

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 14, 2012

Concurrent Use No. 94002550

Community Tampa Bay, Inc.

v.

The National Conference for
Community and Justice of the
Piedmont Triad, Inc.

v.

The National Conference for
Community and Justice
Connecticut/Western Massachusetts,
Inc.

v.

The Interfaith Council of Southern
Nevada

v.

Valley of the Sun YMCA

v.

Oasis Center

v.

YWCA Central Alabama

v.

National Conference for Community
and Justice of Greater Dayton

v.

Oklahoma Center for Community and
Justice

v.

New Orleans Council for Community
and Justice

To:

THE NATIONAL CONFERENCE FOR COMMUNITY
AND JUSTICE OF THE PIEDMONT TRIAD INC
713 NORTH GREENE STREET
GREENSBORO, NC 27401

THE NATIONAL CONFERENCE FOR COMMUNITY
AND JUSTICE CONNECTICUT WESTERN MASSACHUSETTS INC
1095 DAY HILL ROAD
WINDSOR, CT 06095

THE INTERFAITH COUNCIL OF SOUTHERN NEVADA
PO BOX 73070
LAS VEGAS, NV 89170

VALLEY OF THE SUN YMCA
350 N FIRST AVENUE
PHOENIX, AZ 85003
UNITED STATES

OASIS CENTER
1704 CHARLOTTE AVENUE
SUITE 200
NASHVILLE, TN 37203

YWCA CENTRAL ALABAMA
309 NORTH 23RD STREET
BIRMINGHAM, AL 35203

NATIONAL CONFERENCE FOR COMMUNITY
AND JUSTICE OF GREATER DAYTON
14 WEST FIRST STREET
SUITE 401
DAYTON, OH 45402-1259

OKLAHOMA CENTER FOR COMMUNITY AND JUSTICE
100 WEST FIFTH STREET
LL 1030
TULSA, OK 74103-4273

NEW ORLEANS COUNCIL FOR COMMUNITY AND JUSTICE
650 POYDRAS STREET
SUITE 2303
NEW ORLEANS, LA 70130

Re: ANYTOWN

Vionette Baez, Paralegal Specialist:

The applicant in application Serial No. 85488380 has applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant : Community Tampa Bay, Inc.
Applicant's address : 1499 Beach Drive SE
Unit C

St. Petersburg, FL 33701

Applicant's mark : ANYTOWN

Goods or services : Educational services, namely conducting classes, seminars, dialogue groups and workshops and facilitating participation in service learning events all in the fields of inclusive leadership training, diversity and sensitivity education and training, conflict mediation, advocacy and communication skill building, and distribution of course materials in connection therewith

Filing date : 12/6/2011

Territory of use : The area comprising the entire United States, with the exception of the following states: North Carolina, Connecticut, Massachusetts, Nevada, Arizona, Tennessee, Alabama, Ohio, Oklahoma, Illinois and Louisiana

Attorney : Laura Ganoza
Foley & Lardner LLP
One Biscayne Tower
Suite 1900
2 South Biscayne Boulevard
Miami, FL 33131

In its application, the applicant (plaintiff in this proceeding) has recited as an exception to its allegation of exclusive use of said mark, use by you of an identical or very similar mark. **The applicant is required to serve on you a copy of its application, including the specimens of use and mark drawing, within ten (10) days of the notice instituting this proceeding. See Trademark Rule 2.99(d)(1), 37 C.F.R. §2.99(d)(1) Pending receipt of the service copy, the contents of the application file may be viewed via the following USPTO web site: <http://tportal.uspto.gov/external/portal/tow> .**

Your mark, goods or services, and territory of use, *as acknowledged in* the referenced application, are set out below in a summary of details of the application.

User's Name : The National Conference for Community and Justice of the Piedmont Triad, Inc.

Your territory of use : North Carolina

User's Name : The National Conference for Community and Justice Connecticut/Western Massachusetts, Inc.

Your territory of use : Connecticut and Massachusetts

User's Name : The Interfaith Council of Southern Nevada

Your territory of use : Nevada

User's Name : Valley of the Sun YMCA

Your territory of use : Arizona

User's Name : Oasis Center

Your territory of use : Tennessee

User's Name : YWCA Central Alabama

Your territory of use : Alabama

User's Name : National Conference for Community and Justice of Greater Dayton

Your territory of use : Ohio

User's Name : Oklahoma Center for Community and Justice

Your territory of use : Oklahoma

User's Name : New Orleans Council for Community and Justice

Your territory of use : Louisiana

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you (as defendant in this proceeding) and, if applicable, any other party listed in the caption of this order, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, of the Code of Federal Regulations ("Trademark Rules"). **The Trademark Rules may be viewed at the USPTO's trademarks webpage: <http://www.uspto.gov/trademarks/index.jsp>. The Board's main webpage (<http://www.uspto.gov/trademarks/process/appeal/index.jsp>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).**

Trademark Rule 2.99, under which this notice is given, provides that:

An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified in the application to register as concurrent user in the application, but a statement, if desired, may be filed within forty days after the mailing of the notice; in the case of any other party specified as a concurrent user in the application, an answer must be filed within forty days after the mailing of the notice.

You are allowed until October 24, 2012 to file an answer in accordance with Trademark Rule 2.99. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) If filed, the answer should be directed to the allegations relating to concurrent use recited in the plaintiff's application identified herein. **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVUE system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.**

However, it is noted that most concurrent use proceedings result in a negotiated settlement and the parties are encouraged to promptly begin discussion of settlement. If the parties choose to begin settlement talks prior to the due date for the answer, they may stipulate to a suspension to accommodate settlement talks.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119.

If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies. See Trademark Rule 2.119(b)(6).

If an answer is not filed, then the proceeding may be handled as in a case of default, and you will be precluded from claiming any right in your mark greater than that acknowledged by plaintiff in its concurrent use application. See Trademark Rule 2.99(d)(3).

You must advise the Trademark Trial and Appeal Board of any relevant applications or registrations, other than that of plaintiff already referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should accompany your answer.

Trademark Rule 2.126 pertains to the form of submissions. Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

Time to Answer

10/24/2012

As noted in the schedule of dates for this case, the parties are required to have a conference, during which they are expected to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third

subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through ESTTA or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVUE record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stdagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The Board allows parties to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.