

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

Baxley

Mailed: July 2, 2013

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

v.
Inclusion Center

v.
National Conference for
Community and Justice of
Metropolitan St. Louis

By the Trademark Trial and Appeal Board:

On September 14, 2012, the Board instituted this proceeding and allowed the named common law excepted users until October 24, 2012 to file an answer thereto.¹ On October 23, 2012, YWCA Central Alabama ("Alabama") filed an answer to the concurrent use application. See TBMP Section 1107 (3d ed. rev. 2 2013).

On October 22, 2012, November 14, 2012, and November 28, 2012, excepted user The National Conference for Community and Justice of the Piedmont Triad, Inc. ("PT") filed consented motions to extend time to answer. Those motions are granted to the extent that PT was allowed until December 15, 2012 to file an answer herein.

¹ On September 21, 2012, concurrent use applicant Community Tampa Bay, Inc. ("applicant") filed proof of service of the application on the named excepted users. See Trademark Rule 2.99(d)(1).

On October 22, 2012, applicant filed a stipulation that it entered into with excepted user The National Conference for Community and Justice Connecticut/Western Massachusetts ("CWM") to add the states of Rhode Island, Maine, New Hampshire and Vermont to CWM's territory of use and to exclude those states from the involved application. That stipulation is approved.

On October 23, 2012, applicant filed a motion to amend the involved concurrent use application to add two additional common law excepted users, Inclusion Center ("Inclusion") and National Conference for Community and Justice of Metropolitan St. Louis ("MSL"), and to exclude the states of Utah and Missouri from the application. See TBMP Section 1104. The motion is granted as conceded. See Trademark Rule 2.127(a).

Applicant is allowed until ten days from the mailing date set forth in this order to serve a copy of the involved application, including the specimens of use and the mark drawing. See Trademark Rule 2.99(d)(1). Inclusion and MSL are allowed until forty days from the mailing date set forth in this order to file an answer in accordance with Trademark Rule 2.99.²

² If Inclusion and MSL do not file answers, then the proceeding may be handled as in a case of default, and they will be precluded from claiming any right in their mark greater than that acknowledged by applicant in its concurrent use application. See Trademark Rule 2.99(d)(3); TBMP Section 1107.

On December 14, 2012, applicant filed a stipulation that it entered into with excepted user PT to add Chester County, Chesterfield County, Lancaster County, and York County, all in South Carolina, to PT's territory of use and to exclude those counties from the involved application. That stipulation is approved.

In view of the foregoing, the concurrent use statement of involved application Serial No. 85488380 is amended to the following (amended portions in bold):

Concurrent use information. The applicant seeks registration of the mark without limitation to any particular mode of use for 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, and claims exclusive right to the mark in the area comprising the entire United States, with the exception of the following states **and territories**: North Carolina; **the following counties in South Carolina: Chester County, Chesterfield County, Lancaster County, and York County**; Connecticut, Massachusetts, **Rhode Island, Maine, New Hampshire, Vermont**, Nevada, Arizona, Tennessee, Alabama, Ohio, Oklahoma, Illinois, Louisiana, **Utah and Missouri**. Applicant is aware of the following unregistered users of the ANYTOWN mark, and information regarding these uses is set forth as follows, to the best to the Applicant's knowledge: (1) The National Conference for Community and Justice of the Piedmont Triad, Inc., 713 North Greene Street, Greensboro, NC 27401; Geographic Area: North Carolina, and **the following counties in South Carolina: Chester County, Chesterfield County, Lancaster County, and York County**; Duration of Use: 2005 - present; Goods/Services:

Youth educational seminars and/or events; Modes of Use: unknown. (2) The National Conference for Community and Justice Connecticut/Western Massachusetts, Inc., 1095 Day Hill Road, Windsor, CT 06095; Geographic Area: Connecticut, Massachusetts, **Rhode Island, Maine, New Hampshire, and Vermont**; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (3) The Interfaith Council of Southern Nevada, P.O. Box 73070, Las Vegas, NV 89170; Geographic Area: Nevada; Duration of Use: 2005 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (4) Valley of the Sun YMCA, 350 N. First Ave., Phoenix, AZ 85003; Geographic Area: Arizona; Duration of Use: 2010 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (5) Oasis Center, 1704 Charlotte Ave., Suite 200, Nashville, TN 37203; Geographic Area: Tennessee; Duration of Use: 2010 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (6) YWCA Central Alabama, 309 North 23rd Street, Birmingham, AL 35203; Geographic Area: Alabama; Duration of Use: 2011 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (7) National conference for Community and Justice of Greater Dayton, 14 West First Street, Suite 401, Dayton, OH 45402-1259; Geographic Area: Ohio Duration of Use: unknown; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (8) Oklahoma Center for Community and Justice, 100 West Fifth Street, LL 1030, Tulsa, OK 74103-4273; Geographic Area: Oklahoma; Duration of Use: 2007 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. (9) New Orleans Council for Community and Justice, 650 Poydras Street, Suite 2303, new Orleans, Louisiana 70130; Geographic Area: Louisiana; Duration of Use: 2009 - present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown. **(10) Inclusion Center, 14 Heritage Center, Salt Lake City, Utah 84112; Geographic Area: Utah; Duration of Use: 2005-present; Goods/Services: Youth educational seminars and/or events; Modes of Use: unknown.** **(11) National Conference for Community and Justice of Metropolitan St. Louis, 8420 Delmark Blvd. Suite 500, Saint Louis, MO 63124; Geographic Area:**

Missouri; Duration of Use: 2005-present;
Goods/Services: Youth educational seminars and/or
events; Modes of Use: unknown. All verifications
or declarations in this application indicating
that no one else to the best of Applicant's
knowledge and belief, has the right to use the
mark in commerce, refers to "no one else" except
as specified in the application.

In view of the failure of common law excepted users PT,
CWM, The Interfaith Council of Southern Nevada, Valley of
the Sun YMCA, Oasis Center, National Conference for
Community and Justice of Greater Dayton, Oklahoma Center for
Community and Justice, and New Orleans Council for Community
and Justice to timely answer, judgment by default is entered
against those common law excepted users, and those common
law excepted users are precluded from claiming any rights
more extensive than acknowledged in the involved concurrent
use application, as amended by this order. See Trademark
Rule 2.99(c); TBMP Section 1107.

Except as noted in the foregoing, proceedings herein
remain suspended.