

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



04-05-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

HEALTH CARE AND RETIREMENT)
CORPORATION OF AMERICA,)
)
Potential Opposer,)
)
v.)
)
SANARUS MEDICAL, INC.,)
)
Applicant.)

OPPOSITION NO.

COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3514

FURTHER REQUEST FOR EXTENSION OF TIME
TO FILE NOTICE OF OPPOSITION

RE: APPLICATION NO.: 78/123,506
MARK: CIRCLE OF CARE
APPLICANT: SANARUS MEDICAL, INC.
FILED: APRIL 23, 2002
PUBLISHED: JUNE 17, 2003

Dear Sir:

Potential Opposer requests that the time for filing an opposition against Application Serial No. 78/123,506 for the mark **CIRCLE OF CARE**, filed by **SANARUS MEDICAL, INC.** be extended, up to and including **June 1, 2004**.

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

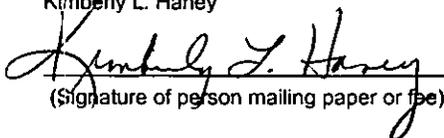
FACSIMILE

Deposited with the United States Postal Service on March 31, 2004 with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Trademarks, BOX TTAB -- NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3514.

transmitted by facsimile on [date] to the U.S. Patent and Trademark Office telefax number .

Type Signature Name

Kimberly L. Haney


(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

Potential Opposer and Applicant have executed a Consent Agreement and are awaiting acceptance of this Consent Agreement by the U.S. Trademark Examiner of HCR's application Serial No. 76/460,626. Upon acceptance by the Examiner, the parties will abide by their respective obligations set forth in the Consent Agreement. Until such time, however, this extension is necessary to allow adequate time for the U.S. Trademark Examiner of HCR's application Serial No. 76/460,626 to evaluate the registrability of Potential Opposer's pending application. This request to extend time is not being filed for the purpose of delay.

Applicant has consented to this request for a further extension in the executed Consent Agreement. Such extension is hereby sought up through and including **June 1, 2004** to resolve this matter.

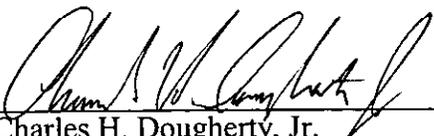
This Request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Date: March 31, 2004

Respectfully submitted,

HEALTH CARE AND RETIREMENT
CORPORATION OF AMERICA

By:


Charles H. Dougherty, Jr.
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March 31, 2004



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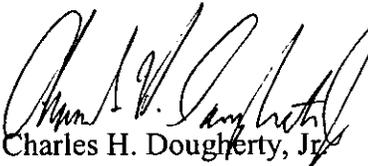
RE: APPLICATION NO.: 78/123,506
MARK: CIRCLE OF CARE
APPLICANT: SANARUS MEDICAL, INC.
FILED: April 23, 2002
PUBLISHED: June 17, 2003

Dear Commissioner:

Enclosed please find a further Request for Extension of Time to file a Notice of Opposition in the above-referenced application. This request is being filed in triplicate.

Very truly yours,

REED SMITH LLP

By: 
Charles H. Dougherty, Jr.

CHD:klh

Enclosures

cc: Susan L. Crockett, Esq. (w/encl.)
David K. Nees, Esq. (w/encl.)
Gene A. Tabachnick, Esq. (w/o encl.)

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