

ESTTA Tracking number: **ESTTA1072601**

Filing date: **08/04/2020**

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 has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	Vera Whole Health, Inc.		
Entity	Incorporation	Citizenship	DELAWARE
Address	1511 6TH AVENUE SUITE 260 SEATTLE, WA 98101 UNITED STATES		
Attorney information	RAFFI ZEROUNIAN HANSON BRIDGETT LLP 425 MARKET STREET FLOOR 26 SAN FRANCISCO, CA 94105 UNITED STATES Primary Email: rzerounian@hansonbridgett.com Secondary Email(s): ttabfilings@hansonbridgett.com 4159955044		
Docket Number			

**Registration Subject to Cancellation**

Registration No.	5835163	Registration date	08/13/2019
Registrant	Reflexion Health, Inc. 225 BROADWAY SAN DIEGO, CA 92101 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 009. First Use: 2013/08/12 First Use In Commerce: 2013/08/12 All goods and services in the class are subject to cancellation, namely: Computer software, namely, software for collecting, storing, tracking, monitoring, assessing, controlling, analyzing, managing, communicating, reporting on, and processing patient medical and health data in the fields of physical therapy and rehabilitation; computer software for communication between patients and their physical therapists; computer software for healthcare providers to track and monitor a patient's participation and progress in a physical therapy program or physical rehabilitation program; interactive multimedia software featuring audio and video information for physical therapy and physical rehabilitation; interactive multimedia software featuring audio and video information for training and educating patients in the field of physical therapy and physical rehabilitation; interactive multimedia software featuring audio and video information for informing patients about what to expect before and after a surgical procedure; physical rehabilitation equipment in the nature of an interactive software system for receiving and giving physical therapy coaching and physical rehabilitation coaching</p>
<p>Class 010. First Use: 2013/08/12 First Use In Commerce: 2013/08/12</p>

All goods and services in the class are subject to cancellation, namely: Physical rehabilitation equipment in the nature of a system with a motion detection camera for assessing a patient's performance of physical therapy or physical rehabilitation exercises and provide real-time feedback via a video display comprised of an RGB camera and depth sensor for tracking motion, display screen, PC, hard drive and memory, remote control and wireless device

Class 044. First Use: 2013/08/12 First Use In Commerce: 2013/08/12  
 All goods and services in the class are subject to cancellation, namely: Health care services, namely, physical therapy and physical rehabilitation; healthcare services, namely, providing healthcare information

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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## Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4524265	Application Date	12/19/2012
Registration Date	05/06/2014	Foreign Priority Date	NONE
Word Mark	VERA WHOLE HEALTH		
Design Mark			
Description of Mark	The mark consists of the words "VERA WHOLE HEALTH" with the symbol that is a combination of a leaf shape and a flower petal shape.		
Goods/Services	Class 044. First use: First Use: 2012/05/01 First Use In Commerce: 2012/05/01 Health care		

U.S. Registration No.	5653461	Application Date	04/11/2018
Registration Date	01/15/2019	Foreign Priority Date	NONE
Word Mark	VERA WHOLE HEALTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2012/05/01 First Use In Commerce: 2012/05/01 Health care		

Attachments	2020.08.04 Vera Whole Health - Petition to Cancel VERA (Reflexion).pdf(84213 bytes ) Petition to Cancel VERA - Exhibit 1.pdf(1428498 bytes )
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Signature	/rvz/
Name	Raffi Zerounian
Date	08/04/2020

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

VERA WHOLE HEALTH, INC.

Petitioner,

v.

REFLEXION HEALTH, INC.

Reflexion.

Cancellation No.:

Reg. No.: 5,835,163

Registered: August 13, 2019

Mark: VERA

**PETITION TO CANCEL**

Vera Whole Health, Inc. ("Vera") believes that it has been and will continue to be damaged by the continued registration of the mark VERA , U.S. Reg. No. 5,835,163, and hereby petitions, in accordance with 37 C.F.R. § 2.111, to cancel that registration. As grounds for the petition to cancel, Vera alleges upon personal knowledge with respect to itself and its own acts, and upon information and belief as to all other matters, as follows:

1. Vera is a Delaware corporation based in Seattle, Washington.
2. Reflexion Health, Inc. ("Reflexion") is a Delaware corporation whose address of record is 225 Broadway, San Diego, California 92101.
3. On September 8, 2016, Reflexion filed a trademark application (U.S. Serial No. 87165443) to register the mark VERA on the Principal Register (the "Reflexion VERA Mark") in Classes 9, 10, and 44.
4. Reflexion's trademark application for the VERA mark was originally filed on an intent-to-use basis under Section 1(b) of the Lanham Act, 15 U.S.C.A. § 1051(b). The USPTO issued a Notice of Allowance on January 2, 2018. Reflexion's trademark application for the Reflexion VERA Mark registered on August 13, 2019 and was assigned Registration No. 5,835,163. The registration covers the following goods and services:

Class	Goods and Services
9	Computer software, namely, software for collecting, storing, tracking, monitoring, assessing, controlling, analyzing, managing, communicating, reporting on, and processing patient medical and health data in the fields of physical therapy and rehabilitation; computer software for communication between patients and their physical therapists; computer software for healthcare providers to track and monitor a patient's participation and progress in a physical therapy program or physical rehabilitation program; interactive multimedia software featuring audio and video information for physical therapy and physical rehabilitation; interactive multimedia software featuring audio and video information for training and educating patients in the field of physical therapy and physical rehabilitation; interactive multimedia software featuring audio and video information for informing patients about what to expect before and after a surgical procedure; physical rehabilitation equipment in the nature of an interactive software system for receiving and giving physical therapy coaching and physical rehabilitation coaching
10	Physical rehabilitation equipment in the nature of a system with a motion detection camera for assessing a patient's performance of physical therapy or physical rehabilitation exercises and provide real-time feedback via a video display comprised of an RGB camera and depth sensor for tracking motion, display screen, PC, hard drive and memory, remote control and wireless device
44	Health care services, namely, physical therapy and physical rehabilitation; healthcare services, namely, providing healthcare information

5. Vera is well known in the field of healthcare. Vera's clinics provide advanced primary care—a healthcare model that seeks to increase the time spent and understanding between primary care physician and patient, 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.

6. 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.

7. Vera owns Registration No. 4,524,265 for VERA WHOLE HEALTH (& design) for “Health care” in International Class 44, which is incontestable. In addition, Vera owns Trademark Registration No. 5,653,461 for VERA WHOLE HEALTH for “Health care” in International Class 44. Copies of TSDR 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.

8. Long since prior to the filing date of the Reflexion VERA Mark or Reflexion’s alleged first use, Vera has used the VERA Mark in connection with its healthcare services.

9. The Reflexion VERA Mark is essentially identical in sight, sound, and meaning to Vera’s VERA Mark. Further, Reflexion uses its mark in connection with goods and services in the same field that Vera uses the VERA Mark—health care, including but not limited to physical therapy services. Consumers who use the goods and services identified in the registration for the Reflexion VERA Mark may mistakenly believe that they originate with, or are licensed, authorized, or sponsored by, Vera.

10. The Reflexion VERA Mark so resembles Vera’s registered trademarks as to be likely, when used on or in connection with the goods and services identified in the Reflexion VERA Mark, to cause confusion, to cause mistake, or to deceive, and the Reflexion VERA Mark is therefore unregistrable.

11. Vera will be damaged by the registration of the mark shown in the Reflexion VERA Mark because such registration will give Reflexion *prima facie* evidence of ownership of and exclusive rights to use a mark that is confusingly similar to Vera’s registered marks, in derogation of Vera’s rights in its registered marks.

12. For the foregoing reasons, continued registration of the Reflexion VERA 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.

WHEREFORE, Vera prays that this Petition to Cancel be sustained and that the Reflexion VERA Mark be canceled.

It is requested that all future communications in connection with this proceeding be addressed to the undersigned.

Respectfully submitted,

VERA WHOLE HEALTH, INC.

By           /s/ Raffi V. Zerounian          

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Date: August 4, 2020

# **EXHIBIT 1**

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Documents

Status results found

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**Mark:** VERA WHOLE HEALTH

US Serial Number: 85806382	Application Filing Date: Dec. 19, 2012
US Registration Number: 4524265	Registration Date: May 06, 2014
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Service Mark	
TM5 Common Status Descriptor:	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.	
Status Date: Jul. 25, 2019	
Publication Date: Feb. 18, 2014	

▼ Mark Information ▲ Collapse All

**Mark Literal Elements:** VERA WHOLE HEALTH

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of the words "VERA WHOLE HEALTH" with the symbol that is a combination of a leaf shape and a flower petal shape.

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Disclaimer:** "WHOLE HEALTH"

**Design Search Code(s):** 05.03.25 - Other leaves; Leaf, single  
05.05.25 - Iris (flower); Other flowers; Daffodils

▼ Goods and Services

**Note:**  
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Health care

International Class(es): 044 - Primary Class	U.S Class(es): 100, 101
Class Status: ACTIVE	
Basis: 1(a)	
First Use: May 01, 2012	Use in Commerce: May 01, 2012

▼ Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44E: No
Filed 44E: No	Currently 66A: No
Filed 66A: No	Currently No Basis: No
Filed No Basis: No	

▼ Current Owner(s) Information

**Owner Name:** VERA WHOLE HEALTH, INC.



Owner Address:	1511 6TH AVENUE, SUITE 260 SEATTLE, WASHINGTON UNITED STATES 98101	
Legal Entity Type:	CORPORATION	State or Country Where Organized: DELAWARE
<b>▼ Attorney/Correspondence Information</b>		
<b>Attorney of Record</b>		
Attorney Name:	Erin M. Karp	Docket Number: 012263
Attorney Primary Email Address:	ekarp@caimncross.com	Attorney Email Authorized: Yes
<b>Correspondent</b>		
Correspondent Name/Address:	Erin M. Karp Cairncross & Hempelmann 524 Second Avenue, Suite 500 Seattle, WASHINGTON UNITED STATES 98104	
Phone:	206-254-4476	Fax: 206-587-2308
Correspondent e-mail:	ekarp@caimncross.com trademark@caimncross.com	Correspondent e-mail Authorized: Yes
<b>Domestic Representative - Not Found</b>		
<b>▼ Prosecution History</b>		
<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jul. 25, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 25, 2019	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 76293 ACK.	
Jul. 25, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jun. 11, 2019	TEAS SECTION 8 & 15 RECEIVED	
May 06, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jun. 20, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 25, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 28, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 28, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 06, 2014	REGISTERED-PRINCIPAL REGISTER	
Feb. 18, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 18, 2014	PUBLISHED FOR OPPOSITION	
Jan. 29, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 16, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Jan. 16, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 16, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	78048
Jan. 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 05, 2014	NON-FINAL ACTION E-MAILED	6325
Jan. 05, 2014	NON-FINAL ACTION WRITTEN	78048
Dec. 11, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70468
Dec. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Dec. 02, 2013	ASSIGNED TO LIE	70468
Nov. 24, 2013	NOTICE OF REVIVAL - E-MAILED	
Nov. 22, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 22, 2013	PETITION TO REVIVE-GRANTED	88889
Nov. 22, 2013	TEAS PETITION TO REVIVE RECEIVED	
Nov. 14, 2013	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Nov. 13, 2013	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Apr. 04, 2013	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 04, 2013	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 04, 2013	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	78048
Apr. 04, 2013	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	78048
Apr. 04, 2013	ASSIGNED TO EXAMINER	78048
Jan. 09, 2013	NOTICE OF DESIGN SEARCH CODE MAILED	
Jan. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA	

ENTERED IN TRAM	
Dec. 22, 2012	NEW APPLICATION ENTERED IN TRAM
<b>▼ TM Staff and Location Information</b>	
TM Staff Information - None	
File Location	
Current Location: TMEG LAW OFFICE 101	Date in Location: Jul. 25, 2019
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Status results found


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Mark: VERA WHOLE HEALTH

VERA WHOLE HEALTH

US Serial Number: 87873339	Application Filing Date: Apr. 11, 2018
US Registration Number: 5653461	Registration Date: Jan. 15, 2019
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Service Mark	
TM5 Common Status Descriptor: 	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Jan. 15, 2019	
Publication Date: Oct. 30, 2018	

**▼ Mark Information** ▲ Collapse All

Mark Literal Elements: VERA WHOLE HEALTH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "WHOLE HEALTH"

**▼ Related Properties Information**

Claimed Ownership of US Registrations: 4524265

**▼ Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Health care

International Class(es): 044 - Primary Class	U.S Class(es): 100, 101
Class Status: ACTIVE	
Basis: 1(a)	
First Use: May 01, 2012	Use in Commerce: May 01, 2012

**▼ Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44E: No
Filed 44E: No	Currently 66A: No
Filed 66A: No	Currently No Basis: No
Filed No Basis: No	

**▼ Current Owner(s) Information**

Owner Name: Vera Whole Health, Inc.

Owner Address: 1511 6th Avenue, Suite 260  
Seattle, WASHINGTON UNITED STATES 98101

Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
--------------------------------	--

▼ Attorney/Correspondence Information		
<b>Attorney of Record</b>		
Attorney Name:	Jeffrey A. Nelson	Docket Number: 012263
Attorney Primary Email Address:	trademark@cairncross.com	Attorney Email Authorized: Yes
<b>Correspondent</b>		
Correspondent Name/Address:	JEFFREY A. NELSON CAIRNCROSS & HEMPELMANN 524 SECOND AVENUE, SUITE 500 SEATTLE, WASHINGTON UNITED STATES 98104	
Phone:	206-254-4476	Fax: 206-587-2308
Correspondent e-mail:	trademark@cairncross.com mhadley@cairncross.com	Correspondent e-mail Authorized: Yes
Domestic Representative - Not Found		
▼ Prosecution History		
Date	Description	Proceeding Number
Jan. 15, 2019	REGISTERED-PRINCIPAL REGISTER	
Oct. 30, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 30, 2018	PUBLISHED FOR OPPOSITION	
Oct. 10, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 23, 2018	ASSIGNED TO LIE	73797
Sep. 10, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 31, 2018	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 31, 2018	NOTIFICATION OF EXAMINER'S AMENDMENT E-MAILED	6328
Jul. 31, 2018	EXAMINER'S AMENDMENT E-MAILED	6328
Jul. 31, 2018	EXAMINER'S AMENDMENT -WRITTEN	78428
Jul. 30, 2018	ASSIGNED TO EXAMINER	78428
Apr. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 14, 2018	NEW APPLICATION ENTERED IN TRAM	
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TM Staff Information - None		
<b>File Location</b>		
Current Location:	PUBLICATION AND ISSUE SECTION	Date in Location: Jan. 15, 2019
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