

ESTTA Tracking number: **ESTTA728257**

Filing date: **02/19/2016**

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	Engage Healthcare Communications, LLC
Granted to Date of previous extension	02/20/2016
Address	241 Forsgate Drive, Suite 205C Monroe Township, NJ 08831 UNITED STATES

Attorney information	Brian L. Petrequin LeClairRyan One Riverfront Plaza 1037 Raymond Boulevard, Sixteenth F Newark, NJ 07102 UNITED STATES iplaw@leclairryan.com Phone:973.491.3326
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Applicant Information

Application No	86726213	Publication date	12/22/2015
Opposition Filing Date	02/19/2016	Opposition Period Ends	02/20/2016
Applicant	Intellisphere, LLC 666 Plainsboro Road Plainsboro, NJ 08536 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Educational services, namely, conducting conferences, seminars, and meetings in the field of medicine and healthcare and distribution of materials in connection therewith; Providing a website featuring non-downloadable articles in the field of healthcare care and medicine

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.	3942361	Application Date	01/11/2010
Registration Date	04/05/2011	Foreign Priority Date	NONE
Word Mark	VALUE-BASED CANCER CARE		

Design Mark	<p style="text-align: center;">VALUE-BASED CANCER CARE</p>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2010/01/02 First Use In Commerce: 2010/10/01 online educational services, namely, providing continuing professional education courses and examinations in the fieldsoncology and cancer via a global computer information network; providing onlineinformation about continuing education in the fields of oncology and cancer

U.S. Registration No.	3927515	Application Date	01/11/2010
Registration Date	03/08/2011	Foreign Priority Date	NONE

Word Mark	VALUE-BASED CANCER CARE
Design Mark	<p style="text-align: center;">VALUE-BASED CANCER CARE</p>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/01/02 First Use In Commerce: 2010/05/01 advertising services, namely, providingadvertising space in magazines, newsletters, feature reports, supplements and web sites that concern information in thefields of oncology and cancer

U.S. Registration No.	3918282	Application Date	01/11/2010
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	VALUE-BASED CANCER CARE		

Design Mark	VALUE-BASED CANCER CARE		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2010/01/02 First Use In Commerce: 2010/05/01 printed publications, namely, peer-reviewed medical magazines, journals, newsletters, feature reports, monographs, and printed supplements to the foregoing in the fields of oncology and cancer		

U.S. Registration No.	3918281	Application Date	01/11/2010
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	VALUE-BASED CANCER CARE		
Design Mark	VALUE-BASED CANCER CARE		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/01/02 First Use In Commerce: 2010/05/01 providing downloadable electronic newsletters in the fields of oncology and cancer		

U.S. Application No.	85504970	Application Date	12/28/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALUE-BASED ONCOLOGY BENEFIT DESIGN		

Design Mark	<p style="text-align: center;">VALUE-BASED ONCOLOGY BENEFIT DESIGN</p>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2009/01/01 First Use In Commerce: 2009/02/01 providing downloadable electronic publications, namely monographs pamphlets and electronic supplements to such electronic publications in the fields of hematology and oncology</p> <p>Class 016. First use: First Use: 2009/01/01 First Use In Commerce: 2009/02/01 printed educational materials, namely pamphlets, monographs newsletters, and printed supplements to printed publications in the fields of hematology and oncology; printed publications, namely, monographs, newsletters, pamphlets and printed supplements to such printed publications in the fields of hematology and oncology</p> <p>Class 041. First use: First Use: 2009/01/01 First Use In Commerce: 2009/02/01 development and dissemination of educational materials in the fields of hematology and oncology; providing online information about continuing education in the fields of hematology and oncology</p>

U.S. Application No.	85519131	Application Date	01/18/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALUE-BASED CARE IN MULTIPLE MYELOMA		
Design Mark	<p style="text-align: center;">VALUE-BASED CARE IN MULTIPLE MYELOMA</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2011/04/01 First Use In Commerce: 2011/04/01 Downloadable electronic publications, namely, monographs, pamphlets and electronic magazine supplements to the foregoing, all in the fields of medicine, healthcare, cancer, oncology, hematology, medical practice management, patient care coordination and nursing administration</p> <p>Class 016. First use: First Use: 2011/04/01 First Use In Commerce: 2011/04/01 Printed educational materials, namely, pamphlets, monographs, and printed magazine supplements to newspapers in the fields of medicine, healthcare, can-</p>		

	cer, oncology, hematology, medical practice management, patient care coordination and nursing administration
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U.S. Application No.	85473377	Application Date	11/15/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALUE-BASED CARE IN RHEUMATOLOGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Providing downloadable electronic publications, namely, monographs, pamphlets and electronic supplements to such publications and other electronic publications in the fields of medicine, healthcare, rheumatology and immunology, medical practice management, patient care coordination and nursing administration</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Printed educational materials, namely, pamphlets, monographs, and printed supplements to printed publications in the fields of medicine, healthcare, rheumatology and immunology, medical practice management, patient care coordination and nursing administration</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Development and dissemination of educational materials in the fields of rheumatology and immunology, medicine, medical affairs and regulation of and compliance with regulations in the fields of the foregoing; providing online information about continuing education in the fields of rheumatology and immunology, medicine, medical affairs and regulation of and compliance with regulations in the fields of the foregoing</p>		

U.S. Application No.	85465504	Application Date	11/06/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALUE-BASED ONCOLOGY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2011/11/01 First Use In Commerce: 2011/11/01 Publications, namely, magazines and articles in the fields of oncology

U.S. Application No.	85451604	Application Date	10/19/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALUE-BASED ONCOLOGY		
Design Mark			
Description of Mark	The mark consists of the phrase "Value-Based" in black adjacent to the word "Oncology" in teal.		
Goods/Services	Class 016. First use: First Use: 0 First Use In Commerce: 0 Publications, namely, magazines and articles in the fields of oncology Class 041. First use: First Use: 0 First Use In Commerce: 0 Providing a website featuring resources, namely, non-downloadable publications in the nature of magazines and articles in the field of oncology		

U.S. Application No.	85527307	Application Date	01/27/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALUE-BASED ONCOLOGY		

Design Mark	<p style="text-align: center;">VALUE-BASED ONCOLOGY</p>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2012/01/27 First Use In Commerce: 2012/01/27 Downloadable electronic publications in the nature of magazines and articles in the field of oncology</p> <p>Class 041. First use: First Use: 2012/01/27 First Use In Commerce: 2012/01/27 Providing a website featuring resources, namely, non-downloadable publications in the nature of magazines and articles in the field of oncology</p>

U.S. Application No.	85488889	Application Date	12/06/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	VALUE-BASED ONCOLOGY CARE		
Design Mark	<p style="text-align: center;">VALUE-BASED ONCOLOGY CARE</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 providing downloadable electronic newsletters in the fields of hematology, oncology and cancer</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 printed publications, namely, peer-reviewed medical magazines, journals, newsletters, feature reports, monographs, and printed supplements to the foregoing in the fields of hematology, oncology and cancer</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 advertising services, namely, providing advertising space in magazines, newsletters, feature reports, supplements and web sites that concern information in the fields of hematology, oncology and cancer</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 online educational services, namely, providing continuing professional education courses and examinations in the fields of oncology and cancer via a global computer information network; providing online information about continuing educa-</p>		

	tion in the fields of hematology, oncology and cancer
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Attachments	77909178#TMSN.png(bytes) 77909171#TMSN.png(bytes) 77909165#TMSN.png(bytes) 77909155#TMSN.png(bytes) 85504970#TMSN.png(bytes) 85519131#TMSN.png(bytes) 85473377#TMSN.png(bytes) 85465504#TMSN.png(bytes) 85451604#TMSN.png(bytes) 85527307#TMSN.png(bytes) 85488889#TMSN.png(bytes) NOTICE OF OPPOSITION for V-B ONC.pdf(106993 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	/Brian L. Petrequin/
Name	Brian L. Petrequin
Date	02/19/2016

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

In the Matter of Application Serial No. 86/726,213
For the Mark: V-B ONC
Filing Date: August 15, 2015

Engage Healthcare Communications, LLC,)	
)	
Petitioner,)	
)	
v.)	
)	Opposition No. _____
Intellisphere, LLC,)	
)	
Registrant.)	
)	

NOTICE OF OPPOSITION

Engage Healthcare Communications, LLC, a limited liability company organized and existing under the laws of Delaware, with an office at 241 Forsgate Drive, Suite 205A, Monroe Township, New Jersey 08831 (“Opposer”), believes it will be damaged by registration of the mark V-B ONC as shown in Application Serial No. 86/726,213, and hereby opposes its registration pursuant to 15 U.S.C. §§ 1051 *et seq.*, including specifically 15 U.S.C. §1063.

This Notice of Opposition has been timely filed. As grounds for its opposition, Opposer alleges as follows:

1. Upon information and belief, applicant Intellisphere, LLC is a limited liability company organized in Delaware with an address at 666 Plainsboro Road, Plainsboro, New Jersey 08536 (“Applicant”).

2. As evidenced in Application Serial No. 86/726,213, Applicant seeks to register the mark V-B ONC for “educational services, namely, conducting conferences, seminars, and meetings in the field of medicine and healthcare and distribution of materials in connection

therewith; Providing a website featuring non-downloadable articles in the field of healthcare care and medicine,” in International Class 41.

3. The term “V-B ONC” in Applicant’s mark stands for “value-based oncology” and is also a shortened version of the phrase “value-based oncology.”

4. Opposer has used in commerce the phrase “Value-Based” since at least as early as 2009 to promote publications in the medical field.

5. Opposer has used in commerce the phrase “Value-Based” since at least as early as 2010 to promote advertising services.

6. Since 2009, Opposer has expanded the use of “Value-Based,” which has been used in connection with a wide range of educational products and services.

7. Opposer owns several federal trademark registrations and applications incorporating VALUE-BASED, including but not limited to, VALUE-BASED CANCER CARE (Reg. Nos. 3,942,361; 3,927,515; 3,918,282; 3,918,281); VALUE-BASED ONCOLOGY BENEFIT DESIGN (Application Serial No. 85/504,970); VALUE-BASED CARE IN MULTIPLE MYELOMA (Application Serial No. 85/519,131); VALUE-BASED CARE IN RHEUMATOLOGY (Application Serial No. 85/473,377); VALUE-BASED ONCOLOGY (Application Serial Nos. 85/465,504; 85/451,604; 85/527,307); and VALUE-BASED ONCOLOGY CARE (Application Serial No. 85/488,889) (Altogether, “the Marks”).

8. Applicant’s mark V-B ONC is confusingly similar to, and shares a similar commercial impression with, Opposer’s marks VALUE-BASED ONCOLOGY DESIGN and VALUE-BASED ONCOLOGY BENEFIT DESIGN.

9. Opposer is the senior user of VALUE-BASED ONCOLOGY and Opposer’s pending applications for the Marks have priority over Applicant’s application.

10. The distinctiveness of the Marks is reinforced by the widespread secondary meaning associated with “Value-Based” in the minds of consumers. Opposer has expended and continues to expend substantial time, money, and effort in advertising and promoting the Marks to identify itself as the source of its goods and services, such as in print and electronic advertising across numerous mediums.

11. As a result of Opposer’s efforts, the Marks have become assets of substantial value, symbolizing Opposer’s goodwill. Consequently, the Marks are some of the most recognizable brands in the cancer and patient care industries. Furthermore, due to the national recognition of the Marks by consumers, the public has come to associate “Value Based” as also symbolizing the goodwill inherent in the Marks, and further, link the “Value Based” element solely with Opposer and its high-quality products and services.

12. Applicant’s proposed mark is confusingly similar to the Marks because it appropriates the positive emotive qualities conveyed by “Value Based” in the Marks. Specifically, Applicant’s “V-B ONC” mark is a shortened depiction of “Value Based Oncology,” which merely adds the non-distinctive term “Oncology” to the “Value-Based” formative. Accordingly, Applicant’s mark conveys the same commercial impression as the Marks.

13. The likelihood of confusion between Applicant’s mark and the Marks is exacerbated because the services proposed to be sold under Applicant’s mark, namely providing educational services relating to healthcare and medicine, as well as providing a website relating to the same, are closely related to the products and services sold under the Marks. Thus, consumers may believe, incorrectly, that V-B ONC is an extension of the Marks.

14. As a result of the goodwill and public recognition arising from the association of the Marks with Opposer, consumers are likely to believe that Opposer has licensed, approved, or otherwise authorized Applicant's use of the V-B ONC mark, when it has not.

15. The maturation of Applicant's application into registration will cause a likelihood of confusion, mistake, or deception with respect to the source or origin of Applicant's services. Consumers will erroneously believe that Applicant's services are produced or associated with, Opposer.

16. In summary, registration of Applicant's mark would be incorrect and improper in view of the requirements of the Trademark Act of 1946, as amended, including specifically but not limited to, the provisions of 15 U.S.C. §§ 1051, et seq.

WHEREFORE, Opposer prays that this opposition be sustained, and that registration to Applicant for the proposed mark V-B ONC as shown in Application Serial No. 86/726,213 for the services identified in International Class 41 be denied.

Opposer submits this Notice of Opposition via the e-filing procedure of the Trademark Trial and Appeal Board ("TTAB") and hereby advises the Board that it may debit the Deposit Account No. 501563 of LeClairRyan for the appropriate filing fee.

Respectfully submitted,

LECLAIRRYAN

Dated: February 19, 2016

By: /Brian L. Petrequin/
Brian L. Petrequin
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David W. Phillips
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*Attorney for Petitioner
Engage Healthcare Communications, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been properly served via first class mail, this 19th day of February, 2016, at the following address:

Shannon Hennessy Pulaski
The Law Office of Shannon Hennessy Pulaski LLC
1601 Perrineville Road Unit 7337
Monroe Township, New Jersey 08831-4497



Yvonne D. D'Erasmus