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Filing date: **06/18/2010**

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

Proceeding	77589735
Applicant	Adventist Health System/Sunbelt, Inc.
Applied for Mark	HEALTH VILLAGE
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Submission	Required Disclaimer
Attachments	Health Village IC 36 Required Disclaimer.tif (2 pages)(70526 bytes)
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Date	06/18/2010

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In re Application for "HEALTH VILLAGE")	Law Office 108
)	
Serial No.: 77/589735)	Trademark Attorney
)	Heather A. Sapp
Filed: October 9, 2008)	
)	
Applicant: Adventist Health System/Sunbelt, Inc.)	
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APPLICANT'S REQUIRED DISCLAIMER
TO SET ASIDE TTAB'S DECISION

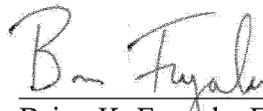
On May 20, 2010, the Trademark Trial and Appeal Board ("TTAB") affirmed the Examining Attorney's refusal to register Applicant's mark based on the requirement for a disclaimer. Pursuant to Trademark Rule 2.142(g), 37 C.F.R. §2.142, Applicant submits the following disclaimer of the term "VILLAGE" in order to set aside the TTAB's decision and allow registration of Applicant's mark.

The Examining Attorney has requested that the Applicant disclaim exclusive rights to the word "VILLAGE" apart from the mark as shown. Although Applicant is of the opinion that "VILLAGE" is suggestive as used in this context, an appropriate disclaimer is added solely to further the application toward publication. As such, no claim is made to the exclusive right to use "VILLAGE," apart from the mark as shown. The submission of this disclaimer is not intended as an admission or concession that "VILLAGE" is descriptive within the context of the mark as a whole and is without prejudice as to any common law or other rights Applicant may have in the word "VILLAGE" alone or in combination.

Applicant acknowledges that the U.S. Patent and Trademark Office employs a standard disclaimer statement in the registration certificate as follows: "No claim is made to the exclusive

right to use VILLAGE, apart from the mark as shown.” TMEP 1213.08(a) (6th ed. 2009). However, such statement does not affect the rights of the registrant with respect to the scope of its protection. In re Owatonna Tool Co., 231 USPQ 493 (Comm’r Pat. & T 1983). Consequently, an applicant may make other forms of disclaimers of record (such as above) as long as the disclaimer is acceptable to the Examining Attorney. Id.

Applicant respectfully submits this required disclaimer to the TTAB on June 18, 2010.



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