

ESTTA Tracking number: **ESTTA154848**

Filing date: **08/03/2007**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	The Samueli Institute for Informational Biology, Inc.		
Entity	Non-Profit Corporation	Citizenship	Delaware
Address	1700 Diagonal Road Suite 400 Alexandria, VA 22314 UNITED STATES		

Attorney information	Michelle C. Burke McDermott Will & Emery 227 W. Monroe ST Chicago, IL 60606 UNITED STATES mburke@mwe.com, llamberson@mwe.com, lbalsan@mwe.com Phone:312-372-2000
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Registration Subject to Cancellation

Registration No	2096146	Registration date	09/09/1997
Registrant	Healing Environments 3461 Sacramento Street San Francisco, CA 94118 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 1995/05/00 First Use In Commerce: 1995/05/00 All goods and services in the class are cancelled, namely: resource books, newsletters, and pamphlets featuring informational topics on nature, health, living and dying, for persons with life-threatening illnesses
Class 041. First Use: 1995/02/00 First Use In Commerce: 1995/02/00 All goods and services in the class are cancelled, namely: seminars, classes and educational tours featuring informational topics on nature, health, living and dying for persons with life-threatening illnesses
Class 042. First Use: 1995/10/00 First Use In Commerce: 1995/10/00 All goods and services in the class are cancelled, namely: consulting services in the field of creating and designing spaces conducive to psychological well-being and tranquility for persons with life-threatening illnesses

Grounds for Cancellation

Genericness	Trademark Act section 23
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Attachments	Petition to Cancel HEALING ENVIRONMENTS.pdf (3 pages)(113359 bytes)
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Signature	/Michelle C. Burke/
Name	Michelle C. Burke
Date	08/03/2007

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration)	
No. 2096146, registered on September 9, 1997)	
)	
The Samuelli Institute for Informational Biology, Inc.)	
)	
Petitioner,)	Cancellation No.
v.)	_____
)	
Healing Environments)	
)	
Respondent)	

Petition for Cancellation

Petitioner The Samuelli Institute for Informational Biology, Inc., a Delaware non-profit corporation, with its principal Office located at 1700 Diagonal Road, Suite 400, Alexandria, Virginia United States, 22314 (“SIIB”), believes that it is, has been and will continue to be damaged by the registration of the mark HEALING ENVIRONMENTS as reflected in the above-referenced registration as it is generic or at least highly descriptive when used in connection with goods and services related to the care of persons in hospitals, clinics, extended care facilities and other health care facilities, and hereby petitions the Trademark Trial and Appeal Board in this Cancellation Proceeding to cancel the registration for the mark HEALING ENVIRONMENTS pursuant to 15 U.S.C. §1068. As grounds of this Petition, it is alleged that:

1. Petitioner SIIB filed an application on December 6, 2005 to register the mark OPTIMAL HEALING ENVIRONMENTS, Ser. No. 78767673, proposed for use in connection with the following services:

IC 035: Consultation services to hospitals and health care facilities in the area of inpatient and outpatient integrative health care, namely, providing consultation services in the area

of health care program development, providing consultation services in the area of hospital and health care facility strategic planning, administration, systems management, personnel recruitment and personnel management, providing consultation services in the area of medical referrals, and providing consultation services in the area of record-keeping for hospital and health care facility medical records and files

IC 041: Educational services, namely, sponsoring conferences and symposia all in the fields of health care delivery, scientific research, medical and health care research; consultation services to hospitals and health care facilities in the area of inpatient and outpatient integrative health care, namely, physical fitness consultation

IC 042: Scientific research services for medical and health care purposes and medical and health care research; consultation services to hospitals and health care facilities in the area of inpatient and outpatient integrative health care, namely, providing consultation services in the area of hospital and health care facility interior design and decoration and hospital and health care facility systems quality control

IC 043: Consultation services to hospitals and health care facilities in the area of inpatient and outpatient integrative health care, namely, providing consultation services in the area of hospital and health care facility food selection and food preparation services

IC 044: Consultation services to hospitals and health care facilities in the area of inpatient and outpatient integrative health care, namely, providing consultation services in the areas of physical health care services delivery, mental health care services delivery and nutrition

2. SIIB has disclaimed all rights in the words “healing environments.”

3. Petitioner’s application for registration of the mark OPTIMAL HEALING

ENVIRONMENTS has been finally refused registration based on the prior registration of the mark HEALING ENVIRONMENTS, Reg. No. 2096146, for goods and services that have been deemed by the Examining Attorney to be related to the services identified in Petitioner’s application.

4. Upon information and belief, the current owner of U.S. Registration No. 2096146 is Healing Environments, a California non-profit public benefit corporation, located at 3461 Sacramento Street, San Francisco, California 94118.

5. Registration No. 2096146 was allowed to register on the Supplemental Register, having been refused registration on the Principal Register as being merely descriptive of the Respondent’s services.

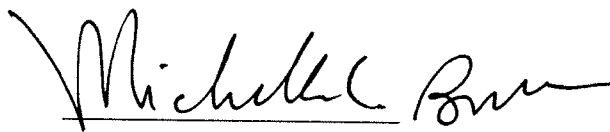
6. The term "HEALING ENVIRONMENTS" is not capable of functioning as a mark in connection with the goods and services described in the registration because numerous third parties use the term "healing environments" in connection with goods and services directed towards the care and treatment of patients in health care facilities.

7. Registration No. 2096146 was allowed to register despite the fact that the words comprising the purported mark are generic as applied to goods and services related to the design of spaces conducive to psychological well-being and tranquility for persons with life-threatening illnesses.

8. The registration of said mark has damaged and will continue to damage Petitioner by interfering with Petitioner's right to register its mark OPTIMAL HEALING ENVIRONMENTS and use the generic or at least highly descriptive term "healing environments" in connection with its services.

WHEREFORE, Petitioner therefore respectfully requests that the Trademark Trial and Appeal Board cancel this mark pursuant to its powers under 15 U.S.C. § 1068.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle C. Burke". The signature is written in a cursive style and is positioned above a horizontal line.

Michelle C. Burke
Linda A. O. Lamberson
Attorneys for the Petitioner

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