

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DERMAHOSE INC.
MARK: EPIL HOSE
SERIAL NO.: 76/585,901
FILED: April 9, 2004
EXAMINER Cynthia Sloan, Examining Attorney, Law Office 116

**REPLY TO EXAMINING ATTORNEY'S
APPEAL BRIEF**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Applicant, by its attorney, relies on its arguments as more particularly set forth in its APPEAL BRIEF.

It is noted however that the examining attorney cites as authority for her legal position Federal Rule of Evidence 801(b). The text of what is cited is: (b) Declarant. – A “Declarant” is a person who makes a statement,” and applicant’s counsel fails to appreciate how Federal Rule of Evidence 801(b) is supportive of the examining attorney’s legal position since Myron Amer is clearly a “person who makes a statement” with unquestioned consent and authorization on record.

This dispute serves little purpose and is wasteful of the attention of the Board and, for counsel’s participation, an apology is respectfully made.



04-19-2006

However, the procedure followed by counsel was recommended by another examining attorney and, by approximate count of fifty or so instances, has been accepted without objection by any other examining attorney.

Respectfully,

MYRON AMER, P.C.
Attorney for Applicant

By: 
Myron Amer
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Dated: April 17, 2006