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

Proceeding	92051361
Party	Plaintiff United Home Care Services, Inc
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Attachments	Declaration of Joaquin Leon, Esq. - UHC.pdf (4 pages)(839625 bytes)

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

In the Matter of:

Registration No.:	3,180,437
Registration Date:	December 5, 2006
Trademark:	UNITED HOME CARE
Registrant:	United Home Care, Inc.

United Home Care Services, Inc.

Petitioner,

v. Cancellation No. 92051361

United Home Care, Inc.,

Respondent.

DECLARATION OF JOAQUIN LEON, ESQ.

I, Joaquin Leon, state as my declaration:

1. My name is Joaquin Leon, and I am over the age of eighteen and have personal knowledge of the facts stated herein.

2. I am a Director of United Home Care Services, Inc., ("UHC") the Petitioner in this proceeding.

3. I have been with UHC since 1985.

4. UHC is a non-profit organization, governed by a volunteer board of directors, which provides home health services to the elderly and to disabled adults, as well as to their caregivers. UHC works in partnership with private and public agencies concerned with the care of the elderly and disabled.

5. UHC's services include non-skilled services such as personal caregiver, homemaker, escort, respite, as well as skilled services such as nursing care and wound care.

6. UHC was founded in 1974, as a division of United Way, with the objective of improving the lives of indigent clients in need of in-home services.

7. In 1976, UHC's first full-time Executive Director was appointed.

8. In 1979, UHC became independent of United Way and became Miami-Dade County's official lead agency for state community care for the elderly.

9. In 1993, UHC became a licensed home health agency and obtained Medicaid certification.

10. In 1998, UHC became a Certified Medicare Agency.

11. In 2004, the year it celebrated its 30th anniversary, UHC became accredited by CHAP (Community Health Accreditation Program) and became a Nursing Home Diversion program provider offering a full continuum of health care services for those at high risk of nursing home placement.

12. In 2001, the South Florida Business Journal ranked UHC as the largest home health care agency in South Florida.

13. Over its 35+ year history, UHC has received a number of honors and accolades. In 1993, Florida Governor Lawton Chiles recognized UHC's commitment to providing services for the elderly. In that same year, the United Way of Dade County presented UHC an award for excellence in non-profit management "in recognition of exemplary fiscal and program management among social services agencies with budgets of over $2million." In 1994, UHC received the "Statewide Management Award" from the Florida Association of Non-Profit Organizations. In the same year, UHC's President and CEO, Jose R. Fox, received the United Way of Dade County's "Outstanding Human Services Professional Award in recognition of his leadership of UHC. Also in 1994, the city of Coral Gables, Florida honored UHC for its services to the elderly. In 1997, UHC was awarded "Best Home Health Agency" by Medical Business of

South Florida. In 1999, Miami-Dade County declared May 13, 1999 "United Home Care Services Day" in recognition of UHC's 25 years of service to the community. In 2005, UHC received the Florida Medical Quality Assurance Inc. Achievement Award for outstanding achievement in outcome-based quality improvement. In that same year, UHC was awarded a grant from the Health Foundation of South Florida to implement a new technology that gives UHC the ability to monitor a client's vital signs and other clinically significant information remotely, linking the client from his home to a registered nurse at UHC's facility. Also, in 2005, Board member Jose K. Fuentes was honored with a Valor Award for his work with UHC. In 2007, UHC was chosen as a finalist for the Alliance for Human Services' "Making a Difference" community service award. In that same year, UHC was selected for the 2007 Home Care Elite, an annual compilation of the top 25% most successful Medicare-certified home health care providers in the Unites States. *See also compilation of UHC awards and honors* attached hereto as Exhibit "A".

14. UHC continues to expand the services it offers. In 2009, UHC launched additional services including a private pay program, and programs for dementia support, chronic disease management, medication management, depression screening, and depression management. *See also compilation of literature and media articles discussing UHC's services*, attached hereto as Exhibit "B".

15. In 1995, in commemoration of its 20th anniversary, UHC established the Annual Claude Pepper Memorial Awards Dinner to honor individuals who have improved the lives of the elderly and disabled. Last year, in 2009, UHC celebrated its 35th anniversary and its 15th annual Claude Pepper Memorial Awards Dinner. *See also compilation of awards dinner programs* attached hereto as Exhibit "C".

16. Throughout its proud 35-year history, UHC has consistently and continuously identified itself and its services to the public with the mark "UNITED HOME CARE".

17. UHC sometimes appends the descriptive terms "services" and "Inc.", in connection to its use of "UNITED HOME CARE", as in its corporate name "United Home Care Services, Inc.", or as on its website banner logo, which contains the literal element "United HomeCare Services", and other times uses "UNITED HOME CARE" without these terms, as in its domain name www.unitedhomecare.com.

18. UHC sometimes, in using its mark, omits the space between the words "HOME" and "CARE and employs a stylized capitalization of the letters H and C, as in "United HomeCare" or "United HomeCare Services".

19. As a result of UHC's long use of the UNITED HOME CARE mark and the outstanding reputation it has built since 1974, UHC's UNITED HOME CARE mark enjoys significant public recognition and goodwill.

20. UHC believes that it is being, and will continue to be, harmed by Respondent's registration of the mark UNITED HOME CARE for home healthcare services because Respondent would have presumptive exclusive rights to UHC's UNITED HOME CARE mark for services rendered that UHC renders. UHC also believes that it is being, and will continue to be, harmed by Respondent's registration of the mark UNITED HOME CARE for home healthcare services because the existence of such registration would likely prevent the United States Patent and Trademark Office from granting UHC a registration for its mark.

Pursuant to 28 U.S.C. § 1746, under penalty of perjury, I declare that the foregoing is true and correct.

Executed on: March 24, 2010

Joaquin Leon, Esq., Director