UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 25, 2012

Concurrent Use No. 94002554

Mission Hospital Regional Medical Center

V.

Mission Health System, Inc.

TAWNYA R WOJCIECHOWSKI
TRW LAW GROUP
19900 MACARTHUR BLVD STE 1150
IRVINE, CA 92612-8433
UNITED STATES

BRIAN M DAVIS
VIRTUAL LAW PARTNERS LLP
5960 FAIRVIEW RD
SUITE 400
CHARLOTTE, NC 28210
UNITED STATES

Re: Concurrent Use Applicant's Serial No.: 77648715.

Denise M. DelGizzi,
Technical Program Manager:

A concurrent use proceeding involving your above-identified application is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946. The proceeding will be conducted in accordance with the Rules of Practice in Trademark Cases ("Trademark Rules"), as set out in Title 37 of the Code of Federal Regulations.

The Trademark Rules may be viewed at the USPTO's trademarks webpage: http://www.uspto.gov/trademarks/index.jsp. The Board's main webpage (http://www.uspto.gov/trademarks/process/appeal/index.jsp) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Mission Health System, Inc. the registrant referred to in your application (defendant in this proceeding), is being notified on this date of the institution of the concurrent use proceeding. **You (plaintiff in this proceeding) have until ten (10) days from the date of**

this order to serve on defendant a copy of your application, including the specimens of use and drawing of the mark. See Trademark Rule 2.99(d)(1). You also must file with the Board proof that you have effected proper service of the copies, but should not file with the Board a copy of the served documents themselves. See Trademark Rule 2.119. Plaintiff must notify the Board within 10 days of the date of receipt of a returned service copy, or of the date on which plaintiff learns that service has been ineffective.

If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies. See Trademark Rule 2.119(b)(6).

As the owner of a registration nos. 2917751, 3656385, 3604905, 3593707, 3593708, 3763900 and 3921008, Mission Health System, Inc., [defending registrant] is not required to file an answer but may do so under Rule 2.99. However, Mission System Inc., is required to file an answer as a common law user with respect to any common law rights it may have with regard to its abandoned application Serial No. 77447490. The Trademark Trial and Appeal Board has set January 4, 2013 as the due date for any such answer.

You must advise the Board of any relevant applications or registrations, other than those already referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should be filed on or before [due date].

Trademark Rule 2.126 pertains to the form of submissions. Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at **http://estta.uspto.gov**.

The schedule for this case, including the deadline for the answer, the parties' conference, disclosures, discovery, trial and briefing is set out below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVUE system at the following web address: http://ttabvue.uspto.gov/ttabvue/.

However, it is noted that most concurrent use proceedings result in a negotiated settlement and the parties are encouraged to promptly begin discussion of settlement. If the parties choose to begin settlement talks prior to the due date for the answer, they may stipulate to a suspension to accommodate settlement talks.

DEADLINES and PERIODS FOR CONFERENCING, DISCLOSURES, DISCOVERY and TESTIMONY ARE SET AS INDICATED BELOW.

Time to Answer	1/4/2013
Deadline for Discovery Conference	2/3/2013
Discovery Opens	2/3/2013
Initial Disclosures Due	3/5/2013
Expert Disclosures Due	7/3/2013
Discovery Closes	8/2/2013
Plaintiff's Pretrial Disclosures	9/16/2013
Plaintiff's 30-day Trial Period Ends	10/31/2013
Defendant's Pretrial Disclosures	11/15/2013
Defendant's 30-day Trial Period Ends	12/30/2013
Plaintiff's Rebuttal Disclosures	1/14/2014
Plaintiff's 15-day Rebuttal Period Ends	2/13/2014

As noted in the schedule of dates for this case, the parties are required to have a conference, during which they are expected to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through ESTTA or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVUE record for this case at **http://ttabvue.uspto.gov/ttabvue/**. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference

will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The Board allows parties to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.