

CERTIFICATE OF MAILING

Case No. 11124/4

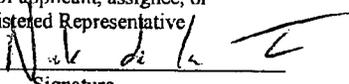
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December 17, 2004

(Date of Deposit)

Nicholas G. de la Torre

Name of applicant, assignee, or
Registered Representative


Signature

12/17/04
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KICKZ AG

Serial No.: 76/366,454

Filing Date: February 1, 2002

Mark: K1X

Mary Rossman, Esq.
Trademark Attorney

Law Office 108

BOX RESPONSE: NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

RESPONSE TO OFFICE ACTION DATED OCTOBER 27, 2004

I. Introduction

On June 16, 2004, in response to a Final Office Action dated April 20, 2004 relating to the above-referenced application, Applicant submitted its Response requesting reconsideration of the final refusal. In a telephone conversation on October 20, 2004, the Examining Attorney informed the undersigned that there remained certain issues outstanding with respect to the identification of goods and services, and that an additional Office Action would be forthcoming.

Applicant submitted a Notice of Appeal on October 20, 2004. On October 27, 2004, the Examining Attorney issued an Office Action accepting Applicant's previous amendments to the identification of goods and services in Classes 25 and 35, and requesting additional amendment to the identification of goods and services in Classes 28 and 41. Applicant herein responds to the October 27, 2004 Office Action by complying with all of the Examiner's requested amendments. Specifically, Applicant states as follows:

II. Amendment to Identification of Goods and Services

Class 28:

Applicant amends its Class 28 identification of goods as follows:

Gym and sports articles and sports devices for training improvement, namely, basketballs, dumb-bell shafts, running machines, rowing machines for physical exercise (other than for medical use), knee guards (sports articles), bar bells, batting gloves (accessories for games), belt vibrators, abdomen protectors (parts of sports suits), sport supporters (for wrist, knee, elbow, ankle, neck and spine), dumb-bells, baseballs, baseball gloves, baseball bat cases, baseball batting gloves, baseball masks, baseball mitts, baseball bats, baseball bases, baseball helmets, chest protectors (for baseball), weight lifting machines, weight lifting gloves, weight lifting belts (sports articles), rosin used by athletes, bicycle training wheels, stationary exercise bicycles, rollers for stationary exercise bicycles, chest expanders (sports articles), gymnastic and training stools, horizontal bar (for gymnastics), benches for exercises, spring boards (for gymnastics), vaulting horses (for gymnastics), rings for gymnastics, soccer balls, chinning bars, balance beams (for gymnastics), parallel bars (for gymnastics), home bases, American football helmets, American footballs

Class 41:

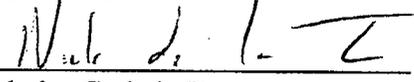
Applicant amends its Class 41 identification of goods as follows:

Performing housefairs for cultural or educational purposes, namely, conducting entertainment exhibitions in the nature of sport festivals; conducting sports tournaments in the field of basketball, baseball, American football, golf, tennis, and soccer; entertainment in the nature of basketball games and baseball games.

II. Conclusion

Based on the foregoing amended identification of goods and recitation of services, Applicant respectfully requests that its KIX mark be passed on for publication. Applicant notes that it is filing a Request to Remand with the Trademark Trial and Appeal Board, concurrently with the filing of this Response.

Respectfully submitted,



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December 17, 2004

Box RESPONSE – NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Applicant: Kickz AG
Mark: K1X
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Our Ref.: 11124/4

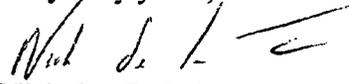
Dear Sir or Madam:

Enclosed for filing is:

- (1) Response to Office Action Dated October 27, 2004; and
- (2) Return receipt postcard.

The Commissioner is hereby authorized to charge any additional filing fees which may be required, or credit any overpayment, to Deposit Account No. 23-1925. If you have any questions regarding this matter, please contact the undersigned.

Very truly yours,


Nicholas G. de la Torre

NGT:sh
Enclosure