

ESTTA Tracking number: **ESTTA321582**

Filing date: **12/11/2009**

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

Application Serial No.	77560314
Applicant	Smarty Ants, Inc.

Notice of Appeal

Notice is hereby given that Smarty Ants, Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 77560314.

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 class of goods/services:

- Class 009.

All goods and services in the class are appealed, namely: Downloadable electronic game software for educational games for children at the pre-Kindergarten, Kindergarten, and First Grade levels, featuring the teaching of reading and language learning through the principles of phonics and other educational content designed for those grade levels; video game discs containing electronic game software for educational games for children at the pre-Kindergarten, Kindergarten, and First Grade levels, featuring the teaching of reading and language learning through the principles of phonics and other educational content designed for those grade levels

Respectfully submitted,
/John W. Crittenden/
12/11/2009

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