ESTTA Tracking number: **ESTTA549637**

Filing date: **07/22/2013**

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

Proceeding	91210700
Party	Defendant United Cerebral Palsy of Central Maryland, Inc.d, Inc.
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Date	07/22/2013
Attachments	Answer to Notice of Opposition - UC2 - 07 18 13 (RRA's comments).pdf(86773 bytes)

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

United Cerebral Palsy, Inc., Opposer, v. Unified Community Connections, Inc. Applicant.	In the Matter of USPTO Ser. No. 85/729,605 **Mark: UC2** Opposition No. 91210700

Answer to Notice of Opposition and Affirmative Defenses

Applicant, Unified Community Connections, Inc., a Maryland non-profit corporation ("UC2"), by its undersigned counsel, responds to the numbered paragraphs of the Notice of Opposition filed May 20, 2013 by United Cerebral Palsy, Inc. ("UCP"), as follows:

1. UC2 is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 1 of the Notice of Opposition and therefore it denies the same.

2. UC2 is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2 of the Notice of Opposition and therefore it denies the same.

3. UC2 is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 3 of the Notice of Opposition and therefore it denies the same.

4. UC2 is without knowledge or information sufficient to form a belief as to the first sentence contained in Paragraph 4 of the Notice of Opposition and therefore it denies the same. With respect the table in Paragraph 4 of the Notice of Opposition, UC2 admits that the USPTO trademark records lists UCP as the owner of U.S. Trademark Registrations 2,542,343; 2,552,167; 3,105,302; and 3,787,276 (collectively the "UCP Marks").

5. UC2 is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 5 of the Notice of Opposition and therefore it denies the same.

6. UC2 is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6 of the Notice of Opposition and therefore it denies the same.

7. UC2 denies UCP's mischaractization of the description of services used in connection with its UCP Marks. In fact, the description of services for the UCP Marks, as registered, are limited to association services, related educational services, and printed matter, which do not include any of the services referenced by UCP in Paragraph 7 of its opposition. As for any remaining allegations of Paragraph 7 of the Notice of Opposition, UC2 is without sufficient knowledge or information to form a belief as to the truth or falsity of these allegations, and therefore it denies the same.

8. UC2 is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 8 of the Notice of Opposition and therefore it denies the same.

9. UC2 (formerly d/b/a United Cerebral Palsy of Central Maryland, Inc.),

admits that on September 14, 2012, it filed application application Serial No. 85/729,605 for the mark UC2 ("UC2 Mark") for "*employment agency services, namely, temporary and permanent placement of workers with disabilities; arranging for job interviews and job placement for individuals with developmental disabilities*" in International Class 35; "*transportation services for people with disabilities*" in International Class 39; "*educational services for individuals with developmental disabilities, namely, classes and training in math and reading; training for interviews and job skills provided to individuals with developmental disabilities*" in International Class 41; "*providing temporary accommodations, namely, residential homes and housing services for individuals with developmental disabilities; providing adult day care services for people with developmental disabilities*" in International Class 43; "*mental health care services, namely, providing behavioral health rehabilitative services to individuals with developmental disabilities; physical therapy, occupational therapy, and speech and language therapy for individuals with developmental disabilities*" in International Class 44; and "*providing non-medical assisted living services for personal purposes in the nature of helping disabled people with their daily activities*" in International Class 45.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, UC2 hereby asserts that:

FIRST AFFIRMATIVE DEFENSE

The UC2 Mark is sufficiently distinct from the UCP Marks so as to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's services.

SECOND AFFIRMATIVE DEFENSE

UC2's use of the UC2 Mark will not mistakenly be thought by the public to derive from the same source as USP's goods or services, nor will such use be thought by the public to be a use by USP or with USP's authorization or approval. To date, there has been no actual confusion between the UC2 Mark and the UCP Marks, despite several months of consecutive and simultaneous prominent use of such marks.

THIRD AFFIRMATIVE DEFENSE

UCP lacks standing to bring the Notice of Opposition.

WHEREFORE, in view of the foregoing, the Notice of Opposition is without merit; UCP has not shown wherein it will be, or is likely to be, damaged by the continued registration of the UC2 Mark; that the UC2 Mark is manifestly distinct from

UCP's Marks, and UC2 therefore respectfully requests that the Notice of Opposition be dismissed with prejudice.

DATED this 22nd day of July, 2013.

Respectfully submitted,

By: /Robert R. Axenfeld/
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Certificate of Service

The undersigned herby certifies that a true and complete copy of the foregoing "*Answer to Notice of Opposition and Affirmative Defenses*" has been served on counsel for Opposer, via overnight courier (Federal Express), on July 22, 2013, to:

Brian J. Winterfeldt, Esquire
Katten Muchin Rosenman LLP
2900 K Street N.W., North Tower, Suite 200
Washington, DC 20007

/Robert R. Axenfeld/
Robert R. Axenfeld

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