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June 22, 2005

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

TTAB

Re: OFGS File No. 7/3915-8
U.S. Trademark/Service Mark Appln. No. 76/495,882
Applicant: A Plus Express Co.
Opposer: New England Motor Freight, Inc.

S I R:

Enclosed for filing is a Notice of Opposition on behalf of: New England Motor Freight, Inc. against the above-noted trademark/service mark, including:

- Notice of Opposition in duplicate;
- OFGS Check No. 21032 in the amount of \$300.00 in payment of the Government Filing Fee;
- Return-Addressed Post Card.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee due during the pendency of this application is not paid, the P. T. O. is authorized to charge the underpayment to Deposit Account No. 15-0700.

"Express Mail" mailing label No. EV 604826190 US


Respectfully submitted,

Date of Deposit: June 22, 2005

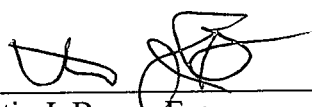
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Martin J. Beran

(Printed name of person mailing paper or fee)


(Signature)

MJB:nb


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has been suspended by the Examining Attorney on grounds that there may be a likelihood of confusion between Opposer's mark APEX LOGISTICS and the mark of Applicant herein APEX A PLUS EXPRESS which is the subject of U.S. Application Serial No. 76/495,882, filed March 7, 2003.

4. The word EXPRESS has been disclaimed in Applicant's mark APEX A PLUS EXPRESS. The word LOGISTICS has been disclaimed in Opposer's mark APEX LOGISTICS such that the dominant portion of both marks is the term APEX. As such, APEX A PLUS EXPRESS is confusingly and deceptively similar to APEX LOGISTICS.
5. Opposer's services of freight transportation by truck. Applicant services, in the same class, are courier services for messages; courier services for merchandise; courier services for cargo. There is a sufficient relationship between the services of the respective parties such that if the services are rendered under the same or confusingly similar marks, a likelihood of confusion will exist.
6. APEX A PLUS EXPRESS for courier services for messages; courier services for merchandise; courier services for cargo is confusingly and deceptively similar to APEX LOGISTICS for freight transportation services by truck such that the trade and consumers of the services of the respective parties are likely to be confused and deceived into believing that Applicant's services originate with or otherwise sponsored, licensed or authorized by Opposer.
7. Applicant's application stands as a potential bar to the registration of Opposer's mark notwithstanding Opposer's prior rights therein.
8. By reason of all of the foregoing, Opposer will be gravely damaged by the registration of APEX A PLUS EXPRESS to Applicant.

WHEREFORE, Opposer respectfully requests that the Notice of Opposition be sustained and that registration of APEX A PLUS EXPRESS to Applicant be refused.

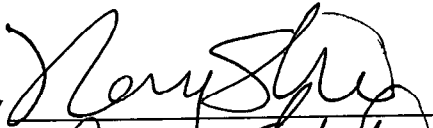
POWER OF ATTORNEY

Please recognize Martin J. Beran and Ostrolenk, Faber, Gerb & Soffen, LLP as attorneys to prosecute this opposition proceeding. The undersigned hereby appoints customer no. 2352, OSTROLENK, FABER, GERB & SOFFEN, LLP and the members of the firm: Samuel H. Weiner, Robert C. Faber, Max Moskowitz, James A. Finder, William O. Gray, III, Louis C. Dujmich, Charles P. LaPolla, Douglas A. Miro, and of counsel Martin J. Beran, all members of the Bar of the State of New York, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403, (212) 382-0700, its attorneys to prosecute this opposition with full power of substitution and revocation and to transact all business in the Patent and Trademark Office in connection therewith. Said attorneys are hereby designated its agent upon whom notices or process may be served in proceedings affecting the above-entitled mark. Please address all correspondence to:

Martin J. Beran, Esq.
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New York, New York 10036-8403
Customer No. 2352

NEW ENGLAND MOTOR FREIGHT, INC.

6-6-06
[Date]

By 
Name: Nancy S. [unclear]
Title: VP