ESTTA Tracking number:

ESTTA422367 07/28/2011

Filing date:

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

Proceeding	91200468
Party	Defendant Fusion Care Systems
Correspondence Address	FUSION CARE SYSTEMS 7324 W CHEYENNE AVE LAS VEGAS, NV 89129-7426 matt@fusioncaresystems.com
Submission	Answer
Filer's Name	Patrick R. Driscoll
Filer's e-mail	pdriscoll@patrickdriscolllaw.com
Signature	/s/ Patrick R. Driscoll
Date	07/28/2011
Attachments	Answer to Notice of Opposition with Affirmative Defences.pdf (53 pages)(4756839 bytes)

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

IN THE MATTER OF Trademark Application Serial No. 85,176,047

DATE OF PUBLICATION: November 12, 2010

CareFusion Corporation and CareFusion 303, Inc.

Opposers,

v.

Fusion Care Systems,

Applicant.

Opposition No. 91200468

Mark:



ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENCES

The following is the Answer of Fusion Care Systems (hereinafter "Applicant") by and through its counsel, Patrick R. Driscoll, Jr., Esq. of The Law Offices Of Patrick Driscoll, LLC, in response to the Notice of Opposition filed by CAREFUSION CORP, and CAREFUSION 303, INC., (hereinafter collectively referred to as ("Opposition") in reference to Opposition No. 91200468 and Serial No. 85176047.

Applicant hereby responds, solely for the purpose of this proceeding to each of the grounds set forth in the Notice of Opposition, as follows:

- 1. Applicant is without knowledge. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
- 2. Applicant is without knowledge. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

- 3. Applicant is without knowledge. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
- 4. Denied. This denial is based on the validity of the incontestable status of trademarks: 2,768,161 and 2,908,615.
- 5. Applicant is without knowledge. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
 - 6. Denied.
 - 7. Denied. Opposition is misstating the petitioned mark.
- 8. Applicant is without knowledge. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
 - 9. Denied.
 - 10. Denied.
 - 11. Denied.
- 12. Applicant is without knowledge. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
- 13. Denied. Although it is not used by any other entity in the health care or medical care field, CAREFUSION is not a distinctive Mark.
 - 14. Denied.
 - 15. Denied
 - 16. Denied

In addition Applicant sets forth the following affirmative defenses and statements in support of its position:

17. The descriptive words *Care* and *Fusion* are used in other businesses.

These businesses along with Applicant are within the fair use.

HealthFusion

http://www.healthfusion.com

Serial Number: 77559426 Status of Mark: Live

Providing temporary use of online non downloadable software for use in a physician practice management system, specifically, for use in online database management of healthcare practices through use of software for use in patient billing, insurance billing, electronic claims processing, accounts receivable trailing, patient scheduling, creating and maintaining patient demographics and medical history records, creating and maintaining patient insurance records (See: Exhibit A)

HEALTHFUSION

Fusion HealthCare http://www.FusionHealthCare.com

10 years of healthcare services in the areas of nursing services, rehabilitation services, information on community resources, or a home assistance.

(See: Exhibit B)



Fusion Beauty

http://www.fusionbeauty.com

Serial Number: 78977807 Status of Mark: Live

Non Medicated Skin Care Preparations; Lip Products, namely Lip Glosses, Lip Pencils,

and Lip Plumpers (See: Exhibit C)

FUSION BEAUTY

Fusion Auto Care Inc. **FUSION AUTO CARE** http://www.fusionautocare.com Serving the community with the fusion of high-quality and friendly car services. (See: Exhibit D) **Fusion Capet Care** http://www.fusioncarpetcare.com Fusion Carpet Care Specializing in the fusion of services that clean home flooring. (See: Exhibit E) **Fusion Learning Systems** http://www.enspire.com/ Serial Number: 78959103 Status of Mark: Live FUSION LEARNING SYSTEMS Fusion Learning Systems, Inc. provides custom learning solutions. It offers advice in business, technology, design, and evaluation; and learning tools, such as teacher productivity applications, calendar applications, online textbooks, databases, and content management (See: Exhibit F) MedicFusion Serial Number: 78770296 **MEDICFUSION** Status of Mark: Dead Computer software for medical practice management, namely for populating, accessing, managing and analyzing electronic health records or electronic medial records. (See: Exhibit G)

Fusion Technology Serial Number: 3668452 Status of Mark: Live Integrated suite of healthcare provider practice software (See: Exhibit H) DataFuzion

FUSION TECHNOLOGY

Serial Number: 78396281 Status of Mark: Live

Data mining and data warehousing for health-care providers, namely, hospitals, managed care organizations, managed service organizations, integrated delivery networks, medical clinics and physician's groups (See: Exhibit I)

DATAFUZION

SkinFusion

Serial Number: 77609179 Status of Mark: Live

Transdermal drug delivery devices, namely, transdermal patches containing hormones and other therapeutics for use in hormone replacement therapy and transdermal patches for use in the treatment of pain, nausea, acne, women's health disorders, infertility, endocrine disorders, gastrointestinal disorders, neurological disorders and urological disorders (See: Exhibit J)



Fusion Skin Care www.ulta.com

Beauty product retailers market and sell full lines of trademarked Fusion Skincare products. Among these are LipFusion, Fusion

FUSION SKIN CARE

Beauty, LashFusion, and Shaving	
Fusion	

- 18. Applicant's products and services are not connected with Opposition's products and services. Applicant's services cater to an entirely different clientele, the patients, whom can take advantage of Applicant's services for convenience and safety. Opposition's services cater directly to hospitals. Thus, the likeliness of confusion does not apply.
- 19. Applicant's products focus on the patient's in home care. Opposition's primary place in the market is in medical technologies and services that are sold to hospitals and medical facilities.
- 20. Opposition's product lines have their own respective trademarks that have established their own goodwill exclusive of that of CAREFUSION CORP, and CAREFUSION 303, INC; thus, diminishing the likelihood of confusion because of customer's affiliation with the exclusive name of the respective branding of that line of products. CareFusion is operating as a parent company for the following brands that consumers associate with:

Air <i>Life</i> TM Respiratory Products	Air <i>Life</i> TM consumables offer customers a complete suite of respiratory products
Alaris® System	The Alaris® System is a comprehensive IV medication safety system
AVEA® Ventilator System	The AVEA ventilator system is a versatile critical care ventilator for neonatal, pediatric and adult patients featuring both invasive and non-invasive applications, including infant nasal IMV.
MaxGuard® Connectors	The MaxGuard® product line from CareFusion offers needleless IV disposable products under the MaxPlus® and

	MaxGuard® brands
ChloraPrep [®] Patient	ChloraPrep patient preoperative skin
Preoperative Skin Preparation	preparation is a rapid-acting, persistent and
reoperative Skin rreparation	broad-spectrum antiseptic for a range of
8	minor and major medical procedures.
Nicholet [®]	Nicolet™ EEG amplifiers, monitors and
	stimulator devices aid with the diagnosis of
	brain trauma, epilepsy and sleep
	dysfunction, and can assist with disease or
	trauma detection, brain surgery and clinical
DI XX® C 11 C	research.
PleurX® Catheter System	The PleurX® catheter system provides
	effective palliation of symptoms associated
	with recurrent pleural effusions and malignant ascites
Pyxis® technologies	Pyxis® technologies from CareFusion
ryxis technologies	provide the solutions and insight needed to
	manage medications and supplies
	throughout the hospital and IDN
	amonghout the hospital that IDIV
*	
V. Mueller® Open	CareFusion prides itself on the
Instrumentation	craftsmanship of our V. Mueller and
instrumentation	Snowden-Pencer® surgical instruments.
VIASYS® products	VIASYS® products are integral to the
•	CareFusion vision of making healthcare
	safer and more productive.

21. Applicant's name is descriptive of the services they provide. *Fusion*, by definition is the merging of diverse, distinct, or separate elements into a unified whole. *Care*, by definition is painstaking or watchful attention is used analogous with healthcare. *Systems*, by definition is a regularly interacting or interdependent group of items forming a unified whole. *Fusion Care Systems* is just that; a merging of distinct in-home care solutions into a unified whole. Applicant's name describes all services rendered.

- 22. Applicant and Opposition have ample differences between their marks to make it apparent that these are two entirely different companies. There is no likeliness of confusion when it is clear that Applicant operates under a mark that is significantly dissimilar to that of Opposition. Applicant's mark is inherently different from Opposition's mark for the following reasons:
- Applicant's Trademark consists of a symbol containing three curved lines surrounding the HealthCare cross. This descriptively signifies the nature of their services. Opposition's mark does not us a symbol.
- 2. Applicant's mark covers two lines of text versus one line of text for Opposition.
- Applicant's mark consists of three distinct and separate words with varying formatting versus Opposition's mark which is a standard, typed format with no spaces between the words.
- 4. Applicant's mark is written in all lowercase lettering versus Opposition's mark composed of all capital letters.



CAREFUSION

(See Exhibit K)

All of these different factors together show that there is no likeliness of confusion.

Applicant's mark is very much different from Opposition's.

23. Pursuant to the Fair Use Statute, Applicant is relieved of any allegations of infringement upon Opposition's trademark.

Applicant hereby appoints Patrick R. Driscoll Esq., a member of the Bar of the

State of Nevada at the firm of:

The Law Offices of Patrick Driscoll, LLC

3333 E. Serene Ave. Suite 150

Henderson, NV 89074

TEL: 702-388-8300

FAX: 708-664-6358

to act as the attorney in the matter of the opposition identified above, to prosecute said

opposition, to transact all business in the Patent and Trademark Office, and in the United

States Federal Courts connected with the opposition, to sign its name to all papers which

are hereinafter to be filed in connection therewith, and to receive all communications

relating to the same.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny

the Opposition and permit registration of Applicant's proposed mark in the Application

Serial Number 85176047 in the United States Patent and Trademark Office.

Dated this 28th day of July, 2011.

Respectfully submitted

/s/ Patrick R. Driscoll

Patrick R. Driscoll, Jr., Esq.

The Law Offices of Patrick Driscoll

3333 E. Serene Ave. Suite 150 Henderson, Nevada 89074

Attorney for Applicant

Fusion Care Systems

9

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of ANSWER TO NOTICE OF OPPOSITION has been served on the following by delivering said copy on July 28, 2011, via Certified Mail, postage prepaid, to counsel for Opposition at the following address:

Joseph R. Dreitler Bricker & Eckler, LLP 100 South Third Street Columbus, OH 43215 UNITED STATES trademarks@bricker.com

By: /s/ Patrick R. Driscoll

Patrick R. Driscoll, Esq.

"EXHIBIT A"



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Word Mark

HEALTH FUSION

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Body wash; Essential oils; Shampoos

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search 01.15.04 - Explosions; Fireworks display; Sparks

Code

26.03.02 - Ovals, plain single line; Plain single line ovals 26.03.13 - Ovals, exactly two (not concentric); Two ovals

26.03.16 - Ovals touching or intersecting

Serial Number 85122349

Filing Date

September 2, 2010

Current Filing

Basis

Basis

Original Filing 1B

Published for

Opposition

March 8, 2011

Owner

(APPLICANT) Health Fusion LIMITED LIABILITY COMPANY UTAH 1075 S Canyon Payson UTAH

Mark

Description of Color is not claimed as a feature of the mark. The mark consists of the wording "HEALTHFUSION" in stylized text wherein the "O" appears to contain an explosion with flames shooting from the "O", and a fusion symbol consisting of two intersecting ovals appears behind the wording near the "H"

and "F". The stippling is for shading purposes only.

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead

LIVE

Indicator

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Billing, Scheduling,
Reporting seamlessly
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The Entire Revenue Cycle -Automated & Interoperable

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Fee Schedule

Pre-Visit / Scheduling

Check In & Check Out

Charge Entry

Denial Defender™

Claims

Track Claims

Reject Management

Pre-Remittance Claim

Status

Post & Apply

Payments

Electronic EOB® / ERA

Account Follow-Up

Patient Billing

Denial Management

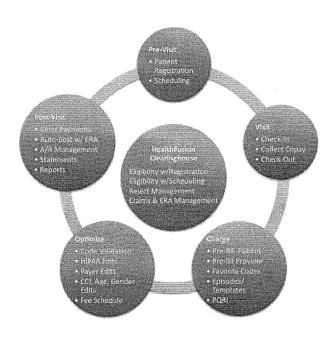
Reporting &

Benchmarking

Billing and So Much More

It's a Complete Revenue Cycle Management System

With the HealthFusion® Practice Management system every part of the revenue cycle is automated. Each component of our system fits with the others as pieces of the complete revenue cycle puzzle. Every set of charges complete with the ICD and CPT codes entered with MediTouch EHR® automatically create a claim in our billing system!



The HealthFusion® Revenue Cycle is automated, integrated and interoperable

MediTouch EHR®

MediTouch EHR® from HealthFusion® is the first all-inone, Web-based, touch screen Electronic Health Record that is affordable, secure, and backed up by "Outstanding Customer Service".

Practice Management

HealthFusion's Practice Management System with a fully integrated EHR and clearinghouse simplifies patient registration, scheduling, billing, and reporting for Revenue Cycle Management.

Clearinghouse

Manage electronic claims with 1000's of payers, real-time eligibility verification and claim status, and transmit Electronic EOB® / ERAS. HIPAA-compliant with EHNAC accreditation.

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Get HITECH Stimulus Ready™. Earn \$44-64K in cash Medicare and Medicaid bonuses with EHR/EMR "meaningful use" by using MediTouch®. Track progress with a Meaningful Use Report Card™.

HealthFusion, Inc. 124 North Rios Avenue Solana Beach, Ca 92075 Phone: (877) 523-2120 Fax: (858) 523-2124

Email: Info@HealthFusion.com















HealthFusion's MediTouch EHR 3.0 was certified on October 20th 2010. Certification ID: 1020201058548

IMPORTANT: For EHR Incentive Program registration and attestation, please use CMS EHR Certification ID 30000001SWPKEAC.

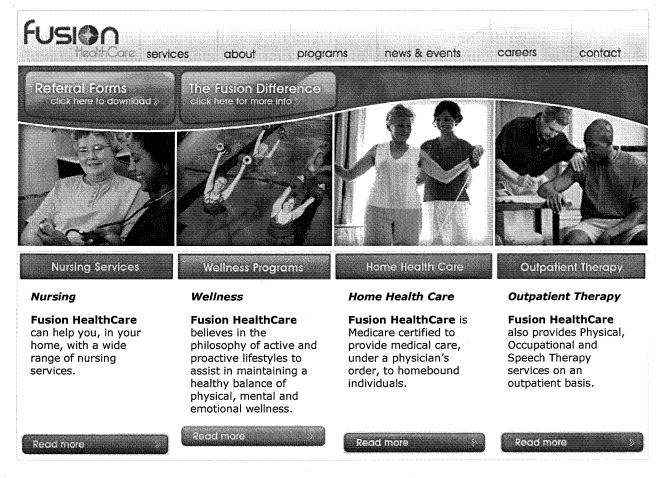
MediTouch 3.0 works with most modern computers and users need to equip those computers with email software, spreadsheet and zip software.

This Complete EHR is 2011/2012 compliant and has been certified by an ONC-ATCB in accordance with the applicable certification criteria adopted by the Secretary of Health and Human Services.

This certification does not represent an endorsement by the U.S. Department of Health and Human Services or guarantee the receipt of incentive payments.

Clinical Quality Measures Certified include: NQF0013, NQF0421/PQRI128, NQF0041/PQRI110, NQF0024,NQF0028, NQF0038, NQF0059, NQF0064, NQF0061.

"EXHIBIT B"



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FUSION BEAUTY

Word Mark

FUSION BEAUTY

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: NON MEDICATED SKIN CARE PREPARATIONS;

LIP PRODUCTS, NAMELY, LIP GLOSSES, LIP PENCILS, LIP PLUMPERS. FIRST USE:

20050100. FIRST USE IN COMMERCE: 20050100

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

78977807

Filing Date

March 28, 2006

Current Filing

Basis

1A

Original Filing

Basis

1A;1B

Published for Opposition

January 30, 2007

Registration

3229984

Registration Date April 17, 2007

Number

Owner

(REGISTRANT) FUSION BRANDS INTERNATIONAL SRL COMPANY BARBADOS GROVE, 21

PINE ROAD BELLEVILLE, ST., MICHAEL BARBADOS BB11113

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record

JEFFREY H. EPSTEIN

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE BEAUTY APART FROM THE

MARK AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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EPHORA VAKEUP **SKINCARE**

FRAGRANCE

BATH & BODY

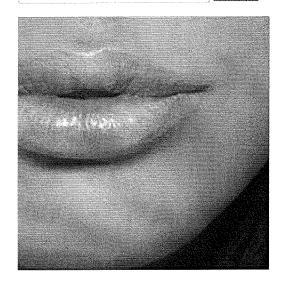
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SEARCH

BRANDS CHOOSE BRAND



FUSIONBE

While beauty and science may not always seem the likely pair, Fusion Beauty has pioneered something many may never discover. Beginning in 2005 with their first creation, LipFusion, they were instantly recognized as innovators. Since then, they have continued to amaze by infusing products with breakthrough technology—and have coined the term Colorceuticals, a new definition of skincare that provides long-term, transformational results. Always on the cutting edge, there's no telling what Fusion Beauty will think of next.

LEARN MORE ABOUT THE BRAND









MUST-HAVES

Your Perennial Get-Pretty Favorites



Legendary Lip Plumpers I

Behind

SHOP THE BRAND

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Face

Eyes

Lips

Body

Gift Ideas & Palettes

Cheeks

Value Sets

Skincare

Gift Ideas & Sets

Face

Eyes

Lips Sun

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Bath & Body

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Sale

Beauty Minis

Value Sets

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IllumiFill Line Filling Luminizer with Amplifat™ \$49

Firm skin, fill in fine lines, and boost your complexion's radiance all at once with this lightweight, calcium-rich facial formula.

BUY





new . limited edition Totally InFATuated

Nip Line Erase, \$45

Set (\$76 Value),

new exclusive



new . limited edition Fab 5 Set (\$64 Value), \$39



Lips+Lash XL (\$25 <u>Value)</u>, \$15

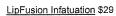


StimuLashFusion Lash Enhancing + Lengthening

Mascara, \$28

PrimeResults Tinted Moisturizer +SPF 15 Sunscreen, \$40

IllumiCover Line Smoothing



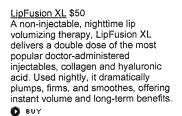
This is no ordinary lip gloss-the extraordinary technology in this shining formula works to plump lips without any injections or surgery.

BUY



StimuLashFusion™ Intensive Night Conditioning Lash Enhancer \$89 This amplifying serum delivers vitamins and nourishing amino acids to lashes while visually enhancing their length and volume.

BUY











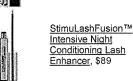
<u>LipFusion Lip Conditioning Stick SPF</u>
15 \$22
This delicious minty balm not only nourishes, hydrates, and protects, it also increases fullness and volume.

Inis delicious minty balm not only nourishes, hydrates, and protects, it also increases fullness and volume with collagen-boosting ingredients.



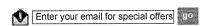
Micro-Tech™ Intuitive Active

Bronzer, \$39





<u>LipFusion Color</u> <u>Shine</u>, \$38













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fax: (954)255-6658

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Welcome! Thank you for choosing Fusion Auto Care. WE ARE A FAMILY OWNED, FULL SERVICE AUTO CARE FACILITY. BE SURE CHECK OUR LIST OF SERVICES AND COUPONS. Feel free to browse, make an appointment, or contact us for any questions. SUNDAY AND LATE SERVICE HOURS AVAILABLE, PLEASE CALL FOR DETAILS!

- Make an appointment right online. It's quick and easy –
 just click on our calendar to pick the best day and time to
 drop off your car.
- · Check the list of services we perform.
- Get your own personal car care page! It will provide lots
 of information about your car, including recalls, service
 bulletins and recommended maintenance. Whenever you
 make an online appointment with us, the service history is
 added to your page for you to review any time (good
 service records are also very helpful when it comes time
 to sell your car).
- · Get a map to our shop.
- Email us with any questions or comments.

Use the menu on the left to navigate our website. Thanks for stopping by!

ALLDATA





If your vehicle recently starting pulling to one side, it could be an indication that front end work is needed, but it could also mean you have a tire that's low on air. Improper inflation levels can affect vehicle handling and shorten tire life.

Certifications & Affiliations

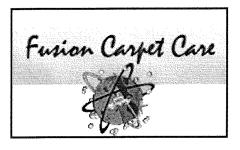




State Approved Vehicle Repair

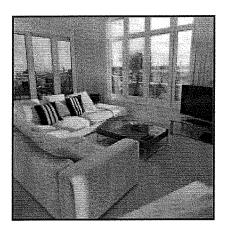
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Carpet Cleaning Services



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Fusion Carpet Care uses the most effective and environmentally safe products and equipment. The steam cleaning process we use is recommended by over 50 major carpet manufacturers who recommend cleaning your carpet every 6 months.

Our equipment is up to 20 times more powerful than the conventional, portable machines which enables us to extract 95% of the moisture used to clean your carpets. This cleaning method increases carpet life by 50%. We believe in using enviro-friendly chemicals to remove dirt, dust mites, coffee, and assorted beverage stains. Our deodorizing products allow us to remove odors caused by pets, smoke, floods & moisture. Allergies? We have a helpful solution for you also. Call today, let us help restore the comfort and beauty of your home.

1. Reputation: Fusion Carpet Care enjoys a reputation that is second to none. The area's most seasoned real estate agents and commercial properties refer our services as well.

- 2. Experience: Fusion Carpet Care is proficient in all methods of carpet/tile/grout cleaning. We are often called on to correct soiled conditions that other cleaners aren't familiar with. This allows us to choose the best method for your particular carpet and render the best cleaning methods for optimal restoration.
- 3. Education: We are certified by the IICRC (Institute of Inspection Cleaning & Restoration Certification, (www.iicrc.org). The IICRC is the world's most recognized body of certification of Floor care cleaners. Our technicians are also IICRC certified. If you use a cleaner that is not certified you may lose your carpet/tile warranty.
- 4. Service: Fusion Carpet Care is committed to first class customer service. You will be treated with the utmost respect by our staff and technicians and we pride ourselves in booking our appointments as quickly as possible. We appreciate loyal customers and offer referral incentives for sharing your great experiences with us to others!



Contact Info

*Contact Info *Scheduling: (850) 699-6234

*Office: (850) 651-6600 *Fax: (850) 651-2356

*Email: info@fusioncarpetcare.com

*Physical Address: 1271 N. Eglin Parkway, Shalimar, FL 32579

*Billing Address: P.O. Box 416, Fort Walton Beach, FL 32549

*President: Pablo J. Duque

*Phone: 850.699.6234

*Email: Pablo@fusioncarpetcare.com

*Vice President: Danielle (Gates) Duque

*Phone: 850.699.6916

Email: Danielle@fusioncarpetcare.com

Cleaning Tips

• Do It Yourself Tips: Nail Polish Removal

• Vinegar: Household Cleaning Tips

1,2,3 Cash Referral



- 1.) Refer a friend/neighbor for any of our available services!
- 2.) Ask your friend to mention you when they schedule a cleaning!
- 3.) 10% of their initial cleaning will be given to you in cash or services.... You get to choose! The more you refer, the more cash you get!

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FUSION LEARNING SYSTEMS

Word Mark

FUSION LEARNING SYSTEMS

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IC 042. US 100 101. G & S: Custom design of educational and training materials and the

integration of these custom materials into a single-source targeted to a specific audience. FIRST

USE: 20010604. FIRST USE IN COMMERCE: 20011114

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

78959103

Filing Date

August 23, 2006

Current Filing

Basis

1A

Original Filing

Basis

1A

Published for

April 17, 2007

Opposition Registration

3258497

Number

Registration Date July 3, 2007

Owner

(REGISTRANT) Fusion Learning Systems, Inc. CORPORATION DELAWARE Suite 100 7600-C

N Capital of Texas Hwy Austin TEXAS 78731

Attorney of Record

William N. Hulsey III

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LEARNING SYSTEMS" APART

FROM THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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"EXHIBIT G"



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MEDICFUSION

Word Mark

MEDICFUSION

Goods and Services

(ABANDONED) IC 009. US 021 023 026 036 038. G & S: Computer software for medical practice management, namely for populating, accessing, managing and analyzing electronic

health records or electronic medical records

Standard

Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number

78770296

Filing Date

December 9, 2005

Current Filing Basis

1B

Original Filing

1B

Basis

Owner

(APPLICANT) MEDI GEEKS, L.L.C. LIMITED LIABILITY COMPANY OHIO Suite 317 7577

Central Parke Boulevard Mason OHIO 45040

Attorney of Record Joshua A. Lorentz

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator DEAD

Abandonment Date April 16, 2008

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"EXHIBIT H"



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FUSION TECHNOLOGY

Word Mark

FUSION TECHNOLOGY

Goods and Services IC 009. US 021 023 026 036 038. G & S: Integrated suite of healthcare provider practice

software. FIRST USE: 20070910. FIRST USE IN COMMERCE: 20070910

Standard Characters

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number

77521248

Filing Date

July 14, 2008

Current Filing Basis

Original Filing Basis 1A

1A

Published for Opposition

Registration Number 3668452

June 2, 2009

Registration Date

August 18, 2009

Owner

(REGISTRANT) Future Health, Inc. CORPORATION IOWA 517 North Main Street Carroll

IOWA 51401

(LAST LISTED OWNER) FUTURE **HEALTH** ACQUISITION, INC. CORPORATION SOUTH

DAKOTA 513 NORTH MAIN STREET CARROLL IOWA 51401

Assignment

Recorded

ASSIGNMENT RECORDED

Attorney of Record

Mark D. Hansing

Disclaimer

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THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator LIVE

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DATA	UZIC)N				
Word Mark	DATAEI	IZION				

Word Mark

Goods and Services

IC 042. US 100 101. G & S: Data mining and data warehousing for health-care providers, namely, hospitals, managed care organizations, managed service organizations, integrated delivery networks, medical clinics and physician's groups. FIRST USE: 20010724. FIRST USE IN

COMMERCE: 20010724

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

April 5, 2004

Serial Number

78396281

Filing Date Current Filing

1A

Basis

Original Filing Basis

1A

Published for

February 28, 2006

Opposition Registration Number

3094929

Registration

Date

May 23, 2006

Owner

(REGISTRANT) DataFuzion, Inc. CORPORATION COLORADO Suite 100 2120 West Littleton

Blvd. Littleton COLORADO 80120

Type of Mark

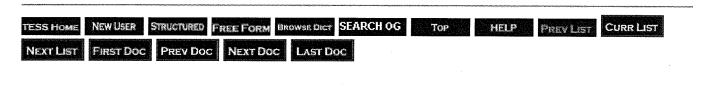
SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE



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- Healthcare
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- Web Hosting, Design & Custom Programming
- Integrated Practice
 Management and
 EMR Solutions
- ASP Hosted Healthcare Systems
- Affordable
 Solutions With
 Minimal Up Front
 Costs



DataFuzion provides "turn key" back office billing & collections, practice management (PM) systems, electronic medical records (EMR) systems, and proprietary InfoBridge™ reporting tools to the healthcare industry. Our specialized products and services are delivered throughout the U.S. to physicians, clinics, IPA's, MSO's, integrated delivery networks, hospitals and other healthcare enterprises.







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DataFuzion's products and services have been specifically designed to meet the growing demands of the healthcare industry, and are delivered through a HIPAA compliant secure architecture through the Internet, making them cost efficient and easy to use.

The products and services delivered by DataFuzion. represent years of development and practical use by its customers. Our systems and services are designed to improve the financial and clinical aspects of providing healthcare to patients.





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"EXHIBIT J"



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skiniusiaa

Word Mark

SKINFUSION

Goods and Services

IC 005. US 006 018 044 046 051 052. G & S: Transdermal drug delivery devices, namely,

transdermal patches containing hormones and other therapeutics for use in hormone replacement therapy and transdermal patches for use in the treatment of pain, nausea, acne, women's health disorders, infertility, endocrine disorders, gastrointestinal disorders, neurological disorders and

urological disorders

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design

26.11.13 - Rectangles (exactly two rectangles); Two rectangles

Search Code 26.11.16 - Rectangles touching or intersecting

26.11.21 - Rectangles that are completely or partially shaded

Serial Number 77609179

Filing Date

November 6, 2008

Current Filing

1B

Basis

Original Filing 1B **Basis**

Published for

March 31, 2009

Opposition **Owner**

(APPLICANT) Agile Therapeutics, Inc. CORPORATION DELAWARE 366 Wall St. Princeton NEW **JERSEY 08540**

Attorney of

Record

Nicole K. McLaughlin

Description of Color is not claimed as a feature of the mark. The mark consists of two rectangles intertwined with

Mark

the word "SKINFUSION" inside.

Type of Mark TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE



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"EXHIBIT K"



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Воттом

HELP

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TTAB Status

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Browser to return to TESS)



Word Mark

FUSION CARE SYSTEMS

Goods and **Services**

IC 035. US 100 101 102. G & S: Retail services by direct solicitation by sales agents in the field of healthcare technology-related products. FIRST USE: 20100410. FIRST USE IN COMMERCE: 20100410

Mark Drawing

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

24.13.02 - Cross, Greek (equal sides); Greek cross (equal sized lines)

26.05.09 - Triangles made of geometric figures, objects, humans, plants or animals

26.05.28 - Miscellaneous designs with overall triangular shape; Triangular shape (miscellaneous

overall shape)

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Serial Number

85176047

Filing Date

November 12, 2010

Current Filing Basis

1A

Original Filing

1A

Basis Published for

April 26, 2011

Opposition

(APPLICANT) Fusion Care Systems LIMITED LIABILITY COMPANY NEVADA 7324 West

Owner

Cheyenne Ave. Suite 2 Las Vegas NEVADA 89129 NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CARE SYSTEMS" APART FROM

THE MARK AS SHOWN

Description of Mark

Disclaimer

Color is not claimed as a feature of the mark. The mark consists of 3 swoosh like half circles forming a rounded triangle, with a cross in the middle to the left of the wording "fusion care" over

the wording "systems".

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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Logout | Please logout when you are done to release system resources allocated for you.

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Browser to return to TESS)

CAREFUSION

Word Mark

Goods and Services

CAREFUSION

20020400

IC 009, US 021 023 026 036 038. G & S: Computer software and computer hardware that enables health care establishments to enhance patient safety by verifying and documenting medical orders for patient treatment. FIRST USE: 20020400. FIRST USE IN COMMERCE:

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Code Serial Number

77156515 April 13, 2007

Filing Date **Current Filing**

Basis Original Filing

1B

Basis

Published for Opposition

3680249

Registration Number

Registration Date September 8, 2009

January 15, 2008

Owner

(REGISTRANT) Cardinal Health 303, Inc. CORPORATION DELAWARE Legal Department 10221 Wateridge Circle San Diego CALIFORNIA 92121

(LAST LISTED OWNER) CAREFUSION 303, INC CORPORATION 3750 TORREY VIEW **COURT SAN DIEGO CALIFORNIA 92130**



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Logout | Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

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Typed Drawing

Word Mark

CARE FUSION

Goods and Services

IC 009. US 021 023 026 036 038. G & S: COMPUTER SOFTWARE AND HARDWARE FOR ACCESSING, COLLECTING, DISPLAYING AND MANAGING HEALTHCARE DATA. FIRST USE:

20020201, FIRST USE IN COMMERCE: 20020201

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

78320129

1A

1A

Filing Date

October 29, 2003

Current Filing

Basis

Original Filing

Basis

Published for Opposition

September 14, 2004

Registration Number

2908615

Registration

December 7, 2004

Date Owner

(REGISTRANT) Care Fusion Inc. CORPORATION DELAWARE 1430 Spring Hill Road, Suite 510

McLean VIRGINIA 22102

(LAST LISTED OWNER) CAREFUSION 303, INC CORPORATION 3750 TORREY VIEW COURT

SAN DIEGO CALIFORNIA 92130

Assignment

Recorded

ASSIGNMENT RECORDED

Attorney of Record

Joseph R. Dreitler

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE



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STRUCTURED FREE FORM BROWN DIET SEARCH OG

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TARR Status

ASSIGN Status

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Typed Drawing

Word Mark

CAREFUSION

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer software platform for documenting and accessing clinical information. FIRST USE: 20020201. FIRST USE IN COMMERCE: 20020201

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

78089719

Filing Date

October 23, 2001

Current Filing

Basis

1A

Original Filing

Basis

1B

Published for Opposition

March 26, 2002

Change In Registration

CHANGE IN REGISTRATION HAS OCCURRED

Registration

Number

2768161

Registration Date September 23, 2003

Owner

(REGISTRANT) Milligan, John C.K. INDIVIDUAL UNITED STATES 40572 SPACTACULÁR BID

PL LEESBURG VIRĞINIA 20176

(LAST LISTED OWNER) CAREFUSION 303, INC CORPORATION 3750 TORREY VIEW

COURT SAN DIEGO CALIFORNIA 92130

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of

Joseph R. Dreitler

Record

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15, SECT 8 (6-YR).

Live/Dead

LIVE