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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
Correspondence Address	david gungner Post Office Area 3302 Los Angeles County, CA 90408-3302 UNITED STATES e9pxbkwmp1u5o3@pacbell.net
Submission	Request for Reconsideration
Attachments	TTAB_USPTO_2005-November-26.pdf (9 pages)
Filer's Name	david gungner
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Signature	/6qrgzfpmn8nsv6l63wi5/
Date	11/26/2005

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) MISSING A RIB, XY INSTEAD OF XX
9 United States Patent and) SERIAL NO. 78134559
10 Trademark Office,) REMOVE A RIB, XY LESSER THAN XX
11 Trademark Trial and Appeal Board.) REQUEST REGARDING RECONSIDERATION
12) AND MODIFICATION OF A DECISION WITH
13) APPLICANT'S SUPPLEMENTAL LEGAL BRIEF

14 david gungner, "individual inventor", requests issuance of
15 "certificate of registration" as defined with United States Code Title
16 15 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
19 Section 1063(b)2) and SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER
20 THAN XX" (United States Patent and Trademark Office, Tuesday March
21 11th 2003, "notice of allowance", United States Code Title 15 Section
22 1063(b)2).
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1 **INDEX OF EXHIBITS**

2 EXHIBIT 001: USPTO International Trademark Protection (enpreent 8 of 9).

3 EXHIBIT 002: USPTO "one-size-fits-all" Service Mark / Trademark
4 (enpreent 9 of 9).

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6 **FACTS**

7 **Summary of the Facts**

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

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

20 3. SERIAL NO. enumeration 78093634 "MISSING A RIB, XY INSTEAD OF
21 XX" "statement of use" United States Code Title 15 Section 1051(d)1
22 starting Thursday January 15th 2004 and SERIAL NO. enumeration 78134559
23 "REMOVE A RIB, XY LESSER THAN XX" "statement of use" United States Code
24 Title 15 Section 1051(d)1 starting Thursday September 11th 2003 included
25 "specimens or facsimiles of the mark as used in commerce" with both

1 unicode U+00AE © and unicode U+2122 ™ (in unicode numeric ordering)
2 describing how SERIAL NO. enumeration 78093634 "MISSING A RIB, XY
3 INSTEAD OF XX" and SERIAL NO. enumeration 78134559 "REMOVE A RIB, XY
4 LESSER THAN XX" exist utilized in the context of "commerce" (United
5 States Code Title 15 Section 1051(d)1), "GOODS/SERVICES BY {ViaVirtueOf}
6 INTERNATIONAL CLASS" aggregation 016 and "GOODS/SERVICES BY {ViaVirtueOf}
7 INTERNATIONAL CLASS" aggregation 042, respectively.

8 4. United States Code Title 15 Section 1070 provides that "An appeal
9 may be taken to the Trademark Trial and Appeal Board from any final
10 decision of the examiner in charge of the registration of marks upon the
11 payment of the prescribed fee." of USD\$100.00 (monetary fee payment
12 provided regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX"
13 during July 2004 timeInterval). Title 37 Code Federal Regulations Section
14 2.122(b) (1) considers the "file" of SERIAL NO. 78134559 "REMOVE A RIB, XY
15 LESSER THAN XX" (United States Patent and Trademark Office, Tuesday March
16 11th 2003, "notice of allowance", United States Code Title 15 Section
17 1063(b)2) as "part of the record of the proceeding without any action by
18 {viaVirtueOf} the parties and reference may be made to the file for any
19 relevant and competent purpose." The existing SERIAL NO. 78134559 "REMOVE
20 A RIB, XY LESSER THAN XX" "file" is sufficient regarding applicant's legal
21 appeal brief (applicant's legal brief) requirement of Friday September 23rd
22 2004. In the context of United States Patent and Trademark Office (USPTO)
23 Internet information [EXHIBIT 001] (Tuesday October 25th 2005 timeInterval)
24 (enpreent 8 of 9) and United States Patent and Trademark Office (USPTO)
25 Internet information [EXHIBIT 002] (Tuesday October 25th 2005 timeInterval)

1 (enpreent 9 of 9), requesting a United States Patent and Trademark Office,
2 Trademark Trial and Appeal Board "appeal" (United States Code Title 15
3 Section 1070, Title 37 Code Federal Regulations Section 2.122(b)(1))
4 "certificate of registration" (United States Code Title 15 Section 1051(d)1)
5 regarding SERIAL NO. 78134559 "REMOVE A RIB, XY LESSER THAN XX".

6 5. Requesting Reconsideration and Modification (Title 37 Code Federal
7 Regulations) regarding "APPLICANT'S LEGAL BRIEF" "APPEAL BRIEF" timeInterval
8 as there is a requirement of utilizing the exclusive methodology defined viaVirtueOf
9 the United States Patent and Trademark Office <http://www.uspto.gov> ernment
10 regarding Internet World Wide Web "On Line for Independent Inventors" "DigiChat"
11 ePosting and eResponse. The actual edited transcripts that include "USPTO Expert2"
12 eResponses of Tuesday December 7th 2004 [EXHIBIT 001] (Tuesday October 25th 2005
13 timeInterval) (enpreent 8 of 9) and Thursday June 10th 2004 [EXHIBIT 002]
14 (Tuesday October 25th 2005 timeInterval) (enpreent 9 of 9) United States Patent
15 and Trademark Office > Patents > Inventors Resources > On Line for Independent
16 Inventors have received, at this timeInterval, subsequent indexing with the
17 eResponses Topic Index of the United States Patent and Trademark Office >
18 Patents > Inventors Resources > Information > "FAQs from previous chats"
19 Inventor RESOURCES On Line Chat Transcripts. The timeInterval of Monday July
20 26th 2004, Thursday September 23rd 2004 continuing with Thursday March 17th 2005
21 was required regarding the continuing utilization of agreed edited transcripts
22 of "USPTO Expert2" eResponses of Tuesday December 7th 2004 and Thursday June 10th
23 2004 in the direction regarding eResponses Topic Index of "FAQs from previous chats"
24 Inventor RESOURCES On Line Chat Transcripts with continuation as of Tuesday
25 October 25th 2005 timeInterval.

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

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

4 10. If available, Trademark Trial and Appeal Board "oral hearing" /
5 verbal gathering utilizing existing United States Patent and Trademark Office
6 Internet 'chat' regarding the geographic area region of Los Angeles County that,
7 at this timeInterval, interleaves with the United States Patent and Trademark
8 Depository Library Program (PTDLP), Los Angeles County, Los Angeles Public
9 Library, Central Library, The Science, Technology, & Patents Department,
10 a United States Patent & Trademark Office Depository Library.

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1 I inatwith certify that this correspondence is Internet electronic
2 filing regarding the United States Patent and Trademark Office on the
3 earthCalendarDate Saturday, November 26th 2005.

4 wholeheartedly, david gungner (Saturday, November 26th 2005).

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 _____11/26/2005_____ (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 International Trademark Protection.**

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4 **Trademark Protection**

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

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

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

12 Last Modified: 10/25/2005 09:00:47

13 **"USPTO Expert2"** eResponse from
14 actual edited transcript of Tuesday, December 7, 2004
15 On Line for Independent Inventors (07DEC2004) .

4 **Service Mark**

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

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

15 United States Patent and Trademark Office (USPTO) Internet information:
16 <http://www.uspto.gov/web/offices/com/iip/transcriptsns.htm> .

17 Last Modified: 10/25/2005 09:00:46

18 **"USPTO Expert2"** eResponse from
19 actual edited transcript of Thursday, June 10, 2004
20 On Line for Independent Inventors (10JUN2004) .
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