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

Proceeding	78093634
Applicant	Gungner, David J.
Correspondence Address	david gungner Post Office Area 3302 Los Angeles County, CA 90408-3302 UNITED STATES e9pxbkwmp1u5o3@pacbell.net
Submission	Request For Oral Hearing
Attachments	TTAB_USPTO_2006-March-8.pdf (7 pages)
Filer's Name	david gungner
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Date	03/08/2006

1 United States Patent and Trademark Office (USPTO) (www.uspto.gov)

2 Trademark Trial and Appeal Board

3 Post Office Area 1451

4 stateless ZIP Code 22313-1451

5

6 gungner, david j. ,) SERIAL NO. 78093634
7 applicant,)
8 regarding) SERIAL NO. 78134559
9 United States Patent and) REMOVE A RIB, XY LESSER THAN XX
10 Trademark Office,)
11 Trademark Trial and Appeal Board.) APPLICANT'S SEPARATE NOTICE REQUEST
12) REGARDING ORAL HEARING {VERBAL GATHERING}
13)

14 david gungner, "individual inventor", requests issuance of
15 "certificate of registration" as defined with United States Code Title 15
16 Section 1051(d)1 regarding SERIAL NO. 78093634 "MISSING A RIB, XY
17 INSTEAD OF XX" (United States Patent and Trademark Office, Tuesday
18 July 15th 2003 "notice of allowance", United States Code Title 15 Section
19 1063(b)2) and SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX"
20 (United States Patent and Trademark Office, Tuesday March 11th 2003,
21 "notice of allowance", United States Code Title 15 Section 1063(b)2).

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23 **INDEX OF EXHIBITS**

24 EXHIBIT 001: USPTO RECEIVES AWARD BEST ORGANIZATION REGARDING TELEWORKERS

25 (enpreent 7 of 7) .

1 **FACTS**

2 **Summary of the Facts**

3 1. The Constitution of the United States Article I, Section 8, Clause 8
4 grants Congress the authority power {regarding} "to promote the progress of
5 science and useful arts, by securing for limited times to authors and
6 inventors the exclusive right to their respective writings and discoveries."

7 2. United States Code Title 15 Section 1070 provides that "An appeal
8 may be taken to the Trademark Trial and Appeal Board from any final
9 decision of the examiner in charge of the registration of marks upon the
10 {monetary} payment of the prescribed {monetary} fee."

11 3. United States Patent and Trademark Office, Trademark Trial and
12 Appeal Board Manual {Documentation} of Procedure Section 102.03
13 General Description of Board Proceedings defines that "An ex parte
14 appeal, being appellate in nature, is a much simpler and shorter
15 {timeInterval} procedure, involving only the filing of {legal} briefs by
16 {viaVirtueOf} the applicant and examining attorney, and, if requested
17 by {viaVirtueOf} the applicant, an oral hearing {verbal gathering}."

18 4. United States Patent and Trademark Office, Trademark Trial and
19 Appeal Board "Notice of Appeal" / "Ex Parte Appeal" was implemented
20 during Sunday January 16th 2005 timeInterval regarding SERIAL NO. 78093634
21 "MISSING A RIB, XY INSTEAD OF XX" and during Sunday July 25th 2004
22 timeInterval regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX",
23 respectively.

1 5. United States Code Title 37 Section 2.142(e) (1) provides that
2 "if the appellant desires {requests} an oral hearing {verbal gathering},
3 a request therefor should be made {exist implemented} by {viaVirtueOf}
4 a separate notice filed not later than {numeric quantity of} ten days
5 {timeInterval} after the due date {timeInterval} for a reply {legal} brief."
6 (APPLICANT'S REPLY LEGAL BRIEF filed Sunday, February 26th 2006 timeInterval).

7 6. United States Patent and Trademark Office, Trademark Trial and Appeal
8 Board Manual {Documentation} of Procedure Section 802.03 Time {TimeInterval}
9 and Place {Geographic Area Region} of Hearing {Gathering} provides that
10 "Oral hearings {Verbal gatherings} are {exist} almost exclusively held
11 {conferenced} at the offices of the Board. However, there are {numeric quantity of}
12 two off-site video conference centers available for use for {regarding}
13 oral hearings {verbal gatherings}. The {numeric quantity of} two video conference
14 centers are {exist} located {geographically} in Sunnyvale, California and
15 Detroit, Michigan. To {Regarding a} request {of} a hearing {gathering} by {viaVirtueOf}
16 video conference, a {legal} party must make the request in its {the legal party's}
17 written request for {regarding} an oral hearing {verbal gathering}. When a
18 request is received {regarding a video conference}, the Board will contact the
19 off-site video conference centers to {and} obtain available times and dates
20 {timeIntervals}, as well as the on-site video conference center for {regarding}
21 tentative scheduling {timeInterval} options that coincide with the off-site
22 video conference center. Once the information is obtained, counsel will be {exist}
23 contacted and informed of the nearest {off-site} center {geographic area region}
24 location, the available scheduling dates/times {timeIntervals} and the
25 {monetary} fee required by {viaVirtueOf} the off-site center."

1 **REQUESTING TRADEMARK TRIAL AND APPEAL BOARD "ORAL HEARING" /**

2 **VERBAL GATHERING AT "OFF-SITE" GEOGRAPHIC AREA REGION**

3 9. With possible consideration, in the context of United States
4 Department of Commerce's United States Patent and Trademark Office
5 (USPTO) award recognized telework program [EXHIBIT 001] (Saturday
6 November 15th 2003 timeInterval) (enpreent 7 of 7), if available,
7 Trademark Trial and Appeal Board "oral hearing" / verbal gathering
8 utilizing existing United States Patent and Trademark Office Internet
9 'chat' regarding the geographic area region of Los Angeles County
10 that, at this timeInterval, interleaves with the United States Patent
11 and Trademark Depository Library Program (PTDLP), Los Angeles County,
12 Los Angeles Public Library, Central Library, The Science, Technology,
13 & Patents Department, a United States Patent & Trademark Office
14 Depository Library (United States Patent and Trademark Office,
15 Trademark Trial and Appeal Board Manual {Documentation} of Procedure
16 Section 1216 Oral Hearing {Verbal Gathering}) and "off-site video
17 conference center" (United States Patent and Trademark Office,
18 Trademark Trial and Appeal Board Manual {Documentation} of Procedure
19 Section 802.03 Time {TimeInterval} and Place {Geographic Area Region}
20 of Hearing {Gathering}).

1 I inatwith certify that this correspondence is Internet electronic
2 filing regarding the United States Patent and Trademark Office on the
3 earthCalendarDate Wednesday, March 8th 2006.

4 wholeheartedly, david gungner (Wednesday, March 8th 2006).

5 "individual inventor"

6 SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX"

7 _____/0a9h5a3wh9topev5i8sw/_____ (Signature)

8 SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX"

9 _____/6qrgzfpmn8nsv6l63wi5/_____ (Signature)

10 ___david gungner___, ___ h_sapien ___ (Print or Type Name and Position)

11 _____03/08/2006_____ (earthCalendarDate MM/DD/YYYY)

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13 missing a rib, XY instead of XX ™ GenesIs 2:20-23 (GenesIs 22:10)

14 remove a rib, XY lesser than XX ™ GenesIs 2:20-23

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1 **EXHIBIT 001: USPTO RECEIVES AWARD BEST ORGANIZATION REGARDING TELEWORKERS.**

2 **PRESS RELEASE**

3 **November 7, 2003**

4 Contact:
5 Brigid Quinn
6 703-305-8341
7 brigid.quinn@uspto.gov

8 #03-30

9 **USPTO RECEIVES AWARD FOR BEST ORGANIZATION FOR TELEWORKERS**

10 The Department of Commerce's United States Patent and Trademark Office (USPTO) today
11 received the "Best Organization for Teleworkers" award from the Mid-Atlantic Telework
12 Advisory Council (MATAC).

13 The MATAC chose the USPTO for this award because "the agency's telework program is
14 results-oriented and focuses on telework as a best business practice as evidenced by:

- 15 • Recognizing that challenging work and a good work environment lead to satisfied
16 employees who are more productive and more likely to stay with the agency,
17 translating into lower operating costs.
- 18 • Offering a family-friendly work environment including telework and other employee-
19 friendly options.
- 20 • Believing that the employees are the key to the success of the agency.
- 21 • Having a strong history of successful teleworking, the USPTO telework program has
22 been in existence since 1997 and continues to grow."

23 "Our work-at-home programs have been a great success," noted Commissioner for
24 Trademarks Anne H. Chasser, who accepted the award on behalf of the USPTO. Today's
25 award is testament to the USPTO's well-deserved reputation for leadership in this area."

The USPTO's telework program began in 1997 as a small pilot for trademark examining
attorneys. The agency saw telework as a way to leverage technology, maximize the use of
available space, and retain highly qualified employees. Today, 110 of the agency's 250
trademark examining attorneys work from home about 90% of their time. In March 2003,
examining attorneys working from home gave up individual offices at USPTO and began to
share offices in clusters of 4-5 attorneys. This move, known as hoteling, allowed the agency to
give up three floors of office space and save nearly \$1.5 million in rent annually. In September
2003, the USPTO received an award from the Telework Coalition for its work-at-home program
for trademark examining attorneys.

After a year-long pilot, USPTO established a work-at-home program in January 2003 for up to
800 senior patent examiners, representing about 60% of the agency's top-level examiners,
who are eligible to work from home one day a week.

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United States Patent and Trademark Office (USPTO) Internet information:
<http://www.uspto.gov/web/offices/com/speeches/03-30.htm> .

Last Modified: 11/15/2003 23:24:42