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Filing date: **04/04/2008**

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

Proceeding	91183235
Party	Plaintiff Apex Medical Corporation
Correspondence Address	Shannon S. King Heller Ehrman LLP 333 Bush Street San Francisco, CA 94104 UNITED STATES sf-trademark@hellerehrman.com, shannon.king@hellerehrman.com
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Date	04/04/2008
Attachments	NoticeToBoard.pdf (8 pages)(135423 bytes)

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

In the Matter of Application Serial No. 77/264,224
Published in the *Official Gazette* on March 4, 2008
Trademark: **CAREUX**

Apex Medical Corporation, Opposer v. Careux, Inc., Applicant.	Opposition No. 91183235
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**NOTICE TO THE BOARD:
OPPOSITION SERVED ON APPLICANT RETURNED UNDELIVERABLE**

On March 27, 2008, Apex Medical Corporation (“Opposer”) through its attorneys, attempted to serve a copy of its Notice of Opposition upon the Applicant at the correspondence address of record at the U.S. Patent and Trademark Office, via FedEx overnight courier, to Applicant’s address of record:

Careux Inc.
601 Las Tunas Dr, Ste 105
Arcadia, CA 91007-8483¹

Pursuant to 37 C.F.R. §2.111(b), Opposer hereby informs the Board that the service copy sent to the Applicant has been returned to Opposer as undeliverable. The courier has reported that the recipient has moved with no forwarding address available.

¹ The outer envelope was mistakenly addressed to “501 Las Tunas Dr #105” but the courier phoned Opposer for the correct address. The courier attempted delivery to 601 Las Tunas #105 on March 28, 2008.

Opposer attaches a copy of correspondence confirming the delivery attempt from the overnight courier service as well as the courier's tracking report for the Board's reference.

On April 4, 2008, Opposer mailed another copy of the Notice of Opposition via First Class Mail addressed to Applicant's agent for service of process listed with the California Secretary of State: Haiyan Zhang, 601 Las Tunas Dr., #105, Arcadia, California 91007, and to the address of record for Applicant's website at <www.careux.com>: Ming Xu, 117 S. Granada Ave. #2, Alhambra, California 91801. Also attached for the Board's reference is a copy of the California Secretary of State record for the Applicant and WHOIS record for Applicant's website. On April 4, 2008, a copy of the Notice of Opposition was also emailed to Applicant's email address of record at the U.S. Patent and Trademark Office: ian@careux.com.

Respectfully submitted,

HELLER EHRMAN LLP

Dated: April 4, 2008

By: _____


Beth M. Goldman
Shannon S. King

Attorneys for Apex Medical Corporation

333 Bush Street
San Francisco, CA 94104
415-772-6000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE TO THE BOARD**, was served upon the Applicant at the correspondence address of record at the U.S. Patent and Trademark Office, by First Class Mail, on April 4, 2008, at the following address:

Careux Inc.
Ste. 105, 601 Las Tunas Dr.
Arcadia, CA 91007



Shannon S. King

3875 Arways Boulevard
Morrisville, NC 27560-4634

Telephone 800-881-3109
Fax 901-332-8283



VIA FACSIMILE
415-772-6268

April 4, 2008

Ms. Kyungae Pakh
Hellerman Ehrman LLP
333 Bush Street
San Francisco, CA 94104

Dear Ms. Pakh:

This concerns your March 27, 2008 shipment to Careux, Inc. in Arcadia, California on tracking number 790479713733.

Our records reflect the package was originally addressed to 501 Las Tunas Drive, #105, Arcadia, CA, 91007. The courier made an unsuccessful attempt to deliver the package to this address at 9:55 AM on March 28, at which time he noted that the address was incorrect. Your request to have the address updated to reflect 601 Las Tunas Drive, #105, is noted in the tracking file. The courier has advised that this address is also incorrect and that the recipient had moved from this location. He stated that the telephone number listed on the shipping label for the recipient is invalid also. The shipment was returned to the sender on tracking number 937410786167, with delivery completed at 9:28 AM on April 2.

We appreciate your business and hope that this communication is helpful.

Sincerely,


Janetta Hooper
Customer Relations

jh/342655



Español | Customer Support | FedEx Locations Search Go

Package/Envelope Ship ▶ Freight Track ▶ Expedited Manage ▶ Office/Print Services * Business Solutions ▶

Track Shipments/FedEx/Kinko's Orders
Detailed Results

Printable Version Quick Help

Tracking number 790479713733
Ship date Mar 27, 2008

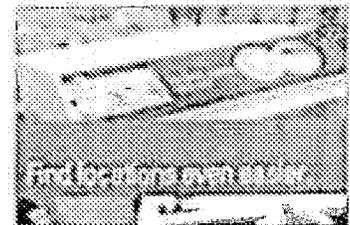
Reference 40070-0005
Destination ARCADIA, CA
Service type Priority Envelope
Weight 0.5 lbs.

Wrong Address?
Reduce future mistakes by using
FedEx Address Checker.

Tracking a FedEx SmartPost
Shipment?
Go to shipper login

Status Delivery exception

Date/Time	Activity	Location	Details
Mar 31, 2008	1:53 PM	Package returned to shipper	Return tracking number: 937410788167
	6:18 AM	At local FedEx facility	
Mar 29, 2008	8:00 AM	At local FedEx facility	
Mar 28, 2008	5:20 PM	At local FedEx facility	
	9:55 AM	Delivery exception	Incorrect address - Recipient moved
	9:48 AM	Delivery exception	Incorrect address
	8:35 AM	On FedEx vehicle for delivery	
	7:34 AM	At local FedEx facility	
	6:38 AM	Arrived at FedEx location	
Mar 27, 2008	9:02 PM	Left origin	
	6:34 PM	Picked up	
	6:29 PM	Package data transmitted to FedEx	



E-mail results

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Your name:

Your e-mail address:

E-mail address

Language

Exception updates

Delivery updates

English

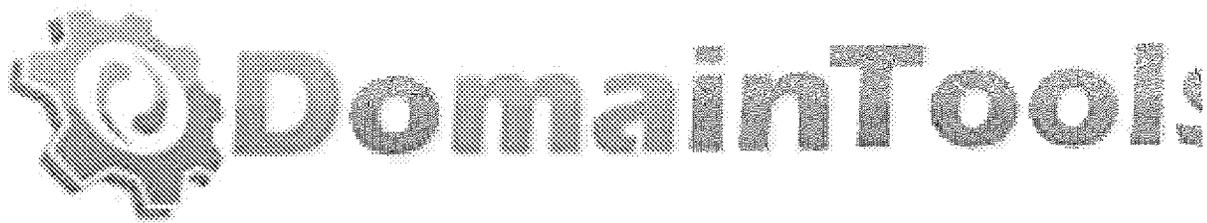
English

English

English



Select format: HTML Text Wireless



Whois Record for Careux.com (Car Eux)

Front Page Information

Add Missing

Website Title: Connection Problem

Queue

Title Relevancy: 50%

SEO Text

AboutUs: Wiki article on Careux.com

SEO Score: 76%

The 3 W

Terms: 30 (Unique: 24, Linked: 2)

The 400

Images: 2 (Alt tags missing: 0)

Wanted

Links: 2 (Internal: 2, Outbound: 0)

Sorry!

There se

connecti

give us a

problem.

Registry Data

ICANN Registrar: GODADDY.COM, INC.

Created: 2006-07-24

Expires: 2009-07-24

To verify

Registrar Status: clientDeleteProhibited

Registrar Status: clientRenewProhibited

Registrar Status: clientTransferProhibited

Registrar Status: clientUpdateProhibited

Name Server: NS03.DOMAINCONTROL.COM (has 16,307,618 domains)

Name Server: NS04.DOMAINCONTROL.COM

Whois Server: whois.godaddy.com

http://w

Server Data

IP Address: 204.13.155.243

IP Location: - California - El Monte - 2gm Corporation

Response Code: 200

Blacklist Status: Clear

Domain Status: Registered And Active Website

Disabi

Other TLD

.com .ri

Symbol Ke

Available

Available

Registere

Registere

Registere

On-Hold

On-Hold

On Hold

Monitor

Preview

No previe

Buy this

DomainTools Exclusive

Registrant Search: "ming xu" owns about **642 other domains**

Registrar History: 1 registrar

NS History: 2 changes on 3 unique name servers over 2 years.

IP History: 4 changes on 3 unique name servers over 2 years.

Whois History: 2 records have been archived since 2006-10-11.

Reverse IP: 21 other sites hosted on this server.

Monitor Domain: Set Free Alerts on careux.com

Free Tool: Download DomainTools for Windows

Whois Record

Registrant:

ming xu
117 S. Granada Ave.
#2
Alhambra, California 91801
United States

Domain Name: CAREUX.COM

Created on: 24-Jul-06
Expires on: 24-Jul-09
Last Updated on: 31-Oct-07

Administrative Contact:

xu, ming infostates@yahoo.com
117 S. Granada Ave.
#2
Alhambra, California 91801
United States
(626) 202-5118 Fax -- (435) 514-3693

Technical Contact:

xu, ming infostates@yahoo.com
117 S. Granada Ave.
#2
Alhambra, California 91801
United States
(626) 202-5118 Fax -- (435) 514-3693

Domain servers in listed order:

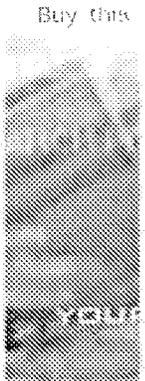
NS03.DOMAINCONTROL.COM
NS04.DOMAINCONTROL.COM



Do you own high-quality generic domains? List them in the April 21st DomainTools Live Auction at the Domain Roundtable Conference in San Francisco. Want to ensure your domain is listed? Register now for the conference - every attendee has a guaranteed-acceptance slot of one domain in the Live Auction.

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Domains f

Domain

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Domains /

Domain

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- [01Chart](#)
- [BordeRi](#)

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Domain

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- [Care Us Ba](#)
- [Care V 2](#)
- [Care Usa B](#)