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

Proceeding	91244587
Party	Defendant The Urgent Care Group, PA
Correspondence Address	CHESTER ROTHSTEIN AMSTER, ROTHSTEIN & EBENSTEIN LLP 90 PARK AVENUE, 21ST FLOOR NEW YORK, NY 10016 ptodocket@arelaw.com no phone number provided
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Date	12/14/2018
Attachments	Answer_to_The_Notice_of_Opposition_No_91244587.pdf(166041 bytes )

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

*In the Matter of Trademark Application  
Serial No. 87/619,264  
for the trademark URGENT CARE NOW  
Published in the Official Gazette on July 10, 2018*

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Primary Health, Inc.	:	
	:	
Opposer,	:	Opposition No. 91244587
	:	
v.	:	
	:	
The Urgent Care Group, PA	:	
	:	
Applicant.	:	
-----X		

**ANSWER TO THE NOTICE OF OPPOSITION**

Applicant The Urgent Care Group, PA ("Applicant"), through its attorneys, Amster, Rothstein & Ebenstein LLP, for its Answer to the Notice of Opposition filed by Opposer Primary Health, Inc. ("Opposer"), states as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of paragraph 1 of the Opposition and therefore denies the same.
2. Applicant admits the allegations stated in paragraph 2 of the Opposition.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 and therefore denies the same; and Applicant affirmatively states that there appear to be references in the federal registrar for marks which include the term "carenow" which are not owned by Opposer.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of the 1<sup>st</sup> sentence of Paragraph 5 and therefore denies the same. Applicant admits the allegations of the 2<sup>nd</sup> sentence of Paragraph 5. Applicant denies the allegations of the 3<sup>rd</sup> sentence to the extent the word “incontestable” in the sentence “This registration is now uncontested” is used in its ordinary English meaning. Applicant admits the remaining allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations of the 1<sup>st</sup> sentence of Paragraph 6 and therefore denies the same. Applicant admits the allegations of the 2<sup>nd</sup> sentence of Paragraph 6. Applicant denies the allegations of the 3<sup>rd</sup> sentence to the extent the word “incontestable” in the sentence “This registration is now uncontested” is used in its ordinary English meaning. Applicant admits the remaining allegations.

7. Applicant is without knowledge or information sufficient to form a belief as to the allegations of the 1<sup>st</sup> sentence of Paragraph 7 and therefore denies the same. Applicant admits the allegations stated in the remaining sentences.

8. Applicant admits the allegations stated in paragraph 8 of the Opposition.

9. Applicant admits the allegations stated in paragraph 9 of the Opposition.

10. Applicant is without knowledge or information sufficient to form a belief as to the 1<sup>st</sup> sentence of paragraph 10 and therefore denies the same. Applicant denies the remaining allegations in Paragraph 10.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in Paragraph 11 and therefore denies the same.

12. Applicant denies the truth of the allegation in paragraph 12 and therefore denies the same.

13. Applicant denies the truth of the allegation in paragraph 13 and therefore denies the same.

14. Applicant denies the truth of the allegation in paragraph 14 and therefore denies the same.

15. Applicant denies the truth of the allegation in paragraph 15 and therefore denies the same.

16. Applicant denies the truth of the allegation in paragraph 16 and therefore denies the same.

WHEREFORE, Applicant requests:

1. That this Opposition be denied; and
2. Such other and further relief as the Board may deem just and proper.

Dated: December 14, 2018

Respectfully submitted,

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By:   
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Chester Rothstein

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is one of the attorneys for Applicant The Urgent Care Group, PA in the captioned opposition proceeding, and that on the date which appears below he served a true and accurate copy of the foregoing ANSWER upon Opposer's counsel of record, by causing a copy thereof to be sent to Opposer's attorneys, by e-mail and first class mail, postage prepaid, to the following address:

Julie Gregory Ray, Esq.  
Elizabeth S. Gray, Esq.  
Middleton Reutlinger  
Suite 2600, 401 S. Fourth Street  
Louisville, Kentucky 40202  
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Date: December 14, 2018



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Chester Rothstein, Counsel for Applicant