Handley, Esq. LAW OFFICE OF CURT HANDLEY 19540 BUCKINGHAM DR. SUITE 1 MOKENA Illinois 60448 US
NEW CORRESPONDENCE ADDRESS	
NAME	Kozodaeva, Irina S.
STREET	Hoveniersdreef 315
CITY	Apeldoorn
POSTAL/ZIP CODE	7328KJ

NT-00006

COUNTRY	Netherlands
SIGNATURE SECTION	
SIGNATURE	/Curt Handley, Esq./
SIGNATORY NAME	Curt Handley, Esq.
SIGNATORY DATE	04/15/2019
SIGNATORY POSITION	Attorney of record
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Apr 15 12:17:13 EDT 2019
TEAS STAMP	USPTO/WOA-XXX.XXX.XX.X-20 190415121713321501-880454 62-620124d3eac95a39de383 acded8653486956c16d820be5 4d7b1898f5cd4434d8f-N/A-N /A-20190415121412667228

Withdrawal of Attorney

To the Commissioner for Trademarks:

MARK: NT-MDT (stylized and/or with design, see <https://tmng-al.uspto.gov/resting2/api/img/88045462/large>)
SERIAL NUMBER: 88045462

I request to withdraw as the Attorney of Record or update the USPTO's database after a power of attorney has ended for the serial number(s) identified above, for the following reason(s):

Due to recently uncovered information, Applicant appears to have intentionally misrepresented its position as true owner of this mark. As such, Attorney must withdraw due to ethical considerations.

- (1) I have notified the owner/holder of my withdrawal from employment and the filing of this request for withdrawal with the USPTO.
- (2) I have delivered to the owner/holder all documents and property in any file concerning the application, registration, or proceeding to which the owner/holder is entitled.
- (3) I have notified the owner/holder of any response that may be due and the deadline for his/her response.
- (4) I have notified the owner/holder, whose application currently has TEAS Plus or TEAS RF status, that any prior e-mail authorization will not continue and that, to retain TEAS Plus or TEAS RF status, the owner/holder must provide the USPTO an e-mail address and authorize the USPTO to communicate via e-mail, or I affirm that this notification is not necessary because the application does not currently have TEAS Plus or TEAS RF status.
- (5) I have given the owner/holder notice of my withdrawal from employment at least two (2) months prior to the expiration of the response period, if applicable; OR, notice of my withdrawal from employment was not required because the owner/holder terminated representation when less than two (2) months remained in the response period.

Original Address:

Curt Handley, Esq.
LAW OFFICE OF CURT HANDLEY
19540 BUCKINGHAM DR. SUITE 1
MOKENA
Illinois
60448
US

Proposed Address:

Kozodaeva, Irina S.
Hoveniersdreef 315
Apeldoorn 7328KJ
Netherlands

Declaration

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Curt Handley, Esq./ Date: 04/15/2019
Signatory's Name: Curt Handley, Esq.
Signatory's Position: Attorney of record

NT-00008

Request to withdraw as Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88045462
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/88045462/large
LITERAL ELEMENT	NT-MDT
FORM TEXT	
Due to recently uncovered information with regards to Applicant's presentation of facts to Attorney, Attorney must withdraw as DR.	
SIGNATURE SECTION	
SUBMISSION SIGNATURE	/Curt Handley, Esq./
SIGNATORY'S NAME	Curt Handley, Esq.
SIGNATORY'S POSITION	Attorney of Record, IL Bar Member
DATE SIGNED	04/15/2019
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Apr 15 12:13:57 EDT 2019
TEAS STAMP	USPTO/WOD-XXX.XXX.XX.X-20 190415121357011454-880454 62-20190415121157002755-N /A-N/A-201904151211570027 55

Request to withdraw as Domestic Representative

To the Commissioner for Trademarks:

The following is submitted for application serial number. **88045462**

FORM INFORMATION

Due to recently uncovered information with regards to Applicant's presentation of facts to Attorney, Attorney must withdraw as DR.

SIGNATURE(S)

NT-00010

Submission Signature

Signature: /Curt Handley, Esq./ Date: 04/15/2019

Signatory's Name: Curt Handley, Esq.

Signatory's Position: Attorney of Record, IL Bar Member

Serial Number: 88045462

Internet Transmission Date: Mon Apr 15 12:13:57 EDT 2019

TEAS Stamp: USPTO/WOD-XXX.XXX.XX.X-20190415121357011

454-88045462-20190415121157002755-N/A-N/

A-20190415121157002755

From: TMOOfficialNotices@USPTO.GOV
Sent: Thursday, April 11, 2019 00:16 AM
To: curt@intuitlaw.com
Subject: Official USPTO Notice of Acceptance of SOU: U.S. Trademark SN 88045462: NT-MDT (Stylized/Design): Docket/Reference No. NT-MDT Logo

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

U.S. Serial Number: 88045462
Mark: NT-MDT (Stylized/Design)
Owner: Kozodaeva, Irina S.
Docket/Reference Number: NT-MDT Logo

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=88045462&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=88045462&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <http://www.uspto.gov/trademarks/> or contact the Trademark Assistance Center at 1-800-786-9199.

NT-00012

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	88045462	FILING DATE	07/19/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KON, ELISSA GARBER	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	04/11/2019		
PUB DATE	12/18/2018		
STATUS	819-SU - REGISTRATION REVIEW COMPLETE		
STATUS DATE	04/10/2019		
LITERAL MARK ELEMENT	NT-MDT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NT-MDT
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

NT-00013

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Kozodaeva, Irina S.
ADDRESS	Hoveniersdreef 315 Apeldoorn, 7328KJ
ENTITY	01-INDIVIDUAL
CITIZENSHIP	Netherlands

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	01/08/2019	FIRST USE IN COMMERCE DATE	01/08/2019	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) red and blue is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, "NT-MDT", in a large stylistic blue font.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/11/2019	SUNA	E	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	015
04/10/2019	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	014
03/26/2019	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	013
03/10/2019	IUAF	S	USE AMENDMENT FILED	012
03/26/2019	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	011
03/10/2019	EISU	I	TEAS STATEMENT OF USE RECEIVED	010
02/12/2019	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	009
12/18/2018	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	008
12/18/2018	PUBO	A	PUBLISHED FOR OPPOSITION	007
11/28/2018	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	006
11/06/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	005
11/06/2018	DOCK	D	ASSIGNED TO EXAMINER	004
07/26/2018	MDSC	E	NOTICE OF DESIGN SEARCH CODE E-MAILED	003
07/25/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/23/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Curt Handley, Esq.
CORRESPONDENCE ADDRESS	CURT HANDLEY, ESQ. LAW OFFICE OF CURT HANDLEY 19540 BUCKINGHAM DR. SUITE 1 MOKENA, IL 60448
DOMESTIC REPRESENTATIVE	Curt Handley, Esq.

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kozodaeva, Irina S.
ADDRESS	Hoveniersdreef 315 Apeldoorn, 7328KJ
ENTITY	01-INDIVIDUAL
CITIZENSHIP	Netherlands



Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	88045462	FILING DATE	07/19/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KON, ELISSA GARBER	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/27/2019		
PUB DATE	12/18/2018		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	03/26/2019		
LITERAL MARK ELEMENT	NT-MDT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NT-MDT
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

NT-00017

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Kozodaeva, Irina S.
ADDRESS	Hoveniersdreef 315 Apeldoorn, 7328KJ
ENTITY	01-INDIVIDUAL
CITIZENSHIP	Netherlands

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	01/08/2019	FIRST USE IN COMMERCE DATE	01/08/2019	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) red and blue is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, "NT-MDT", in a large stylistic blue font.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/26/2019	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	013
03/10/2019	IUAF	S	USE AMENDMENT FILED	012
03/26/2019	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	011
03/10/2019	EISU	I	TEAS STATEMENT OF USE RECEIVED	010
02/12/2019	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	009
12/18/2018	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	008
12/18/2018	PUBO	A	PUBLISHED FOR OPPOSITION	007
11/28/2018	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	006
11/06/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	005
11/06/2018	DOCK	D	ASSIGNED TO EXAMINER	004
07/26/2018	MDSC	E	NOTICE OF DESIGN SEARCH CODE E-MAILED	003
07/25/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/23/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

NT-00018

ATTORNEY	Curt Handley, Esq.
CORRESPONDENCE ADDRESS	CURT HANDLEY, ESQ. LAW OFFICE OF CURT HANDLEY 19540 BUCKINGHAM DR. SUITE 1 MOKENA, IL 60448
DOMESTIC REPRESENTATIVE	Curt Handley, Esq.
PRIOR OWNER INFORMATION	
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kozodaeva, Irina S.
ADDRESS	Hoveniersdreef 315 Apeldoorn, 7328KJ
ENTITY	01-INDIVIDUAL
CITIZENSHIP	Netherlands





Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88045462
LAW OFFICE ASSIGNED	LAW OFFICE 106
EXTENSION OF USE	NO
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/88045462/large
LITERAL ELEMENT	NT-MDT
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
OWNER SECTION	
NAME	Kozodaeva, Irina S.
STREET	Hoveniersdreef 315
CITY	Apeldoorn
ZIP/POSTAL CODE	7328KJ
COUNTRY	Netherlands
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/08/2019
FIRST USE IN COMMERCE DATE	01/08/2019
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\880\454\88045462\xml12\SOU0002.JPG
SPECIMEN DESCRIPTION	product bearing mark
REQUEST TO DIVIDE	NO

NT-00022

PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Curt Handley, Esq./
SIGNATORY'S NAME	Curt Handley, Esq.
SIGNATORY'S POSITION	Attorney of Record, IL Bar Member
DATE SIGNED	03/10/2019
SIGNATORY'S PHONE NUMBER	888-932-5291
FILING INFORMATION	
SUBMIT DATE	Sun Mar 10 23:20:17 EDT 2019
TEAS STAMP	USPTO/SOU-XXX.XXX.XX.X-20 190310232017611741-880454 62-62014630986be7cf18b8bd d83c633b63789acaef24e29b9 1fd4b5b4d1677cbf4d-ET-790 9-20190310231825967527

Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: NT-MDT (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/88045462/large>)

SERIAL NUMBER: 88045462

The applicant, Kozodaeva, Irina S., having an address of
Hoveniersdreef 315
Apeldoorn, 7328KJ
Netherlands

is submitting the following allegation of use information:

For International Class 009:

Current identification: Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/08/2019, and first used in commerce at least as early as 01/08/2019, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) product bearing mark.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

The signatory believes that the applicant is the owner of the mark sought to be registered.

For a trademark or service mark application, the mark is in use in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified.

For a collective trademark, collective service mark, collective membership mark application, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified.

For a certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

The specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

NT-00024

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Curt Handley, Esq./ Date Signed: 03/10/2019

Signatory's Name: Curt Handley, Esq.

Signatory's Position: Attorney of Record, IL Bar Member

Signatory's Phone: 888-932-5291

RAM Sale Number: 88045462

RAM Accounting Date: 03/11/2019

Serial Number: 88045462

Internet Transmission Date: Sun Mar 10 23:20:17 EDT 2019

TEAS Stamp: USPTO/SOU-XXX.XXX.XX.X-20190310232017611

741-88045462-62014630986be7cf18b8bdd83c6

33b63789acaef24e29b91fd4b5b4d1677cbf4d-E

T-7909-20190310231825967527



FEE RECORD SHEET

Serial Number: 88045462



RAM Sale Number: 88045462

Total Fees: \$100

RAM Accounting Date: 20190311

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20190310	\$100	1	\$100

Transaction Date: 20190310



From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, February 12, 2019 00:14 AM
To: curt@intuitlaw.com
Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 88045462: NT-MDT (Stylized/Design): Docket/Reference No. NT-MDT Logo

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Feb 12, 2019

U.S. Serial Number: 88045462
Mark: NT-MDT (Stylized/Design)
Docket/Reference Number: NT-MDT Logo

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING: An SOU may not be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.**

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <https://www.uspto.gov/trademarks-application-process/filing-online> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see <https://www.uspto.gov/trademarks-getting-started/process-overview/additional-information-post-notice-allowance-process>.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-APPROVAL/PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) AMENDMENT FORMS" category, available at <https://www.uspto.gov/trademarks-application-process/filing-online/post-approvalpublicationpost-notice-allowance-noa>. Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed.

Serial Number: 88045462
Mark: NT-MDT (Stylized/Design)
Docket/Reference Number: NT-MDT Logo
Owner: Kozodaeva, Irina S.
Hoveniersdreef 315
Apeldoorn , NETHERLANDS 7328KJ
Correspondence Address: CURT HANDLEY, ESQ.
LAW OFFICE OF CURT HANDLEY
19540 BUCKINGHAM DR. SUITE 1
MOKENA, IL 60448

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Appropriate Specimens for Goods and/or Services: A trademark specimen should be a label, tag, or container for the goods, or a display associated with the goods. See TMEP §§904.03 et seq. A service mark specimen should be an advertisement, sign, brochure, website printout or other image that shows the mark used in the actual sale or advertising of the services. See TMEP §§1301.04 et seq. For an instructional video on what is an appropriate trademark or service mark specimen for a good and/or service,

NT-00028

[click here.](#)

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of this application, go to https://tsdr.uspto.gov/#caseNumber=88045462&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to https://tsdr.uspto.gov/#caseNumber=88045462&caseSearchType=US_APPLICATION&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, December 18, 2018 00:58 AM
To: curt@intuitlaw.com
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 88045462: NT-MDT (Stylized/Design): Docket/Reference No. NT-MDT Logo

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 88045462
Mark: NT-MDT (Stylized/Design)
International Class(es): 009
Owner: Kozodaeva, Irina S.
Docket/Reference Number: NT-MDT Logo

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Dec 18, 2018.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-12-18&serialNumber=88045462>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

- * Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=88045462&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=88045462&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

NT-00030



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Nov 28, 2018

NOTICE OF PUBLICATION

1. Serial No.:
88-045,462
2. Mark:
NT-MDT
(STYLIZED/DESIGN)
3. International Class(es):
9
4. Publication Date:
Dec 18, 2018
5. Applicant:
Kozodaeva, Irina S.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

curt@intuitlaw.com

NT-00031

From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, November 28, 2018 04:22 AM
To: curt@intuitlaw.com
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 88045462: NT-MDT (Stylized/Design): Docket/Reference No. NT-MDT Logo

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 88045462) is scheduled to publish in the *Official Gazette* on Dec 18, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=88045462>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at TrademarkAssistanceCenter@uspto.gov or by telephone at 800-786-9199.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

NT-00032

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	88045462	FILING DATE	07/19/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KON, ELISSA GARBER	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	11/07/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	11/06/2018		
LITERAL MARK ELEMENT	NT-MDT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NT-MDT
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

CURRENT OWNER INFORMATION

NT-00033

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Kozodaeva, Irina S.
ADDRESS	Hoveniersdreef 315 Apeldoorn, 7328KJ
ENTITY	01-INDIVIDUAL
CITIZENSHIP	Netherlands

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) red and blue is/are claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, NT-MDT, in a large stylistic blue font.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/06/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	005
11/06/2018	DOCK	D	ASSIGNED TO EXAMINER	004
07/26/2018	MDSC	E	NOTICE OF DESIGN SEARCH CODE E-MAILED	003
07/25/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/23/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Curt Handley, Esq.
CORRESPONDENCE ADDRESS	CURT HANDLEY, ESQ. LAW OFFICE OF CURT HANDLEY 19540 BUCKINGHAM DR. SUITE 1 MOKENA, IL 60448
DOMESTIC REPRESENTATIVE	Curt Handley, Esq.



NOTE TO THE FILE

SERIAL NUMBER: 88045462

DATE: 11/06/2018

NAME: ekon

NOTE:

Searched:

☒ Google
☐ Lexis/Nexis
☐ OneLook
☐ Wikipedia
☒ Acronym Finder ☐ Protest evidence reviewed
☒ Other: <https://www.ntmdt-si.com/about>

Checked:

☐ Geographic significance
☐ Surname
☐ Translation
☐ ID with ID/CLASS mailbox

☐ Checked list of approved Canadian attorneys and agents

Discussed file with

Attorney/Applicant via:

<input type="checkbox"/> phone	<input type="checkbox"/> Left message with
<input type="checkbox"/> email	<input type="checkbox"/> Attorney/Applicant
<input type="checkbox"/> Requested Law Library search for:	<input type="checkbox"/> Issued Examiner's Amendment and entered changes in TRADEUPS
<input type="checkbox"/> PRINT	<input type="checkbox"/> Added design code in TRADEUPS
<input type="checkbox"/> DO NOT PRINT	<input type="checkbox"/> Re-imaged standard character drawing
<input type="checkbox"/> Description of the mark	<input type="checkbox"/> Contacted TM MADRID ID/CLASS about misclassified definite ID
<input type="checkbox"/> Translation statement	
<input type="checkbox"/> Negative translation statement	
<input type="checkbox"/> Consent of living individual	
<input type="checkbox"/> Changed TRADEUPS to:	
<input type="checkbox"/> OTHER:	

Sent to TICRS as Serial Number: 88045462

Sent to TICRS as Serial Number: 88045462

NOTE TO THE FILE

SERIAL NUMBER: 88045462

DATE: 11/06/2018

NAME: ekon

NOTE:

Searched:

☒ Google
☐ Lexis/Nexis
☐ OneLook
☐ Wikipedia
☒ Acronym Finder ☐ Protest evidence reviewed
☒ Other: <https://www.ntmdt-si.com/about>

Checked:

☐ Geographic significance
☐ Surname
☐ Translation
☐ ID with ID/CLASS mailbox

☐ Checked list of approved Canadian attorneys and agents

Discussed file with

Attorney/Applicant via:

<input type="checkbox"/> phone	<input type="checkbox"/> Left message with
<input type="checkbox"/> email	<input type="checkbox"/> Attorney/Applicant
<input type="checkbox"/> Requested Law Library search for:	<input type="checkbox"/> Issued Examiner's Amendment and entered changes in TRADEUPS
<input type="checkbox"/> PRINT <input type="checkbox"/> DO NOT PRINT	<input type="checkbox"/> Added design code in TRADEUPS
<input type="checkbox"/> Description of the mark	<input type="checkbox"/> Re-imaged standard character drawing
<input type="checkbox"/> Translation statement	<input type="checkbox"/> Contacted TM MADRID ID/CLASS about misclassified definite ID
<input type="checkbox"/> Negative translation statement	
<input type="checkbox"/> Consent of living individual	
<input type="checkbox"/> Changed TRADEUPS to:	
<input type="checkbox"/> OTHER:	

Sent to TICRS as Serial Number: 88045462

NT-00037

NOTE TO THE FILE

SERIAL NUMBER: 88045462

DATE: 11/06/2018

NAME: ekon

NOTE:

Searched:

☒ Google
☐ Lexis/Nexis
☐ OneLook
☐ Wikipedia
☒ Acronym Finder ☐ Protest evidence reviewed
☒ Other: <https://www.ntmdt-si.com/about>

Checked:

☐ Geographic significance
☐ Surname
☐ Translation
☐ ID with ID/CLASS mailbox

☐ Checked list of approved Canadian attorneys and agents

Discussed file with

Attorney/Applicant via:

<input type="checkbox"/> phone	<input type="checkbox"/> Left message with
<input type="checkbox"/> email	<input type="checkbox"/> Attorney/Applicant
<input type="checkbox"/> Requested Law Library search for:	<input type="checkbox"/> Issued Examiner's Amendment and entered changes in TRADEUPS
<input type="checkbox"/> PRINT <input type="checkbox"/> DO NOT PRINT	<input type="checkbox"/> Added design code in TRADEUPS
<input type="checkbox"/> Description of the mark	<input type="checkbox"/> Re-imaged standard character drawing
<input type="checkbox"/> Translation statement	<input type="checkbox"/> Contacted TM MADRID ID/CLASS about misclassified definite ID
<input type="checkbox"/> Negative translation statement	
<input type="checkbox"/> Consent of living individual	
<input type="checkbox"/> Changed TRADEUPS to:	
<input type="checkbox"/> OTHER:	

*** User:ekon ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	88045462[SN]
02	880	N/A	0	0	0:01	("nt" "n t")[bi,ti]
03	140	N/A	0	0	0:01	*mdt*[bi,ti]
04	59	38	21	21	0:02	("mdt" "m d t" "md t" "m dt")[bi,ti]
05	2	1	1	1	0:01	2 and 3
06	32023	N/A	0	0	0:01	260302 (oval)[dc]
07	55882	N/A	0	0	0:01	260521 (shad triang)[dc]
08	203005	N/A	0	0	0:01	261121 (shad rect)[dc]
09	57	38	1	19	0:01	6 and 7 and 8
10	83	54	16	15	0:01	3 not (4 5)
11	144	0	38	37	0:01	2 and "009"[cc] not dead[ld]
12	21	0	21	21	0:01	4 not dead[ld]
13	773507	N/A	0	0	0:01	*nt*[bi,ti]
14	140	N/A	0	0	0:01	*mdt*[bi,ti]
15	5454770	N/A	0	0	0:02	dead[ld]
16	0	0	0	0	0:01	13 and 14 not (15 12 11 10 9 4 5)

Session started 11/6/2018 1:08:13 PM

Session finished 11/6/2018 2:06:16 PM

Total search duration 0 minutes 18 seconds

Session duration 58 minutes 3 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 88045462

From: TMDesignCodeComments
Sent: Thursday, July 26, 2018 00:25 AM
To: curt@intuitlaw.com
Subject: Official USPTO Notice of Design Search Code: U.S. Trademark SN: 88045462: NT-MDT (Stylized/Design): Docket/Reference No. NT-MDT Logo

Docket/Reference Number: NT-MDT Logo

The USPTO has assigned design search codes to your application (U.S. serial number: 88045462).

Design search codes assigned to your application:

26.03.02 - Ovals, plain single line
26.03.02 - Plain single line ovals
26.05.21 - Triangles that are completely or partially shaded
26.11.21 - Rectangles that are completely or partially shaded

If you would like to request that we add or delete a design search code, please email TMDesignCodeComments@USPTO.GOV. Include your name, application serial number, a list of design search codes you would like to add or delete, and a brief justification. We will process your request within two business days. If we approve your request, the updated list of design search codes will appear in our Trademark Status and Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/>, under the "Mark Information" tab.

Design search codes are numerical codes we assign to the prominent features of your mark's design. We call these features "design elements." A design element can be any component of your mark that is not a word, such as a depiction of a star or a flower. Assigning design search codes to your mark helps us more effectively search our database for marks that may conflict with yours. Design search codes have no legal significance and will not appear on the registration certificate.

For more information about design search codes, including why and how we use them and information on adding or deleting design search codes from your application, please visit our design search code webpage at <http://www.uspto.gov/DesignSearchCodes>. For a list of design search codes, see the design search code manual at <http://tess2.uspto.gov/tmdb/dscm/index.htm>.

For questions, please call 1-800-786-9199 (option 1) to speak to a Customer Service representative in the Trademark Assistance Center. Please visit <http://www.uspto.gov/TrademarkAssistance> for additional information about the Trademark Assistance Center.

This notice will be available in TSDR in one business day.

NT-00040



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88045462

Filing Date: 07/19/2018

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT17\IMAGEOUT17\880\454\88045462\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NT-MDT
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) red and blue is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, NT-MDT, in a large stylistic blue font.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	800 x 300
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Kozodaeva, Irina S.
*STREET	Hoveniersdreef 315
*CITY	Apeldoorn
*COUNTRY	Netherlands
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	7328KJ
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
*COUNTRY OF CITIZENSHIP	Netherlands
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	

NT-00042

* INTERNATIONAL CLASS	009
* IDENTIFICATION	Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes
* FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
* TRANSLATION (if applicable)	
* TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Curt Handley, Esq.
ATTORNEY DOCKET NUMBER	NT-MDT Logo
FIRM NAME	Law Office of Curt Handley
STREET	19540 Buckingham Dr. Suite 1
CITY	Mokena
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60448
PHONE	888-932-5291
EMAIL ADDRESS	curt@intuitlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	Curt Handley, Esq.
FIRM NAME	Law Office of Curt Handley
STREET	19540 Buckingham Dr. Suite 1
CITY	Mokena
STATE	Illinois
COUNTRY	United States

ZIP CODE	60448
PHONE	888-932-5291
EMAIL ADDRESS	curt@intuitlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Curt Handley, Esq.
FIRM NAME	Law Office of Curt Handley
*STREET	19540 Buckingham Dr. Suite 1
*CITY	Mokena
*STATE (Required for U.S. addresses)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE	60448
PHONE	888-932-5291
*EMAIL ADDRESS	curt@intuitlaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/Curt Handley, Esq./
* SIGNATORY'S NAME	Curt Handley, Esq.
* SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	888-932-5291
* DATE SIGNED	07/19/2018

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88045462

Filing Date: 07/19/2018

To the Commissioner for Trademarks:

MARK: NT-MDT (stylized and/or with design, see [mark](#))

The mark in your application is NT-MDT.

The color(s) red and blue is/are claimed as a feature of the mark. The mark consists of a stylized design comprised of a blue rectangle with a circular cutout and a red triangle through it, next to the letters, NT-MDT, in a large stylistic blue font.

The applicant, Irina S. Kozodaeva, a citizen of Netherlands, having an address of

Hoveniersdreef 315

Apeldoorn 7328KJ

Netherlands

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 009: Apparatus for recording, transmitting and reproducing sound and images; Computer operating software; Computers; Data processing apparatus; Microscopes and their parts; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Scientific apparatus and instruments for measuring relative DNA, RNA and protein and parts and fittings therefor; Transistors; Scanning probe microscopes

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Curt Handley, Esq. of Law Office of Curt Handley 19540 Buckingham Dr. Suite 1

Mokena, Illinois 60448

United States

888-932-5291(phone)

curt@intuitlaw.com (authorized)

The attorney docket/reference number is NT-MDT Logo.

The applicant hereby appoints Curt Handley, Esq. of Law Office of Curt Handley

19540 Buckingham Dr. Suite 1

Mokena Illinois 60448

United States

888-932-5291(phone)

curt@intuitlaw.com (authorized)

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

Curt Handley, Esq.

Law Office of Curt Handley

19540 Buckingham Dr. Suite 1

NT-00045

Mokena, Illinois 60448

888-932-5291(phone)

curt@intuitlaw.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

AND/OR

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Curt Handley, Esq./ Date: 07/19/2018

Signatory's Name: Curt Handley, Esq.

Signatory's Position: Attorney of Record

Signatory's Phone Number: 888-932-5291

Payment Sale Number: 88045462

Payment Accounting Date: 07/20/2018

Serial Number: 88045462

Internet Transmission Date: Thu Jul 19 23:06:00 EDT 2018

TEAS Stamp: USPTO/FTK-XXX.XXX.XX.X-20180719230600491

750-88045462-610a25422e9a8c46ff8116b4da4

3dbed9e21c587ee7ec14c615176f7134fbf27ce-

ET-6417-20180719224732155247



EXHIBIT B

June 12, 2019: SPECIMEN OF USE - NT-MDT - USA



Christina Schmidt February 12, 2019 14:18

Dear Dmitry,

We are pleased to report that we have received a Notice of Allowance for the Trademark **NT-MDT** in the **United States**. This means the application has passed the Trademark Office's examination and the publication period. The mark should now register once you prove the mark is being used in commerce in the United States.

Requirements

1. **Provide the date that the mark was first available in commerce in the United States.**
2. **Provide a Specimen of Use (proof of use of your mark).**

Considerations

- If the Specimen of Use is not in English, a simple translation is required.
- For logos or combined marks, the proof of use must show the mark exactly as filed (same color, same design, same positioning, etc.).
- Acceptable proof of use for goods includes photographs that show the mark on the actual goods or packaging, or photographs of displays associated with the actual goods at their point of sale. A tag or label that is not shown affixed to the goods is not acceptable proof of use. Similarly, a package that does not show or identify the goods therein is not acceptable proof of use.
- Even though at this stage of the process only one proof of use per class is required, if the USPTO randomly audits your trademark, you will have to be able to submit all the proofs of use requested, at an additional cost. If you are currently not using your mark for some of the items identified in your description, we recommend that you eliminate these items from your application now (free of charge) to avoid an additional office action following the audit.

Fees and deadline

The price for this service is **US\$ 290**. This includes any official fees as well as our legal fees. We must file either the specimen of use or request an extension of time by **June 12, 2019** or the application will go abandoned. If you wish to file an extension, the price is **US\$ 300**.

In order to proceed with your payment, please visit [your shopping cart](#).

We look forward to your instructions.

Best regards,

On behalf of Consuelo,

Christina Schmidt

IP Customer Service Director

christina@marcaria.com

www.marcaria.com



Dmitry Kozodaev February 14, 2019 13:52

Dear Christina,

We are happy to hear that our application has passed the Trademark Office's examination and the publication period.

We have some questions:

1. As for requirements of the provement, we can provide quotation at this moment that we to The University of Texas at Dallas. They are planning to buy our product, purchasing in process now. Will it be a good proof or we need to wait till they can make some pictures when the product will arrive to their side?

We also would like to announce that we are very active in Europe and Asian Markets. In the attachment you can find an official mark registration in European Union.

1. We didn't understand about fees and deadline

What service do you mean that we need to pay for? And how much do we need to pay? What extension are you talking about?

1. We have seen that our trade mark is published in not right way.

<http://tmsearch.uspto.gov/bin/showfield?f=doc&state=4801:vd0iet.2.1>

It is stretched in the wrong direction. The blue rectangle (with a circular cutout and a red triangle through it) needs to be a right rectangle.

Could you do something about it?

It needs to look like this:

And not like this:

Best regards,

Dmitry Kozodaev

From: Christina Schmidt (Marcaria.com) <info@marcaria.com>

Sent: Tuesday, February 12, 2019 1:19 PM

To: Dmitry Kozodaev <info@techno-nt.com>

Subject: Pending: June 12, 2019: SPECIMEN OF USE - NT-MDT - USA

-
- [image004.jpg](#) (10 KB)
 - [image002.png](#) (40 KB)
 - [Bewijs van inschrijving EU merk NT-MDT \(fig.\) 17910749.pdf](#) (1000 KB)



Christina Schmidt February 14, 2019 15:04

Dear Dmitry,

Thank you for your email.

Regarding the proof of use, the only thing that we need is the date of first use in commerce in the USA and a picture. No other documentation is valid and proof of use in other countries does not help either. We simply need a picture of your product that clearly shows the mark on it.

Regarding the fees, in order to file the specimen of use, the fee to consider is US\$ 290. If you are still not using the mark in commerce in the USA and cannot file the specimen of use, we can file an extension of time for 6 months for the fee of US\$ 300, and then once you can file the specimen of use you need to consider the fee of US\$ 290.

Regarding the logo, I am consulting with the attorney why the logo on the USPTO looks a bit disfigured, as the correct logo was provided for this filing.

Kind regards,

Christina Schmidt

IP Customer Service Director

christina@marcaria.com

www.marcaria.com



Christina Schmidt February 14, 2019 20:29

Dear Dmitry,

Regarding the logo, the attorney explains that the Trademarks Office resizes marks on their site, but the aspect ratios do NOT affect the trademark as long as the design is the same, which in this case it is.

We look forward to receiving the specimen of use, date of first use and payment so that we can submit the specimen of use before the deadline.

Kind regards,

Christina Schmidt

IP Customer Service Director

christina@marcaria.com

www.marcaria.com



Dmitry Kozodaev February 15, 2019 17:55

Dear Christina,

Please find quotation for our customer in Dallas Texas University in the attachment. So we are in Purchase process now. We plan to sale there the exact system which is on the pictures. Also you can find our direct communications with customer attached.

So the date of first use in commerce in USA is 8th January 2019.

We hope that it will be enough for now.

When is the deadline?

Best regards

Dmitry Kozodaev

-
- [microscope2.jpg](#) (90 KB)
 - [microscope_controller.jpg](#) (800 KB)
 - [microscope1.jpg](#) (400 KB)
 - [unnamed_attachment_1.eml](#) (400 KB)
 - [NT 18 19 11 revised.pdf](#) (300 KB)



Christina Schmidt February 15, 2019 19:45

Dear Dmitry,

The deadline is June 12, 2019.

Thank you for confirming that the date of first use in commerce in the USA is January 8th, 2019.

These pictures should work.

In order to proceed with your payment, please visit [your shopping cart](#).

Kind regards,

Christina Schmidt
IP Customer Service Director

christina@marcaria.com
www.marcaria.com



Christina Schmidt February 15, 2019 19:48

Dear Dmitry,

Regarding the pictures, I see that this is the only one that has the logo in colors; however, it includes text under the trademark name that was not included in the mark that was filed.

We will check with the attorney if this picture would be acceptable:



Kind regards,

Christina Schmidt

IP Customer Service Director

christina@marcaria.com

www.marcaria.com



Christina Schmidt February 15, 2019 20:06

Dear Dmitry,

The attorney confirms that this picture will work but we need a closer picture where we can actually read the text under the logo.

Kind regards,

Christina Schmidt

IP Customer Service Director

christina@marcaria.com

www.marcaria.com



Consuelo Arcos February 20, 2019 22:14

Dear Dimitry,

I confirm to have received your payment for this service.

Can you please kindly provide a closer picture where we can actually read the text under the logo?

I look forward to your reply.

Best regards,

Consuelo Arcos

Trademarks Account Manager

Tel: +1 (305) 520-7323

www.marcaria.com



Dmitry Kozodaev February 25, 2019 23:00

Dear Christina,

Please find some pictures of our product in the attachment.

We are planing to sell this system to Dallas Texas University. We have already an order from them.

You can see also our logo on this product.

We hope it will be enough for now.

Best regards,

Dmitry Kozodaev

From: info@techno-nt.com <info@techno-nt.com>
Sent: Friday, February 15, 2019 4:54 PM
To: 'Marcaria.com' <info@marcaria.com>
Cc: 'consuelo@marcaria.com' <consuelo@marcaria.com>
Subject: RE: June 12, 2019: SPECIMEN OF USE - NT-MDT - USA

Dear Christina,

Please find quotation for our customer in Dallas Texas University in the attachment. So we are in Purchase process now. We plan to sale there the exact system which is on the pictures. Also you can find our direct communications with customer attached.

So the date of first use in commerce in USA is 8th January 2019.

We hope that it will be enough for now.

When is the deadline?

Best regards

Dmitry Kozodaev

From: Christina Schmidt (Marcaria.com) <info@marcaria.com>
Sent: Thursday, February 14, 2019 7:30 PM
To: Dmitry Kozodaev <info@techno-nt.com>
Subject: Re: June 12, 2019: SPECIMEN OF USE - NT-MDT - USA

-
- [IMG_20190225_182359_resized_20190225_062629326.jpg](#) (900 KB)
 - [IMG_20190225_182404_resized_20190225_062628222.jpg](#) (900 KB)
-

-



Consuelo Arcos February 26, 2019 21:37

Dear Dimitry,

Thank you for the images sent.

I will consult with the attorney if these are ok to proceed with.

I will revert as soon as possible.

Best regards,

Consuelo Arcos

Trademarks Account Manager

Tel: +1 (305) 520-7323

www.marcaria.com

-



Christina Schmidt February 27, 2019 14:30

Dear Dmitry,

The attorney confirms that the new picture works. The specimen of use will be filed and we will contact you when we have further news regarding your mark.

Kind regards,

On behalf of Consuelo,

Christina Schmidt

IP Customer Service Director

christina@marcaria.com
www.marcaria.com

EXHIBIT C

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

NT-MDT LLC,
Petitioner,
v.
Irina Kozodaeva,
Registrant.

Opposition No. 92/071,349
Mark: NT-MDT Design Mark
Reg. No. 5,753,336
Filing Date: July 19, 2018
Registered: May 14, 2019
VIA ESTTA General Filings

**REGISTRANT IRINA KOZODAEVA’S RESPONSES TO PETITIONER NT-MDT
LLC’S FIRST SET OF INTERROGATORIES**

Pursuant to TBMP § 405.04, TBMP § 410, TBMP § 412.01, 37 C.F.R. § 2.120, and Rules 26 and 33 of the Federal Rules of Civil Procedure, Registrant Irina Kozodaeva (“Registrant”), by and through its undersigned counsel, responds to Petitioner’s (“Petitioner”) First Set of Requests for Interrogatories (“Interrogatories”) served on August 12, 2019 as follows:

GENERAL OBJECTIONS

Pursuant to TBMP § 410, Registrant makes the following general responses and objections (“General Objections”) to each definition, instruction, and Request propounded in Petitioner’s First Request for the Production of Documents to Registrant. These General Objections are hereby incorporated into each specific response. The assertion of the same, similar or additional objections or partial responses to individual Interrogatories does not waive any of Registrant’s General Objections.

1. Registrant objects to the Interrogatories to the extent they purport to require unreasonably costly and/or time-consuming measures to locate and produce responsive documents, beyond the requirements of Fed. R. Civ. P. 26(b).

2. Registrant objects to each Request and to Petitioner’s “Definitions” and “Instructions” to the extent they are vague, ambiguous, overbroad, or unduly burdensome, or

necessary, amend this response when it completes its investigation to add additional responsive information. Subject to the foregoing objections, Registrant responds to the non-objectionable portion of Interrogatory No. 50 as follows:

Pursuant to Fed. R. Civ. P. 33(d), Registrant identifies and produces the following documents, the entirety of which are incorporated herein by this reference: KOZ490-497 (Eight-Sail Instrument & Equipment (Shanghai) Co., Ltd. exclusive distributor agreement for PRC dated July 1, 2018), KOZ498-502 (NT-MDT BV and MTEON Ltd. distributorship agreement No. 1 dated Nov. 20, 2018), KOZ1008-1013 (License agreement between Kozodaeva and NT-MDT B.V. represented by Kozodaev dated March 25, 2019), and KOZ64-71 (Non-Exclusive Distributor Agreement between Techno-NT (distributor) and NT-MDT Co. dated 26 Jan. 2015).

INTERROGATORY NO. 51: For each product that you have caused to be manufactured under or in connection with the Challenged Mark, state your total current inventory (in units) for each such product.

Response: Registrant incorporates by this reference each and every General Objection set forth above. Subject to the foregoing objections, Registrant responds to the non-objectionable portion of Interrogatory No. 51, Registrant responds that it currently has no inventory of any products bearing the Challenged Mark.

INTERROGATORY NO. 52: State Registrant's total annual sales of each good and service under or in connection with the Challenged Mark for each month since you first used the Challenged Mark.

Response: Registrant incorporates by this reference each and every General Objection set forth above. Subject to the foregoing objections, Registrant responds to the non-objectionable portion of Interrogatory No. 52 that it has sold one item in the United States since the date of

first use set forth in the application for the Challenged Mark.

INTERROGATORY NO. 53: Identify all persons that furnished information for the responses to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

Response: Registrant incorporates by this reference each and every General Objection set forth above. Subject to the foregoing objections, Registrant responds to the non-objectionable portion of Interrogatory No. 53 as follows:

Dimitry Kozodaev, Irina Kozodaeva.

INTERROGATORY NO. 54: Describe all facts and circumstances surrounding any relationship between you individually and the entities NT-MDT Europe and NT-MDT BV including why you individually filed the Challenged Mark's application instead of either Dimitry Kozodaev, NT-MDT Europe, or NT-MDT BV.

Response: Registrant incorporates by this reference each and every General Objection set forth above. Registrant objects to this Interrogatory to the extent it is duplicative with Interrogatory No. 30. Subject to the foregoing objections, Registrant responds to the non-objectionable portion of Interrogatory No. 54 as follows:

Registrant incorporates by this reference the entirety of its response to Interrogatory No. 24 and 30. Registrant owns the Challenged Mark by virtue of acquisition of the assets of NT-MDT CSJC, which included the purported common law rights to use and register of the mark in the United States. Moreover, Registrant is the licensor of the Challenged Mark to NT-MDT BV. Pursuant to Fed. R. Civ. P. 33(d), Registrant identifies and produces KOZ1008-1013, which memorializes such license relationship. Registrant incorporates by this reference the entirety of this document.

INTERROGATORY NO. 55: Provide any basis as to what you consider distinguishing

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2019, I filed the foregoing via ESTTA with the Trademark Office Trademark Trial and Appeal Board and that a true and complete copy of the foregoing has been served on counsel for Petitioner NT-MDT LLC by forwarding said copy on September 17, 2019 via email to:

Lance Venable
Law Office of Lance C. Venable, PLLC
4939 West Ray Road, Suite 4-219
Chandler, AZ 85226
Telephone: (602) 730-1422
Email: lance@venableiplaw.com; uspto@venableiplaw.com


/_____/

/Kenneth M. Motolenich-Salas/
Kenneth M. Motolenich-Salas

EXHIBIT E

Lance Venable

From: Kenneth Motolenich-Salas <ken@motosalaslaw.com>
Sent: Wednesday, May 13, 2020 3:06 PM
To: Lance Venable
Subject: RE: Missed call

Hi, Lance. No, you didn't misunderstand. I misspoke, so it is my mistake. (I checked the wording in my email, and I was to blame for that.)

I will go through the production once again to see if there are documents that show any shipment or sales before June 12, 2019 and get back to you tomorrow on that. I have pinged my client again.

Thanks,
Ken

From: Lance Venable <lance@venableiplaw.com>
Sent: Wednesday, May 13, 2020 3:01 PM
To: Kenneth Motolenich-Salas <ken@motosalaslaw.com>
Subject: RE: Missed call

Ken,

I'm sorry that I misunderstood regarding the authorization issue.

Of course, I understand it is my prerogative to file another MSJ. But I would prefer not to and avoid the expense both parties will incur. Obviously, if your client has documents that proves she timely shipped the goods then a motion for summary judgment will not be necessary. Can you at least confirm or identify any documents that you have produced thus far include any evidence that your client sold and shipped any goods to the U.S. prior to June 12, 2019?

Regards,

Lance

From: Kenneth Motolenich-Salas <ken@motosalaslaw.com>
Sent: Wednesday, May 13, 2020 2:49 PM
To: Lance Venable <lance@venableiplaw.com>
Subject: RE: Missed call

Hi, Lance. I have inquired with my client about sales and am awaiting a response. I misspoke when I stated that I am not authorized to speak with you about this. Sorry for the confusion. I can, of course, speak with you about it. What I did correctly write in that email to you on May 6 was that I am not authorized to surrender the registration.

In the meantime, if you wish to file another motion for summary judgment on the sales issue, that is your prerogative.

Thanks,
Ken



MOTOSALAS LAW

Legal Solutions for Innovators

KEN MOTOLENICH-SALAS, ESQ.

Registered Patent Attorney

MotoSalas Law, PLLC

202.257.3720 • ken@motosalaslaw.com
16210 North 63rd Street, Scottsdale, AZ 85254

Alternative Number: 602-562-4208

ken@motosalaslaw.com

<https://www.motosalaslaw.com>

[LinkedIn@Profile](#)

[Facebook@Profile](#)

<https://www.ethicalcommunity.org/motosalaslawpllc>

<https://www.ip-lawexperts.com/expert-directory/ken-motolenich-salas/>

<https://www.martindale.com/phoenix/arizona/kenneth-m-motolenich-salas-24728779-a>

<https://www.avvo.com/attorneys/85254-az-kenneth-motolenichsalas-4179514.html>

<https://profiles.superlawyers.com/arizona/scottsdale/lawyer/kenneth-motolenich-salas/4489cc57-18ba-417d-9246-d54464174c13.html>

<https://pview.findlaw.com/lawyer/kenneth-motolenich-salas/az/scottsdale/NTE0NTEyN18x/PP>

<https://www.leadcounsel.org/attorney/ken-motolenich-salas>



BBB Rating: A+
as of 4/22/2019



From: Lance Venable <lance@venableiplaw.com>

Sent: Wednesday, May 13, 2020 2:41 PM

To: Kenneth Motolenich-Salas <ken@motosalaslaw.com>

Subject: RE: Missed call

Ken,

I hope your surgery went well.

Did you have a chance to speak with your client regarding this issue? It has now been a week since you responded to my email, as shown below.

As I stated in my previous email to you, I would like you to please confirm whether your client has any evidence that it has ever shipped any product to UT Dallas bearing the disputed mark? I have reviewed all of the documents you have provided in this case. I do not have any record of: (1) any invoice showing that your client (or any entity she controlled or licensed) billed UT Dallas, or any other entity, for any product, or (2) any evidence that your client shipped any product to UT Dallas, or any other entity in the U.S., as of the date she filed her statement of use, or at any additional time for that matter. Again, if I am incorrect, can you direct me to the documents that rebut my assumptions? I have confirmed that UT Dallas has no record of any payment to your client, nor does it have any record of having received any product shipped from your client bearing the disputed mark.

Quite frankly, I don't understand the rationale why your client would not "authorize" you to speak with me regarding this issue. As attorneys in this matter, we must communicate with each other over critically essential issues in this case. Indeed, the issue of whether your client ever timely used the mark in the U.S. goes to the heart of whether your client is entitled to its registration.

Please advise me whether you intend to respond to my questions.

Regards,

Lance

Lance C. Venable
Registered Patent Attorney
The Law Office of Lance C. Venable, PLLC
4939 W. Ray Rd.
Suite 4-219
Chandler, AZ 85226-2066

Tel: 602-730-1422
[Email: lance@venableiplaw.com](mailto:lance@venableiplaw.com)
Web: www.venableiplaw.com

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From: Kenneth Motolenich-Salas <ken@motosalaslaw.com>
Sent: Wednesday, May 6, 2020 8:16 PM
To: Lance Venable <lance@venableiplaw.com>
Subject: Re: Missed call

Hi, Lance. I don't think a phone call would be fruitful since my client won't authorize me to surrender the registration and made that clear earlier this year when we the pre-settlement conference exchange.

However, I will speak with my client and if I'm so authorized, I will speak with you concerning this. Let me check in with the client and get back to you. It may not be until next week as I'm Having surgery Friday.

Thanks,

Ken Motolenich-Salas

<https://www.motosalaslaw.com>

Ken@motosalaslaw.com

202-257-3720

Sent from my iPhone pardon any typos using voice dictation

On May 6, 2020, at 7:56 PM, Lance Venable <lance@venableiplaw.com> wrote:

Ken,

I was hoping we could discuss this. When I spoke with you last week, you seemed to acknowledge my concern over the possible use issue.

If I'm missing something here, I won't file the motion. If you have any basis for objecting to my position or any legal theory/cases to support why I am wrong on this matter, I would like to know as a matter of professional courtesy. If there's something I'm missing, it could save us both time and money.

Either way, can you at least confirm whether your client has any evidence that they sold/shipped any product to UT Dallas as of the alleged date of use?

Regards,

Lance

Lance C. Venable
Registered Patent Attorney
The Law Office of Lance C. Venable, PLLC
4939 W. Ray Rd.
Suite 4-219
Chandler, AZ 85226-2066

Tel: 602-730-1422

E-mail: lance@venableiplaw.com

Web: www.venableiplaw.com

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From: Kenneth Motolenich-Salas <ken@motosalaslaw.com>

Sent: Wednesday, May 6, 2020 7:47 PM

To: Lance Venable <lance@venableiplaw.com>

Subject: RE: Missed call

Hi, Lance. Thanks for the message. If you want to go ahead and file another motion for summary judgment, that is fine with me. It is not place to object as there is no limit, that I am aware of, on the number of motions you can file.

Thanks,
Ken

<image001.jpg>

<image002.jpg>

Alternative Number: 602-562-4208

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<https://www.ip-lawexperts.com/expert-directory/ken-motolenich-salas/>

<https://www.martindale.com/phoenix/arizona/kenneth-m-motolenich-salas-24728779-a>

<https://www.avvo.com/attorneys/85254-az-kenneth-motolenichsalas-4179514.html>

<https://profiles.superlawyers.com/arizona/scottsdale/lawyer/kenneth-motolenich-salas/4489cc57-18ba-417d-9246-d54464174c13.html>

<https://pview.findlaw.com/lawyer/kenneth-motolenich-salas/az/scottsdale/NTE0NTEyN18x/PP>

<https://www.leadcounsel.org/attorney/ken-motolenich-salas>

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From: Lance Venable <lance@venableiplaw.com>

Sent: Wednesday, May 6, 2020 7:42 PM

To: Kenneth Motolenich-Salas <ken@motosalaslaw.com>

Subject: RE: Missed call

Dear Ken,

When we spoke last week, I briefly mentioned that I confirmed with the University of Texas at Dallas that no one, including Ms. Kozodaeva, had shipped any product, let alone the one identified in the statement of use that she filed on March 10, 2019.

As you may be aware, Dmitry Kozodaev exchanged several emails with Christina Schmidt from Marcaria (KOZ449-453). In one particular email exchange, Kozodaev expressly stated:

“Please find quotation for our customer in Dallas Texas University in the attachment. **So we are in Purchase process now. We plan to sale there the exact system which is on the pictures.** Also you can find our direct communications with customer attached. So the date of first use in commerce in USA is 8th January 2019.” (emphasis yours)

As you are aware, Section 45 of the Trademark Act states:

“The term “use in commerce” means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For purposes of this Act, a mark shall be deemed to be in use in commerce—

(1) on goods when—

(A) it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable, then on documents associated with the goods or their sale, and

(B) the goods are sold or transported in commerce.”

Mr. Kozodaev sent that email on February 15, 2019. The email is clear evidence that neither Mr. Kozodaev nor his wife had shipped any container or product bearing the NT-M DT mark to UT Dallas as of January 8, 2019.

Mr. Kozodaev confirmed this fact in an email he sent ten days later to Ms. Schmidt when he stated, “... Please find some pictures of our product in the attachment. **We are planning to sell this system to Dallas Texas University.** We have already an order from them.” (emphasis mine)

Again, this exchange demonstrates that Ms. Kozodaeva had not used the mark in interstate commerce as of January 8, 2019.

I have since confirmed from the University of Texas at Dallas that even as of today, the University has never received or completed a purchase of any item from Ms. Kozodaeva. I asked you to provide any evidence of an actual shipment of a package or product with the mark from Kozodaeva to UT Dallas that would contradict the University’s position on this matter. As of today, I have not received any evidence of an actual shipment that would demonstrate use, and in reviewing your response papers, I saw none there either.

In short, at no time either as of January 8, 2019 or as of March 10, 2019, when Ms. Kozodaeva filed her statement of use, had she ever used the mark in interstate commerce as required under § 45 of the Trademark Act. You also confirmed in your response to Interrogatory 52 that this was the only alleged “sale” that occurred in the U.S. since that time.

As you may also be aware, when an applicant has not used the mark in interstate commerce on any of the goods identified in the listing of goods in the application as of the date alleged in the statement of use, the remedy for non-use, which is not correctable outside of the statement of use filing deadline (37 CFR § 2.59(b)(2)) is the cancellation of the mark making it void ab initio. Non-intent or reliance on counsel has no bearing in determining this issue.

With all of this in mind, I recognize that I did not raise this specific issue in my Motion. But assuming these facts as I have stated are accurate and irrefutable, Kozodaeva's registration is clearly void, and there is no point continuing this case, and I ask that you voluntarily agree to withdraw your client's registration. If you disagree, I would be happy to consider your arguments or other evidence that you may have. If, however, we cannot resolve this satisfactorily in short order, I would ask that you either consent to me supplementing my Motion, or I will file a second separate and concise Motion for Summary Judgment on this issue. Either way, this issue will eventually come before the TTAB and without any evidence of use. Although I feel confident regarding the issues raised in my Motion, I see no way that the TTAB would not agree that your client did not satisfy the use requirement when she filed her statement of use.

I'd be happy to speak with you over the phone if you'd like, as perhaps it may lay the groundwork for settling this matter in its entirety.

Either way, I look forward to your response.

Regards,

Lance C. Venable
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-----Original Message-----

From: Kenneth Motolenich-Salas <ken@motosalaslaw.com>

Sent: Wednesday, May 6, 2020 5:29 PM

To: Lance Venable <lance@venableiplaw.com>

Subject: Missed call

Hi, Lance. Is there's something you want to bring to my attention that's in the response head of filing a reply, please email me and set forth (1) what it is you found and want to bring to my attention and (2) what you believe is its import.

I will then review.

Thanks,

Ken Motolenich-Salas

<https://www.motosalaslaw.com>

Ken@motosalaslaw.com

202-257-3720

Sent from my iPhone pardon any typos using voice dictation