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

| | |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 91201191 |
| Party | Defendant MediCann, Inc. |
| Correspondence Address | KRISANA M HODGES LAW OFFICE OF KRISANA M HODGES 149 9TH ST STE 201 SAN FRANCISCO, CA 94103-2620 UNITED STATES krisana@hodgeslaw.net |
| Submission | Answer |
| Filer's Name | Krisana M. Hodges |
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| Signature | /Krisana M. Hodges/ |
| Date | 11/25/2011 |
| Attachments | MED ANSW 111125.pdf (6 pages)(53347 bytes) |

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

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|--------------------------------|---|----------------------------------------------------------------------|
| Medcan Health Management Inc., |) | <i>Motion for Extension of Time to Answer or Otherwise Plead</i> |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No.: 91201191 |
| |) | |
| MediCann, Inc. |) | |
| |) | US Serial No.: 77023236 |
| Applicant. |) | |
| <hr/> | | |

ANSWER TO NOTICE OF OPPOSITION

Applicant in the above identified opposition proceeding, by and through its attorney, in response to the *Notice of Opposition* filed by Medcan Health Management Inc. (“Opposer”), dated August 16, 2011, pleads and avers as set forth below. To the extent not explicitly admitted, all allegations of the *Notice of Opposition* are denied.

1. Answering paragraph 1, Applicant has insufficient knowledge or information as to the truth of the allegations set forth and, therefore, denies said allegations.
2. Answering paragraph 2, Applicant has insufficient knowledge or information as to the truth of the allegations set forth and, therefore, denies said allegations.
3. Answering paragraph 3, Applicant has insufficient knowledge or information as to the truth of the allegations set forth and, therefore, denies said allegations.
4. Answering paragraph 4, Applicant admits the allegations.
5. Answering paragraph 5, Applicant denies the allegations.
6. Answering paragraph 6, Applicant denies the allegations.
7. Answering paragraph 7, Applicant has insufficient knowledge or information as to the truth of the allegations set forth and, therefore, denies said allegations.
8. Paragraph 8, references the allegations in Paragraphs 1 through 7, to which Applicant has already responded in answers 1 through 7 herein.
9. To the extent the allegations contained in paragraph 9 contain legal conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 9.

10. To the extent the allegations contained in paragraph 10 contain legal conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 10.
11. To the extent the allegations contained in paragraph 11 contain legal conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 11.
12. Answering paragraph 12, Applicant admits only that Applicant has claimed use of the mark in connection with medical clinics. Applicant denies the remaining allegations of paragraph 12.
13. To the extent the allegations contained in paragraph 13 describe statutes and regulations to which no response is required, Applicant denies those allegations on that basis. Applicant denies all remaining allegations contained in paragraph 13.
14. Answering paragraph 14, Applicant admits the allegations.
15. Answering paragraph 15, Applicant denies the allegations.
16. To the extent the allegations contained in paragraph 16 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 16.
17. To the extent the allegations contained in paragraph 17 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 17.
18. To the extent the allegations contained in paragraph 18 describe statutes and regulations to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 18.
19. To the extent the allegations contained in paragraph 19 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 19.
20. To the extent the allegations contained in paragraph 20 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 20.
21. Answering paragraph 21, Applicant denies the allegations.

22. Paragraph 22, references the allegations in Paragraphs 1 through 7, to which Applicant has already responded in answers 1 through 7 herein.
23. To the extent the allegations contained in paragraph 23 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 23.
24. To the extent the allegations contained in paragraph 24 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 24.
25. Answering paragraph 25, Applicant denies the allegations.
26. Answering paragraph 26, Applicant denies the allegations.
27. Answering paragraph 27, Applicant denies the allegations.
28. To the extent the allegations contained in paragraph 28 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 28.
29. To the extent the allegations contained in paragraph 29 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 29.
30. To the extent the allegations contained in paragraph 30 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 30.
31. To the extent the allegations contained in paragraph 31 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 31.
32. Paragraph 32, references the allegations in paragraphs 1 through 7, to which Applicant has already responded in answers 1 through 7 herein.
33. To the extent the allegations contained in paragraph 33 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 33.
34. Answering paragraph 34, Applicant admits that it provides medical clinic services.
35. Answering paragraph 35, Applicant denies the allegations.

36. To the extent the allegations contained in paragraph 36 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 36.
37. To the extent the allegations contained in paragraph 37 contain legal argument and conclusions to which no response is required, Applicant denies those allegations on that basis. Applicant denies any remaining allegations contained in paragraph 37.
38. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its mark since adoption, this mark is a valuable asset of Applicant and carries considerable goodwill and consumer acceptance of its services provided under the mark. Such usage and widespread acceptance has made the mark distinctive to the Applicant.

FIRST AFFIRMATIVE DEFENSE

Opposer fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer has no priority in the disputed mark(s).

THIRD AFFIRMATIVE DEFENSE

Opposer's claims are barred, in whole or in part, by the doctrines of estoppel, acquiescence and waiver.

FOURTH AFFIRMATIVE DEFENSE

Opposer's claims are barred, in whole or in part, by the doctrine of laches.

WHEREFORE, Applicant respectfully requests that the *Notice of Opposition* be denied in all respects.

Date: November 25, 2011

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Krisana M. Hodges, hereby certify that this *Answer to Notice of Opposition* is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that a copy of this *Answer to Notice of Opposition* was mailed first-class, postage prepaid, to Ariana Gallisá, Cooley LLP, 101 California Street, 5th Floor, San Francisco, California, 94111-5800, attorney for Opposer, on this 25th day of November, 2011.

Date: November 25, 2011



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