

ESTTA Tracking number: **ESTTA502027**

Filing date: **10/25/2012**

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

Proceeding	92056343
Party	Plaintiff Nirvana, Inc.
Correspondence Address	HARRIS A WOLIN MYERS WOLIN LLC 100 HEADQUARTERS PLAZA, NORTH TOWER 6TH FLOOR MORRISTOWN, NJ 07960 UNITED STATES tm@myerswolin.com
Submission	Other Motions/Papers
Filer's Name	Harris A. Wolin
Filer's e-mail	tm@myerswolin.com
Signature	/Harris A. Wolin/
Date	10/25/2012
Attachments	nvna_3775_20121025_2731312_nirvana_for_health_notice_returned_service_with_exh_a.pdf (6 pages)(240142 bytes)

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

In the matter of Registration No. 2,731,312
Mark: NIRVANA
Registered: July 1, 2003

Nirvana, Inc.,)
)
 Petitioner,) Petition for Cancellation _____
)
 – against –) Cancellation No. 92056343
)
Nirvana for Health Inc.,) U.S. Reg. No. 2,731,312
)
 Registrant.)
)
) Filed electronically via ESTTA

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

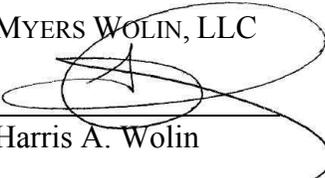
NOTICE OF RETURNED SERVICE COPY

Pursuant to 37 C.F.R. § 2.111(b), Nirvana, Inc. notifies the Trademark Trial and Appeal Board that the service copy of the Petition to Cancel in the above identified cancellation proceeding, which was served on Nirvana for Health Inc. at the correspondence address of record via Federal Express on October 18, 2012 was returned after it was refused by the recipient on October 19, 2012.

A copy of a status report indicating refusal of delivery by recipient is attached to this notice as Exhibit A.

Respectfully submitted,

MYERS WOLIN, LLC



Harris A. Wolin

Myers Wolin, LLC
100 Headquarters Plaza
North Tower, 6th Floor
Morristown NJ 07960-6834
Phone: (973) 401-7159
Fax: (866) 864-3947
Email: tm@myerswolyn.com
Attorneys for Petitioner

Dated: October 24, 2012
Morristown, New Jersey

Attached: Certificate of Service
Exhibit A

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

In the matter of Registration No. 2,731,312
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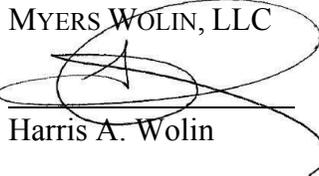
CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF RETURNED SERVICE COPY has been served on Nirvana for Health Inc. by mailing said copy on October 24, 2012, via Federal Express, to:

Shamsher Wadud
144-61 38th Ave.
Long Island Care Center
Flushing, NY 11354

Respectfully submitted,

MYERS WOLIN, LLC



Harris A. Wolin

100 Headquarters Plaza
North Tower, 6th Floor
Morristown NJ 07960-6834
Phone: (973) 401-7159
Fax: (866) 864-3947
Email: tm@myerswolyn.com
Attorneys for Petitioner

EXHIBIT A

FedEx Ship Manager®

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Your Shipment Details

From:	Harris Wolin Myers Wolin, LLC 100 Headquarters Plaza Morristown, NJ 07960 US 9734017159	Ship date:	10/18/2012
		Weight:	0.50 LBS
		Declared value:	1.00 USD
		Package Contents:	
		Document Description:	
		Shipment Purpose:	
		Invoice number:	
To:	Shamsher Wadud Long Island Care Center 144-61 38th Avenue Flushing, NY 11354 US 973-401-7157	Freight On Value:	
		Service type:	Standard Overnight
		Package type:	FedEx Envelope
		Pickup/Drop Off:	Pickup requested, view Pickup History for details
		Shipper account number:	MyAccount-888
Tracking no.:	799229072720	Bill transportation to:	MyAccount-888
		Your reference:	NVNA 3775
		Courtesy rate quote:*	13.29
		List rates:	
		Effective net discount:	
		Discounted variable %	
		Special services:	
		Shipment type:	Express
		Commercial/Residential Status:	Commercial

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In transit



Delivery exception
MASPETH, NY

Shipment Dates	Destination
Ship date Oct 18, 2012	Flushing, NY

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Not available to receive your shipment? FedEx will hold your shipment at a nearby FedEx location at no extra cost. Some shipments may not be eligible for this service. [Read more.](#)

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Service type	Standard Envelope	Reference	NVNA 3775
Weight	0.5 lbs./2 kg		

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Date/Time	Activity	Location	Details
Oct 22, 2012 10:40 AM	Returning package to shipper	MASPETH, NY	Returning package to shipper: 539319924057
Oct 20, 2012 8:00 PM	At local FedEx facility	MASPETH, NY	
Oct 19, 2012 10:49 PM	At local FedEx facility	MASPETH, NY	
Oct 19, 2012 12:57 PM	Delivery exception	MASPETH, NY	Refused by recipient
Oct 19, 2012 8:19 AM	On FedEx vehicle for delivery	MASPETH, NY	
Oct 19, 2012 7:41 AM	At local FedEx facility	MASPETH, NY	
Oct 19, 2012 4:51 AM	At destination sort facility	JAMAICA, NY	
Oct 19, 2012 3:45 AM	Departed FedEx location	NEWARK, NJ	
Oct 18, 2012 9:59 PM	Arrived at FedEx location	NEWARK, NJ	
Oct 18, 2012 9:16 PM	Left FedEx origin facility	EAST HANOVER, NJ	
Oct 18, 2012 8:11 PM	Picked up	EAST HANOVER, NJ	
Oct 18, 2012 4:50 PM	Shipment information sent to FedEx		

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