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

| | |
|------------------------|---|
| Proceeding | 91168805 |
| Party | Defendant Health Solutions of Morton, LLC Health Solutions of Morton, LLC 11 Currency Drive Suite 201 Bloomington, IL 61704 |
| Correspondence Address | Mark D. Schneider Gifford, Krass, Groh, Sprinkle, Anderson P.O. Box 7021 2701 Troy Center Drive, Suite 330 Troy, MI 48007-7021 |
| Submission | Answer |
| Filer's Name | Julie A. Greenberg |
| Filer's e-mail | docket@patlaw.com |
| Signature | /s/Julie A. Greenberg |
| Date | 03/06/2006 |
| Attachments | HES10070.Answer.pdf (4 pages) |

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

FOCUSED HEALTH SOLUTIONS, INC.

Opposer,

v.

Opposition No. 91168805

HEALTH SOLUTIONS OF MORTON, LLC

Serial No. 78/156,540

Applicant.

ANSWER TO NOTICE OF OPPOSITION

NOW COMES HEALTH SOLUTIONS OF MORTON, LLC., (“Applicant”) and for its answer states as follows:

1. Applicant neither admits nor denies the allegations of paragraph 1, for the reason that it is without sufficient facts, and leaves Opposer to its proofs.
2. Applicant neither admits nor denies the allegations of paragraph 2, for the reason that it is without sufficient facts, and leaves Opposer to its proofs.
3. Applicant neither admits nor denies the allegations of paragraph 3, for the reason that it is without sufficient facts, and leaves Opposer to its proofs.
4. Applicant neither admits nor denies the allegations of paragraph 4, for the reason that it is without sufficient facts, and leaves Opposer to its proofs.
5. Applicant neither admits nor denies the allegations of paragraph 5, for the reason that it is without sufficient facts, and leaves Opposer to its proofs.
6. Applicant admits it is the owner of the application which is the subject of the instant opposition proceeding, but denies the remainder of the allegations of paragraph 6, including any allegation of prior rights.

7. Applicant admits the application claims first use dates of at least as early as the dates set forth in paragraph 7.

8. Applicant is currently investigating its records to determine its first use, and neither admits nor denies the allegations of paragraph 8.

9. Denied.

COUNT I
Likelihood of Confusion - §2(d)

10. Applicant incorporates by reference herein the answers of Paragraphs 1-9 of this Answer.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

COUNT II
Mere Descriptiveness - §2(e)(1)

16. Applicant incorporates by reference herein the answers of Paragraphs 1-15 of this Answer.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Applicant admits that no such evidence was submitted in the prosecution of the application for the reason that the mark was not descriptive, and such evidence was not relevant.

24. Denied.

25. Denied.

26. Denied.

WHEREFORE, Applicant states that the Notice of Opposition is without basis, and should be denied.

AFFIRMATIVE DEFENSES

1. Applicant's mark was reviewed substantively by the Patent and Trademark Office, and was found not to be merely descriptive.

Respectfully submitted,

/s/Julie A. Greenberg

Julie A. Greenberg

GIFFORD KRASS, GROH, SPRINKLE,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served upon:

Paul F. Kilmer
Anthony R. Masiello
HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

via first class mail, postage prepaid, on this 6th day of March, 2006.

/s/Julie A. Greenberg

Julie A. Greenberg
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CERTIFICATE OF MAILING

I hereby certify that the foregoing ANSWER TO NOTICE OF OPPOSITION was filed electronically with the TTAB on this 6th day of March, 2006.

/s/Julie A. Greenberg

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