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## PRESS RELEASE

Court Grants Summary Judgment Denying Trademark Infringement Claim by CareFirst Blue Cross/Blue Shield

November 5, 2004

**Norfolk** -- The United States District Court for the Eastern District of Virginia has issued summary judgment in favor of First Care, P. C., an eleven-physician family practice in Portsmouth and Chesapeake, Virginia, denying a trademark infringement claim by CareFirst of Maryland, Inc., which does business as CareFirst Blue Cross/Blue Shield. Taylor & Walker partner Brian N. Casey represented First Care as local counsel working with First Care's Boston counsel, Jason C. Kravitz.

This case is significant because CareFirst has pursued dozens of similar infringement claims against physicians' groups, medical service companies, clinics, hospitals, and even some charitable institutions across the country over the past twenty years. First Care is the first to challenge the regional insurer's trademark infringement claims.

Judge Robert G. Doumar stated in his decision that, "this is a straightforward trademark infringement case that boils down to a simple question: whether the doctors' office use of the name 'First Care' is likely to cause confusion with an insurance company's 'CareFirst' mark." Based on the evidence presented, Judge Doumar concluded that there was no likelihood of confusion, and thus he dismissed CareFirst's claims.

On March 19, 2004, CareFirst sued First Care in the U.S. District Court for the Eastern District of Virginia (Norfolk Division) for trademark infringement and dilution of its federally registered CAREFIRST mark, requesting injunctive relief preventing First Care from using the mark FIRST CARE and an award of nine years of First Care's revenues in the amount of nearly \$30 million. On April 22, 2004, First Care answered the suit denying the allegations and asserting several affirmative defenses. Judge Doumar's decision granting summary judgment to First Care came less than a week before the scheduled trial date.

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