

ESTTA Tracking number: **ESTTA704918**

Filing date: **10/27/2015**

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

Proceeding	91222999
Party	Defendant Videokall Inc.
Correspondence Address	VIDEOKALL INC 10631 BARN WOOD LN POTOMAC, MD 20854-1325 UNITED STATES cnahabed@gmail.com
Submission	Answer
Filer's Name	Charles E. Nahabedian
Filer's e-mail	cnahabed@gmail.com
Signature	/Charles E. Nahabedian/
Date	10/27/2015
Attachments	USPTO TM Rebuttal to the OPPOSITION.pdf(701348 bytes )



- Is beginning its marketing campaign with its initial offering; thus Opposer's claims are incorrect. It does not understand the product and related services.
- Will be marketing its services on a co-branded basis with leading medical institutions such as a hospital, and by host locations.
- Is only providing an integrated hardware, software and telecomm service connecting, by satellite, the Unmanned Micro Clinic with a hospital medical call center.
- Is offering on a resale basis a telehealth medical care service provided by a hospital
- Has a customer base that is different, and patients will not be confused.

Wherefore, Applicant humbly requests that the Opposer's claims and opposition be dismissed and our mark, MEDEX Spot, be granted according to the arguments to follow and the policies, procedures and rules of **THE UNITED STATES PATENT AND TRADEMARK OFFICE**, and sustain its application on valid criteria duly recognized by **THE TRADEMARK TRIAL AND APPEAL BOARD**.

#### Rebuttal

1. MEDEXPRESS URGENT CARE HOLDING CO., INC is the original name of the Opposer.
2. The Opposer's MEDEXPRESS was granted after the SAME existing trademark of National Association of People with AIDS Services, Inc. providing medical services to patients with AIDS.
3. MEDEXPRESS was sued by National Association of People With AIDS Services, Inc., for infringement in 2007 and was resolved. So, if MEDEXPRESS and MEDEXPRESS by different companies can co-exist providing medically related services, MEDEX and MEDEXPRESS can and does coexist.
4. USPTO points of conflict include:
  - a. Similarity in appearance, sound and meaning: Applicant claims no to all three points.
    - i. MEDEX Spot is two words, whereas MEDEXPRESS is one word which has also been seen as MR. GOODBODY'S MINOR **MED EXPRESS CARE WALK-IN CLINIC** registered trademark and other marks listed later
    - ii. MED is different than MEDEX. Express does not sound like Spot
    - iii. The Opposer compares the services provided within a store or building by a relatively small, unmanned, self-service micro cabin to the applicant's MEDEXPRESS store-front, which it is a manned, self-contained, urgent clinic clearly visible from the street and from people driving by. Whereas MEDEX Spot describes a roughly 6 foot by 5 foot micro-cabin which would only be visible and accessible to people already inside and walking through a store or building. The Applicant with its hospital partner offers a subset of outpatient services via telehealth, whereas the Opposer offers a full service, hands-on, urgent care center.

- b. Similar types of products or services: Applicant claims that MEDEXPRESS and MEDEX Spot use clearly different delivery systems and provide different services.
  - i. MEDEXPRESS has a storefront and clearly states they have physically-present medical staff, including physicians, Physician Assistant's and/or Nurse Practitioners for its consumers, presumably with some medical systems for lab analysis, and perhaps even X-ray or other sophisticated medical equipment. Opponent states: "Urgent care offers treatment to patients of all ages for injury and illness, like the flu, asthma attacks, broken bones, cuts requiring stitches and more, providing you a one-stop option for unscheduled, time-sensitive care." MEDEXPRESS is a full service urgent care center which can treat patients "hand-on", if appropriate, and can probably treat up to 100% of outpatient needs. ME MEDEXPRESS relies on medical staff physically present attending to the patient.
  - ii. MEDEX Spot clearly states it has no medical staff on site – it is unmanned. A limited selection of self-service medical devices are available for patient use, on request by the distant nurse practitioner at a partnered medical call center in a hospital or clinic. The interaction with a medical person is over telecommunications facilities with no hands-on by the medical staff. MEDEX Spot is designed and configured to treat a subset of outpatient needs such as seasonal illnesses and monitoring of chronic illnesses --- some 30%-50% of all outpatient visits. Patients would clearly discern the differences in scope, cost, convenience and delivery --- just as they distinguish today between a nurse's office, a mini-clinic (e.g. at CVS), general practitioner, a specialist, ME MEDEXPRESS or other urgent care centers, or the emergency room at a hospital. MEDEX Spot relies on self-service and telehealth, and only provides the software, integrated medical measuring devices, and communications components of the product and related support services, whereas Applicant's hospital partner provides the telehealth-limited medical services.
  - iii. A visit to the web sites of both MEDEXPRESS and MEDEX SPOT would clearly show the two services are greatly different even though both are in the medical services business.
- c. Similarity of sales channels.
  - i. MEDEXPRESS is a business with storefronts where the entire premises is its urgent care center. It attracts people to the storefront through its direct advertising, promotions and programs. It is a B2C business.
  - ii. MEDEX Spot is a micro-cabin in a host location such as a supermarket, pharmacy, senior housing facility, university, office complex or work location, to name a few. Most or all of the advertising and promotion will be by the host location to its clients, and by the hospital which is providing

the medical services in its region, and which is advertising the MEDEX Spot locations it serves. Applicant is a B2B business.

5. The trademark for the Opposer is MEDEXPRESS, offering medical clinics specializing in urgent medical care and treatment. Its other marks include: ME MedExpress; Great.Care.Fast.; M E; Genuine, Caring, Friendly; MEDEXPRESS COPORATECARE; and Great Care Fast.
  - a. None of the Opposer's trademarks single out "MEDEX" in their presentation, and Opposer's emphasis is the "ME" for Med Express or, more recently, its newer meaning or synonym-based trademarks
  - b. The Applicant is MEDEX Spot. Med and Medex are different prefixes at best. The Opposer's trademark does not include "spot" in any form. Express and Spot do not sound the same, look the same or mean the same.
  - c. A search of the USPTO trademark TESS database for the name MEDEX pulls up a list of several companies including MEDEX SPOT, but it does not list the trademark MEDEXPRESS. None of the companies with a trademark containing the name MEDEX has objected to our trademark MEDEX Spot, yet MEDEXPRESS which does not even appear in the same TESS listing as MEDEX Spot, or use the term medex by itself, has chosen to object to the MEDEX Spot trademark.
6. ME MEDEXPRESS does not have an exclusive on Medex, especially since it is used in other medically related trademarks, and their prefix in their trademark is MED. The number of similar marks currently in use substantiates this. Applicant searched the USTPO database and found many variants of trademarks with MED or MEDEX in the beginning, and many others with spot at the end. A listing of the search for MED or MEDEX is:
  - a. Biomedex
  - b. MedEx Logistics
  - c. DYMEDEX
  - d. MEDEXPERT
  - e. UMEDEX
  - f. SLIMMEDEXDIMEDEX
  - g. MEDEX Global Solutions
  - h. MEDEX360<sup>om</sup>
  - i. IMEDEX
  - j. Mobilemicromedex
  - k. Mymedex
  - l. Crimedex
  - m. MEDEX
  - n. Medex Safe Trip
  - o. MEDEXPRESS (1<sup>st</sup> use, NAP with Aids)
  - p. MEDEX
  - q. MicroMedex

More information on these listing is shown below.

7. Conclusion:

It is a great stretch of the imagination to assume that MEDEX Spot and MEDEXPRESS services could be confused with each other by the general public, for such a comparison would be like comparing an apple and orange --- both are fruit but no shopper would be confused that they would both taste or look the same.

The Opposer's:

- Trademark is different in form, appearance, sound, and meaning
- Products or services are different and utilize different delivery systems
- Sales channels are different
- Customers would have no difficulty distinguishing between services at the Opposer's trademark locations, and those of the host of the applicant's trademark product and associated services.

To allow the MEDEXPRESS URGENT CARE HOLDING CO., INC to prosper in this case, when there is a weak claim, at best, for opposition, would be to allow a company with deep pockets to impede a startup company which has shown great innovation in bringing down the costs of primary healthcare, something that's not welcomed by all the seasoned providers of medical care that are earning substantial profits in the industry --- but are welcomed by patients (according to market research), and supermarkets with pharmacies, unable to compete with drugstores with clinics, and by progressive medical hospital systems which are losing business to manned mini-clinics, and urgent care centers, like MEDEXPRESS.

Applicant does not have the resources to hire a trademark attorney to defend its case and will continue to use its internal resources.

Wherefore, the Applicant has clearly shown that there are many medex's and different markets, and that there is no confusion. Applicant further claims that there is no basis for opposition by the Opposer, and based on the Opposer's emotional claims and past history, that THE TRADEMARK TRIAL AND APPEAL BOARD of the UNITED STATES PATENT AND TRADEMARK OFFICE, should summarily reject the claims of the Opposer, and the application be sustained in the Applicant's favor. Applicant further requests such other action and further relief to the Applicant as the Board may deem just, appropriate and proper for actions by the Opposer in this instance, and its past history with THE TRADEMARK TRIAL AND APPEAL BOARD.

Applicant submits that is has not provided a copy of this submittal to the Opposer.

Dated: October 27, 2015

Respectfully submitted,



Charles E. Nahabedian, BSEE, MSEE, MBA

VideoKall, Inc.

10631 Barn Wood Lane

Potomac, MD 20854

	<b>Serial Number</b>		<b>Word Mark</b>	<b>Check Status</b>	<b>Live/Dead</b>
1	86414664		MEDEX SPOT	TSDR	LIVE
2	86641827		SPA MEDEX	TSDR	LIVE
3	86227796		BIOMEDEX	TSDR	LIVE
4	86188972		MEDEX LOGISTICS, INC.	TSDR	DEAD
5	86094499		MEDEX	TSDR	DEAD
6	85867024	4435484	MEDEX PATIENT TRANSPORT	TSDR	LIVE
7	85417170		MEDEX	TSDR	DEAD
8	85340768	4087491	MEDEX	TSDR	LIVE
9	85207210		SPORTSMEDEX	TSDR	DEAD
10	85074036	4195141	STATMEDEX	TSDR	LIVE
11	85016657		MEDEX ENGINEERING	TSDR	DEAD
12	79162176		MEDEX	TSDR	LIVE
13	79119016		MEDEX 80	TSDR	DEAD
14	78323558	2959498	MB MEDEX BIOCARE	TSDR	LIVE
15	78335025	2970120	MEDEX MEDICAL FINANCIAL COLLECTION EXPERTS	TSDR	DEAD
16	78299234	3243493	MEDEX	TSDR	DEAD
17	78299233	2879610	MEDEX	TSDR	DEAD
18	78276517	2934742	MEDEX	TSDR	DEAD
19	78191510		MEDEX	TSDR	DEAD
20	78120673	2831814	MEDEX URGENT CARE	TSDR	DEAD
21	78080134		MEDEX SYSTEMS HEALTHCARE AT THE SPEED OF TOMORROW	TSDR	DEAD
22	78080126		MEDEX SYSTEMS	TSDR	DEAD
23	78010004	2605919	LUMEDX	TSDR	DEAD
24	77607664	3701022	MEDEX PACK	TSDR	LIVE
25	77607652	3701021	MEDEX PACK	TSDR	LIVE
26	77771403	3958505	AETHON MEDEX	TSDR	LIVE
27	77607862	3923626	MEDEX GLOBAL SOLUTIONS	TSDR	LIVE
28	77267247	3636000	MEDEX 360° M GLOBAL MEDICAL MONITOR	TSDR	LIVE
29	77267256		MEDEX360° MS MS GLOBAL MEDICAL & SECURITY MONITOR	TSDR	DEAD

30	77267235		MEDEX 360° S GLOBAL SECURITY MONITOR	TSDR	DEAD
31	76367031	3117478	MEDEX	TSDR	LIVE
32	76319665	2961637	MEDEX USA INNOVATIVE MEDICAL SUPPLY MANAGEMENT	TSDR	LIVE
33	76047703	2575254	PHOTOMEDEX	TSDR	LIVE
34	76673071		MEDEX FREIGHT SERVICES	TSDR	DEAD
35	76539223	2857734	MEDEX	TSDR	DEAD
36	76417239	2832752	MB MEDEX BIOPHARM	TSDR	DEAD
37	76310525	2656154	MEDEX	TSDR	DEAD
38	76310400	2676909	MEDEX	TSDR	DEAD
39	75876165	2489130	MEDEX	TSDR	LIVE
40	75664028		MEDEX	TSDR	DEAD
41	75425764	2396213	MEDEX	TSDR	LIVE
42	75383848	2248327	GENESTAR MSI	TSDR	DEAD
43	75199911		MEDEX	TSDR	DEAD
44	75158715		MEDEX	TSDR	DEAD
45	75086974	2174196	MEDEX SAFE TRIP	TSDR	LIVE
46	75078801		MEDEX MEDICAL TRANSPORT SERVICES	TSDR	DEAD
47	74397662		SKIN MEDEX	TSDR	DEAD
48	74397660		DERM MEDEX	TSDR	DEAD
49	74397659		NOSE MEDEX	TSDR	DEAD
50	74282869		MEDEX	TSDR	DEAD

# MEDEX

**Word Mark** MEDEX

**Goods and Services** IC 021. US 002 013 023 029 030 033 040 050. G & S: Synthetic and natural animal bristles; synthetic bristles for toothbrushes; synthetic bristles for interdental brushes; filaments for making brushes

**Standard Characters**

**Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 79162176

**Filing Date** October 17, 2014

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** August 4, 2015

**International Registration Number** 1239909  
**Owner** (APPLICANT) Pedex GmbH LIMITED LIABILITY COMPANY FED REP GERMANY  
Hauptstrasse 67 69483 Wald-Michelbach FED REP GERMANY  
**Attorney of Record** Cecelia M. Perry  
**Priority Date** June 27, 2014  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

# MEDEX Spot

**Word Mark** MEDEX SPOT  
**Goods and Services** IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for connecting a computer terminal in a medical facility through a communications link to a distant self service medical cabin located in a remote facility to enable two way video communications plus control of and receiving of telemetry from medical instruments located in the distant self service medical cabin

**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 86414664  
**Filing Date** October 3, 2014  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** March 31, 2015  
**Owner** (APPLICANT) VIDEOKALL INC CORPORATION GEORGIA 10631 BARN WOOD LANE  
POTOMAC MARYLAND 20854  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

# SPA MEDEX

**Word Mark** SPA **MEDEX**  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: After sun creams; Anti-aging creams; Bar soap; Beauty creams; Body cream; Body lotion; Body scrub; Eye cream; Face and body lotions; Facial beauty masks; Facial scrubs; Facial washes; Hand scrubs; Liquid soap; Massage lotions; Massage oil; Sun tan lotion; Tanning creams

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 86641827

**Filing Date** May 26, 2015

**Current Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Spa Medex Inc. CORPORATION FLORIDA 3030 N. Rocky Point Dr., Ste 150A Tampa FLORIDA 33607

**Attorney of Record** Adam E. Schwartz

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

# MEDEX

**Word Mark** **MEDEX**  
**Goods and Services** IC 017. US 001 005 012 013 035 050. G & S: Plastic in extruded form for general industrial use. FIRST USE: 20100101. FIRST USE IN COMMERCE: 20100101

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85340768

**Filing Date** June 8, 2011  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** November 1, 2011  
**Registration Number** 4087491  
**Registration Date** January 17, 2012  
**Owner** (REGISTRANT) GOEX Corporation CORPORATION WISCONSIN 2532 Foster Avenue Janesville WISCONSIN 53545  
**Attorney of Record** Julie Lewis  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

# STATMEDEX

**Word Mark** STATMEDEX  
**Goods and Services** IC 039. US 100 105. G & S: Courier services for the medical profession. FIRST USE: 20120625. FIRST USE IN COMMERCE: 20120625  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 85074036  
**Filing Date** June 29, 2010  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** November 23, 2010  
**Registration Number** 4195141  
**Registration Date** August 21, 2012  
**Owner** (REGISTRANT) Medstat Systems, Inc. CORPORATION MINNESOTA 5155 East River Road, Suite 418 Fridley MINNESOTA 554213776  
**Attorney of Record** Scott G. Ulbrich  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE



**Word Mark** MB **MEDEX** BIO CARE

**Goods and Services** IC 035. US 100 101 102. G & S: RETAIL PHARMACY SERVICES, NAMELY, SPECIALTY PHARMACY SERVICES AND RETAIL MAIL-ORDER PHARMACY SERVICES. FIRST USE: 20030501. FIRST USE IN COMMERCE: 20030801

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 78323558

**Filing Date** November 5, 2003

**Current Basis** 1A

**Original Filing Basis** 1A;1B

**Published for Opposition** March 15, 2005

**Registration Number** 2959498

**Registration Date** June 7, 2005

**Owner** (REGISTRANT) MEDEX BIOPHARM CORPORATION NEVADA 8024 STAGE HILLS ROAD SUITE 107 MEMPHIS TENNESSEE 38133

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Matthew Nelles

**Description of Mark** The color(s) Crimson Red, Aqua Blue is/are claimed as a feature of the mark. The color crimson red appears in the wording "MEDEX BIO CARE" and the letter "M" and the color aqua blue appears in the letter "B".

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150824.

**Renewal** 1ST RENEWAL 20150824

**Live/Dead Indicator** LIVE



**MedEx Pack**

**Word Mark** MEDEX PACK

**Goods and Services** IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper box packaging used for dispensing labeled plastic film pouches containing pills and pharmaceuticals. FIRST USE: 20080920. FIRST USE IN COMMERCE: 20081008

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 10.09.01 - Capsules, medicinal/nonmedicinal; Pills; Tablets, medicines; Tablets, nonmedical products in tablet form  
26.09.21 - Squares that are completely or partially shaded

**Trademark Search Facility Classification Code** ART-10.09 Medicines; medical and non-medical products in tablet, capsule or powder form  
SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors  
SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons  
SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

**Serial Number** 77607664

**Filing Date** November 5, 2008

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 5, 2009

**Registration Number** 3701022

**Registration Date** October 27, 2009

**Owner** (REGISTRANT) MedEx Direct, LLC LIMITED LIABILITY COMPANY MICHIGAN 13201 Stephen Road, Suite B Warren MICHIGAN 48089

**Attorney of Record** Erik M. Pelton

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PACK" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) blue, brown, beige, orange, white, light blue, green, light brown, and navy blue is/are claimed as a feature of the mark. The mark consists of the wording "MEDEX PACK" and the design of eight pills set against a shaded square. The wording "MEDEX" is in blue and "PACK" is in brown. The shaded square is beige and contains an orange circular pill, white circular pill, navy blue oblong shaped pill, small brown circular pill, small light brown circular pill, light blue circular pill, green circular pill, and light blue oblong shaped pill.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

# AETHON MEDEX

**Word Mark** AETHON **MEDEX**  
**Goods and Services** IC 012. US 019 021 023 031 035 044. G & S: automated inventory replenishment system, namely, an autonomous mobile robotic transport vehicle for the delivery of goods, and software for establishing a chain of custody record for the goods sold as a unit. FIRST USE: 20090701. FIRST USE IN COMMERCE: 20090701

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 77771403

**Filing Date** June 30, 2009

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** August 3, 2010

**Registration Number** 3958505

**Registration Date** May 10, 2011

**Owner** (REGISTRANT) AETHON, INC. CORPORATION PENNSYLVANIA 100 Business Center Drive Pittsburgh PENNSYLVANIA 15205

**Attorney of Record** Bryan H. Opalko

**Prior Registrations** 2865118

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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## MEDEX GLOBAL SOLUTIONS

**Word Mark**  
**Goods and Services**

**MEDEX GLOBAL SOLUTIONS**

IC 035. US 100 101 102. G & S: Assisting travelers and expatriates with their personal needs in the event of travel-related medical emergencies, namely, physician referrals; promoting public awareness relating to the prevention of kidnapping, ransom, extortion, illegal detention and hijacking; business management consulting services in the areas of kidnapping, ransom, extortion, illegal detention and hijacking. FIRST USE: 20090900. FIRST USE IN COMMERCE: 20090900

IC 036. US 100 101 102. G & S: Assisting travelers and expatriates with their personal needs in the event of travel-related medical emergencies, namely, arranging emergency funds transfers. FIRST USE: 20090900. FIRST USE IN COMMERCE: 20090900

IC 039. US 100 105. G & S: Assisting travelers and expatriates with their personal needs in the event of travel-related medical emergencies, namely, making travel arrangements and ambulance arrangements. FIRST USE: 20090900. FIRST USE IN COMMERCE: 20090900

IC 041. US 100 101 107. G & S: Training services relating to the prevention of kidnapping, ransom, extortion, illegal detention and hijacking. FIRST USE: 20100900. FIRST USE IN COMMERCE: 20100900

IC 044. US 100 101. G & S: Post-incident support services in the areas of kidnapping, ransom, extortion, illegal detention and hijacking, namely, psychological counseling. FIRST USE: 20101100. FIRST USE IN COMMERCE: 20101100

IC 045. US 100 101. G & S: providing consulting information services in the areas of kidnapping, ransom, extortion, illegal detention and hijacking; security services, namely, threat simulation vulnerability analysis and mitigation and emergency and crisis response in the areas of kidnapping, ransom, extortion, illegal detention and hijacking; tracking services, namely, providing tracking services and information concerning tracking of people for security purposes; assisting travelers and expatriates with their personal needs in the event of travel-related medical emergencies, namely, arranging emergency medical assistance and providing emergency medical assistance information services. FIRST USE: 20100900. FIRST USE IN COMMERCE: 20100900

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 77607862  
**Filing Date** November 5, 2008  
**Current Basis** 1A  
**Original Filing Basis** NO FILING BASIS  
**Published for Opposition** April 6, 2010  
**Registration Number** 3923626  
**Registration Date** February 22, 2011  
**Owner** (REGISTRANT) MEDEX Global Group, Inc. CORPORATION MINNESOTA 8501 LaSalle Rd., Suite 200 Towson MARYLAND 21286  
**Attorney of Record** Joseph V. Myers III  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOLUTIONS" APART FROM THE MARK AS SHOWN  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE



**Word Mark** MEDEX 360° M GLOBAL MEDICAL MONITOR  
**Goods and Services** IC 039. US 100 105. G & S: Travel information services. FIRST USE: 20070530. FIRST USE IN COMMERCE: 20070911  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 26.01.02 - Circles, plain single line; Plain single line circles  
 26.03.02 - Ovals, plain single line; Plain single line ovals  
**Trademark** LETS-1 M A single letter, multiples of a single letter or in combination with a design  
**Search Facility Classification Code** NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks  
 NUM-26-UP 360 Other Numerals - 26 and Up  
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
 SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals  
**Serial Number** 77267247  
**Filing Date** August 29, 2007  
**Current Basis** 1A  
**Original Filing Basis** NO FILING BASIS

**Published for Opposition** July 22, 2008

**Registration Number** 3636000

**Registration Date** June 9, 2009

**Owner** (REGISTRANT) MEDEX Global Group, Inc. CORPORATION MINNESOTA 8501 LaSalle Rd. Suite 200 Towson MARYLAND 21286

**Attorney of Record** Joseph V. Myers III

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLOBAL MEDICAL" APART FROM THE MARK AS SHOWN

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE



**Word Mark** **MEDEX USA INNOVATIVE MEDICAL SUPPLY MANAGEMENT**

**Goods and Services** IC 035. US 100 101 102. G & S: Management assistance in the field of distribution of medical equipment and supplies; distributorships in the field of medical equipment and supplies. FIRST USE: 20010900. FIRST USE IN COMMERCE: 20010900

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 76319665

**Filing Date** October 1, 2001

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** March 22, 2005

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 2961637

**Registration Date** June 14, 2005

**Owner** (REGISTRANT) MedEx USA, Inc. CORPORATION FLORIDA 5400 Northwest 35th Terrace, Suite 101 Ft. Lauderdale FLORIDA 33309

(LAST LISTED OWNER) GULF SOUTH MEDICAL SUPPLY, INC. CORPORATION DELAWARE 4345 SOUTHPOINT BOULEVARD JACKSONVILLE FLORIDA 32216

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Wendy Robertson
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDICAL SUPPLY MANAGEMENT" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	Color is not claimed as a feature of the mark.
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

# PhotoMedex

<b>Word Mark</b>	PHOTOMEDEX
<b>Goods and Services</b>	IC 010. US 026 039 044. G & S: Lasers for medical use. FIRST USE: 20000515. FIRST USE IN COMMERCE: 20000515
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	01.15.04 - Explosions; Fireworks display; Sparks 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
<b>Serial Number</b>	76047703
<b>Filing Date</b>	May 15, 2000
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 9, 2001
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	2575254
<b>Registration Date</b>	June 4, 2002
<b>Owner</b>	(REGISTRANT) Photomedex Inc. CORPORATION DELAWARE 147 Keystone Drive Montgomeryville PENNSYLVANIA 18936
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Maria A. Savio
<b>Description of Mark</b>	The letters in the mark are in dark blue except the letter "x" and the laser beam color which are in silver.

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120601.  
**Renewal** 1ST RENEWAL 20120601  
**Live/Dead Indicator** LIVE

## MEDEX

**Word Mark** **MEDEX**  
**Goods and Services** IC 035. US 100 101 102. G & S: personnel placement and recruitment services for the health care industry; employment agency services for the health care industry; and temporary staffing services for the health care industry. FIRST USE: 20000407. FIRST USE IN COMMERCE: 20000407  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 75876165  
**Filing Date** December 21, 1999  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** August 8, 2000  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 2489130  
**Registration Date** September 11, 2001  
**Owner** (REGISTRANT) FRANCIS, STEVEN C. INDIVIDUAL UNITED STATES P.O. Box 675770  
Rancho Santa Fe CALIFORNIA 92067  
  
(LAST LISTED OWNER) AMN Healthcare, Inc. CORPORATION NEVADA 12400 High Bluff  
Drive San Diego CALIFORNIA 92130  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Lisa M. Martens  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 8 (6-YR). SECTION 8(10-YR) 20110729.  
**Renewal** 1ST RENEWAL 20110729  
**Live/Dead Indicator** LIVE

# Typed Drawing

**Word Mark** **MEDEX SAFE TRIP**

**Goods and Services** IC 039. US 100 105. G & S: transportation and evacuation of passengers to medical facilities by train, air, truck or automobile and the repatriation of mortal remains in the event of death. FIRST USE: 19960213. FIRST USE IN COMMERCE: 19960213

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75086974

**Filing Date** April 10, 1996

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** April 28, 1998

**Registration Number** 2174196

**Registration Date** July 21, 1998

**Owner** (REGISTRANT) Medex Assistance Corporation CORPORATION MARYLAND Timonium Corporate Center 9515 Deereco Road, Fourth Floor Timonium MARYLAND 21093

(LAST LISTED OWNER) MEDEX INSURANCE SERVICES, INC. CORPORATION MARYLAND 8501 LASALLE ROAD SUITE 200 TOWSON MARYLAND 21286

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Joseph V. Myers III

**Prior Registrations** 1908710

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SAFE TRIP" APART FROM THE MARK AS SHOWN

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090217.

**Renewal** 1ST RENEWAL 20090217

**Live/Dead Indicator** LIVE

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	<a href="#">86705072</a>		<a href="#">ME MEDEXPRESS</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>
2	<a href="#">85734744</a>	<a href="#">4417150</a>	<a href="#">ME MEDEXPRESS</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>
3	<a href="#">78761441</a>	<a href="#">3205430</a>	<a href="#">MEDEXPRESS CORPORATECARE</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>

4	78647080	3311726	MEDEXPRESS	TSDR	LIVE
5	78330898	3005681	MEDEXPRESS	TSDR	DEAD
6	78250796		MEDEXPRESS	TSDR	DEAD
7	77749596	3733948	MEDEXPRESS	TSDR	LIVE
8	77334306	3519373	MEDEXPRESS	TSDR	LIVE
9	76447516		MEDEXPRESS	TSDR	DEAD
10	75268653		MEDEXPRESS	TSDR	DEAD
11	74663151	2091765	MEDEXPRESS	TSDR	LIVE
12	74041850	1630027	MEDEXPRESS	TSDR	DEAD
13	73568645		MEDEXPRESS	TSDR	DEAD
14	73552530	1554166	MEDEXPRESS	TSDR	DEAD

**Word Mark**

**MEDEXPRESS**

**Goods and Services**

IC 044. US 100 101. G & S: Outpatient medical clinics specializing in urgent physician care and treatment, excluding, discount programs for medical equipment and prescriptions, on-line computer databases for discount health programs, discounted medical and healthcare provided through third-party providers, air ambulance transport services, aeromedical medical services, mail order pharmacy services, pharmaceutical preparations namely respiratory medications and insulin, and incontinence supplies, medical and health care supplies, namely respiratory medication delivery devices, glucometers, lancets, blood hemoglobin, testing supplies, distributorship services featuring medical products and pharmaceuticals for use by retail stores, physicians, hospitals, clinics, pharmacies and industrial services, distribution and rental of medical equipment, and laboratory testing services. FIRST USE: 20010910. FIRST USE IN COMMERCE: 20010910

**Standard Characters Claimed**

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number**

78647080

**Filing Date**

June 9, 2005

**Current Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

April 24, 2007

**Date Amended to Current Register**

January 16, 2007

**Registration Number**

3311726

**Registration Date**

October 16, 2007

**Owner**

(REGISTRANT) MEDEXPRESS URGENT CARE HOLDING CO., INC. LIMITED LIABILITY COMPANY WEST VIRGINIA 215 DON KNOTTS BOULEVARD, SUITE 130 KAY CASTO & CHANEY BUILDING MORGANTOWN WEST VIRGINIA 26501

(LAST LISTED OWNER) URGENT CARE MSO, LLC LIMITED LIABILITY COMPANY  
DELAWARE 215 DON KNOTTS BLVD. SUITE 220 MORGANTOWN WEST VIRGINIA  
26501

**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Monika J Hussell  
**Type of Mark Register** SERVICE MARK  
PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

## Typed Drawing

**Word Mark** **MEDEXPRESS**  
**Goods and Services** IC 042. US 100 101. G & S: mail order pharmacy services. FIRST USE: 19950701. FIRST USE IN COMMERCE: 19950701  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 74663151  
**Filing Date** April 18, 1995  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** July 30, 1996  
**Registration Number** 2091765  
**Registration Date** August 26, 1997  
**Owner** (REGISTRANT) National Association of People With AIDS Services, Inc., The CORPORATION D.C. 1413 K. Street, N.W. Washington D.C. 20005

(LAST LISTED OWNER) MED EXPRESS PHARMACY LTD. LIMITED LIABILITY COMPANY NOT PROVIDED 102 MOCKSVILLE AVE. SALISBURY NORTH CAROLINA 28144

**Assignment Recorded** ASSIGNMENT RECORDED  
**Type of Mark Register** SERVICE MARK  
PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070720.  
**Renewal** 1ST RENEWAL 20070720  
**Live/Dead Indicator** LIVE