

ESTTA Tracking number: **ESTTA191815**

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

Application Serial No.	77006212
Applicant	Kirby, James T.

## Notice of Appeal

Notice is hereby given that Kirby, James T. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 77006212.

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

- Class 032. First Use: 2006/03/03 First Use In Commerce: 2006/06/30  
All goods and services in the class are appealed, namely: carbonated and non-carbonated soft drinks and energy drinks

Respectfully submitted,  
/clegg ivey/  
02/11/2008

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