

ESTTA Tracking number: **ESTTA341721**

Filing date: **04/09/2010**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Patients Mutual Assistance Collective Corporation, dba Harborside Health Center		
Entity	Corporation	Citizenship	California
Address	1840 Embarcadero Oakland, CA 94606 UNITED STATES		

Correspondence information	Mary L. Shapiro Attorney of record-California bar member Law Office of Mary L. Shapiro 244 California Street, Suite 507 San Francisco, CA 94111 UNITED STATES iplaw@maryshapiro.com Phone:415-398-3141
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Registration Subject to Cancellation

Registration No	2199963	Registration date	10/27/1998
Registrant	Harborside Healthcare Limited Partnership One Beacon Street, Suite 1100 Boston, MA 02108 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1987/06/04 First Use In Commerce: 1987/06/04 All goods and services in the class are cancelled, namely: nursing and medical rehabilitation services
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation re HARBORSIDE HEALTHCARE mark.pdf (3 pages) (73916 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	/Mary L. Shapiro/
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Name	Mary L. Shapiro
Date	04/09/2010

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

In re Registration No. 2,199,963
For: **HARBORSIDE HEALTHCARE**

PATIENTS MUTUAL ASSISTANCE
COLLECTIVE CORPORATION, dba
HARBORSIDE HEALTH CENTER,

Petitioner,

vs.

HARBORSIDE HEALTHCARE,

Registrant.

CANCELLATION NO.

PETITION FOR CANCELLATION

In the matter of Trademark Registration No. 2,199,963, registered October 27, 1998 under the Trademark Act of 1946 for the mark HARBORSIDE HEALTHCARE, Petitioner believes that it may be damaged by such registration of said trademark and hereby petitions for cancellation of same on the following grounds:

1. Petitioner, PATIENTS MUTUAL ASSISTANCE COLLECTIVE CORPORATION, dba HARBORSIDE HEALTH CENTER, is a California corporation with an address of 1840 Embarcadero, Oakland, California 94606, offering healthcare services under the mark HARBORSIDE HEALTH CENTER.

2. Registrant's HARBORSIDE HEALTHCARE mark has been cited against Petitioner's application Serial No. 77/891,908 for the HARBORSIDE HEALTH CENTER mark.

ABANDONMENT

3. Registrant has abandoned use of its registered HARBORSIDE HEALTHCARE mark without the intent to resume such use for the services “nursing and medical rehabilitation services.”

WHEREFORE, this Petitioner, PATIENTS MUTUAL ASSISTANCE COLLECTIVE CORPORATION, dba HARBORSIDE HEALTH CENTER, believes and alleges that it may be damaged by said registration of the HARBORSIDE HEALTHCARE mark, Registration No. 2,199,963, as aforesaid, and prays that:

- A. Judgment in the present petition for cancellation be entered in favor of Petitioner;
- B. The present petition be sustained; and
- C. Registration No. 2,199,963 be cancelled for abandonment.

Respectfully submitted,

Date: April 9, 2010

By: /Mary L. Shapiro/
Mary L. Shapiro

Law Office of Mary L. Shapiro
244 California Street, Suite 507
San Francisco, CA 94111
Phone: 415-398-3141
Fax: 415-398-3151
Email: iplaw@maryshapiro.com

CERTIFICATE OF SERVICE

I hereby certify that I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place. My business address is 244 California Street, Suite 507, San Francisco, California 94111. On April 9, 2010 I served a copy of the following documents:

PETITION FOR CANCELLATION

by enclosing them in an envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid. The envelope was addressed and mailed as follows:

Harborside Healthcare Limited Partnership
One Beacon Street, Suite 1100
Boston, MA 02108

Adam R. Bialek
Wilson, Elser, Moskowitz, Edelman & Dicker
3 Gannett Drive
White Plains, NY 10604-3407

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/Mary L. Shapiro/

Mary Shapiro