

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

In re: Laureate Learning Systems, Inc.

Serial No.: 76/226,904

Appellant: Laureate Learning Systems, Inc.

Application Filed: March 20, 2001

Mark: LAUREATE

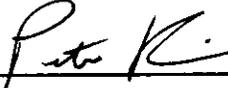
Atty/Docket No: B08208-00005

Law Office: 103

Examining Attorney: Susan R. Stiglitz

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

 4/22/04
Signature Date

Peter B. Kunin, Esq.
(type or print name of person certifying)

APPELLANT'S SUPPLEMENTAL BRIEF

Box TTAB
NO FEE

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, VA 22202-3513

Burlington, Vermont
05402-0190

April 22, 2004

Law Offices of
DOWNS RACHLIN MARTIN PLLC
199 Main Street, P.O. Box 190
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I. INTRODUCTION

This Supplemental Brief is filed in response to a Notice issued by the Trademark Trial and Appeal Board having a mailing date of February 25, 2004. In this Notice, the Board stated that this appeal is resumed, and further stated that Appellant could file a Supplemental Brief. Appellant files this Supplemental Brief solely to address the issue, raised in the Office Action dated February 20, 2004 (the "February 20, 2004 Office Action") regarding Appellant's use of its mark LAUREATE to identify remedial education.

II. ARGUMENT

In the February 20, 2004 Office Action, the Examining Attorney pointed out that, although Appellant's Brief explained that "Appellant's goods do not address the needs of slow learners who require remedial education," Appellant's website indicates that Appellant's software may be used for remedial education. Appellant acknowledges that its software may be used for remedial reading. However, Appellant wishes to emphasize that persons using Appellant's software for remedial reading would also tend to be Persons with Diagnosed Disabilities (as such term is defined in Appellant's Brief). Applicant notes that its software is also used by English as a Second Language (ESC) students.

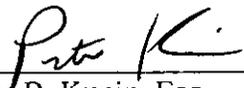
III. CONCLUSION

Even though Appellant's software may be used for remedial reading, Appellant maintains that its software is significantly different from the Registrant's books and services. Therefore, and for the reasons stated in Appellant's Brief, a likelihood of confusion is avoided.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Appellant

Dated: April 22, 2004

By: 
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Peter K 4/22/04
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04-26-2004

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2900 Crystal Drive
Arlington, VA 22202-3513

April 22, 2004

TRANSMITTAL LETTER

Sir:

Enclosed is Appellant's Supplemental Brief for the above-identified trademark application.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Applicant

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