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

Application Serial No.	76668399
Applicant	Kabushiki Kaisha Toshiba

## Notice of Appeal

Notice is hereby given that Kabushiki Kaisha Toshiba appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 76668399.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 009.

Appealed goods and services in the class: Ear plugs not for medical purposes; processed glass for lenses of glass; ozonisers (ozonators); electrolyzers (electrolytic cells); egg-candlers; cash registers; coin counting or sorting machines; electric sign boards for displaying target figures, current outputs or the like; photo-copying machines; electric drawing and drafting machines and apparatus; time and date stamping machines; time clocks (time recording devices); punched card office machines; voting machines; automatic billing machines; postage stamp checking apparatus, namely, postage meters; vending machines; gasoline station equipment, namely, gasoline pumps; coin-operated gates for car parking facilities; life saving apparatus and equipment, namely, automated external defibrillator; fire extinguishers; fire hydrants; fire hose nozzles; sprinkler systems for fire protection; fire alarms; gas alarms; anti-theft warning apparatus; protective helmets; railway signals; vehicle breakdown warning triangles; luminous or mechanical road signs; electric door openers; vehicle driving training simulators; sport straining simulators; laboratory apparatus and instruments, namely, chromatography apparatus for laboratory use, apparatus for fermentation (laboratory apparatus) and furnaces for laboratory experiments; electronic engine control apparatus for automobiles; flash guns for photographic purposes, flash lamps for photographic purposes, cameras, and other photographic machines and apparatus, namely, digital cameras, flashbulbs and filters; cinematographic machines and apparatus, namely, cinematographic cameras; magnifying glasses and other optical apparatus and instruments, namely, microscopes and telescopes; telemetering equipment; biochemical analyzers; electronic weighing scales; testing equipment for semiconductors; X-ray or gamma-ray thickness gauges; gamma-ray level gauges; electromagnetic flow meters and other measuring testing machines and apparatus, namely, water meters, gas meters, automatic meter reading apparatus, metal measuring instruments; electrical sockets; electrical receptacles; electrical plugs; transformers; inverters; induction voltage regulators; condensers; circuit breakers; switches; lighting arresters; electric relays; converters; electrical connectors; rectifiers; fuses; electrical resistors; static power capacitors; leakage circuit breakers; safety circuit breakers; switch boxes; lighting and electrical power distribution blocks; rotary converters; electronic phase modifiers; dry cells; accumulators; photo voltaic cells electrical batteries and cells; watt hour meters; electric leakage detectors; oscilloscopes and other electric or magnetic meters and testers, namely, electric vibration meters and magnetic wall stud finders; electric wires and cables; electric flat irons; electric hair-curlers; electric buzzers; telephone sets; mobile phones; video phones; telephone exchangers; intercoms; transceivers; television receivers (TV sets); television transmitters; television cameras; closed circuit television cameras closed circuit television monitors; radio receivers with clocks; car radios; radio receivers; radio transmitters; facsimile machines and their parts and accessories; tape recorders; radio cassette tape recorders; tuners; electric megaphones; record players; sound recording machines and apparatus; digital audio players; blank digital audio discs; optical disc players and drives; DVD recorders; DVD players; mobile audio players; digital video cameras, video cameras, video tape recorders; video disc players; digital cameras; surveillance cameras; blank magnetic tapes for tape recorders; blank magnetic tapes for video tape recorders; blank video discs for video disc players; needles for phonographs; phonographic cartridges; noise reduction filters for audio equipment; audio amplifiers; microphones; headphones; graphic equalizers; antennas; public-address systems and instruments; machines and apparatus for POS (point-of-sale) systems and their parts and accessories, namely, terminals, barcode

readers, optical readers, displays, namely, liquid crystal displays and electric luminescent display panels, keyboards, printers, scanners all for POS Systems; radio communication apparatus for POS systems, namely, two-way radios, radio transmitters; computer hardware for POS systems and a drawer for POS systems sold therewith; computer software for use in database management, use as a spreadsheet, and use as a word processors, all for POS Systems; X-ray non-destructive testing units not for medical purposes; computers; electrostatic copying machines; printers for use with computers; apparatus having magnetic tape and disc systems for use with computers; card readers for use with computers; displays for computers; display monitors for computers; keyboards for computers; word processors; integrated circuit memory card readers and/or writers; personal digital assistants; printers for digital cameras; hard disc drives; parts and accessories for electrostatic copying machines and printers, namely, drums, heat rollers, cleaning rollers and blades; computer servers; electric and/or electronic large size display apparatus, namely, LCD large screen displays; electron tubes; semiconductors; integrated circuits; printed circuit boards; integrated circuit memory cards; other electronic circuits; computer programs for use in database management recorded on tapes or discs; other computer programs; software for operating medical diagnostic apparatus, namely, MRI~ diagnostic apparatus, ultrasound apparatus, X-ray apparatus, X-ray tomography apparatus and nuclear medicine diagnostic imaging apparatus; software for operating radiation and ultrasound therapy apparatus and instruments; imaging software for medical diagnostic apparatus, namely, software for viewing, manipulating and managing images generated by MRI diagnostic apparatus, ultrasound apparatus, X-ray apparatus, X-ray tomography apparatus, nuclear medicine diagnostic imaging apparatus; software for managing patient information in hospitals; accounting and database management software for use in hospitals; magnetic cores; resistance wires; electrodes for electric welding, electrodes; fire boats; communication satellites, other rockets; fire engines; cigar lighters for automobiles; gloves for protection against accidents; dust masks; gas masks; welding masks; fireproof garments; spectacles (eyeglasses and goggles); consumer video games, namely, video game machines for use with televisions, consumer video game cartridges and software; electronic circuits and computer video software recorded on CD-ROMs for use with hand-held games with liquid crystal displays; slot machines; weight belts (for scuba diving); inflatable swimming floats; protective helmets for sports; air tanks (for scuba diving); swimming flutter boards; scuba diving regulators; pre-recorded phonograph records featuring music and history; metronomes; electronic circuits and computer software recorded on CD-ROMs for use in operating recorded automatic performance programs for electronic musical instruments; slide-rules; exposed cinematographic films; exposed slide films; slide film mounts; pre-recorded video discs and video tapes featuring movies and music; downloadable electronic publications recorded on computer media featuring information in the field of business, sports, music and movies, namely, books, magazines and manuals

- Class 037.

Appealed goods and services in the class: Building construction and repair; plumbing services; installation of medical machines and apparatus; machinery installation, namely, installation of generating equipment of electricity for industrial purposes, electrical equipment, office machines and vending machines; electrical works; telecommunication wiring; demolition of buildings and other constructions; construction consultancy; operation, monitoring and maintenance of building equipment; custom shipbuilding; repair and maintenance of vessels; aircraft maintenance and repair; repair and maintenance of automobiles; repair and maintenance of railway rolling stock; repair and maintenance of two-wheeled motor vehicles; repair and maintenance of cinematographic machines and apparatus; repair and maintenance of optical machines and instruments; repair and maintenance of photographic machines and apparatus; repair and maintenance of elevators; repair and maintenance of other loading-unloading machines and apparatus; repair and maintenance of fire alarms; repair and maintenance of office machines and apparatus; repair and maintenance of air-conditioning apparatus (for industrial purposes); burner maintenance or repair; repair and maintenance of boilers; pump repair and maintenance; repair and maintenance of freezing machines and apparatus; repair and maintenance of computers; repair and maintenance of electronic machines and apparatus; repair and maintenance of telecommunication machines and apparatus; repair and maintenance of construction machines and apparatus; repair and maintenance of consumer electric appliances; repair and maintenance of electric lighting apparatus; repair and maintenance of power distribution or control machines and apparatus; repair and maintenance of power generators; repair and maintenance of electric motors; repair and maintenance of laboratory apparatus and instruments; repair and maintenance of measuring and testing machines and instruments; repair and maintenance of medical machines and apparatus; repair and maintenance of printing or bookbinding machines and apparatus; repair and maintenance of chemical processing machines and apparatus; repair and maintenance of glassware manufacturing machines and apparatus; repair and maintenance of fishing machines and apparatus; repair and maintenance of metal working machines and tools; repair and maintenance of shoe

making machines and instruments; repair and maintenance of industrial furnaces; repair and maintenance of mining machines and apparatus; repair and maintenance of rubber-goods manufacturing machines and apparatus; repair and maintenance of integrated circuit manufacturing machines and systems; repair and maintenance of semiconductor manufacturing machines and systems; repair and maintenance of machines and apparatus for processing foods or beverages; repair and maintenance of machines and apparatus for lumbering, woodworking, or veneer and plywood making; repair and maintenance of textile machines and apparatus; repair and maintenance of tobacco processing machines; repair and maintenance of painting machines and apparatus; repair and maintenance of agricultural machines and implements; repair and maintenance of machines and apparatus for pulp-making, papermaking or paperworking; repair and maintenance of plastic processing machines and apparatus; repair and maintenance of packing or wrapping machines and apparatus; repair and maintenance of sewing machines; repair and maintenance of storage tanks; repair and maintenance of gasoline station equipment; repair and maintenance of mechanical parking systems; repair and maintenance of bicycle parking apparatus; repair and maintenance of industrial dish washing machines; repair and maintenance of cooking apparatus for industrial purposes; repair and maintenance of industrial washing machines; repair and maintenance of vehicle washing installation; repair and maintenance of vending machines; repair and maintenance of power-driven floor cleaning machines; repair and maintenance of amusement machines and apparatus; repair and maintenance of machines and apparatus for use in beauty salons or barbers' shops; repair and maintenance of water pollution control equipment; repair and maintenance of water purifying apparatus; repair and maintenance of waste compacting machines and apparatus; repair and maintenance of waste crushing machines and apparatus; repair and maintenance of diving machines and apparatus; repair and maintenance of nuclear power plants; repair and maintenance of chemical plants; furniture restoration; clock and watch repair and maintenance; setup or repair of locks; repair and maintenance of gas water heaters; repair and maintenance of non-electric cooking heaters; repair and maintenance of cooking pots and pans; repair and maintenance of signboards; repair of bags or pouches; repair of sports equipment; repair and maintenance of bathtubs and the like; repair of toilet stool units with a washing water; chimney sweeping; cleaning of building exterior surfaces; window cleaning; carpet and rug cleaning; floor polishing; septic tank cleaning; bathtub and bath boiler cleaning; storage tank cleaning; disinfecting of telephone hand-sets; rental of construction machines and apparatus; rental of floor cleaning machines; rental of mops; rental of car-washing apparatus; rental of electric washing machines; rental of laundry dryers; rental of spin dryers for clothes; rental of industrial dishdrying machines; rental of discharging for industrial purposes; rental of sinks for industrial purposes; collection, sorting and disposal of waste and trash for others

Respectfully submitted,  
/helen hill minsker/  
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