

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RA/WDJ

January 23, 2024

Cancellation No. 92084047

Helen Of Troy Limited

v.

Medeia Inc.

By the Trademark Trial and Appeal Board:

On January 23, 2024, Petitioner filed a consented proposed amendment to Respondent's Registration No. 5640629, with Petitioner's written consent, and Petitioner's withdrawal of the petition to cancel without prejudice, with Respondent's written consent, contingent upon entry of the amendment.

By the proposed amendment, Respondent seeks to amend the identification of goods and services as follows (additions in bold):

International Class 9

From: Computer hardware and software, for use with medical patient monitoring equipment, for receiving, processing, transmitting and displaying data; Medical research equipment, namely, computers, gamma cameras, collimators, aperture plates and computer software, all sold together as a unit for use in high resolution, high sensitivity tomographic image processing and imaging in the field of nuclear medicine; Medical workstation comprised of computer hardware and software for gathering and transmitting patient image data for use during surgical procedures; Computer software for HRV analysis and instructional user guides sold as a unit

To: Computer hardware and software, for use with medical patient monitoring equipment, for receiving, processing, transmitting and displaying data; Medical research equipment, namely, computers, gamma cameras, collimators, aperture plates and computer software, all sold together as a unit for use in high resolution, high sensitivity tomographic image processing and imaging in the field of nuclear medicine; Medical workstation comprised of computer hardware and software for gathering and transmitting patient image data for use during surgical procedures; Computer software for HRV analysis and instructional user guides sold as a unit; **all of the foregoing goods excluding goods for self-administered tests for blood pressure, involving self-administered tests for blood pressure and/or the data acquired from self-administered tests for blood pressure**

International Class 10

From: Electrocardiographic (ECG) recorders and electrocardiographic (ECG) digital plasters sold as a unit; Integrated medical examination systems comprising medical devices and computer software for information management for use in web-based physical examination and assessment of patients in a remote, clinical setting; Medical apparatus and instruments, namely, a handheld ultrasound unit for cardiac diagnosis, screening and cardiovascular patient follow-up; Medical devices for monitoring oxymetry, gas analysis, vital signs, blood properties and respiratory events and software sold as a unit therewith; Medical imaging apparatus incorporating medical imaging software; Medical instrument for cardiovascular diagnostics; Medical instruments to measure blood pressure, cardiac output and other physiological and cardiovascular parameters

To: Electrocardiographic (ECG) recorders and electrocardiographic (ECG) digital plasters sold as a unit; Integrated medical examination systems comprising medical devices and computer software for information management for use in web-based physical examination and assessment of patients in a remote, clinical setting; Medical apparatus and instruments, namely, a handheld ultrasound unit for cardiac diagnosis, screening and cardiovascular patient follow-up; Medical devices for monitoring oxymetry, gas analysis, vital signs, blood properties and respiratory events and software sold as a unit therewith; Medical imaging apparatus incorporating medical imaging software; Medical instrument for cardiovascular diagnostics; Medical instruments **only for use by medical professionals** to measure blood pressure, cardiac output and other physiological and cardiovascular parameters; **all of the foregoing goods excluding goods for self-administered tests for blood pressure, involving self-administered**

tests for blood pressure and/or the data acquired from self-administered tests for blood pressure

International Class 44

From: Consulting services in the field of medical imaging regarding the use and operation of medical imaging apparatus including X-ray, computed tomography, magnetic resonance imaging, ultrasound, and positron emission tomography apparatus; Consulting services in the fields of diagnostic medical testing and nutrition; Medical analysis services for the diagnosis of cancer; Medical clinic services; Medical counseling; Medical diagnostic testing, monitoring and reporting services; Medical screening; Medical screening information services featuring reminder alerts regarding medical examinations that individuals should undergo for preventative care purposes; Medical testing for diagnostic or treatment purposes; Medical ultrasound imaging services; Providing medical information, consultancy and advisory services; Providing medical testing of fitness and medical consultations to assist employees in making health, wellness and nutritional changes in their daily living to increase productivity and lower health care costs for businesses; Providing personalized healthcare and medical information in the nature of prediction of risk of chronic disease and catastrophic injury; X-ray examinations for medical purposes

To: Consulting services in the field of medical imaging regarding the use and operation of medical imaging apparatus including X-ray, computed tomography, magnetic resonance imaging, ultrasound, and positron emission tomography apparatus; Consulting services in the fields of diagnostic medical testing and nutrition; Medical analysis services for the diagnosis of cancer; Medical clinic services; Medical counseling; Medical diagnostic testing, monitoring and reporting services; Medical screening; Medical screening information services featuring reminder alerts regarding medical examinations that individuals should undergo for preventative care purposes; Medical testing for diagnostic or treatment purposes; Medical ultrasound imaging services; Providing medical information, consultancy and advisory services; Providing medical testing of fitness and medical consultations to assist employees in making health, wellness and nutritional changes in their daily living to increase productivity and lower health care costs for businesses; Providing personalized healthcare and medical information in the nature of prediction of risk of chronic disease and catastrophic injury; X-ray examinations for medical purposes; **all of the foregoing services excluding services relating to or involving self-administered tests for blood pressure and/or the data acquired from self-administered tests for blood pressure**

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Although the amendment is otherwise acceptable, it was (1) not accompanied by the proper fees under Trademark Rule 2.6; and/or (2) not verified or supported by a declaration under Trademark Rule 2.20. *See* Trademark Rules 2.6(a)(11), 2.133(a) and 2.173(b), 37 C.F.R. §§ 2.6(a)(11), 2.133(a) and 2.173(b).

Accordingly, Respondent is allowed **thirty days from the date of this order** to submit the required fee and/or declaration in support of the amendment, failing which said amendment will be given no further consideration.

Proceedings are otherwise suspended.