

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

In re application:

Serial No. : 78/103586  
Mark : KNOWLEDGE DELIVERY SYSTEMS  
Class : 41  
Applicant : Knowledge Delivery Systems, Inc.  
Filed : January 18, 2002  
Law Office : 110  
Attorney : Rebecca Smith, Esq.

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

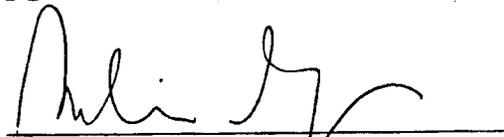
**EX PARTE APPEAL**

Applicant, Knowledge Delivery Systems, Inc., hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examiner of Trademarks refusing registration.

Applicant will file, in accordance with Rule 2.142 (b) (1), a brief within sixty days of the date of this appeal. The filing fee is to be deducted from our Deposit Account No. 06-1839.

Respectfully submitted,

FRANKFURT KURNIT KLEIN & SELZ,  
PC



By:

Edward H. Rosenthal  
Melissa Georges  
Attorneys for Applicant  
488 Madison Avenue  
New York, NY 10022  
(212) 980-0120

Dated: May 18, 2004

01/2004 EPINA1 00000013 061839 78103586  
FC:6403 100.00 DA

TTAB

FRANKFURT KURNIT KLEIN & SELZ PC

488 Madison Avenue  
New York, New York 10022  
Tel: (212) 980-0120  
Fax: (212) 593-9175

**EXPRESS MAIL CERTIFICATE**

"Express Mail" mailing label number EV038069864US  
Date of Deposit May 19, 2004. I hereby certify that this paper  
or fee is being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service under 37 CFR 1.10  
on the date indicated above and is addressed to the Commissioner  
for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Christina Matthews  
Paralegal  
Direct: (212) 826-5573  
e-mail:  
cmatthews@fkkslaw.com

Christina Matthews  
Print  
Christina Matthews  
Signature

May 19, 2004

**Via Express Mail**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Re: Trademark Application No. 78/103586  
Mark: **KNOWLEDGE DELIVERY SYSTEMS**  
Class: 41  
Our Ref. No. 8567-0300-4937

Dear Sir/Madam:

We enclose herewith:

- 1. Ex Parte Appeal; and
- 2. Postcard receipt.

This request is being submitted in triplicate as required by 37 CFR § 2.102(d). Please charge the filing fee to Deposit Account No. 06-1839. Please stamp the enclosed postcard to acknowledge receipt.

Respectfully submitted,

Christina Matthews  
Christina Matthews

Enclosures



05-21-2004