



TERRA LAW LLP

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TTAB

September 30, 2010

Via Federal Express

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

77727755

Re: Cancellation No. 92052735
U. S. Trademark Reg. No. 3,769,164
Alpha Omega Home Health Services, Inc. v. Alpha Omega Care Hospice, Inc.

To Whom It May Concern:

Enclosed, please find a Surrender of Registration for Cancellation and original Certificate of Registration in this matter, together with a proof of service on counsel for Petitioner. If you have any questions, please do not hesitate to contact me.

Very truly yours,

TERRA LAW LLP


Mark W. Good

MWG:emt
cc. Client
Jennifer S. Sickler, Esq.
Enclosures
1163936

10-01-2010

U.S. Patent & TMO/c/TM Mail Rept 01, #0

134959.9001

TRADEMARK

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Alpha Omega Home Health Services, Inc.

Petitioner,

v.

Alpha Omega Care Hospice, Inc.

Registrant.

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Cancellation No. 92052735

In the matter of:
U.S. Reg. No. 3,769,164
for AΩ & Design

SURRENDER OF REGISTRATION FOR CANCELLATION


Pursuant to 15 U.S.C. §1057(e) and 37 CFR § 2.134 (a), Registrant hereby surrenders U.S. Trademark Registration No. 3,769,164. The request for cancellation pertains to the registration in its entirety. The original Certificate of Registration is enclosed herewith.

It is believed that no fee is due. However, if this is incorrect, please charge any additional fee to Deposit Account No 50-3528.

Respectfully submitted,

Date: 9/27/10

ALPHA OMEGA CARE HOSPICE, INC.

By: 

Name: PETER BODE

Title: PRESIDENT / CEO

United States of America

United States Patent and Trademark Office



Reg. No. 3,769,164 ALPHA OMEGA CARE HOSPICE, INC. (CALIFORNIA CORPORATION)
Registered Mar. 30, 2010 3909 WASHINGTON BLVD., SUITE 206A
FREMONT, CA 94538

Int. Cl.: 44 FOR: HOSPICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

SERVICE MARK FIRST USE 5-1-2009; IN COMMERCE 5-1-2009.
PRINCIPAL REGISTER THE MARK CONSISTS OF THE GREEK LETTERS "ALPHA" AND "OMEGA" IN STYLIZED FORM. THE LETTERS ARE PURPLE, OUTLINED IN GOLD.

THE COLOR(S) GOLD AND PURPLE. IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 77-727,755, FILED 5-2-2009.

DAVID H. STINE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §1058. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date. *See* 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must also timely file the Declarations of Use (or Excusable Nonuse) referenced above at the USPTO based on the U.S. registration date (not the international registration date). However, the grace periods for these registrations are different, as is the time period for filing the declarations of use due every ten years after the registration date. The declarations due every ten years must be filed within six months before expiration of the ten-year period. In addition, there is no grace period for the declaration due between the 5th and 6th years after the registration date, and there is a three-month grace period for the declarations due every ten years. *See* 15 U.S.C. §1141k. Further, owners of these registrations do not file renewal applications at the USPTO, but instead must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. You can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.