

ESTTA Tracking number: **ESTTA420401**

Filing date: **07/18/2011**

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

Application Serial No.	77819705
Applicant	J. Patrick Berry

Notice of Appeal

Notice is hereby given that J. Patrick Berry appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 77819705.

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: Audio books, namely, pre-recorded CDs, audio cassettes and downloadable e-books, featuring fictional or non-fictional stories and music specially adapted such that the customized spoken narrative is paired with different variations of music based on the desired interpretation of the audio book

Respectfully submitted,

/LBR/

07/18/2011

DOREEN L. COSTA

BAKER BOTTS L.L.P.

30 ROCKEFELLER PLZ STE 4340

NEW YORK, NY 10112-4498

UNITED STATES

nytmdpt@bakerbotts.com, lindsay.rodman@bakerbotts.com, paul.reilly@bakerbotts.com

212.408.2500