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

Proceeding	92073939
Party	Defendant National General Holdings, Corp.
Correspondence Address	NATIONAL GENERAL HOLDINGS CORP 59 MAIDEN LANE 38TH FLOOR NEW YORK, NY 10038 UNITED STATES No email provided. No phone number provided.
Submission	Answer
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Date	08/25/2020
Attachments	Answer to Petition.pdf(14393 bytes)

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

VERA WHOLE HEALTH, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No.: 92073939
)	
NATIONAL GENERAL HOLDINGS, CORP.)	
)	
Respondent.)	
)	

ANSWER TO PETITION

Respondent National General Holdings, Corp. (“Respondent”) hereby answers the Petition to Cancel (“Petition”) filed by Petitioner Vera Whole Health, Inc. (“Petitioner”) as follows:

1. Vera is a Delaware corporation based in Seattle, Washington.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

2. Respondent National General Holdings, Corp. (“NGH”), the owner of the VERA HEALTH Mark, is a Delaware corporation whose address of record is 59 Maiden Lane, 38th Floor, New York, NY 10038.

Answer: Respondent admits the allegations in Paragraph 2.

3. On January 7, 2019, NGH filed Application Serial No. 88/252,717 to register the mark VERA HEALTH on the Principal Register in International Class 36 for “Underwriting insurance services in the field of healthcare” (the “VERA HEALTH Mark”). NGH’s application for the VERA HEALTH Mark was originally filed on the basis of Section 1(b) of the Lanham Act, 15 U.S.C.A. §1051(b) and NGH alleges a first-use date of July 1, 2019. The VERA HEALTH Mark was registered on January 28, 2020 and was assigned Reg. No. 5,973,981.

Answer: Respondent admits the allegations in Paragraph 3.

4. Vera is well known in the field of healthcare and provides healthcare services, resources, and access for patients. Vera’s healthcare services include providing advanced primary care—a healthcare model that seeks to increase the time spent and understanding between primary care physicians and patients and to advance patient health through risk identification with informatics, extended care teams, and health coaching. Vera partners with a range of insurers and employers to offer its services. It currently operates clinics in many states and continues to expand.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. Vera uses the name and marks VERA, VERA WHOLE HEALTH, and other VERA-formative marks (collectively the “VERA Mark”) in connection with its healthcare services. It operates multiple websites that use the VERA Mark, including <https://www.verawholehealth.com/>, <https://patients.verawholehealth.com/>, and <https://www.verawholehealth.com/careers>. These websites provide information on Vera’s services to a broad constituency of prospective stakeholders, including but not limited to employers, insurers, patients, and prospective employees. These websites also feature other resources such as blog posts on the healthcare industry, healthcare insurance, preventive care, patient experience, and health coaching, among others.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

6. Vera owns United States Trademark Registration No. 4,524,265 VERA WHOLE HEALTH (& design) for “Health care,” which is incontestable. In addition, Vera owns United States Trademark Registration No. 5,653,461 for VERA WHOLE HEALTH for “Health care.” Copies of TESS printouts of these registrations are attached as Exhibit 1. Vera has used the VERA Mark since at least 2012. Over years, and at substantial cost, Vera has built up invaluable goodwill in its VERA Mark, which is distinctive within the meaning of 15 U.S.C.A. §1125(c). Vera also owns common law rights in the VERA Mark for healthcare services.

Answer: Respondent admits that Vera is listed as the owner of United States Trademark Registration No. 4,524,265 for the mark VERA WHOLE HEALTH (& design) for “Health care,” and that such registration is incontestable. Respondent also admits that Vera is listed as the owner of United States Trademark Registration No. 5,653,461 for the mark VERA WHOLE HEALTH for “Health care.” Respondent admits that copies of TESS printouts of the foregoing registrations

are attached to the Petition as Exhibit 1. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6.

7. Long since prior to the filing date of the application for the VERA HEALTH Mark or NGH's first use of the VERA HEALTH Mark, Vera has used the VERA Mark in connection with its healthcare services.

Answer: Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7.

8. NGH's VERA HEALTH Mark is almost identical in sight, sound, and meaning to Vera's VERA Mark. The marks share an identical primary and dominant element—VERA—and both parties also use the word HEALTH following VERA—Vera uses VERA WHOLE HEALTH and NGH uses VERA HEALTH. Further, NGH uses the VERA HEALTH Mark in connection with services in the same field that Vera uses the VERA Mark—healthcare—for related services. Customers of the services identified in the registration for the VERA HEALTH Mark may mistakenly believe that the services originate with, or are licensed, authorized, or sponsored by, Vera.

Answer: Respondent admits that it uses the mark VERA HEALTH, and that its mark and Vera's VERA WHOLE HEALTH Mark include the terms VERA and HEALTH. Respondent denies the remaining allegations in Paragraph 8.

9. NGH's VERA HEALTH Mark so resembles Vera's VERA Mark as to be likely, when used on or in connection with the services identified in its registration, to cause confusion, to cause mistake, or to deceive, and NGH's VERA HEALTH Mark is thus unregistrable.

Answer: Respondent denies the allegations in Paragraph 9.

10. For the foregoing reasons, continued registration of the VERA HEALTH Mark is injurious and damaging to Vera within the meaning of Section 14 of the Trademark Act (Lanham Act) of 1946, 15 U.S.C.A. §1064.

Answer: Respondent denies the allegations in Paragraph 10.

WHEREFORE, Respondent National General Holdings, Corp. prays for dismissal of the Petition with prejudice, and for such further relief as the Board deems appropriate.

Dated: August 25, 2020

Respectfully submitted,

/Carolyn M. Passen/

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CERTIFICATE OF SERVICE

I, Carolyn M. Passen, an attorney, hereby certify that on this 25th day of August, 2020, a copy of the foregoing ANSWER TO PETITION was served on Petitioner's attorney of record via e-mail at the following addresses: rzerounian@hansonbridgett.com; and ttabfilings@hansonbridgett.com.

/s/ Carolyn M. Passen
Carolyn M. Passen