

J. P. MEWIES & CO.

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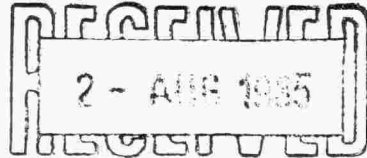
Our ref:

Your ref:

2/L

1st August 1985.

Mr. John Lamb,
Viamed,
15 Station Road,
CROSSHILLS,
Keighley. BD20 7DT.



Dear John,

re MICROSTIM

Enclosed are photograph copies of the letters and papers that I have received from the Agents in London which are self-explanatory and perhaps you would be kind enough to have a word with me when you have had an opportunity of reading through them.

Yours sincerely,

ENCS:
FIRST CLASS:

And at 30 Brook Street, Ilkley. Tel: 601452

Jordan & Sons Limited
Jordan House Brunswick Place London N1 6EE Telephone 01-253 3030 Telex 261010 DX161 London

J.P.M. Moody Esq.,
Messrs. J.P. Mewies & Co.,
P.O. Box 20,
Clifford House,
Keighley Road,
Skipton,
North Yorkshire, BD23 2LZ.

Your Ref: 2/L

Our Ref: RKPH/HS

31st July, 1985

Dear Mr. Moody,

Searches Re: Proposed Mark MICROSTIM

This will confirm our telephone discussion when I reported upon the results of our searches into the availability of the above mark to identify your client's 'Supramaximal Stimulation Apparatus'.

As I explained, holidays and other absence from the office has caused delay in the despatch of this report and I trust that this has not caused undue inconvenience.

Our usual search report is attached to give you details of the registration and pending application to which I referred at the time of our discussion. Also attached is our printed list to provide guidance as to the respective goods included in Classes 9 and 10.

It would be my expectation that the particular equipment that your clients supply would fall within the latter class as 'surgical & medical instruments and apparatus' but of course to be certain of this we would need to have further particulars, such as a descriptive leaflet which might also illustrate the apparatus in question.

The registration for the mark MICROSTIX is perhaps the most relevant of the two marks that we have noted on the official record and especially as the goods to which that mark relates are for use in a rather similar environment i.e. for laboratory use. Nevertheless, it seems to me that there is a sufficient distinction between apparatus for laboratory use as against other apparatus for use in a surgical theatre to preclude any real likelihood of confusion between the respective products even though it must be admitted that the two marks MICROSTIM and MICROSTIX are very similar.

I suggest that your client may perhaps make enquiry as to the particular nature of the apparatus identified under the MICROSTIX mark by Miles Laboratories Inc. so as to assure themselves that confusion in the use of the two marks would be unlikely to arise.

As a further enclosure you will find attached our standard letter which gives brief information as to the procedure and the basic costs involved

Contd/...

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PH/HS

Contd/...

in the filing of a Trade Mark application. In the event that your client will wish to seek registration for the mark MICROSTIM please let us have their full name and business address and at the same time send us a cheque for the amount of £54.00. in payment of the disbursements for official fees and which should be made out to the Comptroller General, Patent Office.

As stated above, we should of course also have a full description of the apparatus to be identified by the mark.

I await to hear whether we may assist further and in the meantime attach our account.

Yours sincerely,
JORDAN & SONS LIMITED

A handwritten signature in dark ink, appearing to read 'R.K.P. Hithersay', written in a cursive style.

R.K.P.Hithersay
MANAGER - TRADE MARKS

ed

STIM

Phonetic prefixes:
 Suffixes word endings:
 Terminal endings
 Reverse mark:

Date of search

The search has
 included marks
 registered up to

in Journal No.

A search has been conducted in the Trade Marks Registry of the British Patents Office to determine whether the mark shown above is available for use and/or registration in the United Kingdom for the goods specified below. Registered Marks and Pending Applications have been searched.

Goods Nerve stimulating apparatus

Classes searched

Schedule III

6, 8, 9, 11

Schedule IV

7, 9, 10

Marks found

MARK	No.	JOURNAL	PAGE	CLASS	GOODS
MICROSTIX 26.1.73.	B1005501	4997	977	9	Laboratory apparatus and instruments and parts and fittings therefor included in Class 9
MICROSIM 12.1.84.	1210631	(pending)		9	Digital simulation software for automatic test equipment; magnetic tapes and discs all bearing recorded computer program information
	Miles Laboratories Inc 1127 Myrtle Street Elkhart Indiana, U.S.A.				
	Instrumentation Engineering Inc., 769 Susquehanna Avenue Franklin Lakes New Jersey 07417, U.S.A.				

**CLASSES OF GOODS IN WHICH TRADE MARKS ARE REGISTERED
(UNDER SCHEDULE IV OF THE TRADE MARKS RULES, 1938)**

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry, manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; resins; metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery; essential oils; cosmetics, hair lotions; dentifrices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.
5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters; material for bandaging; material for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.
6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horse-shoes; nails and screws and other goods in non-precious metal not included in other classes; ores.
7. Machines and machine tools; motors (except for vehicles); machine couplings and belting (except for vehicles); large size agricultural implements; incubators.
8. Hand tools and instruments; cutlery, forks and spoons; side arms.
9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin and counter-feed apparatus; talking machines; cash registers; calculating machines; fire-extinguishing apparatus.
10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).
11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air or water.
13. Firearms; ammunition and projectiles; explosive substances; fireworks.
14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery; precious stones; horological and other chronometric instruments.
15. Musical instruments (other than talking machines and wireless apparatus).
16. Paper and paper articles, cardboard and cardboard articles; printed matter; newspapers and periodicals, books; book-binding materials; photographs, stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards (printers') type and clichés (stereotype).

17. Gutta percha, india rubber, balata and substitutes, articles made from these substances are not included in other classes; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non-metallic).

18. Leather and imitations of leather, and articles made from these materials, and not included in other classes; skins, hides, trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

20. Furniture, mirrors, pictures frames; articles (not included in other classes of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother of pearl, meerschaum, celluloid, and substitutes for all these materials).

21. Small domestic utensils and containers (not of precious metal, nor coated therewith); combs and sponges; brushes (other than paint brushes); brush-making materials; instruments and materials for cleaning purposes; steelwool; glassware, porcelain and earthenware not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, capoc, feathers, seaweed, &c); raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece goods), bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes and slippers.

26. Lace and embroidery, ribands and braid; buttons, press buttons; hooks and eyes, pin and needles; artificial flowers.

27. Carpets, rugs, mats and matting; linoleums and other materials for covering floors; wall hangings (non textile).

28. Games and playthings; gymnastics and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meat, fish, poultry and game, meat extracts; preserved, dried and cooked fruits and vegetables; jellies, hams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour and preparations made from cereals; bread, biscuits, cakes; pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; pepper, vinegar, sauces; spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; food-stuffs for animals, malt.

32. Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits and liqueurs.

34. Tobacco, raw and manufactured; smokers' articles; matches.



Company Formation and Information Services and Publishers

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BD23 2LZ.

Your Ref: 2/L

Our Ref: RKPH/HS

31st July, 1985

Dear Sirs,

Re: Trade Mark Enquiry

We refer to your enquiry of 25th June 1985 with regard to the procedures relating to Trade Mark protection.

As a preliminary to seeking registration of a Trade Mark in the UK it is desirable to search into Marks already on record so as to ensure there is no existing claim to the same Mark or to a Mark closely similar thereto.

For the purpose, we need to know the Trade Mark and precise details of the goods to be identified by the Mark. In the case of a Device Mark (i.e. a pictorial representation) we need to have two prints of the same. We should also be informed whether the Mark in question has yet been used and if so the approximate first date of such use.

Costs for a search are usually in the range of £30 - £45.00 depending upon the complexity of the particular search.

If we find no conflicting Mark already on record, and if we are able to advise in addition that the Mark is a registrable one, an application for registered protection may be proceeded with. The costs for an application to cover goods in a single class amount to £128.75 (£54.00 official fees, £65.00 our service charge plus £9.75. V.A.T.)

In some cases objections to registration may be raised by the Registrar and additional costs would arise in dealing with these, the amount depending upon the work involved. If they arise, prosecution costs can range between £50.00. - £70.00, and sometimes more if there is major difficulty.

Upon final acceptance of an application registration fees are payable and these amount to £149.75 (£75 official fees, £65.00 our service charge plus £9.75. V.A.T.).

We look forward to hearing whether we may assist further in this respect.

Yours faithfully,
JORDAN & SONS LIMITED


R.K.P. Hithersay
MANAGER - TRADE MARKS

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