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

Proceeding	78134559
Applicant	gungner, david, j
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Submission	Appeal Brief
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Date	04/27/2005

United States Patent and Trademark Office (USPTO) (www.uspto.gov)
Trademark Trial and Appeal Board
Post Office Area 1451
stateless ZIP Code 22313-1451

gungner, david j. ,	) SERIAL NO. 78093634
applicant,	) MISSING A RIB, XY INSTEAD OF XX
regarding	) SERIAL NO. 78134559
United States Patent and	) REMOVE A RIB, XY LESSER THAN XX
Trademark Office,	)
Trademark Trial and Appeal Board.	) APPLICANT'S LEGAL BRIEF

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

INDEX OF EXHIBITS

EXHIBIT 001: USPTO International Trademark Protection (enpreent 6 of 7).
EXHIBIT 002: USPTO "one-size-fits-all" Service Mark / Trademark (enpreent 7 of 7).

FACTS

Summary of the Facts

1. United States Code Title 15 Section 1063(b)2 provides that when the "applicant applied for registration" during Thursday November 15th 2001 timeInterval regarding SERIAL NO. 78093634 "MISSING A RIB, XY INSTEAD OF XX" that the issuance accrues regarding a United States Patent and Trademark Office, Tuesday July 15th 2003 "notice of allowance" of "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" aggregation 016.

2. United States Code Title 15 Section 1063(b)2 provides that when the "applicant applied for registration" during Tuesday June 11th 2002 timeInterval regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" that the issuance accrues regarding a United States Patent and Trademark Office, Tuesday March 11th 2003 "notice of allowance" of "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" aggregation 042.

3. SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" "statement of use" United States Code Title 15 Section 1051(d)1 starting Thursday January 15th 2004 and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" "statement of use" United States Code Title 15 Section 1051(d)1 starting Thursday September 11th 2003 included "specimens or facsimiles of the mark as used in commerce" with both unicode U+00AE ® and unicode U+2122 ™ (in unicode numeric ordering) describing how SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" exist utilized in the context of "commerce" (United States Code Title 15 Section 1051(d)1), "GOODS/SERVICES BY

{ViaVirtueOf} INTERNATIONAL CLASS" aggregation 016 and "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" aggregation 042, respectively.

4. United States Code Title 15 Section 1070 provides that "An appeal may be taken to the Trademark Trial and Appeal Board from any final decision of the examiner in charge of the registration of marks upon the payment of the prescribed fee." of USD$100.00 (monetary fee payment provided regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" during July 2004 timeInterval). Title 37 Code Federal Regulations Section 2.122(b)(1) considers the "file" of SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" (United States Patent and Trademark Office, Tuesday March 11th 2003, "notice of allowance", United States Code Title 15 Section 1063(b)2) as "part of the record of the proceeding without any action by {viaVirtueOf} the parties and reference may be made to the file for any relevant and competent purpose." The existing SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" "file" is sufficient regarding applicant's legal appeal brief (applicant's legal brief) requirement of Friday September 23rd 2004. In the context of United States Patent and Trademark Office (USPTO) Internet information [EXHIBIT 001] (Friday January 28th 2005) (enpreent 6 of 7) and United States Patent and Trademark Office (USPTO) Internet information [EXHIBIT 002] (Wednesday March 23rd 2005) (enpreent 7 of 7), requesting that the United States Patent and Trademark Office, Trademark Trial and Appeal Board "appeal" (United States Code Title 15 Section 1070, Title 37 Code Federal Regulations Section 2.122(b)(1)) regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX" proceed.

"CERTIFICATE OF REGISTRATION"

5. United States Code Title 15 Section 1051(d)1 describes that with the documented, existing, provided accuracy regarding SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" "statement of use" United States Code Title 15 Section 1051(d)1 and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" "statement of use" United States Code Title 15 Section 1051(d)1, both SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" should receive United States Patent and Trademark Office "certificate of registration" United States Code Title 15 Section 1051(d)1.

6. "notice of allowance" of "GOODS/SERVICES BY {ViaVirtueOf} INTERNATIONAL CLASS" isn't International Trademark Protection and is just United States geographic area region Trademark Protection [EXHIBIT 001] (enpreent 6 of 7).

7. SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" exist as trademark applications regarding "registration" (United States Code Title 15 Section 1063(b)2). "Service Mark" construct interleaving is just that of a United States Patent and Trademark Office Trademark [EXHIBIT 002] (enpreent 7 of 7).

8. If United States Patent and Trademark Office "certificate of registration" (United States Code Title 15 Section 1051(d)1) isn't implementable, at this time interval, am requesting a 100% monetary refund regarding SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF XX"

and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY LESSER THAN XX" United States Patent and Trademark Office electronic application filings.

Trademark Trial and Appeal Board "oral hearing" / verbal gathering

9. If available, Trademark Trial and Appeal Board "oral hearing" / verbal gathering in the geographic area region of Los Angeles County, United States.

I inatwith certify that this correspondence is Internet electronic filing regarding the United States Patent and Trademark Office on the earthCalendarDate Wednesday, April 27th 2005.

wholeheartedly, david gungner (Wednesday, April 27th 2005).

"individual inventor"

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

_____/0a9h5a3wh9topev5i8sw/_____ (Signature)

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

_____/6qrgzfpmn8nsv6l63wi5/_____ (Signature)

___david gungner_,__homo sapien__ (Print or Type Name and Position)

_____04/27/2005_____ (earthCalendarDate MM/DD/YYYY)

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

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

EXHIBIT 001: USPTO International Trademark Protection.

Trademark Protection

How can I insure that my patent or trademark is protected internationally?

U.S. patents only protect your invention in the United States. To protect your invention internationally you must file applications in each country where you seek protection. The same goes for trademarks. International filings can be quite complicated you may want to consult with a registered patent attorney/agent.

United States Patent and Trademark Office (USPTO) Internet information: http://www.uspto.gov/web/offices/com/iip/transcriptst z.htm .

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EXHIBIT 002: USPTO "one-size-fits-all" Service Mark / Trademark.

Service Mark

I'm interested in registering a Service Mark but noticed there are two types of applications. What are the differences?

There is only one application for either a service mark or a trademark in the electronic trademark filing system at the USPTO website. You are encouraged to file electronically if possible. If you are looking at paper forms, the information required for a trademark and a service mark is basically the same - only the terminology differs slightly. If you are filing a paper application, you should file the service mark application if you are applying for a service mark just to keep things from getting confusing. But it's best to use the "one-size-fits-all" application for filing either a trademark or service mark that's available on line.

United States Patent and Trademark Office (USPTO) Internet information: http://www.uspto.gov/web/offices/com/iip/transcriptsn s.htm .

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