UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 79096823

MARK: TANGO INFINITY

79096823

CORRESPONDENT ADDRESS:
Baker & McKenzie
Bethmannstrasse 50-54
60311 Frankfurt/Main
FED REP GERMANY

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Bio-Rad Medical Diagnostics GmbH

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A
CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 1075544

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

Applicant may respond directly to this provisional refusal Office action if applicant is not represented by an authorized attorney. *See* 37 C.F.R. §2.193(e)(2)(ii). Otherwise, applicant's authorized attorney must respond on applicant's behalf. *See* 37 C.F.R. §2.193(e)(2)(i). However, **the only attorneys who are authorized to sign responses and practice before the USPTO** in trademark matters are as follows:

(1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other federal territories and possessions of the United States; and

(2) **Canadian agents/attorneys** who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

See 37 C.F.R. §§2.17(e), 2.62(b), 11.1, 11.5(b)(2), 11.14(a), (c); TMEP §§602, 712.03.

Foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants

before the USPTO. *See* 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(b). That is, foreign attorneys may not file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal, among other things. *See* 37 C.F.R. §11.5(b)(2); TMEP §§602.03(c), 608.01. If applicant is represented by such a foreign attorney, applicant must respond directly to this provisional refusal Office action. *See* 37 C.F.R. §2.193(e)(2)(ii).

DESIGNATION OF DOMESTIC REPRESENTATIVE:

The USPTO encourages applicants who do not reside in the U.S. to designate a domestic representative upon whom notices or process may be served. 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2); *see* TMEP §610. Such designations may be filed online at http://www.uspto.gov/teas/index.html.

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS:

- Refusal under Trademark Act Section 2(d) – Likelihood of Confusion
- Requirement for an Acceptable Identification of Goods

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. **2588799**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods, and similarity of trade channels of the goods. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

Analysis of the Marks

Applicant's mark, TANGO INFINITY, shares the wording TANGO which is the entirety of the registered mark TANGO and therefore is confusingly similar to the registered mark in meaning or connotation and overall commercial impression.

Consumers are generally more inclined to focus on the first word, prefix or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *see also Mattel Inc. v. Funline Merch. Co.*, 81 USPQ2d 1372, 1374-75 (TTAB 2006); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions).

The marks are compared in their entireties under a Trademark Act Section 2(d) analysis. *See* TMEP §1207.01(b). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression; greater weight is given to that dominant feature in determining whether the marks are confusingly similar. *See In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749,

751 (Fed. Cir. 1985); *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); TMEP §1207.01(b)(viii), (c)(ii).

In this case, the marks share the identical wording TANGO which is the dominant and initial portion of each of the marks. Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); TMEP §1207.01(b)(ii)-(iii).

Although applicant's mark includes the wording INFINITY, please note that the mere addition of a term to a registered mark generally does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Trademark Act Section 2(d). *See In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR'S ALE and JOSE GASPAR GOLD); TMEP §1207.01(b)(iii). Here, the addition of the wording INFINITY to the registered mark does not create a significantly different commercial impression from the registered mark.

In this case, a consumer encountering the mark TANGO INFINITY in connection with applicant's goods will incorrectly believe that the goods originate from the same source as the registrant's TANGO goods.

Analysis of the Goods

Applicant's goods are closely related to the registrant's goods. To the extent that both of the parties provide medical goods in the field of blood analysis, the goods are closely related (and in the case of the goods in International Class 010, potentially **identical)**. Neither the application nor the registration contain any limitations regarding trade channels for the goods and therefore it is assumed that registrant's and applicant's goods are offered everywhere that is normal for such items, i.e., laboratories or medical supply stores. Thus, it can also be assumed that the same classes of purchasers seek these goods and that consumers are accustomed to seeing them offered under the same or similar marks.

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods as those of both applicant and registrant in this case. This evidence shows that the goods listed therein, namely **chemical preparations, reagents, and medical devices**, are of a kind that may emanate from a single source under a single mark. *See In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Summary of Analysis

A consumer encountering the mark TANGO INFINITY in connection with applicant's blood analysis chemical preparations, reagents, and medical devices will incorrectly believe that the goods originate from the same source as the registrant's TANGO blood analysis goods. As a result, because of the confusingly similar marks and closely related and potentially identical goods, registration is refused under Trademark Act Section 2(d). Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Applicant's Options

If the mark in the cited registration has been assigned to applicant, applicant can provide evidence of ownership of the mark by satisfying one of the following:

(1) Record the assignment with the International Bureau and promptly notify the trademark

examining attorney that the assignment has been duly recorded;

(2) Submit copies of documents evidencing the chain of title; or

(3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant is the owner of U.S. Registration No. 2588799."**

TMEP §812.01; *see* 15 U.S.C. §1141l; 37 C.F.R. §§2.193(e)(1), 3.73, 7.22; TMEP §502.02(b).

Merely recording a document with the International Bureau does not constitute a response to an Office action. *See* TMEP §503.01(d).

If applicant chooses to respond to the refusal to register, then applicant must also respond to the following requirement.

IDENTIFICATION AND CLASSIFICATION OF GOODS

The wording identified below is indefinite and must be clarified for the reasons set forth herein. *See* TMEP §§1402.01, 1402.03.

In an application filed under Trademark Act Section 66(a), an applicant may not change the classification of goods from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods from one existing international class to another. 37 C.F.R. §2.85(d); *see* TMEP §§1402.07(a), 1904.02(c). Therefore, any modification to this wording must identify goods in the classification specified in the application for these goods.

Advisory

An application must specify, in an explicit manner, the particular goods or services on or in connection with which the applicant uses, or has a bona fide intention to use, the mark in commerce. *See* 15 U.S.C. §1051(a)(2), (b)(2); 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Generally, the terminology "and/or" and "or" is not sufficiently explicit language in identifications because it is not clear whether applicant is using the mark, or intends to use the mark, on all the identified goods or services. *See* TMEP §1402.03(a). Therefore, applicant should replace "and/or" with "and" in the identification of goods or services, if appropriate, or rewrite the identification with the "and/or" deleted and the goods or services specified using definite and unambiguous language.

International Class 001

The wording "***Chemical preparations for scientific analysis or diagnostic purposes***" requires clarification because although "Chemical preparations for scientific purposes" is acceptable in International Class 001, the nature of the preparations for "diagnostic purposes" must be specified further, e.g. chemical reagents for non-medical purposes.

International Class 005

The wording "***Chemico-pharmaceutical preparations for medical analysis and diagnostic purposes***" requires further specificity as to the disease being treated by the preparations, e.g. medical diagnostic reagents.

International Class 010

The wording "***devices and instruments***" requires clarification as to the common commercial name of the goods in this class only. In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant uses indefinite words such as "accessories,"

"apparatus," "components," "devices," "equipment," "materials," "parts," "systems" or "products," such words must be followed by "namely," followed by a list of the specific goods identified by their common commercial or generic names. *See* TMEP §§1402.01, 1402.03(a).

The following substitute wording is suggested, if appropriate:

> "Chemical preparations for scientific analysis ***and*** diagnostic purposes, ***namely, chemical reagents for non-medical purposes***; chemical and biological reagents for non-medical and non-veterinary purposes; chemical and biological reagents for analysis ***and*** diagnostic for non-medical and non-veterinary purposes; chemical reagents for laboratory analysis ***and*** diagnostic other than for medical purposes" in International Class 001; and/or
>
> "Chemico-pharmaceutical ***medical diagnostic reagents*** for medical analysis and diagnostic purposes; chemical reagents for medical or veterinary purposes; biological reagents for medical or veterinary purposes; chemical and biological reagents for medical and veterinary purposes" in International Class 005; and/or
>
> "***Apparatus for blood analysis*** for medical, veterinary ***and*** research analysis and diagnostic ***purposes***" in International Class 010.

Descriptions of goods and/or services found in earlier-filed applications and registrations are not necessarily considered acceptable identifications when a later-filed application is examined. *See* TMEP §§702.03(a)(iv), 1402.14. For guidance on writing identifications of goods and/or services, please use the online searchable *Manual of Acceptable Identifications of Goods and Services* at http://tess2.uspto.gov/netahtml/tidm.html, which is continually updated in accordance with prevailing rules and policies. *See* TMEP §1402.04. An applicant may amend an identification of goods only to clarify or limit the goods/services; adding to or broadening the scope of the goods/services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a $100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

Applicant may wish to hire a trademark attorney to assist in prosecuting this application because of the legal technicalities involved. The Office, however, cannot aid in the selection of an attorney. 37 C.F.R. §2.11. See above information regarding attorney representation.

If applicant has questions about its application or needs assistance in responding to this Office Action, please contact the assigned trademark examining attorney directly at the number below or at Tasneem.Hussain@uspto.gov. Please note, however, that substantive matters must be addressed in a formal manner; see below for further instructions on how to respond to this Office Action.

/Tasneem Hussain/
Trademark Examining Attorney
Law Office 105
(571) 272-8273
tasneem.hussain@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

DESIGN MARK

Serial Number
75573273

Status
SECTION 8-ACCEPTED

Word Mark
TANGO

Standard Character Mark
No

Registration Number
2588799

Date Registered
2002/07/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner
BIOTEST AG CORPORATION FED REP GERMANY Landsteinerstrasse 5 Dreieich FED REP GERMANY 63303

Goods/Services
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Analytical device, namely, apparatus for serological blood typing, blood grouping or serological detection of blood groups. First Use: 2000/01/11. First Use In Commerce: 2000/10/31.

Lining/Stippling Statement
The drawing is lined for the color red which fills the "O" in the mark.

Filing Date
1998/10/19

Examining Attorney
DEFORD, JEFF

Attorney of Record
Ronald E. Shapiro


TANGO

DESIGN MARK

Serial Number
75691635

Status
REGISTERED AND RENEWED

Word Mark
BIO-RAD

Standard Character Mark
No

Registration Number
2430800

Date Registered
2001/02/27

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
BIO-RAD LABORATORIES, INC. CORPORATION DELAWARE 1000 Alfred Nobel Drive Hercules CALIFORNIA 94547

Goods/Services
Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S: CHROMATOGRAPHY CHEMICAL STANDARDS; ION EXCHANGE CHROMATOGRAPHY SUPPORT RESINS AND GELS, SUPPORT RESINS FOR HIGH-PRESSURE LIQUID CHROMATOGRAPHY, SIZE EXCLUSION AND AFFINITY CHROMATOGRAPHY; REAGENTS AND CHEMICALS FOR MEDICAL AND SCIENTIFIC RESEARCH USE, NAMELY REAGENTS FOR AFFINITY CHROMATOGRAPHY; REAGENTS FOR CAPILLARY CHROMATOGRAPHY; GELS, REAGENTS, CHEMICAL STANDARDS, STAINS, AND TRACKING DYES FOR ELECTROPHORESIS; REAGENTS FOR PREPARATIVE ELECTROPHORESIS; BIOCHEMICALS FOR MUTAGENESIS AND ELECTROPHORETIC BLOTTING; CHEMICALS USED FOR NUCLEIC ACID PURIFICATION, AMPLIFICATION AND DETECTION; LIVE CELLS FOR ELECTROPORATION; REAGENTS FOR BIOCHEMICAL IMAGING AND ANALYSIS; CHEMICALS FOR BIOCHEMICAL ASSAYS, IMMUNOASSAY. First Use: 1952/04/00. First Use In Commerce: 1952/04/00.

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: ELECTROPHORESIS IMAGING INSTRUMENTS; PREPARATIVE ELECTROPHORESIS

INSTRUMENT AND CELLS; PULSED-FILED ELECTROPHORESIS INSTRUMENTS; NUCLEIC ACID SEQUENCING CELLS; BLOTTING CELLS AND MEMBRANES FOR ELECTROPHORETIC TRANSFER; MICROFILTRATION UNITS FOR LABORATORY USE; PARTICLE DELIVERY GUNS FOR IN VIVO GENE TRANSFER; GEL DOCUMENTATION INSTRUMENTS; ELECTROPORATION INSTRUMENTS; COMPUTERIZED BIOCHEMICAL IMAGING INSTRUMENTS AND DENSITOMETERS; BIOCHEMICAL MICROPLATE READERS; PIPET TIPS, TEST TUBES AND PIPETING INSTRUMENTS; COMPUTER PROGRAMS FOR BIOCHEMICAL IMAGING AND ANALYSIS, AND FOR BIOCHEMICAL LABORATORY QUALITY; HEMOGLOBIN TESTING INSTRUMENTS AND PARTS THEREFOR; DNA ANALYZER INSTRUMENTS; INSTRUMENTS FOR MEDICAL AMINO ACIDS TESTING; INSTRUMENTS FOR INFECTIOUS DISEASE TESTING; COMPUTERIZED NEO-NATAL SCREENING INSTRUMENTS. First Use: 1959/03/00. First Use In Commerce: 1959/03/00.

Goods/Services
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: MEDICAL EQUIPMENT, NAMELY; DRUG PROFILING AND DRUG MONITORING INSTRUMENTS. First Use: 1971/00/00. First Use In Commerce: 1971/00/00.

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: REAGENTS AND CHEMICALS FOR CLINICAL, MEDICAL, AND DIAGNOSTIC USES, NAMELY; REAGENTS AND CHEMICALS FOR HEMOGLOBIN TESTING, THERAPEUTIC DRUG MONITORING, SERUM TESTING, URINE TESTING, DRUG OF ABUSE TESTING, AND BLOOD TESTING. First Use: 1952/04/00. First Use In Commerce: 1952/04/00.

Prior Registration(s)
0720802;0940893;0941950

Filing Date
1999/04/27

Examining Attorney
TINGLEY JOHN C

Attorney of Record
Margaret C. McHugh

DESIGN MARK

Serial Number
76476973

Status
REGISTERED

Word Mark
GREINER

Standard Character Mark
No

Registration Number
3099469

Date Registered
2006/05/30

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
GREINER BIO-ONE INTERNATIONAL AG JOINT STOCK CORPORATION AUSTRIA Bad Haller Strasse 32 4550 Kremsmünster AUSTRIA

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: MEDICAL DIAGNOSTIC REAGENTS; PHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNOLOGICAL REJECTION REACTIONS AND GENETIC DISEASES. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services
Class Status -- ACTIVE. IC 006. US 002 012 013 014 023 025 050. G & S: MANUALLY OPERATED METAL ISOLATING VALVES FOR CLIPPING ON PACKAGING CONTAINERS, FREESTANDING METAL HOLDER RACKS AND PALLETS FOR PACKAGING CONTAINERS AND FOR HOLDING PIPETTE TIPS, TUBE HOLDERS, RUBES, TEST TUBES AND CANNULA IN SEPARATE INDIVIDUAL POSITIONS. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: MEDICAL CONTAINERS FOR STOOLS AND SPUTUM; MEDICAL BLOOD SAMPLING DEVICES IN THE NATURE OF BLOOD DRAWING APPARATUS, BLOOD FILTERS, BLOOD PRESSURE

MEASURING APPARATUS; MEDICAL APPARATUS, NAMELY, ULTRASONIC MEDICAL DIAGNOSTIC APPARATUS; MEDICAL INSTRUMENTS, NAMELY, SURGICAL INSTRUMENTS, IN THE NATURE OF SCALPELS, BLADES AND STAPLERS, ELECTRIC AND NON-ELECTRIC ACUPUNCTURE INSTRUMENTS, CATHETERS; BLOOD ANALYSIS EQUIPMENT IN THE NATURE OF BLOOD PRESSURE MONITORS, DIABETES MONITORING APPARATUS FOR SAMPLING AND ANALYZING BLOOD, BLOOD PRESSURE MEASURING APPARATUS; NEEDLES FOR MEDICAL PURPOSES FOR TAKING BLOOD SAMPLES; MEDICAL TUBE CONTAINERS FOR USE WITH AN INTERNAL VACUUM CHAMBER FOR DRAINAGE, TRANSFUSION, ADMINISTERING DRUGS; MEDICAL TUBES FOR RECEIVING BLOOD; MEDICAL TUBES CLOSED WITH RUBBER STOPPERS WITH AN EVACUATED INTERNAL CHAMBER FOR TAKING BLOOD SAMPLES; DRAINAGE TUBES AND DRAINAGE HOSES FOR MEDICAL AND CLINICAL PURPOSES; SUCTION DRAINAGE TUBES WITH DRAINAGE HOSE FOR MEDICAL AND CLINICAL PURPOSES. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: PLASTIC DISPOSABLE BAGS FOR DISPOSING OF USED OBJECTS, NAMELY, TEST TUBES; PACKAGING BAGS MADE FROM PAPER OR PLASTICS AND RECLAIMED CELLULOSE THAT ARE MANUFACTURED WITHOUT FLUOROCARBONS AND WITHOUT RELEASING FLUOROCARBONS DURING THE MANUFACTURE THEREOF; PACKAGING CONTAINERS MADE FROM PAPERBOARD AND PAPER; ISOLATING VALVES MADE FROM PAPERBOARD AND PAPER FOR CLIPPING ON PACKAGING CONTAINERS; FREESTANDING SUPPORT RACKS AND PALLETS MADE FROM PAPERBOARD AND PAPER FOR HOLDING PIPETTE TIPS, TEST TUBE HOLDERS, TEST TUBES, ASSAYS AND CANNULA IN SEPARATE INDIVIDUAL POSITIONS. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services

Class Status -- ACTIVE. IC 020. US 002 013 022 025 032 050. G & S: PARTS FOR SAWING AND STACKING DEVICES, NAMELY, WOOD HANDLES FOR SAW; PACKAGING CONTAINERS FOR INDUSTRIAL AND COMMERCIAL LIQUIDS NOT MADE OF METAL; PACKAGING CONTAINERS MADE FROM PLASTICS OR FROM COMBINATIONS OF DIFFERENT MATERIALS, NAMELY, WOOD AND CORK FOR COMMERCIAL USE, INDUSTRIAL AND COMMERCIAL LIQUIDS; ISOLATION VALVES MADE FROM PLASTICS OR COMBINATIONS OF DIFFERENT MATERIALS, NAMELY, WOOD AND CORK FOR CLIPPING ON PACKAGING CONTAINERS; FREESTANDING SUPPORT RACKS AND PALETTES MADE FROM PLASTICS AND FROM COMBINATIONS OF DIFFERENT MATERIALS, NAMELY, WOOD AND CORK FOR CLIPPING ON PACKAGING CONTAINERS AND FOR HOLDING SEVERAL MEDICAL DEVICES AND INSTRUMENTS IN SEPARATE INDIVIDUAL POSITIONS, NAMELY, PIPETTE TIPS, TEST TUBE HOLDERS, TEST TUBES, ASSAYS AND CANNULA; CLOSURE CAPS IN THE NATURE OF CONTAINER CLOSURES, BOTTLE CLOSURES, BAG CLOSURES MADE FROM PLASTICS AND RUBBER AND NOT MADE FROM METAL; NON-METAL CLOSURE CAPS FOR VACUUM-SEALABLE BLOOD SAMPLING CONTAINERS, NAMELY, TEST TUBE CONTAINERS FOR HOLDING BLOOD. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S: DIAGNOSTIC PREPARATIONS AND REAGENTS FOR MEDICAL RESEARCH USE; CHEMICAL ADDITIVES FOR USE IN THE MANUFACTURE OF PHARMACEUTICALS.

First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: ELECTRONIC APPARATUS FOR TESTING THE STERILITY OF MEDICAL EQUIPMENT. First Use: 1997/10/00. First Use In Commerce: 1997/10/00.

Filing Date
2002/12/17

Amended Register Date
2004/12/21

Examining Attorney
HICKEY,TONI

Attorney of Record
STEWART J. BELLUS

TYPED DRAWING

Serial Number
78034376

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
PAXGENE

Standard Character Mark
No

Registration Number
2701400

Date Registered
2003/03/25

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
PreAnalytiX, GmbH JOINT VENTURE SWITZERLAND Hombrechtikon Zurich SWITZERLAND

Goods/Services
Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S: Diagnostic reagents for scientific research use, namely, for use in integrated systems to standardize the collection, stabilization and purification of RNA and DNA, said systems being comprised of a blood collection tube which contains nucleic acid stabilization reagents and nucleic acid purification kits used for molecular research purposes. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Goods/Services
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Medical apparatus, namely, sample collection transport tubes used in integrated systems to standardize the collection, stabilization and purification of RNA and DNA, said systems being comprised of a blood collection tube which contains nucleic acid stabilization reagents and nucleic acid purification kits used for molecular research purposes. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Medical diagnostic reagents for use in integrated systems to standardize the collection, stabilization and purification of RNA and DNA, said systems being comprised of a blood collection tube which contains nucleic acid stabilization reagents and nucleic acid purification kits used for molecular research purposes. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Laboratory apparatus, namely, sample collection transport tubes used in integrated systems to standardize the collection, stabilization and purification of RNA and DNA, said systems being comprised of a blood collection tube which contains nucleic acid stabilization reagents and nucleic acid purification kits used for molecular research purposes. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Filing Date
2000/11/08

Examining Attorney
CLAYTON, CHERYL

DESIGN MARK

Serial Number
78425171

Status
REGISTERED

Word Mark
FOCUS DIAGNOSTICS

Standard Character Mark
Yes

Registration Number
3412644

Date Registered
2008/04/15

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
FOCUS DIAGNOSTICS, INC. CORPORATION DELAWARE 13665 DULLES TECHNOLOGY DRIVE SUITE 200 HERNDON VIRGINIA 20171

Goods/Services
Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: diagnostic testing apparatus for disease indicators in human blood, urine, sputum and tissue for clinical and medical laboratory use; diagnostic testing apparatus for disease indicators in human blood, urine, sputum and tissue for scientific and research testing. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

Goods/Services
Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S: Diagnostic reagents and assays for scientific and research testing; diagnostic kits consisting of diagnostic reagents and assays for scientific and research testing. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Diagnostic reagents and assays for clinical and medical laboratory

use; diagnostic kits consisting of diagnostic reagents and assays for clinical and medical laboratory use. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

Goods/Services
Class Status -- ACTIVE. IC 042. US 100 101. G & S: Medical laboratory services, namely, microbiological, molecular, genetic, immunological, histopathological, hematological, biochemical and chemical testing; testing of human, animal and environmental specimens and isolates of microorganisms; scientific, research and medical clinical testing of human, animal and environmental specimens and isolates of microorganisms; scientific, research and medical clinical testing and consulting services in the fields of pharmaceuticals, biotechnology and healthcare; data warehousing and analysis of laboratory test results; medical services, namely, monitoring services, diagnostic services, and imaging services for all phases of clinical trials; and epidemiological studies for late phase clinical trials and post-marketing surveillance. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

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Filing Date
2004/05/26

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