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Filing date: **12/03/2007**

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

Proceeding	91180315
Party	Defendant Cardiocom, LLC
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Date	12/03/2007
Attachments	Answer.pdf ( 5 pages )(111339 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMAK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 77/048,669

Mark: COMHEALTH  
Filing Date: November 21, 2006  
International Classes: 5, 9, 10, 42 and 44  
Publication Date: July 3, 2007

CHG Management, Inc.

Opposer,

v.

Cardiocom, LLC

Applicant.

Opposition No. 91180315

**ANSWER**

Cardiocom, LLC ("Cardiocom") is a limited liability company organized under the laws of the State of Minnesota and having a principle place of business at 7980 Century Boulevard, Chanhassen, Minnesota 55317, and herewith answers the allegations contained within the Notice of Opposition.

**GENERAL DENIAL**

Unless expressly admitted, Cardiocom denies every allegation contained within the Notice of Opposition.

**ANSWER TO ALLEGATIONS CONTAINED IN NOTICE OF OPPOSITION**

1. Admitted.
2. Admitted.

3. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 3 of the Notice of Opposition, and therefore denies each and every allegation contained within paragraph 3 of the Notice of Opposition.

4. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 4 of the Notice of Opposition, and therefore denies each and every allegation contained within paragraph 4 of the Notice of Opposition.

5. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 5 of the Notice of Opposition, and therefore denies each and every allegation contained within paragraph 5 of the Notice of Opposition.

6. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 6 of the Notice of Opposition, and therefore denies each and every allegation contained within paragraph 6 of the Notice of Opposition.

7. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 7 of the Notice of Opposition, and therefore denies each and every allegation contained within paragraph 7 of the Notice of Opposition.

8. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 8 of the Notice of Opposition, and therefore

denies each and every allegation contained within paragraph 8 of the Notice of Opposition.

9. Cardiocom is without sufficient information to admit or deny the allegations contained within paragraph 9 of the Notice of Opposition, and therefore denies each and every allegation contained within paragraph 9 of the Notice of Opposition.

10. Cardiocom denies each and every allegation contained within paragraph 10 of the Notice of Opposition.

11. Cardiocom denies each and every allegation contained within paragraph 11 of the Notice of Opposition.

12. Cardiocom denies each and every allegation contained within paragraph 12 of the Notice of Opposition.

13. Cardiocom denies each and every allegation contained within paragraph 13 of the Notice of Opposition.

14. Cardiocom admits that if granted a registration for the goods and services contained in the application, it would have a prima facie exclusive right to use the COMHEALTH mark on the goods and services contained in the application. Cardiocom denies the remaining allegations contained within paragraph 14 of the Notice of Opposition.

15. Cardiocom denies each and every allegation contained within paragraph 15 of the Notice of Opposition.

**AFFIRMATIVE DEFENSES**

**AFFIRMATIVE DEFENSE NO. 1**

16. Opposer has failed to state a claim upon which relief can be granted.

**AFFIRMATIVE DEFENSE NO. 2**

17. The COMPREHENSIVE HEALTHCARE STAFFING phrase does not function as a trademark.

18. Upon information and belief the COMPREHENSIVE HEALTHCARE STAFFING phrase for healthcare recruiting and staffing services is generic or in the alternative has not acquired secondary meaning.

**CONCLUSION**

For the forgoing reasons, Cardiocom respectfully requests that the Opposition to the Registration of the COMHEALTH mark be denied.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

Dated: December 3, 2007

By: 

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**Attorneys for Applicant  
Cardiocom, LLC**

**CERTIFICATE OF SERVICE**

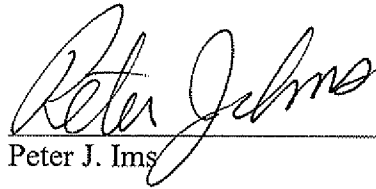
I hereby certify that I am over 18 years of age, am an employee of Westman, Champlin & Kelly, P.A., and am not a party to this action, and that on **December 3, 2007**, a copy of the foregoing document:

ANSWER

was sent via U.S. Mail to:

John C. Stringham  
Workman Nydegger  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, UT 84111

I certify under penalty of perjury that the foregoing is true and correct. Executed on **December 3, 2007**.

  
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Peter J. Ims