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

Proceeding	91195692
Party	Defendant Clinical Resources Network LLC
Correspondence Address	VIHAR R. PATEL ENTERPRISE LAW GROUP LLP 70 W MADISON ST STE 740 CHICAGO, IL 60602-4914 UNITED STATES vihar@enterpriselg.com
Submission	Answer
Filer's Name	Vihar Patel/
Filer's e-mail	vihar@enterpriselg.com
Signature	/Vihar Patel/
Date	10/25/2010
Attachments	Answer SPG CRN Opposition - 10-24-10_Filing.pdf (9 pages)(64281 bytes) Exhibit A_Answer Affirmative Defenses For Filing_102510.pdf (3 pages)(88947 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIALS AND APPEALS BOARD**

THE SOLOMON PAGE GROUP, LLC,)	
and THE CLINICAL RESOURCE)	
NETWORK, LLC,)	
)	
Plaintiffs/Opposers,)	
)	
vs.)	Opposition No. 91195692
)	For Application serial no
CLINICAL RESOURCE NETWORK, LLC)	77669980
)	
Defendant/Applicant.)	

**DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS’
OPPOSITION**

Defendant, Clinical Resource Network, LLC (“Defendant”), hereby files its Answer and Affirmative Defenses to the Opposition filed by Opposers, The Solomon Page Group, LLC and The Clinical Resource Network, LLC (collectively, the “Plaintiffs” or “Opposers”). In support of its Answer and Affirmative Defenses, Defendant states as follows:

1. Opposer Solomon-Page is a full service staffing company that specializes in the placement of individuals in temporary and permanent jobs in various industries and specialty niches. Among the industries and niches in which Solomon-Page operates are accounting and finance, legal, administrative services, banking, benefits and insurance, clinical research, compliance, E-commerce, financial services, fashion services, human resources, healthcare and life sciences, information technology, educational new media and publishing.

Answer: Defendant only admits that Opposer Solomon Page is merely a general employment staffing company. However, at this time, Defendant lacks knowledge or

information sufficient to form a belief about the truth of the remaining allegations in paragraph 1.

As such, Defendant denies the remaining allegation in paragraph 1.

2. Opposer, Clinical Resources is a single member limited liability company which is wholly-owned by Solomon-Page.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2. As such, Defendant denies the allegation in paragraph 2.

3. Opposers use CRN as a service mark in interstate commerce, among other things, in connection with the advertising and rendering of clinical staffing services, providing full service staffing for clinical research trials and studies, clinical outsourcing, developing clinical monitoring plans, quality control, providing specialized and generalized clinical teams and other clinical resources, and providing management and process development for clinical research, trials and studies.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 3. As such, Defendant denies the allegation in paragraph 3.

4. Opposers use CRN as a service mark in interstate commerce in the recruitment and placement of applicants in various positions in the pharmaceutical community and clinical research organizations, including, for example, project managers, study coordinators, research assistants, clinical trend coordinators, quality assurance managers, medical writers in connection with a wide range of projects in diverse fields such as oncology, hematology, ophthalmology, dermatology, rheumatology, and medical devices.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4. As such, Defendant denies the allegation in paragraph 4.

5. Opposers use CRN as a service mark in interstate commerce, *inter alia*, in connection with coordination and supervision of various aspects of clinical trials, GCP/ICH compliance of all day-to-day clinical trials study activities, including study start-up process, developing and writing monitoring guidelines prior to study initiation, site selection, and initiation and provide oversight and management of regulatory documents, the maintenance of regulatory documentation, site enrollment logs, status reports, clinical tracking reports, screen failure logs, waiver logs, protocol deviation logs, drug shipment accountability and communications about project progress, issues and changes, managing and providing support in the conduct of clinical trials, including reviewing and responding to monitoring reports, coordinating and tracking site visits and schedules, insuring the accuracy of the investigator and site assignments lists, supervising and evaluating clinical research coordinators' activities and job performance.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5. As such, Defendant denies the allegation in paragraph 5.

6. Opposers have used CRN as a service mark since prior to Applicant's application filing date and, on information and belief, prior to the date of first use of the Applicant's Mark.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6. As such, Defendant denies the allegation in paragraph 6. However, Defendant admits that Opposers may have been using a jumbled

version of the letters CRN in a stylized white font embedded within a blue three dimensional cube to provide employment staffing services prior to Defendant.

7. Opposer Solomon-Page controls the nature and quality of the services rendered under the CRN service mark by Opposer Clinical Resources.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7. As such, Defendant denies the allegation in paragraph 7.

8. Opposer Solomon-Page and Opposer Clinical Resources are related companies as defined by Section 45 of the Trademark Act, 15 U.S.C. § 1127.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8. As such, Defendant denies the allegation in paragraph 8.

9. Opposer Solomon-Page owns United States Trademark Registration No. 3,206,179 which was registered on February 6, 2007 for the trademark CRN for services identified as "employment recruiting, placement and staffing" in class 35.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9. As such, Defendant denies the allegation in paragraph 9.

10. Registration No. 3,206,179 is valid and subsisting.

Answer: At this time, Defendant admits that registration number 3,206,179 is subsisting, but denies that it is valid.

11. Registration No. 3,206,179 is evidence of the exclusive right of Solomon-Page to use the registered trademark CRN in commerce in connection with the services specified in said registration.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11. As such, Defendant denies the allegation in paragraph 11.

12. As a consequence of the sales, advertising, promotion and use of the CRN service mark CRN, Opposers have developed recognition of their services under the CRN mark and have acquired and enjoy a valuable reputation and goodwill under the CRN mark.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12. As such, Defendant denies the allegation in paragraph 12.

13. Opposers own common law trademark rights in the trademark CRN for their services and activities including those identified herein.

Answer: At this time, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 13. As such, Defendant denies the allegation in paragraph 13.

14. Applicant's mark so resembles the service mark CRN of Opposers, as to be likely, when applied to the services identified in Applicant's Application Serial No. 77/669,980, to cause confusion of to cause mistake or deception.

Answer: At this time, Defendant denies the allegations in paragraph 14.

Defendant's Affirmative Defenses

Affirmative Defense One

1. Defendant has not had an opportunity to complete its investigation of all of Plaintiffs' or Opposers' claims and discovery in this matter. As such, Defendant expressly reserves the right to assert additional affirmative defenses as they are discovered.

Affirmative Defense Two

2. Defendant raises the affirmative defense of invalidity of Registration No. 3,206,179.

Affirmative Defense Three

3. Defendant raises the affirmative defense of failure to police other users of the "CRN" marks.

Affirmative Defense Four

4. Defendant raises the affirmative defense of fraud in the procurement of registration No. 3,206,179. Plaintiffs committed fraud by engaging in the following: a) submitting a drawing of the CRN mark that did not include a blue three dimensional cube and a jumbled version of the letters CRN; b) describing the "CRN" mark as a standard character mark; c) claiming a section 1 (a) basis for the "CRN" mark, but failing to comply 37 C.F.R. 2.51 (a) and TMEP 807.12; d) these material misrepresentations were made with the intent to deceive and mislead the United States Patent and Trademark Office ("USPTO"); and e) the Plaintiffs' acts misled the USPTO into approving a section (1) (a) based registration of the "CRN" mark that does not substantially represent the mark actually used by the Plaintiffs.

Affirmative Defense Five

5. Defendant raises the affirmative defense of unclean hands.

Affirmative Defense Six

6. Defendant raises the affirmative defense of estoppel.

Affirmative Defense Seven

7. Defendant raises the affirmative defense of laches.

Affirmative Defense Eight

8. Defendant raises the affirmative defense of acquiescence.

Affirmative Defense Nine

9. Defendant raises the prior registration or *Morehouse* defense based on its registration for “Changing the Pace of Clinical Trials, Fewer Patients Faster to Market.” (See Exhibit A).

Affirmative Defense Ten

10. Defendant raises the affirmative defense of amending its description of services to cure and alleviate any hypothetical likelihood of confusion of its “CRN Changing the Pace of Clinical Trials” mark and Plaintiffs’ registered or common law marks. Defendant requests that the Trademark Trials and Appeals Board (TTAB) approve registration of the mark “CRN Changing the Pace of Clinical Trials” with a modification to its description of services under classes 35, 42, and 44. However, Defendant only seeks such a modification to the extent it is necessary to alleviate any hypothetical likelihood of confusion.

WHEREFORE, Defendant requests that Plaintiffs' Opposition be denied in its entirety and that the TTAB award Defendant its costs of defense and any other relief that the TTAB deems appropriate.

Enterprise Law Group, LLP,

By: s/ Vihar R. Patel _____

Vihar Patel (#6276274)
Enterprise Law Group, LLP
70 W. Madison Street, Ste. 740
Chicago, IL 60602
Phone: 312-578-0200
Facsimile: 312-578-0202
E-Mail: vihar@enterpriselg.com

Certificate of Service

I certify, under penalties as provided by Trademark Trial and Appeals Board Rules and the Federal Rules of Civil Procedure, that I caused this Answer and Affirmative Defenses (including all exhibits), and all attached copies, to be sent to the addressee below by depositing the same in the U.S. Mail on October 25, 2010, with proper postage prepaid, and that this statement as set forth is true and correct.

Angelo Notaro
Notaro, Michalos & Zaccaria P.C.
100 Dutch Hill Road
Orangeburg, NY 10962

Vihar R. Patel

Exhibit A

Registration Number 3315724



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**CHANGING THE PACE OF
CLINICAL TRIALS: FEWER
PATIENTS, FASTER TO MARKET**

Word Mark	CHANGING THE PACE OF CLINICAL TRIALS: FEWER PATIENTS, FASTER TO MARKET
Goods and Services	IC 042. US 100 101. G & S: Medical and scientific research, namely, conducting clinical trials for others by offering specialized in-home and alternate-site phlebotomy, nursing, drug administration, and testing services for clinical trials. FIRST USE: 20061106. FIRST USE IN COMMERCE: 20061106
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
Serial Number	77048911
Filing Date	November 21, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	August 7, 2007
Registration Number	3315724
Registration Date	October 23, 2007
Owner	(REGISTRANT) Clin Tec Pharmaceutical Support Services, Inc. CORPORATION ILLINOIS The

Corporate Woods 750 Forest Edge Drive Vernon Hills ILLINOIS 60061
Attorney of Record Mitchell J. Weinstein
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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