


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

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Attorneys for Opposer

  
03-16-2004  
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**In The Matter of Ser. No. 78/191,077 for the Mark**  
**ATLANTIC LASER CENTER (& design)**  
**Published: February 24, 2004**

ATLANTIC HEALTH SYSTEM, INC.,	)	Opposition No.: _____
	)	
Opposer,	)	
	)	
v.	)	
	)	
ATLANTIC EYE PHYSICIANS, PA,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, Atlantic Health System, Inc., a New Jersey corporation, doing business at 325 Columbia Turnpike, Florham Park, New Jersey 07932, believes that it is being and will continue to be damaged by the registration of the mark ATLANTIC LASER CENTER (& design) as shown in Ser. No. 78/191,077, and hereby opposes registration of said mark in International Class 44.

As grounds for opposition, it is alleged that:

1. Since long prior to the filing date in applicant's U.S. Trademark Application No. 78/191,077, Opposer has used the logo annexed in Exhibit "A" together with the trade name ATLANTIC HEALTH SYSTEM in connection with health care services.

2. Opposer is the owner of U.S. Trademark Registration No. 2,793,357 for the mark ATLANTIC HEALTH SYSTEMS, covering, among other things, health care in the nature of hospital, medical, surgical, physical therapy, psychological treatment, physical rehabilitation and medical research.

3. The logo accompanying the mark set forth in U.S. Trademark Application No. 78/191,077 is nearly identical to the logo which is used by Opposer.

4. On information and belief, no use of the logo accompanying the mark set forth in U.S. Trademark Application No. 78/191,077 by the applicant set forth therein occurred before the use of Opposer's logo and Opposer's logo has been used continuously by Opposer since before any use of the logo set forth in applicant's U.S. Trademark Application No. 78/191,077.

**FIRST GROUND FOR OPPOSITION**  
**(Likelihood of confusion under Section 2(d))**

5. Paragraphs 1 through 4 above are alleged and incorporated by reference as if fully set forth herein.

6. The logo accompanying applicant's mark, as set forth in applicant's U.S. Trademark Application No. 78/191,077, when associated with applicant's services, is likely to cause confusion, to cause mistake, or to deceive as to the source or origin of such services in view of Opposer's prior use of Opposer's logo.

7. The subject mark should be refused registration pursuant to Section 2(d) of the Lanham Act.

**SECOND GROUND FOR OPPOSITION**  
**(Deceptive and falsely suggests a connection under Section 2(a))**

8. Paragraphs 1 through 7 above are realleged and incorporated by reference as if fully set forth herein.

9. The logo accompanying applicant's mark, as set forth in U.S. Trademark Application No. 78/191,077, when associated with applicant's services, comprises deceptive matter which falsely suggests a connection with Opposer in view of Opposer's prior use of Opposer's logo.

10. The subject mark should be refused registration pursuant to Section 2(a) of the Lanham Act.

**PRAYER FOR RELIEF**

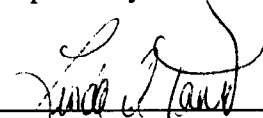
WHEREFORE, Opposer prays that the registration sought by applicant be refused and that this Opposition be sustained in favor of Opposer.

All correspondence and telephone communications should be directed to:

Linda A. Tancs  
Norris, McLaughlin & Marcus  
721 Route 202/206  
Bridgewater, New Jersey 08807  
Telephone: (908) 722-0700  
Facsimile: (908) 722-0755

DATED this 16 day of March, 2004.

Respectfully submitted,

  
\_\_\_\_\_  
Linda A. Tancs  
Norris, McLaughlin & Marcus  
721 Route 202/206  
Bridgewater, New Jersey 08807

Attorneys for Opposer  
Atlantic Health System, Inc.

NOTICE OF OPPOSITION

Page 3

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 C.F.R. §1.10

EXPRESS MAIL: Mailing Label Number: EO 903 029 895 US

I do hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 in an envelope addressed to: Box TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on March 16, 2004.



\_\_\_\_\_  
Christy V. Smith

Exhibit A



# NORRIS MCLAUGHLIN & MARCUS, PA

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March 16, 2004



03-16-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**VIA EXPRESS MAIL NO.: EO 903 029 895 US**

U.S. Patent and Trademark Office  
Commissioner for Trademarks  
BOX TTAB FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

**Re: Notice of Opposition of ATLANTIC LASER CENTER  
in International Class 44  
Serial No.: 78/191,077  
Filed by Atlantic Health System, Inc.**

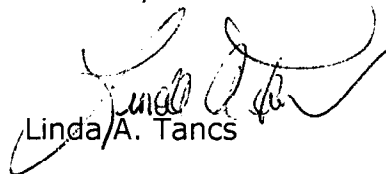
Dear Sir:

Enclosed is a Notice of Opposition in triplicate in the above-identified matter, together with the applicable fee in the amount of \$300, and a return postcard.

Please charge any other applicable fees to our Deposit Account No. 14-1263, Attorney Docket No. 03530-005, in the name of Norris, McLaughlin & Marcus. Enclosed is a duplicate of this letter for use in this regard.

Very truly yours,

NORRIS, MCLAUGHLIN & MARCUS

  
Linda A. Tancs

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. 1.10

EXPRESS MAIL: Mailing Label Number: EO 903 029 895 US  
DATE OF DEPOSIT: March 16, 2004

I do hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: United States Patent and Trademark Office, BOX TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

  
Christy V. Smith