

TTAB

TRADEMARK
514599-8477

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Trevira GmbH
U.S. Serial No. : 76/294,340
Mark : **BIOACTIVE and Design**
Int'l Class : 25
Filing Date : August 2, 2001
Examining Attorney : Scott Oslick
Law Office : 108

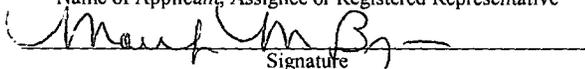

01-06-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #74

745 Fifth Avenue
New York, New York 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on January 2, 2003.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative



Signature

January 2, 2003

Date of Signature

NOTICE OF APPEAL

01/09/2003 TSMITH 00000070 76294340

02 FC:6403

100.00 00

Assistant Commissioner for Trademarks
Attn: TTAB
Arlington, Virginia 22202-3513

Sir:

In response to the Final Refusal mailed July 1, 2002, Applicant hereby appeals to the Trademark Trial and Appeal Board to register the above referenced mark for goods in Class 25 (January 1, 2003 being a holiday, this paper is timely mailed on Thursday, January 2, 2003). A

check in the amount of \$100.00 is enclosed to cover the fee for the Notice of Appeal.

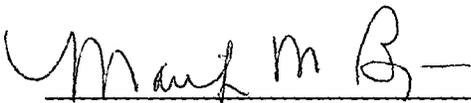
It is believed that since the final refusal to register in the Office Action dated July 1, 2002, was only applied to the goods in Class 25, the application with respect to the goods in Classes 22, 23 and 24 is now in condition for allowance, and Applicant has filed a Request to Divide the instant application, and required fee therefor, requesting that this application be divided and that the mark with respect to goods in Classes 22, 23 and 24 proceed to publication. However, if Applicant's understanding concerning the allowability of the mark for the goods in Classes 22, 23, and 24 is incorrect in any way, and if a Notice of Appeal is required to maintain the pendency of this application with respect to these goods in Classes 22, 23 and 24, Applicant requests that the instant paper serve as a Notice of Appeal with respect to the application to register the mark for said goods.

Please charge any additional fees or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

This Notice of Appeal is filed in triplicate.

This Notice of Appeal is accompanied by a Response after Final Refusal and Request for Reconsideration and also by a Request to Divide the application and required fee therefor.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By: 
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