

ESTTA Tracking number: **ESTTA500727**

Filing date: **10/18/2012**

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

Proceeding	91206966
Party	Defendant Armada Health Care, LLC
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Date	10/18/2012
Attachments	91206966Answer .pdf ( 4 pages )(206046 bytes )



a belief as to the truth of the other allegations of that Paragraph, and accordingly denies the same.

4. Applicant is without knowledge sufficient to form a belief as to the allegations of Paragraph 4 of the Notice of Opposition, and accordingly denies the same.

5. Applicant admits the allegations of Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations of Paragraphs 6, 7, 8, 9, and 10 of the Notice of Opposition.

### **Affirmative Defenses**

7. None of the Opposer's three registered trademarks include "arranging and conducting business conferences", the services identified in the Applicant's Class 35 application. The Opposer has no trademark covering services in Class 41, nor do any of the services identified in its three registered trademarks suggest or involve services for which the Applicant seeks registration in Class 41, i.e., "educational conferences, namely, conducting conferences in the field of pharmaceuticals". Moreover, none of the services the Opposer claims it provides as set forth in the first paragraph of its Notice of Opposition includes "arranging and conducting business conferences" or "...conducting conferences in the field of pharmaceuticals."

8. In addition to the word Armada, the applicant's trademark consists of the words Specialty Pharmacy Summit. None of the Opposer's trademarks include any one of those three words or any word similar to any one of those three words. Armada, on its own is a well-known word and used in numerous trademarks. The balance of the words in the Opposer's trademarks, Care and Health, are combined with Armada, with no spacing between the two words of each trademark. Neither Care nor Health can be confused with Specialty Pharmacy Summit.

Accordingly, there is essentially no likelihood that anyone would confuse Armada Specialty Pharmacy Summit with the word Armada on its own, or ArmadaCare, or ArmadaHealth.

9. The Opponent's Class 35 services involve "insurance claims auditing..., managing the operations of insurance agencies and brokers on an outsourcing basis, tracking and monitoring insurance compliance, costs management for health care benefit plans..., servicing as a human resources department..., health care costs containment... review... [and] utilization..., electronic processing of health care information" (Registration No. 3042271). Insurance agencies and brokers, those concerned with insurance compliance, cost containment, and related issues are not impulse buyers of services. They will not confuse the Opposer's trademarks with the Applicant's trademark, nor will they confuse the services that the Opposer provides with the Applicant's services, i.e., arranging and conducting business conference and conducting conferences in the field of pharmaceuticals. Attending a business conference or a conference in the field of pharmaceuticals is not done impulsively.

10. Inasmuch as (i) the Applicant's trademark is clearly different from the Opposer's trademarks, (ii) the Applicant's Class 35 services are clearly different from those of the Opposer, and (iii) none of the Opposer's three trademarks cover or include services in Class 41, the Opposer has no valid basis for opposing the registration of applicant's trademark.

**WHEREFORE**, the Applicant prays that the Notice of Opposition be dismissed in its entirety; that a registration issue to Applicant for its trademark; and that the Applicant be

awarded its costs, attorney's fees and such other relief as the Trademark Trial and Appeals Board may deem just and proper.

Dated: October 18, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 18<sup>th</sup> day of October, 2012, a copy of the foregoing Applicant's Answer was served by mailing same first class, postage prepaid, to:

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By:   
Idilia Rodgers