

The grounds for opposition against the application and under Sections 2(d) and 2(a), on information and belief, are as follows:

1. Since prior to December 4, 2007, Applicant's alleged constructive use date, Opposer, through its predecessors, has continuously used in commerce at common law the "CAREFIRST" mark and name. Opposer is presently using in interstate commerce the "CAREFIRST" housemark and name in connection with a variety of different products and services, all related to the delivery of managed medical care to its members as described and stated in the registrations pleaded herein. Such products, services, and membership indicia include, but are not limited to, insurance administration and health insurance underwriting services that include a variety of riders for vision, mental health, prescription drugs, dental care and the like, as well as healthcare services in the nature of health maintenance organizations and/or preferred provider organizations, third party insurance claims administration, newsletters, continuing medical education programs, including seminars and related services for and on behalf of its physician members, and the production and dissemination of publications directed to its physician members as well as sponsorship of said programs in association with other companies. Exhibit A is a print-out of such continuing medical educational programs promoted by Opposer and related publications. Said mark and name also is used by physician members of Opposer's various plans to indicate membership in an organization or organizations interested in health maintenance, prepaid medical plans, and the like.

2. Since prior to December 4, 2007, Applicant's alleged constructive use date, Opposer, through its predecessor, used the "CAREFIRST" housemark and name and has continuously used the "CAREFIRST" housemark and name in connection with the services, products and membership indicia described in paragraph 1, has offered such services and products to its members, is presently using "CAREFIRST" as a service mark in connection with the rendering of said services, as a

trademark in connection with the dissemination of said products, as a collective membership mark in connection with services rendered for an on behalf of its members, as a trade and corporate name, and as a housemark to designate the goods, services and membership indicia for the entire organization.

3. Opposer relies upon and is the owner of the following registrations which are valid, subsisting unrevoked and where applicable, incontestable, and the following use-based applications, some of which are scheduled to mature to registration in the coming months:

- (a) Serial No. 76/671,532
"CAREFIRST"
- (b) Serial No. 76/671,523
"CAREFIRST"
- (c) Registration No. 3,346,693
"CAREFIRST"
Dated: December 4, 2007
- (d) Registration No. 3,346,692
"CAREFIRST CONNECT"
Dated: December 4, 2007
- (e) Registration No. 3,346,691
"CAREFIRST CONNECT"
Dated: December 4, 2007
- (f) Registration No. 3,346,690
"CAREFIRST"
Dated: December 4, 2007
- (g) Serial No. 76/686,968
"CAREFIRST ADMINISTRATORS"
- (h) Serial No. 76/686,967
"CAREFIRST ADMINISTRATORS"

- (i) Registration No. 2,625,659
"CAREFIRST OPTIONS"
Dated: September 24, 2002
INCONTESTABLE
- (j) Registration No. 2,496,953
"INSIDE CAREFIRST.COM"
Dated: October 9, 2001
INCONTESTABLE
- (k) Registration No. 2,354,102
"CAREFIRST"
Dated: May 30, 2000
INCONTESTABLE
- (l) Registration No. 2,612,972
"CAREFIRST"
Date: August 27, 2007
INCONTESTABLE
- (m) Registration No. 1,546,326
"CAREFIRST"
Dated: July 4, 1989
INCONTESTABLE
- (n) Registration No. 1,543,100
"CAREFIRST"
Dated: June 6, 1989
INCONTESTABLE

Certified status and title copies of the registrations will be provided at a later date.

4. On information and belief, the services and product of Applicant, namely newsletters pertaining to medical conferences; medical journals and the planning and conducting of educational conferences, seminars, and forums in the field of medical education and continuing medical education, are closely related to the various services, products, and membership activities offered by Opposer and as described in paragraphs 1 through 3 herein. Many of the services and products offered and sold by Opposer under its "CAREFIRST" housemark and name and variations thereof for its physician groups and members are likely to be used by the same class of purchasers who are

likely to purchase Applicant's products and services. In addition, many of the services and products of Opposer and Applicant are apt to be marketed through the same and related channels of trade.

5. Applicants' mark "MANAGED CARE-FIRST REPORT" is so confusingly similar in meaning and commercial impression to Opposer's "CAREFIRST" housemark and name and variations thereof, which the public and trade have long associated and recognize with Opposer, as to be likely, when applied to the products and services of Applicant, to cause confusion or to deceive purchasers in the mistaken belief that the products and services of Applicant emanate from, or are disseminated under Opposer's approval, sponsorship, or control, all to the great damage of Opposer.

6. On information and belief, Applicant has made no use of its alleged mark "MANAGED CARE-FIRST REPORT" in the United States for any product or service prior to its alleged constructive use date of December 4, 2007, which date is well subsequent to the date of first use for Opposer's "CAREFIRST" mark and name, and the date many of Opposer's federal registrations issued and the date its pending applications were filed.

7. In view of the similarity between Applicant's mark "MANAGED CARE-FIRST REPORT" and Opposer's "CAREFIRST" housemark, name and variations thereof, and in view of the related nature of the services and products offered and disseminated by both Applicant and Opposer and the activities of Opposer's members, it is alleged that Applicant's mark consists of and comprises matter which may disparage and falsely suggest a trade connection between Opposer and Applicant.

8. The "MANAGED CARE-FIRST REPORT" mark is a close approximation of the "CAREFIRST" house mark, name, and identity previously used by Opposer.

9. The "CAREFIRST" house mark, name, and identity points uniquely and unmistakably to Opposer.

10. Opposer is not nor will it be connected with the activities performed by Applicant under the "MANAGED CARE-FIRST REPORT" mark.

11. The "CAREFIRST" house mark, name, and identity is of sufficient fame or reputation that a connection with Opposer would be presumed when Applicant's mark is used in connection with its products and services.

12. Opposer has expended considerable time, effort, and money in advertising and otherwise promoting its products, services, and membership activities, and in encouraging the public and trade to recognize its "CAREFIRST" housemark and name, that unless refused, the registration obtained by Applicant will enable Applicant to reap the benefits of such goodwill attached to Opposer's mark, and Opposer will suffer irreparable damage and injury as a result of the confusion that is likely to arise from its inability to control its reputation.

13. Furthermore, any defect, objection, or fault found with Applicant's products and services provided under Applicant's "MANAGED CARE-FIRST REPORT" mark would necessarily reflect on and seriously injure the reputation that Opposer has established and currently enjoys under the "CAREFIRST" housemark and name.

14. If the Applicant is able to register its mark "MANAGED CARE-FIRST REPORT" for the products and services set forth in the application, confusion of the trade and public is likely to result, and such confusion will result in damage and injury to Opposer.

15. If Applicant is granted a registration for the mark herein, it will obtain at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and its members.

WHEREFORE, Opposer, by and through its counsel, respectfully prays that the mark sought to be registered by Applicant in U.S. Application Serial No. 77/343,629 be refused and this

opposition be sustained. The government filing in the amount of \$600.00, for two classes, is attached hereto.

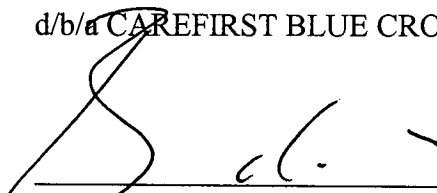
Please recognize Barth X. deRosa, Samuel D. Littlepage, Nicole M. Meyer, Jonathan Redway, Steven D. Lustig, Ruth M. Finch and Karen Kovacs, all members of a Bar, and the firm of Dickinson Wright PLLC, 1875 Eye Street, N.W., Suite 1200, Washington, D.C. 20006, as attorneys for Opposer

Respectfully submitted,

CAREFIRST OF MARYLAND, INC
d/b/a CAREFIRST BLUE CROSS BLUE SHIELD

Date: _____

10/20/08

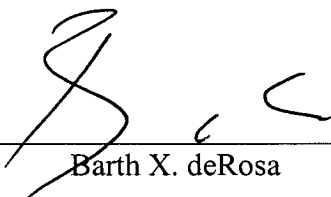


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CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing Notice of Opposition is being forwarded by first class this 20th day of October 2008 to Counsel for Applicant by first class mail, postage prepaid and addressed to:

Tristram R. Fall, III
FOX ROTHSCHILD LLP
2000 Market Street
Tenth Floor
Philadelphia, Pennsylvania 19103-3291



Barth X. deRosa

EXHIBIT A



The Center for Provider Education & Training

Continuing Medical Education: Our service commitment to you

CareFirst recognizes that continuing medical education (CME) is an essential element contributing to the practice of quality medicine. As part of our dedication to our members' wellness, we are proud to offer direct links to online CME programs. These programs are offered in conjunction with reputable organizations and have been specifically selected for their preventive care value.

The organizations and programs listed below offer quality continuing education and training activities for busy medical professionals. By completing these classes online you can earn free credits - at your convenience - in the privacy of your office or home.

Together, we can make a difference.

The sidebar on the left provides links to some helpful information.

- Click 'FAQ' for answers to frequently asked questions.
- Click 'Medical Policies' to view the CareFirst online Medical Policy Reference Manual.
- Click 'Clinical Resources' to view CareFirst's Clinical Resources.

Please contact us with any questions or comments.

How to participate in a CME course

To enroll in a course, click on any of the links below and follow the directions for registration. Once you have successfully completed the training, you will be awarded your credits through e-mail.

The following links are to separate, independent companies that do not provide BlueCross and BlueShield products or services. They are solely responsible for the information contained in the links.

Adolescent Health

Adolescent Immunization Advances

This two credit continuing medical education course helps physicians and other primary healthcare professionals to implement the latest immunization recommendations for adolescents. Provided by the North Carolina Academy of Family Physicians, this one hour program focuses on the role adolescents play in the transmission of disease.

The American Cancer Society

Online Continuing Medical Education

The American Cancer Society offers free Continuing Medical Education (CME) activities on all aspects of oncology, from cancer prevention and diagnosis to treatment and palliative care. Currently available courses include the following:

Colorectal Cancer Prevention and Early Detection

This program provides screening strategies to identify patients at risk for developing colorectal cancer.

Guidelines for HPV Prevention

This program outlines ACS recommendations for vaccination against HPV to prevent cervical cancer.

Pharmacotherapy for Nicotine Dependence

This program addresses all of the approved and many of the experimental pharmacotherapy tools that a provider can use to help patients quit smoking.

The American Heart Association

Professional Education Center

The American Heart Association offers continuing education credit hours and CME/CE certificates for professionals participating in live conferences and workshops, web-based educational activities and satellite broadcasts of expert discussions related to cardiovascular and cerebrovascular science and medicine.

Cross Cultural Training

Cultural Diversity Course - This course is a CareFirst Quality Rewards (CQR) endorsed CME course.

Would you like to improve upon any of the following skills?

- Conduct a medical examination with your culturally diverse patients
- Identify the impact of cultural issues on medical decisions
- Work with interpreters
- Explain a patient's diagnosis and treatment options

Physicians can earn 2.5 Category One CME credits in as little as two hours with this free, quick and convenient cultural diversity training course from Quality Interactions. Start building the skills you need to effectively communicate with patients from different cultural backgrounds. If you are a physician interested in this training, please contact CareFirst at 800-323-4472 to obtain a password to access the course.

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Clinical Resources

[Clinical Practice Guidelines](#) |
 [Preventive Service Guidelines](#) |
 [Documentation and Office Standards](#)

CareFirst's Quality Improvement (QI) program seeks to enrich clinical care and administrative services in every area of the health care delivery system. Clinical resources are developed under our QI program and support our providers in treating chronic disease, providing preventive care and maintaining office operations.

All of our guidelines are based on national medical association and health organization recommendations, approved by a Quality Improvement Advisory Committee of physicians and reviewed annually or when national guidelines change.

Clinical Practice Guidelines

- ❖ [Guidelines for the Diagnosis and Management of Asthma](#) (3.9MB, 440 pgs.)
- ❖ [Clinical Guidelines for the Management of Heart Failure](#) (154KB, 4 pgs.)
- ❖ [AHA/ACC Guidelines for Preventing Heart Attack and Death in Patients with Atherosclerotic Cardiovascular Disease](#) (81KB, 4 pgs.)
- ❖ [AHA/ACC Guidelines for Secondary Prevention for Patients With Coronary and Other Atherosclerotic Vascular Disease: 2006 Update](#) (153KB, 12 pgs.)
- ❖ [Clinical Practice Guidelines for Depression in Adults in the Primary Care Setting](#) (211KB, 12 pgs.)
- ❖ [Standards of Medical Care in Diabetes](#)
- ❖ [Nutritional Recommendations and Interventions for Diabetes](#)

Visit the [Disease Management](#) section of our site for more information.

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Preventive Service Guidelines

CareFirst's Quality Improvement Council has approved the guidelines listed below. To access this information, download [CareFirst's Preventive Service Guidelines](#) (305KB, 20 pgs.)

- ❖ Recommended Service Guidelines for Children
- ❖ Recommended Immunization Schedule for Children
- ❖ Recommended Service Guidelines for Adults
- ❖ Recommended Immunization Schedule for Adults

Solution Cen

- ❖ [Need Claim Stat Eligibility?](#)
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- ❖ [Provider Manual](#)
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- ❖ [Find a Doctor](#)
- ❖ [Find My Provid: Representative Professional, In: Dental](#)
- ❖ [Credentialing](#)
- ❖ [Update Practice](#)
- ❖ [Thomas/Love St](#)
- ❖ [Center for Provi & Training](#)
- ❖ [Pay-for-Perform - CareFirst Quali Rewards](#)
- ❖ [Disease Manage](#)
- ❖ [National Provide \(NPI\)](#)
- ❖ [Options Discour Alternative Ther Hearing and Mo](#)
- ❖ [Health and Well: My Care First \(E](#)
- ❖ [HIPAA](#)



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Documentation and Office Standards

- ❖ [Medical Record Documentation Standards \(227KB, 7 pgs.\)](#) 
- ❖ [Practitioner Office Standards \(205KB, 8 pgs.\)](#) 

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