

ESTTA Tracking number: **ESTTA1139292**

Filing date: **06/09/2021**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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|---------------------------------------|--|
| Name | ModivCare Solutions, LLC |
| Granted to Date of previous extension | 06/09/2021 |
| Address | 1275 PEACHTREE STREET 6TH FLOOR ATLANTA, GA 30309 UNITED STATES |
| Attorney information | MARTHA B. ALLARD BASS, BERRY & SIMS PLC 150 3RD AVE. S. SUITE 2800 NASHVILLE, TN 37201 UNITED STATES Primary Email: trademarks@bassberry.com 615-742-7944 |
| Docket Number | 125985.0112 |

Applicant Information

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|------------------------|--|------------------------|------------|
| Application No. | 90151710 | Publication date | 02/09/2021 |
| Opposition Filing Date | 06/09/2021 | Opposition Period Ends | 06/09/2021 |
| Applicant | Modiv Health, LLC 1195 LINDA VISTA DRIVE SUITE H SAN MARCOS, CA 92078 UNITED STATES | | |

Goods/Services Affected by Opposition


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| <p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Business services provided to the health-care industry, namely, the collection, reporting, and analysis of healthcare quality data for business purposes; Collecting and analyzing claims data from healthcare organizations for business purposes; Data processing services in the field of health quality improvement; Electronic data collection and data submission services for business purposes in the fields of medicine and healthcare; Maintaining a registry of national and international databases in the field of health care; Promoting the exchange of information and resources within the scientific research and medical communities to achieve advances in the field of healthcare</p> |
| <p>Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing information in the field of education regarding healthcare</p> |

Class 044. First Use: 0 First Use In Commerce: 0
 All goods and services in the class are opposed, namely: Consulting services in the field of health-care; Mobile healthcare services; Providing healthcare information

Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act Section 2(d) |
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Marks Cited by Opposer as Basis for Opposition

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| U.S. Application No. | 90050268 | Application Date | 07/13/2020 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | MODIVHEALTH | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Downloadable computer application software for mobile phones and handheld computers, namely, software for arranging for medical transportation for people by ground vehicles</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Logistics management services in the field of non-emergency medical transportation; business management in the field of transportation logistics for non-emergency medical transportation with individuals receiving transportation, transportation providers, healthcare professionals and other healthcare service providers, social workers and case managers, families, governmental agencies, and insurers and managed-care organizations</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Non-emergency medical transport services; transportation management services in the nature of arranging non-emergency medical transportation for individuals receiving transportation with transportation providers, healthcare professionals and other healthcare service providers, social workers and case managers, families, governmental agencies, and insurers and managed-care organizations</p> | | |

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| U.S. Application No. | 90072080 | Application Date | 07/24/2020 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | MODIVHEALTH | | |

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| Design Mark | <h1>MODIVHEALTH</h1> |
| Description of Mark | NONE |
| Goods/Services | <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Business administration and management services in the field of transportation logistics for home health aides and healthcare providers to and from facilities providing care or treatment services</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 Provision of patient coverage information and data concerning the destinations and transportation of patients covered by governmental health-benefit plans</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Delivery services featuring durable medical equipment; delivery services featuring prescription and non-prescription drugs; delivery services featuring household staples; transportation of home health aides and healthcare providers to and from facilities providing care or treatment services; arranging, providing and making reservations and bookings for transportation of home health aides and healthcare providers to and from facilities providing care or treatment services; provision of destination and transportation information for patients covered by governmental health-benefit plans</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 Non-medical in-home personal care services for assisting with daily living activities of persons experiencing or recovering from medical events, injuries or illnesses; personal care assistance of activities of daily living, such as bathing, grooming, dressing, meal preparation, reminders to take medications, and personal mobility for persons experiencing or recovering from medical events, injuries or illnesses</p> |

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| U.S. Application No. | 90197619 | Application Date | 09/21/2020 |
| Registration Date | NONE | Foreign Priority Date | NONE |

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| Word Mark | MODIVCARE |
| Design Mark | <h1>MODIVCARE</h1> |
| Description of | NONE |

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| Mark | |
| Goods/Services | Class 045. First use: First Use: 0 First Use In Commerce: 0 Non-medical in-home personal care services for assisting with daily living activities of the elderly, handicapped, or persons experiencing or recovering from injuries or illnesses; personal care assistance of activities of daily living, such as bathing, grooming, dressing, meal preparation, and personal mobility for the elderly, handicapped, or persons experiencing or recovering from injuries or illnesses |

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| U.S. Application No. | 90197599 | Application Date | 09/21/2020 |
| Registration Date | NONE | Foreign Priority Date | NONE |

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| Word Mark | MODIVCARE |
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| Design Mark |  |
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| Description of Mark | NONE |
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| Goods/Services | Class 039. First use: First Use: 0 First Use In Commerce: 0 Non-emergency medical transport services; delivery services featuring durable medical equipment; delivery services featuring household staples, food and grocery items; transportation of home health aides and healthcare providers to and from facilities providing care or treatmentservices; managing, arranging, providing, planning and scheduling transportation of home health aides and healthcare providers to and from facilities providingcare or treatment services |
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| U.S. Application No. | 90197585 | Application Date | 09/21/2020 |
| Registration Date | NONE | Foreign Priority Date | NONE |


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| Word Mark | MODIVCARE |
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| Design Mark |  |
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| Description of Mark | NONE |
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| Goods/Services | Class 036. First use: First Use: 0 First Use In Commerce: 0 |
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| | Provision of information and data concerning the destinations and transportation of patients covered by governmental insurance-benefit plans |
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| U.S. Application No. | 90197553 | Application Date | 09/21/2020 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | MODIVCARE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer application software for mobile phones and handheld computers, namely, software for arranging for non-emergency medical transportation for people by ground vehicles | | |

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| Attachments | 90050268#TMSN.png(bytes) 90072080#TMSN.png(bytes) 90197619#TMSN.png(bytes) 90197599#TMSN.png(bytes) 90197585#TMSN.png(bytes) 90197553#TMSN.png(bytes) Notice of Opposition re MODIVMD.pdf(30916 bytes) opposition exhibit A.pdf(142704 bytes) opposition exhibit B.pdf(247032 bytes) |
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| Signature | /Martha B. Allard/ |
| Name | MARTHA B. ALLARD |
| Date | 06/09/2021 |

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