
Cahill Secures TTAB Victory for Fort Worth Brain & Spine Institute LLP

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Cahill secured a complete victory for Fort Worth Brain & Spine Institute, LLP (“FWBSI LLP”) before the U.S. Patent and Trademark Office’s Trademark Trial and Appeal Board. The Board sustained FWBSI LLP’s opposition to an application by Fort Worth Brain and Spine Institute, P.A. to register the mark “FORT WORTH BRAIN & SPINE INSTITUTE” for medical and surgical services. The Board ruled in FWBSI LLP’s favor on both claims pursued at trial, finding that the applicant did not own the mark and had not made bona fide use of the mark in commerce before filing its application.

The dispute centered on ownership of the mark, which FWBSI LLP has used in connection with its medical practice for more than two decades. The applicant admitted that it had not provided medical care or used the mark in connection with any services between 2004 and 2020 and acknowledged that FWBSI LLP was the only entity that had used the mark for the services identified in the application. Nevertheless, the applicant claimed ownership based on an alleged oral license granted to FWBSI LLP when the medical partnership was formed in 2003.

FWBSI LLP argued that no oral license existed and that the parties’ agreements and more than 20 years of conduct demonstrated that FWBSI LLP used the mark as its owner, not as a licensee. The Board agreed, emphasizing that the parties’ agreements made no reference to a license, partners who later joined FWBSI LLP were never informed of any licensing arrangement, and the applicant did not control the quality of the medical services provided under the mark.

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