

ESTTA Tracking number: **ESTTA851837**

Filing date: **10/12/2017**

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	SCIOINSPIRE CORP.
Granted to Date of previous extension	11/15/2017
Address	111 Ryan Court Suite 300 Pittsburgh, PA 15205 UNITED STATES

Correspondence information	GREGG ZEGARELLI Attorney TEV LAW GROUP PC PO Box 113345 Pittsburgh, PA 15241 UNITED STATES Email: mailroom.grz@zegarelli.com Phone: 4128330600
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Applicant Information

Application No	87337168	Publication date	07/18/2017
Opposition Filing Date	10/12/2017	Opposition Period Ends	11/15/2017
Applicant	The Board of Trustees of the Leland Stanford Junior University Office of Technology Licensing 3000 El Camino Real, Bldg 5, Suite 300 Palo Alto, CA 94306 UNITED STATES		

Goods/Services Affected by Opposition


Class 044. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Medical imaging services, namely, MRI brain scanning and EEG brain scanning; providing treatment guidance to medical professionals and patients in the field of mental health and wellness, anxiety and depression; providing information in the field of psychological counseling and treatment; medical testing for diagnostic or treatment purposes in the field of anxiety, depression and mental and emotional health; medical testing of saliva; providing diagnostic medical testing and medical consultations to individuals to help them make health and wellness changes in their daily living to improve mental, emotional and physical health; providing personalized healthcare and medical information in the nature of mental health, emotional health, depression and anxiety treatment and management; providing medical information to patients in the form of reports in the field of emotional and mental health and treatment and management of depression and anxiety; mental health screening services; providing personalized profile medical reports and treatment tailoring guidelines for medical patients based on brain imaging, EEG and questionnaire input

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Deceptiveness	Trademark Act Section 2(a)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4791143	Application Date	07/16/2013
Registration Date	08/11/2015	Foreign Priority Date	NONE
Word Mark	SCIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2015/05/20 First Use In Commerce: 2015/05/20 Healthcare-related services in the nature of alert services for reminding clients of medical information, namely, medicinal dosage, prescription refills, healthcare appointments and healthcare services and activities for preventative and remedial healthcare and wellness		

Attachments	86011305#TMSN.png(bytes) Notice of Opposition.pdf(484261 bytes)
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Signature	/Gregg Zegarelli/
Name	GREGG ZEGARELLI
Date	10/12/2017

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

In re Application of

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY COMPOSED OF FRED W. ALVAREZ, ROBERT M. BASS, BRET E. COMOLLI, MARY T. BARRA, STEVEN A. DENNING, ANGELA S. FILO, RONALD B. JOHNSON, SUSAN R. MCCAW, LAURENE POWELL JOBS, JEFFREY S. RAIKES

Serial No.: 87/337,168
Mark: "SCIOCERE"

SCIOINSPIRE CORP.

Opposer,

v.

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY COMPOSED OF FRED W. ALVAREZ, ROBERT M. BASS, BRET E. COMOLLI, MARY T. BARRA, STEVEN A. DENNING, ANGELA S. FILO, RONALD B. JOHNSON, SUSAN R. MCCAW, LAURENE POWELL JOBS, JEFFREY S. RAIKES

Applicant.

NOTICE OF OPPOSITION

NOTICE OF OPPOSITION

Opposer, SCIOINSPIRE CORP. ("**Registrant Opposer**"), has a place of business at 111 Ryan Court, Suite 300, Pittsburgh, PA 15205, USA.

Registrant Opposer believes that it will be damaged by the application of THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY COMPOSED OF FRED W. ALVAREZ, ROBERT M. BASS, BRET E. COMOLLI, MARY T. BARRA, STEVEN A. DENNING, ANGELA S. FILO, RONALD B. JOHNSON, SUSAN R. MCCAW, LAURENE POWELL JOBS, JEFFREY S. RAIKES ("**Applicant**") to register "SCIOCERE" (the "**Pending Mark**") because the Pending Mark is confusingly similar to Registrant Opposer's "SCIO" line of house marks (the "**Registered Marks**"), including, but not limited to the ELEVEN (11) "SCIO" senior FEDERALLY REGISTRATIONS set forth below, and likely to cause confusion, mistake, and is likely to deceive and/or cause untrue association or sponsorship.

1. Registrant Opposer is owner of ELEVEN (11) United States federal registrations of the "SCIO" house mark; to wit, for "SCIO", as such, Reg. Nos. 4,235,446, 4,430,097, 4,709,698, 4,727,847, 4,791,143, 4,792,084; as well as, 3,673,859 ("SCIOINSPIRE"), 3,884,265, ("JUST INTIME WELLNESS"), 4,429,138 ("SCIOVANTAGE"), 4,442,372 ("SCIO HEALTH ANALYTICS"), 5,027,312 ("SCIOVBBD"),

2. The ELEVEN federal registrations traverse International Classes 9, 16, 35, 36, 41, 42 and 44, including medical-related goods and services.

3. Applicant is attempting to register the "SCIOCERE" mark in International Class 44, in which Registrant Opposer already has federally registered "SCIO" and "JUST INTIME WELLNESS," which are registered respectively for "healthcare-related services" and "wellness and health-related consulting services" and which are branded in conjunction with Registrant Opposer's Registered Marks and Registrant Opposer's unregistered marks.

4. Registrant Opposer uses the Registered Marks, among other things, in the healthcare, insurance, medical, life sciences, vertical industries, which industries themselves horizontally traverse many other consumers and industries as part of the social infrastructure of the United States.

5. Registrant Opposer has common law rights in addition to federal and state statutory rights as the proper subject of this opposition proceeding, and Registrant Opposer reserves all rights, statutorily and at common law, for infringement and damage claims against Applicant.

6. Registrant Opposer has made a significant investment into the technologies, products and services that are branded with the Registered Mark over a course of many years.

7. Applicant seeks to register the Pending Mark for use in International Class 44, the substance of which class traverses the markets and commercial uses by Registrant Opposer.

8. The Pending Mark is likely, when the Pending Mark is used on or in connection with the goods or services of the Applicant, to cause confusion, mistake, or to deceive.

9. The dominant portion of the Pending Mark is the same and sounds the same as the dominant portion of the Registered Marks. Moreover, Registrant Owner has become known and famous for the "SCIO" brand and formatives thereof that use the "SCIO" prefix.

10. The Pending Mark so resembles one or more of the Registered Marks, previously used and registered in the United States by the Registrant Opposer and not abandoned, as to be likely, when used on or in connection with the products and services identified in Applicant's application to cause confusion, mistake, and/or to deceive.

11. The Pending Mark falsely suggests a connection between Applicant's name or identity and Registrant Opposer's name or identity, and Applicant has used or intends to use the Pending Mark so as falsely to suggest a connection between Applicant and Registrant Opposer, although no such connection exists; and, to wit:

- a. Applicant's use or intended use of its intended mark in commerce, being the Pending Mark, is the same or a close approximation of Registrant Opposer's Registered Marks, being the senior marks as used in federal commerce between or among the states in these United States;
- b. Applicant's Pending Mark is or would be recognized by purchasers as the senior mark of Registrant Opposer, in that the Pending Mark suggests a connection uniquely and unmistakably to Registrant Opposer;
- c. Registrant Opposer is not connected with the goods sold by Applicant under the Pending Mark; and
- d. Registrant Opposer is of sufficient fame or reputation that when Applicant's Pending Mark is used in connection with the relevant goods or services, a connection with Registrant Opposer would be presumed.

12. Registrant Opposer is using the Registered Marks in interstate commerce between or among the states in these United States, with distributors of goods and services bearing the Registered Marks in a multitude of states, with sales and advertng on Registrant Opposer's website with interstate advertising, sales and distribution, and Applicant's use or intended use of the Pending Mark suggests a connection between Applicant and Regis-

trant Opposer when no such connection exists, Applicant falsely suggesting a connection between Registrant Opposer and Applicant.

13. For the foregoing reasons, Registrant Opposer believes it will be and will be damaged by the registration of the Pending Mark.

WHEREFORE, Registrant Opposer requests that Applicant's application, Serial No. **87/337,168**, be refused registration; that no registration be issued to Applicant for the Pending Mark; and that this opposition be sustained in favor of Registrant Opposer.

October 12, 2017

Respectfully submitted,

s/Gregg R. Zegarelli/
Gregg R. Zegarelli, Esq.

Counsel for Registrant Opposer

Z E G A R E L L I
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CERTIFICATE OF SERVICE

The following person or persons have been served by electronic mail on the date below:

Charles R. Halloran
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October 12, 2017

s/Gregg R. Zegarelli/
Gregg R. Zegarelli, Esq.
PA I.D. #52717

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