

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

Applicant : Cymatics International, Inc.
Application Serial No. : 76/398,107
Mark : CYMALAZER
Filing Date : April 19, 2002
International Class : 9
Mailing Date of Final Office Action : August 1, 2003

01-30-2004
U.S. Patent & TMO/TM Mail Rpt. Dt. #40

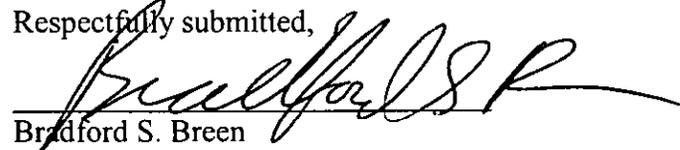
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF APPEAL

Dear Sirs:

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration. Applicant filed an Amendment After Final Action by e-mail on December 23, 2003 (copy attached), but has not yet received an indication from the Examining Attorney as to whether that proposed Amendment will be entered. Applicant's attorney understands that, due to delays in processing responses at the PTO, applicant's December 23, 2003 Amendment may not be delivered to the Examining Attorney for some period of time.

Respectfully submitted,


Bradford S. Breen
Attorney for Applicant
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103
(212) 506-5150

02/02/2004 EPINA1 00000075 150665 76398107
01 FC:6403 100.00 DA

Breen, Bradford

From: Breen, Bradford
Sent: Tuesday, December 23, 2003 3:30 PM
To: 'ecom108@uspto.gov'
Subject: Ser. No. 76/398,107; CYMALAZER; Cymatics International, Inc., applicant

Attention: Sonya B. Stephens
Trademark Attorney
Law Office 108

AMENDMENT AFTER FINAL ACTION Re. Ser. No. 76/398,107 for CYMALAZER

This is in response to the final office action mailed on August 1, 2003.

Applicant proposes the following amended identification of goods:

Devices for the treatment of physical and mental conditions using a combination of low-intensity lasers and sound at an audible frequency, namely, an instrument that has an applicator for directing such laser light and sound at selected localized portions of human tissue in International Class 9.

Applicant respectfully requests that this amendment to the identification of goods be entered, and that this application be then passed to publication. Applicant believes that this amendment addresses all outstanding issues and is in compliance with the outstanding requirements of the final office action, that this proposed amended identification is within the scope of the present identification, and that.

Please address all further communications relating to this application to Bradford S. Breen at the address specified below.

Respectfully submitted,

/Bradford Breen/

Bradford S. Breen
Attorney for Applicant
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103
Tel. 212 506-5150
e-mail bbreen@orrick.com

Breen, Bradford

From: Exchange Administrator [Exchange.Admin@USPTO.GOV]
Sent: Tuesday, December 23, 2003 3:31 PM
To: BBREEN@Orrick.com
Subject: Delivery Status Notification (Success)



ATT2001276.TXT

Ser. No. 76/
18,107; CYMALAZER

Your message

To: ecom108@uspto.gov
Subject: Ser. No. 76/398,107; CYMALAZER; Cymatics International, Inc.,
app licant
Sent: Tue, 23 Dec 2003 15:30:22 -0500

was delivered to the following recipient(s):

ECom108 on Tue, 23 Dec 2003 15:30:59 -0500
<EXCHANGE2.uspto.gov #2.0.0>

TTABV3

Attorney Docket No.: 12886-9

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

Applicant : Cymatics International, Inc.
Application Serial No. : 76/398,107
Mark : CYMALAZER
Filing Date : April 19, 2002
International Class : 9
Mailing Date of Final Office Action : August 1, 2003

01-30-2004
U.S. Patent & TMO/TM Mail Rpt. Dt. #40

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

TRADEMARK FEE PROCESS
RESERVED
JUN 30 P 2:06
PATENT & TRADEMARK OFFICE

COVER LETTER

Dear Sir or Madam:

Enclosed herewith for filing in the United States Patent and Trademark Office is a Notice of Appeal Under 37 C.F.R. §2.141 for the above-identified trademark application.

Please charge the \$100 official filing fee to Deposit Account No. 15-0665.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 15-0665. A duplicate copy of this letter is enclosed for this purpose.

Respectfully submitted,



Bradford S. Breen
Attorney for Applicant
Orrick, Herrington & Sutcliffe LLP
666 Fifth Avenue
New York, NY 10103-0001
(212) 506-5150