

TTAB

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

<p>PATIENT CHOICE HEALTHCARE, INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>FUTURE DONTICS, INC.,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p> <p>Serial No. 76/167,476</p> <p>Filed: November 17, 2000</p> <p>Mark: THEPATIENTSCHOICE.COM</p> <p>Published: July 8, 2003</p> <p>TM Page: 291</p> <p>Attorney's Docket No.: P449.27-0001</p>
--	---

03 AUG 19 PM 3:32

**NOTICE OF OPPOSITION**

**08-07-2003**  
U.S. Patent & TMO/TM Mail Rpt Dt. #22

MAIL STOP TTAB FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Patient Choice Healthcare, Inc., a Delaware corporation, having a principal place of business at 1660 South Highway 100, Suite 250, St. Louis Park, Minnesota 55416, believes that it will be damaged by the registration of THEPATIENTSCHOICE.COM in U.S. Trademark Application Serial No. 76/167,476, in International Class 35, and opposes the same under the provision of 15 U.S.C. §1063.

As grounds of opposition, Opposer alleges:

- Applicant, Futuredontics, Inc. ("Applicant"), seeks to register the mark THEPATIENTSCHOICE.COM as a trademark for "Internet and telephonic referral service in the field of dentistry for patients and dental practices" as is evidenced by the publication of the mark in the Official Gazette on page TM 291 in the July 8, 2003 issue.

08/15/2003 EPIMR1 00000089 76167476  
01 FC:6402 300.00 OP

2. Opposer, Patient Choice Healthcare, Inc. ("Opposer"), has continually used the mark PATIENT CHOICE since August 2000, and has filed a U.S. trademark application serial number 76/449,786 to register its mark in the United States Patent and Trademark Office on September 12, 2002.

3. Applicant's U.S. trademark application serial number 76/167,476 has been cited in Opposer's U.S. trademark application serial number 76/449,786 with the Opposer being informed that if Applicant's U.S. trademark application serial number 76/167,476 matures into a registration, the Examining Attorney may refuse registration of Opposer's U.S. trademark application serial number 76/449,786 under Section 2(d).

4. There is no issue as to priority of usage. The Opposer's date of first use set forth in its U.S. trademark application serial number 76/449,786 is August 2000. The Applicant has filed an Intent to Use U.S. trademark application serial number 76/167,476 on November 17, 2000. The Applicant has not submitted a Statement of Use of THEPATIENTSCHOICE.COM. Upon information and belief, Applicant is not using THEPATIENTSCHOICE.COM.

5. If Applicant is permitted to use and register its mark for its goods and services, as specified in the application herein opposed, confusion in the trade resulting in damage and injury to the Opposer will be cause and will result by reason of similarity between Applicant's mark and Opposer's mark.

6. If Applicant is granted the registration herein opposed, Opposer may not be able to obtain a registration for its mark. Opposer is thereby being damaged by Applicant's attempt to register its mark THEPATIENTSCHOICE.COM in U.S. trademark application serial number 76/167,476.

WHEREFORE, Opposer prays that U.S. trademark application serial number 76/167,476 be rejected, and that the mark therein sought for the goods and services specified in that application be denied and refused, and that this opposition be sustained in favor of Opposer.

Enclosed is a check for \$300 for this Opposition.

This Notice of Opposition is being filed in triplicate.

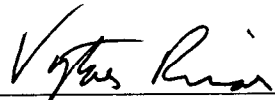
The Commissioner is authorized to charge any additional fees associated with this application or credit any overpayment to Deposit Account 11-0982. A duplicate copy of this communication is enclosed.

All correspondence should be addressed to James L. Young and Vytas M. Rimas, Kinney & Lange, P.A., THE KINNEY & LANGE BUILDING, 312 South Third Street, Minneapolis, Minnesota 55415-1002.

Respectfully submitted,

PATIENT CHOICE HEALTHCARE, INC.

Dated: August 7, 2003

By:   
James L. Young  
Vytas M. Rimas  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

JLY:VMR:car  
P449.27-0001

EXPRESS MAIL NO.: EV 215782936 US