

ESTTA Tracking number: **ESTTA418022**

Filing date: **07/05/2011**

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	Mr. Sanford J. Asman
Granted to Date of previous extension	07/03/2011
Address	570 Vinington Court Atlanta, GA 30350-5710 UNITED STATES
Party who filed Extension of time to oppose	Mr.SanfordJAsman
Relationship to party who filed Extension of time to oppose	Opposer's name has not changed. Missing spaces were added.

Attorney information	Sanford J. Asman Law Office of Sanford J. Asman 570 Vinington Court Atlanta, GA 30350-5710 UNITED STATES sandy@asman.com Phone:770-391-0215
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Applicant Information

Application No	77859579	Publication date	01/04/2011
Opposition Filing Date	07/05/2011	Opposition Period Ends	07/03/2011
Applicant	Integrated Imaging, LLC 419 Salem Avenue Roanoke, VA 24016 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2008/06/30 First Use In Commerce: 2008/06/30 All goods and services in the class are opposed, namely: Web-based information management services for health care counseling agencies, namely, providing temporary use of non-downloadable computer software for computer file management, electronic processing of health care information, and medical billing

Grounds for Opposition

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

U.S. Registration No.	3316614	Application Date	02/06/2007
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	CASEWEBS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2003/01/01 First Use In Commerce: 2003/01/01 Providing on-line non-downloadable computer software for providing network based access to legal matters; providing on-line non-downloadable computer software for providing access over the internet and intranets to litigation documents; and providing on-line non-downloadable computer software for providing access to legal files over the internet and over intranets		

U.S. Registration No.	3575917	Application Date	07/10/2008
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	CASESPACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2008/07/10 First Use In Commerce: 2008/07/10 providing on-line non-downloadable computer software for providing network based access to legal matters; providing on-line non-downloadable computer software for providing access over the internet and intranets to litigation documents; and providing on-line non-downloadable computer software for providing network based access to legal files over the internet and over intranets		

Attachments	77100844#TMSN.jpeg (1 page)(bytes) 77518783#TMSN.jpeg (1 page)(bytes) Opposition.pdf (5 pages)(42269 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	/sanford j. asman/
Name	Sanford J. Asman
Date	07/05/2011

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

In re Application of : Integrated Imaging, LLC
Serial No. : 77/859,579
Filed : October 28, 2009
Mark : CASEWORKS WEB
Published for Opposition : January 4, 2011

Sanford J. Asman

Plaintiff-Opposer

v.

Integrated Imaging, LLC

Defendant-Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Sanford J. Asman, an individual, having an address of 570 Vinington Court, Atlanta, Georgia 30350 (“Opposer”) believing that he will be damaged by the registration of the Mark identified above, hereby opposes the registration of the Mark. The grounds for opposition are as follows:

1. By the application herein opposed, Applicant Integrated Imaging, LLC is seeking to obtain, under the provisions of the Trademark Act of 1946 (15 U.S.C. § 2052, *et seq.*) registration for the mark “CASEWORKS WEB” (“the Mark”) covering “Web-based information management services for health care counseling agencies, namely, providing temporary use of non-downloadable computer software for computer file management, electronic processing of health care information, and medical billing” in International Class 042. The application to register the Mark was filed on October 28, 2009.

2. Applicant claimed use of the Mark in commerce under Trademark Act Section 1(a) (15 U.S.C. §1051(a)) and claimed that its first use of the Mark in commerce commenced on or before June 30, 2008.

3. Opposer is engaged in the business of, *inter alia*, providing web-based information management services for attorneys and law firms, many of which represent health care providers and other clients in the health care industry (hospitals, doctors, service providers to doctors, counseling services, and companies providing goods and services to those in the health care industry, etc.), and Opposer provides web-based software and information management services which provide temporary use of non-downloadable computer software for computer file management and electronic processing of data, including file management, docket management, and billing for such clients, all using Opposer's registered trademarks "**CaseWebs**[®]" (U.S. Reg. No. 3,316,614, registered October 23, 2007) and "**CaseSpace**[®]" (U.S. Reg. No. 3,575,917, registered February 17, 2009).

4. The clients of those lawyers and law firms which use Opposer's **CaseWebs**[®] and **CaseSpace**[®] products, including hospitals, doctors, service providers to doctors, counseling services, and companies providing goods and services to those in the health care industry, etc., are able to access various files using Opposer's web-based online systems, and they have come to associate Opposer's **CaseWebs**[®] and **CaseSpace**[®], and variations thereof with Opposer, and with its products and services.

5. By virtue of its prior use in commerce of **CaseWebs**[®] and **CaseSpace**[®] Opposer is entitled to hold itself out to the public and trade as having the exclusive right to use "**CaseWebs**[®]" and "**CaseSpace**[®]" marks for its products and services, whereby registration of the applied-for-Mark would be inconsistent with such rights of Opposer.

6. Substantial efforts have been made by Opposer and its licensees to advertise and promote his goods and services under Opposer's "**CaseWebs**[®]" and "**CaseSpace**[®]" marks.

7. Opposer, by its aforesaid use of Opposer's "**CaseWebs**[®]" and "**CaseSpace**[®]" marks and variations thereof, and by his promotional efforts in connection therewith, has built up valuable goodwill associated with these marks. As a result of the long use, advertising and promotion by Opposer, such marks have acquired secondary meaning in the minds of both the trade and public in connection with Opposer and with his products and services

8. If Applicant is granted registration for the Mark opposed herein, it would thereby obtain at least *prima facie* exclusive right to use such Mark. Such registration would be a source of damage and injury to Opposer, on at least the following grounds:

Lanham Act Section 2(d)

9. Registration should be denied under Lanham Act Section 2(d) (15 U.S.C. § 1052(d)), because Applicant's applied for Mark, "**CASEWORKS WEB**" is confusingly similar to Opposer's "**CaseWebs**[®]" mark, particularly when Opposer uses its "**CaseWebs**[®]" mark to promote that its products "work" for its licensees and their clients, *i.e.*, in promotional matter stating "**CaseWebs**[®] works for law firms which want their clients to have 24/7 web based access to their litigation files", or similar statements.

10. Applicant's use and registration of the Mark is likely to cause injury to Opposer's "**CaseWebs**[®]" and "**CaseSpace**[®]" marks as such use and registration will inevitably cause confusion and mistake and deceive the public into believing that Applicant's services are affiliated with, sponsored by, approved by Opposer or Opposer's licensees, and

that such services emanate from the same source, and/or that Applicant is in some other fashion associated with or connected to Opposer, all to Opposer's injury.

11. If Applicant is permitted to register the applied-for Mark so as to claim exclusive rights therein, confusion among the public and trade will result, causing damage and injury to Opposer. Members of the trade and public familiar with Opposer's "*CaseWebs*[®]" and "*CaseSpace*[®]" marks would be likely to believe (and would be justified in so believing) that Applicant's services are in some way associated with Opposer, or are licensed or authorized by Opposer, or are offered with Opposer's approval. Furthermore, any objection or fault found with Applicant's web-based systems would necessarily adversely reflect upon and seriously injure the reputation which Opposer has established in connection with his goods and services and with the services provided by numerous law firms and attorneys to their clients.

12. For the above reasons, the registration of the Mark set out in Application Ser. No. 77/859,579 be denied under 15 U.S.C. § 1052(d).

13. The statutory fee of three hundred (\$300.00) is submitted herewith.

WHEREFORE, Opposer prays that the registration of the Mark in Application Ser. No. 77/859,579 be denied and refused, and that this Opposition by sustained.

Respectfully submitted,

This 5th day of July, 2011.

By: /Sanford J. Asman/
Sanford J. Asman, *pro se*
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CERTIFICATE OF SERVICE

I certify that on the date set forth below I served:

NOTICE OF OPPOSITION

by mailing the same via first class U.S. Mail, with adequate postage affixed, to Applicant's attorney of record with the United States Patent and Trademark Office, at the following address::

Charles S. Sara
DeWitt Ross & Stevens, SC
2 E. Mifflin St., Suite 600
Madison, WI 53703-2865

Respectfully submitted

This 5th day of July, 2011.

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