

ESTTA Tracking number: **ESTTA762980**

Filing date: **08/08/2016**

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

Proceeding	91222999
Party	Defendant Videokall Inc.
Correspondence Address	VIDEOKALL INC 10631 BARN WOOD LN POTOMAC, MD 20854-1325 UNITED STATES cnahabed@gmail.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Charles Nahabedian
Filer's e-mail	c.nahabedian@medexspot.com
Signature	/Charles E Nahabedian/
Date	08/08/2016
Attachments	Applicant Amended Response to Notice of Opposition.pdf(240625 bytes )

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

In the Matter of Application Serial No.

86/414,664 Published in the Official Gazette of

March 31, 2015

URGENT CARE MSO, LLC,

Opposer,

v.

VIDEOKALL, INC.,

Applicant.

Opposition No. 91222999

**APPLICANT’S AMENDED RESPONSE TO NOTICE OF OPPOSITION**

Pursuant to the Federal Rules of Civil Procedure 8(b), Applicant VideoKall, Inc hereby responds to the 25 paragraphs, statements or opinions of fact, of the Opposer, Urgent Care MSO, LLC in its Notice of Opposition, dated July 28, 2015.

**DEFINITIONS**

For purposes of these Requests:

- “Opposer” means the Opposer in this proceeding, Urgent Care MSO, LLC.
- “Applicant” means the Applicant in this proceeding, VideoKall, Inc.
- “Opposed Application” means Application Serial No. 86/414,664, the application at issue in this proceeding.
- “Applicant’s Mark” means the mark shown in the Opposed Application.

- “Opposer’s Marks” refers to the following marks collectively: MEDEXPRESS (U.S. Reg. No. 3,311,726); MEDEXPRESS CORPORATE CARE (U.S. Reg. No. 3,205,430); MEDEXPRESS & Design (U.S. Reg. No. 3,519,373); MEDEXPRESS & Design (U.S. Reg. No. 3,733,948); and ME MEDEXPRESS & Design (U.S. Reg. No. 4,417,150).

The responses below correspond to the 25 paragraphs in the Opposer’s pleading:

1. Admit
2. Deny that Med Express will be damaged by registration of the mark ‘MEDEX SPOT’ as the mark is sufficiently different, is not promoted to the same or similar class of consumers, the services are not available through the same or similar channels of trade, the breadth of services of the Opposer are much broader, and the providers of the services are quite different.
3. Admit all but, specifically deny that Med Express is “well-known” and “famous” for its current total number of urgent care clinics in the USA
4. Admit all but, specifically deny that Med Express is “well-known” and deny Med Express is “well recognized” outside the geographical coverage areas of its urgent care locations which are only in states covering 38% of the US population
5. Admit
6. Lack knowledge or Information
7. Admit
8. Lack of knowledge, and deny Opposer’s marks will be damaged by the registration of the mark, MEDEX SPOT.
9. Admit, but deny the characterization as “famous” because Med Express is not listed in a search of famous brand names in the USA.
10. Admit

11. Admit that VideoKall is located in Potomac, but with a new address of P.O. Box 60841, Potomac, MD 20859
12. Admit
13. Admit
14. Deny
15. Deny (See 2 above)
16. Deny that Applicant's mark is nearly identical to, or confusingly similar to Opposer's marks, or will be used in services that are closely related to or overlapping with the services offered by Opposer.
17. Deny in totality.
18. Deny with respect to the "marks"
19. Admit. Applicant sees no need for license or permission of the Opposer because of the differences in marks, services, customers, service providers, and channels.
20. Deny
21. Deny, as the providers of the services of both parties is different and will be known to the customers and channels.
22. Deny
23. Deny
24. Deny
25. Lack of knowledge or information

This concludes the applicant's amended response to the Notice of Opposition.

We pray that this response meets the Federal Rules of Civil Procedure 8, and in particular Trademark Rule 2.116(a).

Date: August 8, 2016

Respectfully submitted,

A handwritten signature in black ink that reads "Charles E. Nahabedian". The signature is written in a cursive style with a large, stylized initial "C".

Charles E. Nahabedian  
VideoKall, Inc  
P.O. Box 60841  
Potomac, MD 20859  
Tel: 805-233-7844

**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2016, I served the foregoing APPLICANT'S AMENDED RESPONSE TO NOTICE OF OPPOSITION by e-mail [[LGregory@seyfarth.com](mailto:LGregory@seyfarth.com)] and by depositing a true copy thereof in a sealed envelope, postage prepaid, in First Class U.S. Mail addressed as follows:

Lauren M. Gregory  
SEYFARTH SHAW LLP  
1075 Peachtree St. NE, Suite 2500  
Atlanta, Georgia 30309



Signed \_\_\_\_\_  
Charlie Nahabedian, VideoKall Inc