

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

|            |                            |   |
|------------|----------------------------|---|
| Applicant: | The Right Brain Trust, LLC | : |
| Serial No: | 75/757,251                 | : |
| Filed:     | July 21, 1999              | : |
| Mark:      | THE SENIOR CHANNEL         | : |
| Classes:   | 38 & 41                    | : |
| Our Ref:   | RTBR-01/04759              | : |

**WITHDRAWAL OF REQUEST FOR ORAL ARGUMENT**

Box TTAB  
NO FEE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

This is further to the Reply Brief which was filed on April 2, 2002.

The Applicant requested oral argument in its Brief of December 14, 2001. Applicant hereby withdraws that request.

Applicant stresses that this withdrawal does not constitute a concession as to its position on the merits of the case, but rather because it believes that the paper record is an adequate basis upon which the TTAB may properly conclude that this mark is inherently registrable.

|   |   |
|---|---|
| "Express Mail" mailing label No. <u>EV120642911US</u>   | Date of Deposit <u>June 27, 2002</u>          |
| 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 Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513. |   |
| <u>Diane B. Melnick</u><br>(Printed name of person mailing paper or fee)  | <u><i>Diane B. Melnick</i></u><br>(Signature) |

The Applicant respectfully requests that the Trademark Trial and Appeal Board reverse the refusal to register, and remand this application to the jurisdiction of the Examiner for the purposes of approving it for publication.

Dated: New York, New York  
June 27, 2002

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:   
Diane B. Melnick

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## Facsimile Transmittal

|   |   |                         |                           |
|---|---|-------------------------|---------------------------|
| <b>Date:</b>                                  | June 28, 2002                               | <b>Our Ref No:</b>      | RTBR USA TA 01/04759      |
|   |   | <b>Your Ref. No.:</b>   |                           |
| <b>Re:</b>                                    | Application Serial No. 75/757251--on Appeal |                         |                           |
| <b>From:</b>                                  | Diane Melnick                               | <b>Sender's e-mail:</b> | dmelnick@frosszelnick.com |
| <b>Number of pages including cover sheet:</b> | 3   |                         |                           |

| To:   | Facsimile Number: | Telephone Number:    |
|---|-------------------|----------------------|
| Annie Burroughs<br>Trademark Trial and Appeal Board | 703-308-9092      | 703-308-9300 ext 170 |

### Comments:

Dear Ms. Burroughs:

This is further to your conversation of June 28 with Larry Apolzon concerning the withdrawal of the request for oral argument.

A copy of the Withdrawl of Request for Oral Argument is attached for your convenience.

Many thanks for your prompt attention to this matter.

Diane Melnick

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If you do not receive all of the pages, please contact us at 212-813-5900

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