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

Proceeding	92051357
Party	Plaintiff Nero AG
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RE: Registration No. 2,760,801	:	
	:	
NERO AG.,	:	
Petitioner,	:	
	:	
vs.	:	CANCELLATION No. 92051357
	:	
NIROTECH USA CORP.,	:	
Respondent.	:	

NOTICE OF RETURNED MAIL

Pursuant to Trademark Rule 2.111(b) Petitioner notifies the Board of Returned mail in the above-referenced matter as follows:

1. On 17 August 2009, Petitioner filed its Petition for Cancellation in this matter. That same date, the Petition was served by first-class mail to the address of Registrant’s counsel of record; accordingly, the service copy of the Petition was mailed to: Thomas I. Rozsa, Rozsa & Chen LLP, 15910 Ventura Boulevard, Suite 1601, Encino, CA 91436-2815.
2. On 31 August 2009, the US. Postal Service returned to the undersigned counsel for Petitioner the service copy of the Petition, returned and marked as “Return to Sender — Not Deliverable as Addressed; Unable to Forward.”
3. That same date, 31 August 2009, the undersigned re-served the Petition for Cancellation to the Registrant’s correspondence address of record, to wit: 4211 Redondo Beach Blvd., Lawndale, CA 90260-3341. The Petition was sent via “Express Mail, Post Office to Addressee,” accompanied by a certificate of service to that effect.
4. On 3 September 2009, the undersigned spoke with Ms. Vivian Cabrera, who had telephoned the undersigned to advise that her company is located at 4211 Redondo Beach Blvd., Lawndale, California, and that she had received

- the Petition for Cancellation. However, she advised that there is no “Nirotek USA Corporation” or any similarly-named entity located at the address 4211 Redondo Beach Blvd., Lawndale, California, and that the company currently at that address knows nothing of Nirotek USA Corporation. The undersigned, after confirming with Ms. Cabrera that Nirotek USA’s correspondence address of 4211 Redondo Beach Blvd., Lawndale, California 90260-3341 evidently is obsolete, requested that the Petition for Cancellation be returned.
5. On 8 September 2009, the undersigned counsel for Petitioner received from Ms. Cabrera the Petition for Cancellation materials, which she had returned by first-class mail.
 6. Also on 8 September 2009, the undersigned counsel for Petitioner telephoned the telephone number listed under “Correspondent Information” in the Office’s Trademark Applications and Registrations Retrieval” system, namely (818) 783-0990, in an effort to obtain a current address for Nirotek USA Corporation. A women answered the phone, denied that the number was for Nirotek USA, and informed the undersigned that he had the wrong number.
 7. On 8 September 2009, the undersigned attorney undertook an Internet search in an effort to obtain a current mailing address for Nirotek USA Corporation. After reasonably diligent search, the only information identified that appeared helpful to the inquiry was located at a website at us.nero1.com. The website appeared to be relevant, but provided no mailing address, only a form for e-mail contacts and a toll-free telephone number (1-800-465-7777).
 8. The undersigned counsel on 8 September 2009 dialed the telephone number 1-800-465-7777, and spoke with a man who identified himself as a part-time employee who works for “a distributor of Niro in Canada.” When the undersigned asked for a mailing address, the gentlemen asked what the address was needed for. The undersigned explained that a current mailing address was needed to serve, by mail, legal documents pertaining to a trademark registration cancellation proceeding initiated at the U.S. Patent and Trademark Office, and involving the “NIRO and Design” trademark. At that

point, the gentlemen stated his refusal to provide a mailing address, and the conversation was terminated.

9. The correspondence address of record for the Registrant, Nirotek USA Corporation, is obsolete or inaccurate. After reasonably diligent efforts, Petitioner has been unable to obtain a current mailing address for Registrant, Nirotek USA Corporation. Consequently, no further service mailings of the Petition for Cancellation have been made in this matter.

Respectfully submitted,

Dated: 8 September 2009

By: //Rod D. Baker//
Rod D. Baker

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