

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

-----X		
HCA-HealthONE LLC	:	Reg. No. 2102922
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92042004
	:	
Winifred Masterson Burke	:	
Rehabilitation Hospital, Inc.	:	
	:	
Respondent.	:	
-----X		

TO: Trademark Trial & Appeal Board
Attention: Jamila Wong
2900 Crystal Drive
Arlington, VA 22202-3513

Julie Ann Gregory, Esq.
Middleton Reutlinger
2500 Brown & Williamson Tower
Louisville, KY 40202-3410

RESPONDENT'S ANSWER

LAW OFFICE OF LEO ZUCKER
50 MAIN STREET, SUITE 480
WHITE PLAINS, NY 10606-1964

Telephone: (914) 761-7799

Attorney for Respondent
Winifred Masterson Burke
Rehabilitation Hospital, Inc.

Respondent Winifred Masterson Burke Rehabilitation Hospital, Inc. ("Burke"), by its undersigned attorney, hereby answers the above petition which was mailed from the Patent and Trademark Office on May 21, 2003, as follows:

ANSWERS

1. Burke admits the averments of paragraph 1 of the petition.
2. Burke is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 2 of the petition and, accordingly, denies them.
3. Burke is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 3 of the petition and, accordingly, denies them.
4. Burke is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4 of the petition and, accordingly, denies them.
5. Burke admits the averments of paragraph 5 of the petition.

6. Burke denies that the "United States Trademark Office" issued a certificate of registration to respondent on October 7, 1997. Burke admits that the United States Patent and Trademark Office issued a certificate of registration to respondent and otherwise admits the remaining averments of paragraph 6 of the petition.

7. Burke is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 7 of the petition and, accordingly, denies them.

8. With respect to paragraph 8 of the petition, Burke repeats and realleges paragraphs 1 through 7, *supra*, as though set forth in full.

9. Burke is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 9 of the petition and, accordingly, denies them.

10. Burke is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 10 of the petition and, accordingly, denies them.

11. With respect to paragraph 11 of the petition, Burke repeats and realleges paragraphs 1 through 10, *supra*, as though set forth in full.

12. Burke denies the averments of paragraph 12 of the petition.

13. Burke denies the averments of paragraph 13 of the petition.

DEFENSES

14. The petition should be dismissed on the grounds of laches, estoppel and/or acquiescence. 15 U.S.C. § 1069.

Respectfully submitted,



Leo Zucker, Attorney for Respondent
Winifred Masterson Burke Rehabilitation
Hospital, Inc.

50 Main Street, Suite 480
White Plains, New York 10606

Telephone: (914) 761-7799

June 27, 2003

CERTIFICATE OF SERVICE

I hereby certify that the within Answer was served upon Petitioner on June 27, 2003, by mailing a true copy of same as first class mail, postage prepaid, and addressed to Julie Ann Gregory, Esq., Attorney for Petitioner, Middleton Reutlinger, 2500 Brown & Williamson Tower, Louisville, KY 40202-3410.



Leo Zucker, Attorney for Respondent
Winifred Masterson Burke Rehabilitation Hospital, Inc.

June 27, 2003

CASE No. _____

SERIAL No. Cancellation no.

FILED: 92042004

INVENTOR: _____

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

- AFFIDAVIT
- AMENDMENT APPEAL NOTICE
- APPLICATION PAPERS - OATH/DECLARATION
- TOTAL CLS. _____ IND. CLS. _____ FEE \$ _____
- _____ SHEETS OF DRAWING
- ASSIGNMENT BRIEF
- CERTIFICATE OF CORRECTION
- CLAIM OF PRIORITY AND CERTIFIED COPIES
- DECLARATION
- ISSUE FEE - BASE/BALANCE TM.
- LETTER - CHARGE DEPOSIT ACCOUNT
- LETTER LICENSE REQUEST
- MOTION
- PETITION ST-9.
- PRELIMINARY STATEMENT
- INFORMATION DISCLOSURE STATEMENT
- REQUEST FOR EXTENSION OF TIME
- RESPONSE STIPULATION
- SWORN TRANSLATIONS
- MAINTENANCE FEE TRANSMITTAL

Respondent's Answer.
24 9 10 DE 111 20
JLS:1

Check No. _____

TRADEMARK TOTAL AND

Leo Zucker

TRADENAMER TDIAL AND
APPEAL BOARD

1:50pm

03 JUN 30 ~~PT 6-42~~

Law Offices of
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July 18, 2003

BY FACSIMILE: 1-703-308-9333

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Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202

Attention: George Woods

Re: Cancellation No. 92/042004
HealthONE v. Winifred Masterson Burke Rehabilitation Hosp.
RESPONDENT'S ANSWER

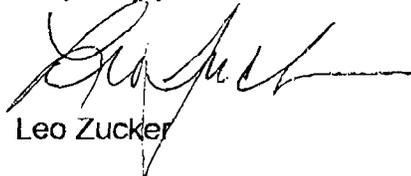
Dear Sirs:

Per my telephone discussion today with Mr. Woods, attached is a copy of respondent's Answer that was delivered by hand to the TTAB on June 30, 2003, and served on the petitioner by mail on the same day.

Also attached is a copy of a receipt (both sides) as provided by the TTAB for the Answer when delivered on June 30, 2003.

Thank you for your attention to this matter.

Very truly yours,



Leo Zucker

LZ/