

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

HORIZON HEALTHCARE SERVICES, INC.,)

Petitioner,)

v.)

ALLIED NATIONAL, INC.)

Registrant.)

Cancellation No. _____

I hereby certify that this paper is being deposited with the United States Postal Service, postage prepaid, as Express Mail in an envelope addressed to: Box FEE, PEE (or NO FEE), Commissioner for Trademarks, 2800 Crystal Drive, Arlington, VA 22202-3514 on this date.

[Signature]
Date 4/2/03
Express Mail Label No. EV33706816 LIS

**PETITION TO CANCEL
REGISTRATION NO. 2,724,437**

Horizon Healthcare Services, Inc. is a corporation of the State of New Jersey with its principal office at 3 Penn Plaza East, Newark, NJ 07105-2200. To the best of Petitioner's knowledge, the name and address of the Registrant is Allied National, Inc., a Missouri corporation, 911 Broadway, Kansas City, Missouri 64105. The above-identified Petitioner believes that it is being damaged by the above-identified registration and hereby petitions to cancel the same. The grounds for cancellation are as follows:

1. The captioned registered mark consists of the word HORIZONS and has been registered in international classes 35 and 36 for the cooperative marketing and advertising of individual, pre-paid health care plans, excluding life insurance for others and insurance, excluding life insurance, consultation, namely, pre-qualification of individual, pre-paid health care plan and administration of individual, pre-paid health care plans.
2. That said application was originally allowed on May 16, 2000. That the mark was registered on the 10th day of June, 2003.
3. That the registrant claims a first use of the mark of May 20, 1998.

4. That Petitioner directly and through its predecessors in interest has used the mark **HORIZON** in interstate commerce in the fields of
 underwriting and administration of insurance in international class 36.

5. That the goods and services encompassed by the captioned registration cover essentially the same goods and services and/or a natural expansion of those goods and services as provided by Petitioner and that Petitioner's common law rights in the mark **HORIZON** and its variant **HORIZONS** in the areas of the registration are superior to those of Petition and that Petitioner's goods and services are likely to be confused with the goods and services of Registrant.

WHEREFORE, Petitioner prays that the above-captioned mark be cancelled forthwith.

Respectfully submitted,

HORIZON HEALTHCARE SERVICES, INC.

By: 
 Elliott C. Bankendorf
 Attorney for Petitioner

Dated: 9/2/03

WELSH & KATZ, LTD.
 120 South Riverside Plaza
 22nd Floor
 Chicago, Illinois 60606
 (312)655-1500

WELSH & KATZ, LTD.

Attorneys at Law

120 SOUTH RIVERSIDE PLAZA - 22ND FLOOR
CHICAGO, ILLINOIS 60606-3912

TELEPHONE (312) 655-1500
FACSIMILE (312) 655-1501

www.welshkatz.com

September 2, 2003

Via U.S. Express Mail

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OF COUNSEL
 LAURIE A. MAYNIE
 JAMES J. MYRICK
 THOMAS R. VIGIL

DONALD L. WELSH (1929-1998)

* ALSO ADMITTED IN DISTRICT OF COLUMBIA

Commissioner of Trademarks
 BOX: CANCELLATION/FEE
 2900 Crystal Drive
 Arlington, Virginia 22202

I hereby certify that this paper is being deposited with the United States Postal Service, postage prepaid, as Express Mail in an envelope addressed to: **NO FEE** FEE (or NO FEE). Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3511. This date.

Date: 9/2/03
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Re: U.S. Trade Mark Cancellation
 Petitioner : Horizon Healthcare Services, Inc.
 Mark : HORIZONS
 Our Ref. : 6587/84753
 6171

Sir:

Enclosed herewith are the following:

1. Petition for Cancellation
2. Check in the amount of \$300.00 to cover the filing fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including, if necessary, the filing fee if the above-referenced check is in the wrong amount, unsigned, postdated, or otherwise improper or informal or missing, or credit any overpayment to Deposit Account No. 23-0920. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Elliott C. Bankendorf

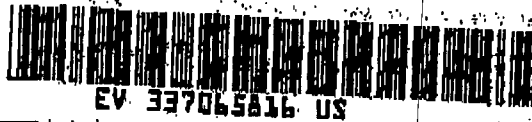
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In re Cancellation of Registration
Horizon Healthcare Services, Inc.

ECB/Lao
September 2, 2003
File No. 6587/84753

Mark: HORIZONS
Reg. No.: 2,724,437

Petition for Cancellation (in Duplicate)
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Commissioner for Trademarks:

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09-03-2003

U.S. Patent & TMO/PTM Mail Rep't Dt. #58

Respectfully,
Welsh & Katz, Ltd.

FACSIMILE COVER LETTER

FROM: Brett M. Tolpin, Esq.

DATE: April 8, 2004

WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606

Facsimile Number - (312) 655-1501
Automatic Exxon 2310 Qwip

Number of pages, including this cover letter 5.

TO: Ms. Canady

FAX: (703) 746-6374

CLIENT/FILE: 6171-84753

COMMENTS

Re: Horizon Healthcare Services, Inc., Petitioner v. Allied National, Inc., Registrant

Dear Ms. Canady:

Pursuant to our telephone conversation earlier today, attached are copies of the following documents:

1. Horizon Healthcare Services, Inc.'s Petition to Cancel Registration No. 2,724,437 along with our transmittal letter, which were filed with the Commissioner for Trademarks on September 2, 2003; and
2. A copy of the Express Mail label, which indicates that it was received by the United States Postal Service on September 2, 2003; and a copy of the postcard bearing the PTO stamp which indicates receipt of the Petition for Cancellation at the PTO on September 3, 2003.



IF YOU DO NOT RECEIVE ALL PAGES OR ARE HAVING TROUBLE, PLEASE CALL IMMEDIATELY (312) 655-1500 AND ASK FOR MARY JOY CARROLL.

***** CONFIDENTIALITY NOTE *****

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