

ESTTA Tracking number: **ESTTA113235**

Filing date: **12/06/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Andrew J Fragen, MD, FACS, Inc., A Medical Corporation		
Entity	Corporation	Citizenship	California
Address	555 E. Tachevah Drive Suite 2E-101 Palm Springs, CA 92262 UNITED STATES		

Correspondence information	Andrew Fragen, MD, FACS Andrew J Fragen, MD, FACS, Inc., A Medical Corporation 555 E. Tachevah Drive Suite 2E-101 Palm Springs, CA 92262 UNITED STATES afragen@fragensurgery.com Phone:760-327-1885		
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Applicant Information

Application No	78795336	Publication date	12/05/2006
Opposition Filing Date	12/06/2006	Opposition Period Ends	01/04/2007
Applicant	RONALD A. FRAGEN M.D., A MEDICAL CORPORATION 1900 E. Tahquitz Canyon Way, Suite A-2 Palm Springs, CA 92262 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 1990/01/00 First Use In Commerce: 1990/01/00
All goods and services in the class are opposed, namely: Medical services, cosmetic surgery, and plastic surgery

Attachments	Service_Mark_Opposition.pdf (1 page)(90436 bytes)
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Signature	/andrew fragen/
Name	Andrew Fragen, MD, FACS
Date	12/06/2006



Service Mark Opposition

December 6, 2006

1. My standing in opposing the proposed service mark (“Fragen Cosmetic Surgery Center”) is based upon the fact that my legal name is Andrew James Fragen and I am a physician in the state of California providing medical services, cosmetic surgery and plastic surgery services.
2. My opposition is as follows: firstly, the service mark is not unique. I conduct business and advertise using the words “Fragen Cosmetic Surgery.”
3. I am the legal owner of the domain fragencosmeticsurgery.com. This domain has been registered and has been in use by me since September 8, 2002.
4. I continue to market myself and my practice as both “Fragen Surgery” and using the words “Fragen Cosmetic Surgery.”
5. Granting of a service mark for the words “Fragen Cosmetic Surgery Center” could and likely would infringe upon my right to use the words “Fragen Cosmetic Surgery” in the marketing, development and day to day operations of my business.