

ESTTA Tracking number: **ESTTA288728**

Filing date: **06/09/2009**

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	The General Hospital Corporation d/b/a Massachusetts General Hospital
Granted to Date of previous extension	06/10/2009
Address	55 Fruit Street Boston, MA 02114 UNITED STATES

Attorney information	Andrew J. Ferren Goulston & Storrs, P.C. 400 Atlantic Avenue Boston, MA 02110-3333 UNITED STATES aferren@goulstonstorrs.com Phone:617-574-3546
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Applicant Information

Application No	77398150	Publication date	02/10/2009
Opposition Filing Date	06/09/2009	Opposition Period Ends	06/10/2009
Applicant	Greene, Ross W. Suite 402 313 Washington Street Newton, MA 02458 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2002/09/00 First Use In Commerce: 2002/09/00 All goods and services in the class are opposed, namely: educational services, namely, conducting seminars and workshops directed to psychologists, psychiatrists, parents, health care professionals and other education professionals in the field of child and adolescent behavior problems
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Grounds for Opposition

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Applicant is not the rightful owner of the mark. <i>Anheuser-Busch Inc. v. The Florists Association of Greater Cleveland Inc.</i> , 29 USPQ2d 1146 (TTAB 1993).

Related Proceedings	Opposition No. 91190416
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Attachments	CPSOpposition.pdf (4 pages)(200425 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew J. Ferren/
Name	Andrew J. Ferren
Date	06/09/2009

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

In the matter of trademark Application Serial No. 77/398150

For the mark COLLABORATIVE PROBLEM SOLVING

Published in the *Official Gazette* on February 10, 2009

_____)	
The General Hospital Corporation d/b/a)	
Massachusetts General Hospital)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Ross W. Greene,)	
)	
Applicant.)	
_____)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

The General Hospital Corporation d/b/a Massachusetts General Hospital, a corporation organized under the laws of Massachusetts, located and doing business at 55 Fruit Street, Boston, MA 02114 (“Opposer”), believes that it will be damaged by the registration of the mark COLLABORATIVE PROBLEM SOLVING as shown in Application Serial No. 77/398150 filed February 15, 2008 by Ross W. Greene (“Applicant”) and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a not-for-profit teaching hospital and affiliate of Partners HealthCare System, Inc. and, through its Department of Psychiatry, conducts research, provides education, and provides clinical care, all in the field of psychiatry.

2. Beginning at least as early as 1999, Applicant was employed by or affiliated with Opposer and its Collaborative Problem Solving Institute (the "CPS Institute"). As such, he was subject to the intellectual property policies of Opposer in effect from time to time (collectively, the "IP Policy"), which stated, in relevant part, that Opposer owns any trademarks "if they are created by Members in the course of their employment or affiliation with an Institution or if they are used to identify any product or service originating with or associated with an Institution, or pertain to significant Institutional activities." Applicant was a "Member" and Opposer was an "Institution" for purposes of the IP Policy.

3. Applicant used the mark COLLABORATIVE PROBLEM SOLVING (the "Mark") in the course of his employment by and affiliation with Opposer and the CPS Institute. Specifically, the Mark has been used to identify educational and clinical services that have been provided by or otherwise associated with Opposer and, as a result, the Mark acquired distinctiveness through its connection with Opposer and the CPS Institute.

4. Applicant is not, and was not at the time of the filing of the application, the rightful owner of the Mark. Rather, Opposer owns the Mark.

5. Based upon the foregoing, registration of the Mark by Applicant on the Principal Register of the United States Patent and Trademark Office would cause injury and damage to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark, COLLABORATIVE PROBLEM SOLVING as shown in Application Serial No. 77/398150, be refused.

Respectfully submitted,



Date: June 9, 2009

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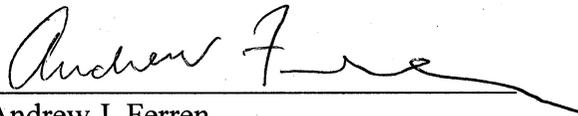
Attorneys for Opposer,

THE GENERAL HOSPITAL CORPORATION
d/b/a MASSACHUSETTS GENERAL HOSPITAL

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION has this 9th day of June, 2009, been mailed by prepaid first class mail to the below-identified Attorney for Applicant, at his place of business:

Parker H. Bagley
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York NY 10018

A handwritten signature in cursive script, appearing to read "Andrew J. Ferren", written over a horizontal line.

Andrew J. Ferren