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Filing date: **12/08/2008**

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

Proceeding	91187251
Party	Defendant Princeton Media Associates, LLC
Correspondence Address	Tristram R. Fall, III, Esquire Fox Rothschild LLP 10th Floor, 2000 Market Street Philadelphia, PA 19103-3291 UNITED STATES
Submission	Answer
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Date	12/08/2008
Attachments	Answer - MCFR.pdf (6 pages)(260676 bytes)

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS (“ESTTA”)
DATE OF FILING: December 8, 2008

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

In the matter of Application Serial No. 77/343,629
Filed on December 4, 2007 for “MANAGED CARE - FIRST REPORT”

CAREFIRST OF MARYLAND, INC.	:	
d/b/a CareFirst BlueCross BlueShield	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91187251
	:	
HMP COMMUNICATIONS, LLC	:	
as successor-in-interest to	:	
Princeton Media Associates, LLC	:	
	:	
Applicant	:	

ANSWER TO NOTICE OF OPPOSITION

HMP COMMUNICATIONS, LLC, a Delaware limited liability company (“Applicant”),
having offices at 83 General Warren Boulevard, Suite 100, Malvern, Pennsylvania 19355,
answers the Notice of Opposition of CareFirst of Maryland, Inc., d/b/a CareFirst BlueCross
BlueShield (“Opposer”), as follows:

1. Applicant is without knowledge or information sufficient to form a belief
as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and
therefore denies such allegations.
2. Applicant is without knowledge or information sufficient to form a belief
as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and
therefore denies such allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies such allegations.

4. Applicant admits that it is seeking to obtain registration on the Principal Register of the mark “MANAGED CARE - FIRST REPORT”, Application Serial No. 77/343,629, for goods described as “newsletters pertaining to medical conferences; medical journals”, in International Class 16, and services described as “planning and conducting educational conferences, seminars, and forums in the field of medical education and continuing medical education”, in Class 41. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies such allegations.

5. Applicant denies that it is seeking to register the mark “MANAGED CARE-FIRST REPORT”. The mark that Applicant is seeking to register is “MANAGED CARE - FIRST REPORT” – with a space after the word “CARE” and before the hyphen and with another space after the hyphen and before the word “FIRST”. Applicant denies that its mark “MANAGED CARE - FIRST REPORT” is so confusingly similar in meaning and commercial impression to Opposer’s mark “CAREFIRST” as to be likely to cause confusion or to deceive purchasers in the mistaken belief that the products and services of Applicant emanate from Opposer or are disseminated under Opposer’s approval, sponsorship or control. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies such allegations.

6. Applicant admits that it did not make any use of its mark “MANAGED CARE - FIRST REPORT” prior to December 4, 2007, the date on which it filed Application Serial No. 77/343,629. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies such allegations.

7. Applicant denies that its mark “MANAGED CARE - FIRST REPORT” consists of or comprises matter which may disparage or falsely suggest a trade connection between Opposer and Applicant. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies such allegations.

8. Applicant denies that its mark “MANAGED CARE - FIRST REPORT” is a close approximation of the mark “CAREFIRST”. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 8 of the Notice of Opposition and therefore denies such allegations.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies such allegations.

10. Applicant admits that Opposer is not and will not be connected with the activities performed by Applicant under its mark “MANAGED CARE - FIRST REPORT”. Applicant is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in Paragraph 10 of the Notice of Opposition and therefore denies such allegations.

11. Applicant denies that the "CAREFIRST" house mark, name or identity is of sufficient fame or reputation that a connection with Opposer would be presumed when Applicant's mark "MANAGED CARE - FIRST REPORT" is used in connection with Applicant's products or services. Applicant is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in Paragraph 11 of the Notice of Opposition and therefore denies such allegations.

12. Applicant denies that it will or intends to reap the benefits of any goodwill that may be attached to Opposer's mark "CAREFIRST". Applicant denies that Opposer will suffer irreparable damages or injury as a result of the registration of Applicant's mark "MANAGED CARE - FIRST REPORT". Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 12 of the Notice of Opposition and therefore denies such allegations.

13. Applicant denies that any defect, objection or fault that might be found in Applicant's products or services provided under its mark "MANAGED CARE - FIRST REPORT" would reflect on or injure the reputation of Opposer. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 13 of the Notice of Opposition and therefore denies such allegations.

14. Applicant denies that, if it is able to register its mark "MANAGED CARE - FIRST REPORT" for the products and services set forth in its application, confusion of the trade or public would likely result, or that such registration would damage or injure Opposer in any way. Applicant is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in Paragraph 14 of the Notice of Opposition and therefore denies such allegations.

15. Applicant admits that, if it is granted a registration for its mark “MANAGED CARE - FIRST REPORT” for the products and services set forth in its application, Applicant will obtain at least a *prima facie* exclusive right to use such mark in connection with such products and services. Applicant denies that such a registration would be a source of damage or injury to Opposer or its members. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 15 of the Notice of Opposition and therefore denies such allegations.

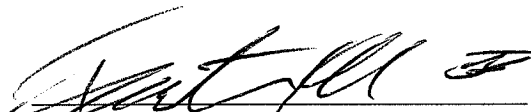
AFFIRMATIVE DEFENSES

1. Opposer’s Notice of Opposition fails to state a claim upon which relief can be granted.
2. No likelihood of confusion exists between Opposer’s mark “CAREFIRST” and Applicant’s mark “MANAGED CARE - FIRST REPORT”.
3. Opposer has not suffered, and is not likely to suffer, any damage or injury as a result of the registration sought herein, nor from any other act of Applicant.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed, with prejudice, and that Applicant be permitted to register its mark “MANAGED CARE - FIRST REPORT”, on the Principal Register.

Respectfully submitted,

Dated: December 8, 2008




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VIA ELECTRONIC SYSTEM FOR
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CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office by means of the Electronic System for Trademark Trials and Appeals ("ESTTA") on this 8th day of December, 2008.

Dated: December 8, 2008

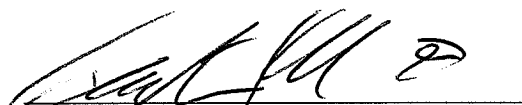

Tristram R. Fall, III

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this paper was deposited with the United States Postal Service, first class postage prepaid, on the date indicated below, in an envelope addressed to:

Barth X. deRosa, Esquire
Dickinson Wright PLLC
1875 Eye Street, NW
Suite 1200
Washington, DC 20006

Dated: December 8, 2008


Tristram R. Fall, III