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

Application Serial No.	78177755
Applicant	BrainLAB AG

Notice of Appeal

Notice is hereby given that BrainLAB AG appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 78177755.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 009.

All goods and services in the class are appealed, namely: Computers; computer software; computer, Internet and Internet-based software for use in neurosurgical, orthopedic, radiotherapeutic and radiosurgical purposes, for robot-assisted applications, for application in ear, nose and throat (ENT) surgery, for application to three-dimensional registration and referencing patient data, for characterizing structures in patient data produced using medical image forming apparatus, for indicating contours of anatomical structures in image displays, for automatically recognizing anatomical structures, and for assisting in the operation of medical devices having tactile or contact signaling tips; pre-recorded data carriers featuring computer software, namely, computer software for neurosurgical, orthopedic, radiotherapeutic and radiosurgical purposes, for robot-assisted applications, for application in ear, nose and throat (ENT) surgery, for application to three-dimensional registration and referencing patient data, for characterizing structures in patient data produced using medical image forming apparatus, for indicating contours of anatomical structures in image displays, for automatically recognizing anatomical structures, and for assisting in the operation of medical devices having tactile or contact signaling tips; electrical connection cables

- Class 010.

All goods and services in the class are appealed, namely: Electronic apparatus and image presentation apparatus for medical purposes; electronic apparatus and image presentation apparatus for surgical robots, for application in image-guided localization systems for surgical purposes; neurosurgical instruments and apparatus; medical and surgical robots and accessories therefor; control boxes; instrument adaptors; tool holders; adaptors for endoscopes and microscopes; radiotherapeutic and radiosurgical apparatus; devices to acquire and adjust radiation points for medical purposes; systems and components to precisely position patients for radiotherapeutic, radiosurgical or neurosurgical purposes, comprising collimators, infrared and video cameras and accessories, patient markers, monitors, isocenter phantoms, calibration phantoms, patient trays, head holders and adaptors, vacuum pumps, vacuum cushions, referencing stars, ultrasound phantoms, ultrasound adaptors, x-ray registration kits, and tomographs; intra-operative, image-guided localization systems and components for neurosurgical, orthopedic, stereotactic, radiotherapeutic or radiosurgical purposes, and for application in ear, nose and throat surgery, comprising cameras, monitors, image presentation apparatus, computers, reference clamps, pointers, surgical instruments, registration markers and marker spheres, body markers, cannulae, laptops, docking stations, panels, panel parts, headsets, headrings, remote controls, probes, sensors, instrument adaptors, virtual keyboards, dental referencing devices, laser pointers, phantom pointers; systems and components for software-controlled treatment in neurosurgery, orthopedics, radiotherapy or radiosurgery and in ear, nose, and throat surgery, including localizers, stereotactic or neurosurgical arcs, biopsy kits, fixation adaptors, instrument calibration matrixes and fixation rings, planning stations, computers, couchmounts, collimators, target positioners, film holders, mask systems, couch stabilizers, couch adaptors, radiation devices, linear accelerators, gantries, microscope adaptors, fixation pins, head and neck immobilization devices; instruments and apparatus for three-dimensional registration or referencing of patients; instruments and apparatus for characterizing structures in patient data produced using medical image forming apparatus, for indicating contours of anatomical structures in image displays, for automatically recognizing anatomical structures, and for assisting in the operation of medical devices having tactile or contact signaling tips; reference markers or marker arrangements designed for attachment to surgical instruments or devices; light pointers; pointer devices for registration purposes,

having tactile or contact signalling tips

- Class 042.

All goods and services in the class are appealed, namely: computer program services, namely developing programs for medical purposes, and more particularly for developing programs for neurosurgical, orthopedic, radiotherapeutic and radiosurgical purposes, for robot-assisted applications, for application in ear, nose and throat (ENT) surgery, for application to three-dimensional registration or referencing patient data, for characterizing structures in patient data produced using medical image forming apparatus, for indicating contours of anatomical structures in image displays, for automatically recognizing anatomical structures, and for assisting in the operation of medical devices having tactile or contact signaling tips

Respectfully submitted,

/Don W. Bulson/

06/09/2008

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