

ESTTA Tracking number: **ESTTA204773**

Filing date: **04/14/2008**

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	Trinity Health Corporation
Granted to Date of previous extension	04/13/2008
Address	27870 Cabot Drive Novi, MI 48377 UNITED STATES

Attorney information	Linda E. Sudzina RADER, FISHMAN & GRAUER PLLC 39533 Woodward Avenue Ste. 140 Bloomfield Hills, MI 48304 UNITED STATES les@raderfishman.com, interpartesparalegals@raderfishman.com, mdf@raderfishman.com Phone:248-594-0600
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Applicant Information

Application No	76664994	Publication date	10/16/2007
Opposition Filing Date	04/14/2008	Opposition Period Ends	04/13/2008
Applicant	TRINITY CARE SENIOR LIVING, LLC 227 E. Edgewood Avenue Friendswood, TX 77546 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2000/01/00 First Use In Commerce: 2000/01/00 All goods and services in the class are opposed, namely: Providing elder care, specifically, providing assisted living facilities and retirement homes for senior citizens and assisted living facilities for Alzheimers patients

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1783669	Application Date	04/15/1991
Registration Date	07/20/1993	Foreign Priority Date	NONE
Word Mark	TRINITY HEALTHCARE SERVICES		

Design Mark	
Description of Mark	The mark consists of the word "TRINITY" in combination with a triangle shaped logo including a leaf or petal design therein
Goods/Services	Class 042. First use: First Use: 1991/05/12 First Use In Commerce: 1991/05/12 health care services

Attachments	74156724#TMSN.gif (1 page)(bytes) 20080414213526010.pdf (3 pages)(243079 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Linda E. Sudzina/
Name	Linda E. Sudzina
Date	04/14/2008

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

TRINITY HEALTH CORPORATION,)	
)	
Opposer,)	
)	Opposition No. _____
v.)	Serial No. 76/664,994
)	Mark: TRINITY CARE
TRINITY CARE SENIOR LIVING, LLC,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, Trinity Health Corporation, an Indiana corporation at 27870 Cabot Drive, Novi, Michigan 48377 (“Opposer”), believes that it will be damaged by registration of the mark of Application Serial No. 76/664994 by Trinity Care Senior Living, LLC, Applicant herein (“Applicant”), and hereby opposes the same on the grounds that the mark is likely to cause confusion or to cause mistake or to deceive with respect to (a) prior use and registration of the mark TRINITY HEALTH CARE SERVICES & DESIGN, shown in incontestable Registration No. 1,783,669 by Opposer; and (b) prior use of marks and trade names formed or dominated by the term TRINITY, with the above-stated TRINITY HEALTH CARE SERVICES & DESIGN mark and other marks and trade names formed or dominated by the term TRINITY being hereinafter collectively referred to as “Opposer’s TRINITY Marks.”

1. Opposer’s TRINITY Marks have been extensively used in connection with healthcare and related services (“Opposer’s Services”).

2. As a result of the quality of Opposer's Services provided under Opposer's TRINITY Marks and the widespread promotion thereof, the services have met with substantial success and recognition. Opposer's TRINITY Marks have become symbols of Opposer, its quality services and its goodwill.

3. In recognition of the valuable rights in and to Opposer's TRINITY Marks, the United States Patent and Trademark Office has granted Opposer's Registration No. 1,783,669 for TRINITY HEALTHCARE SERVICES & DESIGN. This registration is incontestable and thus constitutes conclusive evidence of the validity of the mark, the registration therefor, Opposer's ownership of the mark and Opposer's exclusive right to use the mark in commerce.

4. On information and belief, Applicant, Trinity Care Senior Living, LLC, is a Texas limited liability company located at 227 E. Edgewood Avenue, Friendswood, Texas 77546.

5. Notwithstanding prior use and registration of Opposer's TRINITY Marks, Applicant filed on, August 22, 2006, Application Serial No. 76/664994 for the mark TRINITY CARE ("Applicant's Mark") in connection with "providing elder care, specifically, providing assisted living facilities and retirement homes for senior citizens and assisted living facilities for Alzheimers patients ("Applicant's Services").

6. Applicant's Mark is substantially similar to Opposer's TRINITY Marks. Further, Applicant's Services are similar to Opposer's Services provided under Opposer's TRINITY Marks. In addition, the parties market to the same class of purchasers.

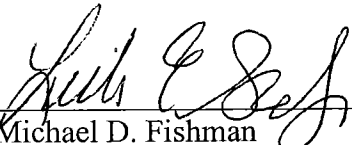
7. In view thereof, purchasers are likely to mistakenly assume that Applicant's Services originate from, are sponsored by or are in some way associated with Opposer. Applicant's Mark so resembles Opposer's TRINITY Marks and Opposer's Registration No. 1,783,669 as to be likely to cause confusion, or to cause mistake or to deceive. Accordingly, Opposer is likely to be damaged by registration of the mark of Application Serial No. 76/664994.

WHEREFORE, Opposer prays that Application Serial No. 76/664994 be refused registration, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

A filing fee for the Notice of Opposition in the amount of \$300 should be charged to Deposit Account No. 18-0013. Any additional fees required should be charged to this account.

Respectfully submitted,

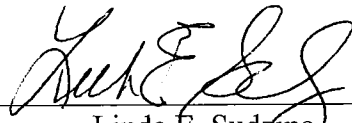
Dated: April 14, 2008

By:  _____
Michael D. Fishman
Linda E. Sudzina
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Attorneys for Opposer
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
Telephone: (248) 594-0600
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CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) on the following date:

Date: April 14, 2008

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Linda E. Sudzina

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Notice of Opposition upon Applicant by causing a true and correct copy thereof to be sent on April 14, 2008, by email and first class mail, postage prepaid to:

Richard L. Moseley
PO Box 630708
Houston, TX 77263-0708
kenneth-h-johnson@sbcglobal.net

Date: April 14, 2008

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Linda E. Sudzina