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

In the Matter of Application Serial Number: 75/864,669
Publication Date: October 9, 2001

NEBO SYSTEMS, INC.,)
)
) Opposer)
)
) v.)
)
) CARE FOR ME, INC.,)
)
) Applicant)
)
)

Opposition No. _____



11-05-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

Express Mail" mailing label number: EL571763733US
Date of Deposit: November 5, 2001
I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to Addressee"
service under 37 CFR 1.10 on the date indicated above and is addressed
to the Assistant Commissioner for Trademarks, 2900 Crystal Drive,
Arlington, Virginia 22202-3513.



11/08/2001 KGIBBONS 00000184 75864669
01 FC:377 300.00 OP

NOTICE OF OPPOSITION

Opposer, Nebo Systems, Inc. ("Nebo Systems"), an Illinois corporation with offices at 1 South 376 Summit Avenue, Court B, Oak Brook Terrace, Illinois believes that it will be harmed by the issuance of a registration for the mark which is the subject of Application Serial Number 75/864,669, and hereby opposes such application.

As grounds for the opposition, Nebo Systems alleges the following:

1. Long prior to the filing of the application opposed herein, Nebo Systems has been engaged in the business of the distribution, sale, marketing and promotion in interstate commerce of products and services under the ECARE mark including, computer software for electronic data interchange in the healthcare field, and the generation of reports, and services for on-line

real-time healthcare and customer service transactions, providing user access and customer support, including customer support center management, healthcare insurance claims submission, status, eligibility, pre-certification, and medical necessity information.

2. Nebo Systems has continuously used the trademark ECARE for computer software for electronic data interchange in the healthcare field, and the generation of reports, and services for on-line real-time healthcare and customer service transactions, providing user access and customer support, including customer support center management, healthcare insurance claims submission, status, eligibility, pre-certification, and medical necessity information, since at least as early as 1989.

3. Nebo Systems is the owner of U.S. Trademark Registration Nos. 2055093 & 2061381, ECARE, for “computer software for electronic data interchange in the healthcare field, and the generation of reports”; and for “software user manuals containing descriptions of software and instructions in its use.” These registrations were issued on April 22, 1997 and May 13, 1997, respectively. The registrations are active and constitute evidence of Nebo Systems exclusive right to use and ownership of the ECARE mark under Section 7 of the Trademark Act, as amended.

4. Since its initial use of the ECARE mark, Nebo Systems has extensively used, advertised, promoted, and offered and sold goods and services, as described in paragraph 2 above under the ECARE mark with the inevitable result that Nebo Systems’ customers and the public in general have come to know and recognize Nebo Systems’ ECARE mark and associate same with Nebo Systems and/or the goods and services provided by Nebo Systems. Nebo Systems has thus built up extensive goodwill in connection with the sale of products and services under the ECARE mark.

5. On December 6, 1999, Applicant filed an application for registration of the mark ECARE4ME for the following goods and services: “information services, namely, providing information regarding disease state management and patient compliance with prescribed treatments by means of the global communications network.” This application was published for opposition on October 9, 2001.

6. Applicant, on information and belief, had made no use of the mark prior to the December 12, 1999 filing date of the application that resulted in the subject registration. Such date is subsequent to Nebo Systems’ date of first use of its mark ECARE.

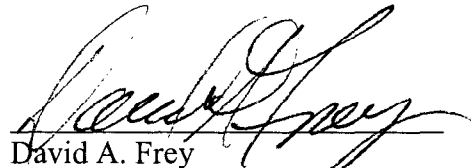
7. Applicant’s use of aforesaid ECARE4ME mark on or in connection with the products described in Application Serial Number 75/864,669 is likely to confuse the public as to the source of Applicant’s products and services in violation of Section 2(d), and to dilute the distinctive quality of Nebo Systems’ ECARE mark in violation of Sections 2, 13(a) and 43(e) of the United States Trademark Act of 1946 (15 U.S.C. § 1052(d)).

WHEREFORE, Applicant is not entitled to register the trademark ECARE4ME as any such registration would be damaging to Nebo Systems.

Nebo Systems herewith submits the requisite filing fee in the sum of \$300.00.

Please address all communications to David A. Frey, Wildman, Harrold, Allen & Dixon, 225 W. Wacker Dr., Chicago, Illinois 60606, or Thomas G. Gardiner, Gardiner, Koch & Weisberg, 53 West Jackson Blvd., Suite 1550, Chicago, Illinois 60604.

Respectfully submitted,



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Date: November 5, 2001

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Via Express Mail

BOX TTAB -FEE
Assistant Commissioner for Trademarks
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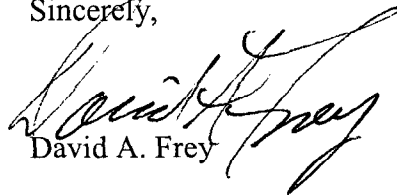
Re: Mark: ECARE4ME
Nebo Systems, Inc. v. Care for Me, Inc.

Dear Sir:

Enclosed for filing are an original and two copies of a Notice of Opposition, the requisite filing fee of \$300.00 and a stamped, self-addressed postcard for acknowledgment of this filing.

Please credit any overpayment to, or deduct any underpayment from Deposit Account No. 23-2126.

Sincerely,

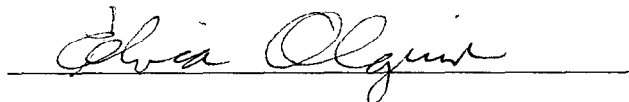

David A. Frey

Enclosures

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