

ESTTA Tracking number: **ESTTA544287**

Filing date: **06/20/2013**

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

Proceeding	91210247
Party	Defendant Discovery Practice Management, Inc.
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Date	06/20/2013
Attachments	Answer_to_Notice_of_Opposition_final_24011.pdf(1565255 bytes )

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

The Center for Discovery, Inc.  Opposer,  v.  Discovery Practice Management, Inc., Applicant.	Opposition No.: 91210247  Mark: CENTER FOR DISCOVERY App. Serial No.: 85659621 App. Filed: June 22, 2012 App. Published: January 1, 2013 Atty. Dkt. No.: 241183.24011
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ANSWER TO NOTICE OF OPPOSITION

Applicant Discovery Practice Management, Inc. ("Applicant") answers the Notice of Opposition ("Opposition") filed by opposer The Center for Discovery, Inc. ("Opposer") as follows:

Applicant admits that it filed U.S. Trademark Application Serial No. 85659621 on June 22, 2012, not August 21, 2012. Applicant admits that it is a California corporation with a business address at 4281 Katella Avenue, Suite 111, Los Alamitos, California 90720. Except as expressly admitted herein, Applicant is without knowledge or information sufficient to admit or deny the allegations in the opening paragraph of the Opposition and on that basis denies each and every allegation in the opening paragraph of the Opposition.

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1. Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 1 of the Opposition and on that basis denies each and every allegation in paragraph 1 of the Opposition.

2. Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 2 of the Opposition and on that basis denies each and every allegation in paragraph 2 of the Opposition.

3. Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 3 of the Opposition and on that basis denies each and every allegation in paragraph 3 of the Opposition.

4. Applicant admits that the online records at [www.uspto.gov](http://www.uspto.gov) indicate that on January 18, 2013 trademark application serial no. 85827141 was filed and sought registration of the mark THE CENTER FOR DISCOVERY for the following goods and services in class 044:

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"providing assessment, treatment and care for children and adults with severe disabilities and medical frailties by offering special education services, clinical/therapeutic interventions, residential opportunities and parent/family support programs and services; and managing a bio-dynamically certified farm, growing vegetables, herbs and soft fruits."

Except as expressly admitted herein, Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 4 of the Opposition and on that basis denies each and every allegation in paragraph 4 of the Opposition.

5. Applicant admits that the online records at [www.uspto.gov](http://www.uspto.gov) indicate that on January 18, 2013 trademark application serial no. 85827310 was filed and sought registration of the mark THE CENTER FOR DISCOVERY and design for the following goods and services in class 044:

"providing assessment, treatment and care for children and adults with severe disabilities and medical frailties by

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offering special education services, clinical/therapeutic interventions, residential opportunities and parent/family support programs and services; and managing a bio-dynamically certified farm, growing vegetables, herbs and soft fruits." Except as expressly admitted herein, Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 5 of the Opposition and on that basis denies each and every allegation in paragraph 5 of the Opposition.

6. Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 6 of the Opposition and on that basis denies each and every allegation in paragraph 6 of the Opposition.

7. Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 7 of the Opposition and on that basis denies each and every allegation in paragraph 7 of the Opposition.

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8. Applicant is without knowledge or information sufficient to admit or deny the allegations in paragraph 8 of the Opposition and on that basis denies each and every allegation in paragraph 8 of the Opposition.

9. Applicant denies that it filed its application, serial no. 85659621, on August 21, 2012. Except as denied herein, Applicant admits the allegations paragraph 9 of the Opposition.

10. Applicant denies the allegations in paragraph 10 of the Opposition.

Applicant denies that Opposer will be damaged by registration of the trademark CENTER FOR DISCOVERY.

AFFIRMATIVE DEFENSES

1. Laches.
2. Acquiescence.
3. Waiver.
4. Estoppel.
5. Lacks sufficient allegations to support a claim.

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6. The Notice of Opposition fails to set forth a sufficient basis to deny registration of Applicant's mark.
7. Applicant is the senior user of the mark.
8. Unclean hands.

WHEREFORE, Applicant requests that the registration sought by Applicant in Application Serial No. 85659621 be granted and that the instant Opposition be dismissed.

Respectfully submitted,

June 20, 2013 By: 

Marshall A. Lerner (Reg. No. 24,108)

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Attorneys for Applicant Discovery Practice Management, Inc.

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CERTIFICATE OF SERVICE

I Myriam Kulig, hereby certify that I caused a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be served by mailing said copy on June 20, 2013 via First Class Mail, postage prepaid to:

Angelo J. Bufalino  
Vedder Price P.C.  
222 N LaSalle St Ste 2400  
Chicago, Illinois 60601

June 20, 2013

  
Myriam Kulig