

ESTTA Tracking number: **ESTTA165984**

Filing date: **10/01/2007**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Medquest Global Marketing Research, Inc.
Granted to Date of previous extension	10/03/2007
Address	29145 Rangewood Road Castaic, CA 91384 UNITED STATES

Attorney information	Bruce A. Jagger Belasco Jacobs & Townsley, LLP 6100 Center Drive, Suite 630 Los Angeles, CA 90045 UNITED STATES tmmail@bjtlaw.com, bjagger@bjtlaw.com, dcriona@bjtlaw.com, denise@bjtlaw.com Phone:310-743-1188
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Applicant Information

Application No	76661551	Publication date	06/05/2007
Opposition Filing Date	10/01/2007	Opposition Period Ends	10/03/2007
Applicant	Medquest Research, LLC 35 Forest Ridge Concord, MA 01742 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2004/02/00 First Use In Commerce: 2004/02/00
All goods and services in the class are opposed, namely: market research services in the field of health care and pharmaceuticals

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MEDQUEST		
Goods/Services	Market research services in the field of health care and pharmaceuticals.		

Attachments	Medquest Notice of Opposition.pdf (4 pages)(1243159 bytes)
Signature	/Bruce A Jagger/
Name	Bruce A. Jagger
Date	10/01/2007

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Attorneys for Medquest Global Marketing Research, Inc
Opposed Mark: MEDQUEST
U.S. Trademark App. Ser. No. 76/661,551

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

Medquest Global Marketing Research, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No.: _____
)	
Medquest Research, LLC)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Medquest Global Marketing Research, Inc., (hereinafter "Opposer"), a corporation of the State of California, whose business address is, 29145 Rangewood Road, Castaic, CA 91384, believes that it will be damaged by registration of MEDQUEST, Application Serial No. 76/661,551, filed June 8, 2006, and hereby opposes the application for registration thereof and, as grounds for this opposition, alleges the following:

1. Applicant, Medquest Research LLC, has applied for MEDQUEST as a service mark for "market research services in the field of health care and pharmaceuticals" in International Class 035, claiming a first use of such service mark on February 2004, and a first use in commerce on February 2004, which application was published for opposition in the United States Patent and Trademark Office Official Gazette, June 5, 2007, TM 847.

2. Applicant is not entitled to registration of the MEDQUEST mark in that the mark consists of or comprises a mark which so resembles a MEDQUEST mark previously used in commerce by Opposer and not abandoned, as to be likely, when applied to market research services in the field of health care and pharmaceuticals, to cause confusion, or to cause mistake, or to deceive under 15 U.S.C. 1052(d).

3. Applicant is not entitled to registration of the MEDQUEST mark in that the mark consists of or comprises a mark which so resembles a MEDQUEST trade name previously used in commerce by Opposer and not abandoned, as to be likely, when applied to the business of rendering market research services in the field of health care and pharmaceuticals, to cause confusion, or to cause mistake, or to deceive under 15 U.S.C. 1052(d).

4. Opposer has since at least as early as August of 2003, and prior to Applicant's alleged first use of MEDQUEST, and prior to Applicant's organization on or about February 3, 2004 consistently, continuously, and to this date continues to utilize MEDQUEST as a service mark for its market research services in the field of health care and pharmaceuticals, and as a dominant part of its trade name, Medquest Global Marketing Research, Inc., under which it conducts its business of rendering market research services in the field of health care and pharmaceuticals.

5. Opposer's business under the MEDQUEST mark and trade name is substantial, and Opposer and Opposer's services which are so marked are well and favorably known and recognized in the United States and elsewhere, and Opposer has substantial and exclusive good will and a good reputation in connection with its MEDQUEST trade name, mark and the services to which such mark is applied.

6. Opposer's MEDQUEST trade name and service mark are the exclusive property of Opposer and are strong, and not descriptive, suggestive, or misdescriptive of the business and services to which Opposer applies them.

7. The services to which Opposer applies its MEDQUEST mark are:

- (a) substantially identical to those identified by Applicant in its application;
- (b) appeal to the same class of purchasers;
- (c) are intended for the same purpose; and
- (d) are offered through the same trade channels.

8. Registration of the MEDQUEST mark on the part of Applicant would cause great damage to Opposer because of the likelihood of creating confusion, mistake, and deception on the part of the public and would cause an erroneous assumption on the part of the public that services rendered by Applicant under the MEDQUEST mark emanate from Opposer, and that the business of Applicant is in some way associated with that of Opposer.

9. Opposer has standing, *inter alia*, in that Applicant, by virtue of the registration it seeks, would be in a position to raise doubts as to the right of Opposer to use the MEDQUEST mark for its services.

WHEREFORE, the Opposer prays that the registration of MEDQUEST to Applicant,

Application Serial No. 76/661,551, be refused and that this Opposition be sustained in favor of
Opposer.

The statutory Opposition Filing Fee of \$300.00 is submitted herewith.

Respectfully submitted,

Belasco Jacobs & Townsley, LLP

Dated: October 1, 2007



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