

ESTTA Tracking number: **ESTTA439235**

Filing date: **11/03/2011**

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	Kumric LLC
Granted to Date of previous extension	12/28/2011
Address	PMB #103, 5315 FM 1960 West, Suite B Houston, TX 77069 UNITED STATES
Attorney information	Elizabeth R. Hall Elizabeth R. Hall & Associates, P.C. P.O. Box 66629 Houston, TX 77266-6629 UNITED STATES ehall@pdq.net, vange@ipparalegals.com Phone:713.812.6525

### Applicant Information

Application No	85278635	Publication date	08/30/2011
Opposition Filing Date	11/03/2011	Opposition Period Ends	12/28/2011
Applicant	MedAssurant, Inc. 4321 Collington Road Bowie, MD 20716 UNITED STATES		

### Goods/Services Affected by Opposition


Class 009. All goods and services in the class are opposed, namely: Software for healthcare quality reporting, for improving healthcare services and quality, and for healthcare audit documentation
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### Grounds for Opposition

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

U.S. Registration No.	3858704	Application Date	01/29/2008
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	QSI		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1990/05/00 First Use In Commerce: 1990/05/00 Business auditing of quality management systems and processes, environmental management systems, and safety and health management systems</p> <p>Class 042. First use: First Use: 1990/05/00 First Use In Commerce: 1990/05/00 Providing quality assurance services for others to mitigate systemically risk in the field of oil and gas, refining, chemical, manufacturing and fabrication; Providing quality control services for others; Developing software applications for use in integrity, quality, health and safety and environmental management systems</p>

U.S. Registration No.	3858705	Application Date	01/29/2008
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	QSI		
Design Mark			
Description of Mark	The mark consists of the design of the globe with grid lines and the letters "Q", "S" and "I". In addition, the globe design is surrounded by an oval design.		
Goods/Services	<p>Class 035. First use: First Use: 2005/07/00 First Use In Commerce: 2005/07/00 Business auditing of quality management systems and processes, environmental management systems, and safety and health management systems</p> <p>Class 042. First use: First Use: 2005/07/00 First Use In Commerce: 2005/07/00 Providing quality assurance services for others to mitigate systemically risk in the field of oil and gas, refining, chemical, manufacturing and fabrication; Providing quality control services for others; Developing software applications for use in integrity, quality, health and safety and environmental management systems</p>		

Attachments	77383281#TMSN.jpeg ( 1 page )( bytes ) 77383419#TMSN.jpeg ( 1 page )( bytes ) QSI-L0002 Notice of Opposition for filing.pdf ( 6 pages )(2128010 bytes ) QSI-L0002 Exhibits.pdf ( 7 pages )(1214646 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	/Elizabeth R. Hall/
Name	Elizabeth R. Hall
Date	11/03/2011

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

Serial No. : 85/278,635

Filing Date : March 28, 2011

Opposition No. \_\_\_\_\_

Mark : QSI

Published : August 30, 2011

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Kumric LLC

*Opposer,*

v.

MedAssurant, Inc.

*Applicant*

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**NOTICE OF OPPOSITION**

Kumric LLC ("Opposer" or "KUMRIC") hereby opposes application Serial No. 85/278,635 seeking registration of the mark QSI ("Applicant's mark"), filed by MedAssurant, Inc. ("Applicant"). Opposer believes it will be damaged by registration of the mark shown in the above-referenced application.

Applicant's application for the mark QSI, Serial No. 85/278,635, was published on August 30, 2011. On September 8, 2011, Applicant, through its attorney Elizabeth R. Hall, filed a Request for Extension of Time to Oppose the registration of Applicant's mark. An approval of that Request was issued by the TTAB on September 8, 2011, extending the due date for an Opposition until October 29, 2011. Attached as Exhibit A is a copy of the approval of the

Extension Request. On October 20, 2011, a Request for a 60 Day Extension of Time to File an Opposition was filed and granted. Attached as Exhibit B is a copy of the approval of the due date for an Opposition through December 28, 2011. This Notice of Opposition is being filed prior to the specified due date.

The grounds for opposition are as follows:

1. Opposer Kumric LLC is a Limited Liability Company organized under the laws of the State of Texas, with a business address of PMB #103, 5315 FM 1960 West, Suite B, Houston, Texas 77069.

2. Opposer is and has been engaged in providing business auditing of quality management systems and processes, environmental management systems, and safety and health management systems since at least as early as May 31, 1990; providing quality assurance services and quality control services for others; and developing software applications for use in integrity, quality, health and safety and environmental management systems since at least as early as May 31, 1990.

3. Opposer is the owner of the following valid and subsisting U.S. Trademark registrations, including Registration No. 3,858,704 for QSI (a copy of such registration is attached as Exhibit C) and 3,858,705 for QSI & Design (a copy of such registration is attached as Exhibit D).

4. Opposer has extensively used its QSI marks in commerce and has acquired considerable and valuable goodwill and wide scale recognition for its QSI marks. The public has come to associate the QSI marks with Opposer's business auditing services and software

applications used to assure integrity management, quality control, and audit documentation in the fields of health and safety.

5. Opposer's registrations are prima facie proof of ownership and use of the marks, pursuant to 15 USC 1057(b), is evidence of the validity of the registered marks and of registrant's exclusive right to use the registered marks in commerce on or in connection with the services specified on the certificates of registration.

6. Applicant's mark is confusingly similar to Opposer's registered trademarks, in fact, Applicant's mark is identical to one of Opposer's registered marks, and is likely, when applied to the goods specified on the application, to cause confusion, or to cause mistake or to deceive. 15 USC 1052(d). Applicant's mark makes a highly similar commercial impression to Opposer's mark due to its identical sound and appearance. The overall commercial impression of applicant's mark, when applied to the goods used in the same industry, would cause confusion or be likely to cause confusion, mistake, or deception.

7. Opposer believes that it would be damaged by the registration of Applicant's mark.

8. On information and believe, Application Serial No. 85/278,635 is owned by MedAssurant, Inc., a Delaware Corporation, located at 4321 Collington Road, Bowie, Maryland 20716. Attached as Exhibit E is a copy of the application from the TARR database.

9. On information and belief, Applicant intends to apply its confusingly similar mark to software used in healthcare quality reporting, healthcare quality management, and for healthcare audit documentation, which are the areas of use for which Opposer is well known.

10. On information and belief, use of the mark by the Applicant for software for healthcare quality reporting, for improving healthcare services and quality, and for healthcare audit documentation would cause confusion, mistake and deception with respect to those goods, by virtue of the Opposer's prior use of its QSI marks, and by virtue of the Opposer's renown in health and safety quality management, reporting and audit documentation.

11. On information and belief, both Applicant's mark and Opposer's marks are (or, in Applicant's case, would be) applied to goods and/or services in the same field and are likely to be sold to the same or similar channels of distribution. Applicant's mark so resembles Opposer's registrations and well-known trademarks, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

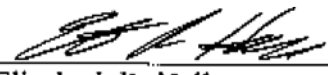
Notice of Opposition to  
Serial No. 85/278,635  
Kumric LLC, *Opposer* v. MedAssurant, Inc., *Applicant*  
November 2, 2011  
Page 5

OPPOSER KUMRIC prays that this Serial No. 85/278,635 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of KUMRIC.

Respectfully submitted for Opposer,  
KUMRIC LLC

Date: November \_\_\_\_, 2011

By:

  
Elizabeth R. Hall  
Elizabeth R. Hall & Associates, P.C.  
P.O. Box 66629  
Houston, Texas 77266-6629  
Phone: 713.812.6525  
Fax: 713.715.5452

Encl: Notice of Opposition Fee of \$300 (paid via credit card)  
Should any further fees be due by this paper, the Director is hereby authorized to debit  
Deposit Account No. 50-0987; please reference Attorney Docket No. QSI-L0002.

I hereby certify that this correspondence is being filed electronically with the United States Patent and Trademark Office on the date indicated below.

November \_\_\_\_, 2011

By:

  
Viola M.L. Ange



Notice of Opposition to  
Serial No. 85/278,635  
Kumric LLC, *Opposer* v. MedAssurant, Inc., *Applicant*  
November 2, 2011  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Opposer's Notice of Opposition has been serviced upon Applicant's attorney of record for the applicant, who is identified below, via First Class Mail, postage prepaid, on the date indicated below:

Lynne E. Rzonca  
Ballard Spahr LLP  
1735 Market Street, Fl. 51  
Philadelphia, PA 19103-7507

November \_\_\_\_, 2011

By: \_\_\_\_\_  
Viola M.L. Ange

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Elizabeth R. Hall  
Elizabeth R. Hall & Associates, P.C.  
P.O. Box 66629  
Houston, TX 77266-6629

Exhibit A

**Mailed: September 8, 2011**

**Serial No.: 85278635**  
**ESTTA TRACKING NO: ESTTA429359**

The request to extend time to oppose is granted until  
**10/29/2011** on behalf of potential opposer **Kumric LLC**

Please do not hesitate to contact the Trademark Trial and  
Appeal Board at (571)272-8500 if you have any questions  
relating to this extension.

**Note from the Trademark Trial and Appeal Board**

TTAB forms for electronic filing of extensions of time to  
oppose, notices of opposition, petition for cancellation, notice  
of ex parte appeal, and inter partes filings are now available  
at <http://estta.uspto.gov>. Images of TTAB proceeding files can  
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Elizabeth R. Hall  
Elizabeth R. Hall & Associates, P.C.  
P.O. Box 66629  
Houston, TX 77266-6629

Exhibit B

**Mailed: October 20, 2011**

**Serial No.: 85278635**  
**ESTTA TRACKING NO: ESTTA436865**

The request to extend time to oppose is granted until  
**12/28/2011** on behalf of potential opposer **Kumric LLC**

Please do not hesitate to contact the Trademark Trial and  
Appeal Board at (571)272-8500 if you have any questions  
relating to this extension.

**Note from the Trademark Trial and Appeal Board**

TTAB forms for electronic filing of extensions of time to  
oppose, notices of opposition, petition for cancellation, notice  
of ex parte appeal, and inter partes filings are now available  
at <http://estta.uspto.gov>. Images of TTAB proceeding files can  
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

# United States of America

United States Patent and Trademark Office

# QSI

Exhibit C

**Reg. No. 3,858,704**

**Registered Oct. 12, 2010**

**Int. Cls.: 35 and 42**

**SERVICE MARK**

**PRINCIPAL REGISTER**

KUMRIC, LLC (TEXAS LIMITED LIABILITY COMPANY)  
PMB #103, 5315 FM 1960 WEST, SUITE B  
HOUSTON, TX 77069

FOR: BUSINESS AUDITING OF QUALITY MANAGEMENT SYSTEMS AND PROCESSES, ENVIRONMENTAL MANAGEMENT SYSTEMS, AND SAFETY AND HEALTH MANAGEMENT SYSTEMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1990; IN COMMERCE 5-0-1990.

FOR: PROVIDING QUALITY ASSURANCE SERVICES FOR OTHERS TO MITIGATE SYSTEMICALLY RISK IN THE FIELD OF OIL AND GAS, REFINING, CHEMICAL, MANUFACTURING AND FABRICATION; PROVIDING QUALITY CONTROL SERVICES FOR OTHERS; DEVELOPING SOFTWARE APPLICATIONS FOR USE IN INTEGRITY, QUALITY, HEALTH AND SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-1990; IN COMMERCE 5-0-1990.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-383,281, FILED 1-29-2008.

TEJBIR SINGH, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

Exhibit D



**Reg. No. 3,858,705**

**Registered Oct. 12, 2010**

**Int. Cls.: 35 and 42**

**SERVICE MARK**

**PRINCIPAL REGISTER**

KUMRIC, LLC (TEXAS LIMITED LIABILITY COMPANY)  
PMB #103, 5315 FM 1960 WEST, SUITE B  
HOUSTON, TX 77069

FOR: BUSINESS AUDITING OF QUALITY MANAGEMENT SYSTEMS AND PROCESSES, ENVIRONMENTAL MANAGEMENT SYSTEMS, AND SAFETY AND HEALTH MANAGEMENT SYSTEMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-0-2005; IN COMMERCE 7-0-2005.

FOR: PROVIDING QUALITY ASSURANCE SERVICES FOR OTHERS TO MITIGATE SYSTEMICALLY RISK IN THE FIELD OF OIL AND GAS, REFINING, CHEMICAL, MANUFACTURING AND FABRICATION; PROVIDING QUALITY CONTROL SERVICES FOR OTHERS; DEVELOPING SOFTWARE APPLICATIONS FOR USE IN INTEGRITY, QUALITY, HEALTH AND SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-0-2005; IN COMMERCE 7-0-2005.

THE MARK CONSISTS OF THE DESIGN OF THE GLOBE WITH GRID LINES AND THE LETTERS "Q", "S" AND "I". IN ADDITION, THE GLOBE DESIGN IS SURROUNDED BY AN OVAL DESIGN.

SER. NO. 77-383,419, FILED 1-29-2008.

TEJBIR SINGH, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-10-18 14:23:16 ET

Serial Number: 85278635 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

Exhibit E  
Page 1

QSI

(words only): QSI

Standard Character claim: Yes

**Current Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

**Date of Status:** 2011-09-08

**Filing Date:** 2011-03-28

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**Attorney Assigned:**  
MICKLEBURGH LINDA BOHANNON

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2011-07-22

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. [MedAssurant, Inc.](#)



**Address:**

MedAssurant, Inc.  
4321 Collington Road  
Bowie, MD 20716  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Delaware

Exhibit E Page 2
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**GOODS AND/OR SERVICES**

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**International Class:** 009**Class Status:** Active

Software for healthcare quality reporting, for improving healthcare services and quality, and for healthcare audit documentation

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-09-08 - Extension Of Time To Oppose Received

2011-08-30 - Notice Of Publication E-Mailed

2011-08-30 - Published for opposition

2011-07-22 - Law Office Publication Review Completed

2011-07-21 - Assigned To LIE

2011-06-27 - Approved For Pub - Principal Register

2011-06-24 - Notification Of Non-Final Action E-Mailed

2011-06-24 - Non-final action e-mailed

2011-06-24 - Non-Final Action Written

2011-06-24 - Assigned To Examiner

2011-03-31 - New Application Office Supplied Data Entered In Tram

2011-03-31 - New Application Entered In Tram

Exhibit E Page 3
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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Lynn E. Rzonca

**Correspondent**

LYNN E. RZONCA

BALLARD SPAHR LLP

1735 MARKET ST FL 51

PHILADELPHIA, PA 19103-7507

Phone Number: 215.864.8109

Fax Number: 215.864.8999

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