

ESTTA Tracking number: **ESTTA286392**

Filing date: **05/28/2009**

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

Proceeding	92051015
Party	Plaintiff Zoom Vacations, LLC
Correspondence Address	Robert S. Silver Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. 1635 Market Street - 11th Floor Philadelphia, PA 19103 UNITED STATES rssilver@crbcp.com, trademarks@crbcp.com
Submission	Other Motions/Papers
Filer's Name	Robert S. Silver
Filer's e-mail	rssilver@crbcp.com, trademarks@crbcp.com
Signature	/Robert S. Silver/
Date	05/28/2009
Attachments	Z102030001LETTERTOTRADEMARKTRIALANDAPPEALBOARD.pdf (4 pages) (203845 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Zoom Vacations, LLC :
 :
 vs. : Cancellation No. 92051015
 : Registration No. 3,511,735
 Raindrop Ventures, Inc. :

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

On May 26, 2009, Petitioner filed the above Cancellation proceeding against Registrant. Through an investigation, Petitioner believed that Registrant's address of record was not the Registrant's current address. Prior to instituting the present Cancellation, Petitioner wrote Registrant at the address identified on the Certificate of Registration and the mail was returned as undeliverable.

Through an investigation, Petitioner investigated and discovered a new address for Registrant and called Registrant at its new address which was believed to be 7545 Irvine Center Drive, Suite 200, Irvine, CA 92618-2933. Petitioner sent by overnight prepaid Federal Express, to Registrant, two letters attempting to resolve the matter without filing the Cancellation Petition. Both packages were refused delivery by someone at that address. Petitioner is hereby notifying the Board of that last known address.

Petitioner served the Petition for Cancellation upon Registrant at Registrant's new address by prepaid first class mail via United States Postal Services on May 26, 2009 but the envelope intentionally did not contain a return address for Petitioner's counsel. Petitioner's counsel was attempting to have Registrant read the Petition for Cancellation without refusing delivery of the envelope in view of the gravity of the situation. Petitioner's counsel then realized that if Registrant refused delivery of the letter, as it had done on two prior occasions, Petitioner's counsel would have no proof of such refusal.

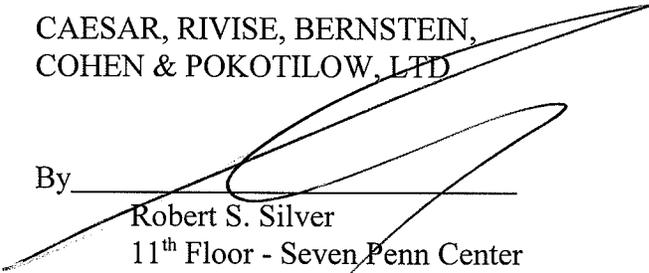
Thus, on May 27, 2009, Petitioner's counsel sent a second copy of the Cancellation Petition to Registrant at the last known address of 7545 Irvine Center Drive, Suite 200, Irvine, CA 92618-2933, by overnight prepaid Federal Express. A true and correct copy of the delivery status notification from Federal Express and the mailing slip shows that according to Federal Express, the Registrant has "moved" and is no longer located there. Thus, Petitioner has no way

to contact Registrant and has served Registrant in accordance with the rules.

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD

May 28, 2009

By



Robert S. Silver
11th Floor - Seven Penn Center
1635 Market Street
Philadelphia, PA 19103-2212
(215)567-2010
Attorneys for Petitioner



Shipment Receipt

Address Information

Ship to:

Raindrop Ventures, Inc.
Raindrop Ventures, Inc.
7545 IRVINE
CENTER DR STE 200

IRVINE, CA
926182933
US
2155672010

Ship from:

Beverly Johnson
CAESAR, RIVISE
1635 MARKET
STREET
12TH FLOOR
PHILADELPHIA, PA
19103
US
2155672010

Shipping Information

Tracking number: 796640642903
Ship date: 05/27/2009
Estimated shipping charges: 19.01

Package Information

Service type: Priority Overnight
Package type: FedEx Envelope
Number of packages: 1
Total weight: 1LBS
Declared value: 1.00USD
Special Services:
Pickup/Drop-off: Give to scheduled courier at my location

Billing Information

Bill transportation to: Sender
Your reference: Z1020/30001
P.O. no.:
Invoice no.:
Department no.:

Thank you for shipping online with Fedex ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.



[Package/Envelope](#) | [Freight](#) | [Expedited](#) | [Office/Print Services](#) *

[Ship](#) ▾ | [Track](#) ▾ | [Manage](#) ▾ | [Business Solutions](#) ▾

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Tracking no.: 796640642903

[E-mail notifications](#)

In transit



Delivery exception
IRVINE, CA

Shipment Dates

Destination

Ship date May 27, 2009

IRVINE, CA

Shipment Facts

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Service type	Priority Envelope	Reference	Z1020/30001
Weight	0.5 lbs/0.2 kg		

Shipment Travel History

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Select time zone:

Select time format: [12H](#) | [24H](#)

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 28, 2009 9:31 AM	Delivery exception	IRVINE, CA	Incorrect address - Recipient moved
May 28, 2009 8:44 AM	On FedEx vehicle for delivery	IRVINE, CA	
May 28, 2009 8:22 AM	At local FedEx facility	IRVINE, CA	
May 28, 2009 3:20 AM	Departed FedEx location	MEMPHIS, TN	
May 28, 2009 12:07 AM	Arrived at FedEx location	MEMPHIS, TN	
May 27, 2009 9:11 PM	Left FedEx origin facility	PHILADELPHIA, PA	
May 27, 2009 5:27 PM	Picked up	PHILADELPHIA, PA	
May 27, 2009 1:30 PM	Shipment information sent to FedEx		