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Filing date: **07/14/2014**

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

Proceeding	91216338
Party	Defendant Holland Community Hospital
Correspondence Address	JAMES L SCOTT WARNER NORCROSS & JUDD LLP 111 LYON ST NW , SUITE 900 GRAND RAPIDS, MI 49503-2487 UNITED STATES trademarks@wnj.com
Submission	Answer
Filer's Name	James L. Scott
Filer's e-mail	jscott@wnj.com, trademarks@wnj.com
Signature	/JS/
Date	07/14/2014
Attachments	Motion and Answer.pdf(33955 bytes )

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

Blue Cross and Blue Shield Association,	)	
	)	
Opposer,	)	
	)	
v.	)	<b>Opposition No.: 91216338</b>
	)	Mark: HOLLAND HOSPITAL
	)	(Design)
Holland Community Hospital,	)	Serial No.: 85701595
	)	
Applicant.	)	
	)	
	)	

**STIPULATED MOTION FOR LEAVE TO FILE ANSWER**

Applicant Holland Community Hospital, by and through its attorneys, Warner Norcross & Judd LLP, hereby requests that the Board grant leave to file the attached Answer. Counsel for Applicant consents to this Motion and the late filing of the Answer.

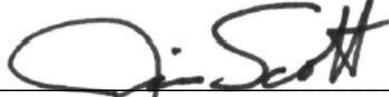
The time for filing an answer expired on June 21, 2014. The Board may reopen the time for filing an answer upon motion or stipulation. TBMP 310.03(c). Here, only a short amount of time has passed since the response deadline, and Applicant previously granted Opposer at least two extensions of time to file its Opposition. Moreover, the parties have been actively engaged in settlement discussions designed to resolve the Opposition and eliminate the need for an Answer. Applicant has sought Opposer's agreement in this Motion, and Opposer consents. Accordingly, Applicant requests that the Board accept the attached Answer and permit its filing immediately.

Respectfully submitted,

Holland Community Hospital

By: Warner Norcross & Judd LLP

July 14, 2014

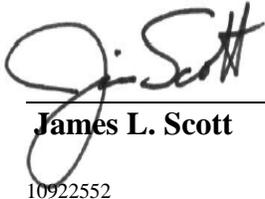


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James L. Scott  
900 Fifth Third Center  
111 Lyon Street NW  
Grand Rapids, Michigan 49503  
(616) 752-2469  
Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this Answer to Notice of Opposition is being sent by regular U.S. mail, first class, postage prepaid to Applicant's correspondent of record, Christopher S. Walters, Hanson Bridgett LLP, 425 Market Street, 26<sup>th</sup> Floor, San Francisco, CA 94105 on July 14, 2014.



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**James L. Scott**

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

Blue Cross and Blue Shield Association,	)	
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Opposer,	)	
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v.	)	<b>Opposition No.: 91216338</b>
	)	Mark: HOLLAND HOSPITAL
	)	(Design)
Holland Community Hospital,	)	Serial No.: 85701595
	)	
Applicant.	)	
	)	
	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant answers the Notice of Opposition (No. 91216338) as follows:

1. Applicant admits that it filed Application Serial No. 85701595 (the “Application”) under Section 1(b) of the Lanham Act; that the Application was published in the U.S. Patent & Trademark Office’s *Official Gazette* on November 12, 2013; that the Application seeks registration of a tulip design mark for use in association with “Hospitals; health care; providing medical information” in Class 44; and that the description of record for the subject mark (the “Holland Hospital Logo”) is “The mark consists of a red and white tulip against a partial cross design in blue, adjacent to the word Holland Hospital in blue.” Applicant denies that the Holland Hospital Logo specifically encompasses a blue-colored cross design. Applicant admits that the design codes 05.05.01 and 24.13.02 were assigned to the Holland Hospital Logo. Applicant denies all other allegations in Paragraph 1.
  
2. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 2, and on that basis, denies those allegations.

3. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 3, and on that basis, denies those allegations.

4. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 4, and on that basis, denies those allegations.

5. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 5, and on that basis, denies those allegations.

6. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 6, and on that basis, denies those allegations.

7. Applicant admits that Opposer has cited marks in Exhibit A of its Notice of Opposition as a basis for opposition. Applicant lacks sufficient information to admit or deny the remaining allegations of Paragraph 7, and on that basis, denies those allegations.

8. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 8, and on that basis, denies those allegations.

9. Applicant denies that its Holland Hospital Logo mark is confusingly similar to any mark in which the Opposer may have rights. Applicant denies all other allegations in Paragraph 9.

10. Applicant denies the allegations in Paragraph 10.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

13. Applicant denies that Opposer will be damaged by the registration of the Holland Hospital Logo mark in the Application. Applicant denies all other allegations in Paragraph 13.

14. Applicant denies that registration of the Holland Hospital Logo in the Application should require a limitation on the color claim.

**Affirmative Defenses**

1. Upon information and belief, Opposer is barred, in whole or in part, by the doctrines of waiver, laches, estoppel, and unclean hands.

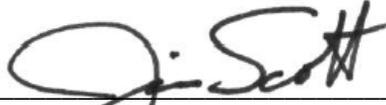
2. Applicant reserves the right to rely on other affirmative defenses that may arise and become available during discovery and reserves the right to amend its Answer to assert any such defenses.

Applicant requests that Opposer’s Notice of Opposition be dismissed and that judgment be entered in favor of Applicant.

Respectfully submitted,

Holland Community Hospital

By: Warner Norcross & Judd LLP



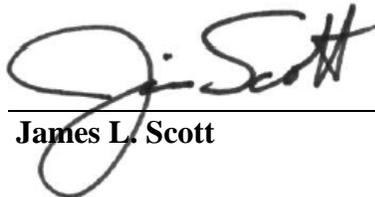
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