

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

In re:	Arthrex, Inc.	:	
Serial No.:	78/328,701	:	Kim Saito
Filed:	November 17, 2003	:	Examining Attorney
Trademark:	BANANA SUTURELASSO	:	Law Office 102
OFGS Ref:	T/1493-492	:	

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

**NOTICE OF APPEAL AND REQUEST FOR SUSPENSION OF APPEAL AND
REMAND TO EXAMINING ATTORNEY**

Applicant, by its undersigned attorneys, hereby appeals the decision of the Examining Attorney refusing registration of Applicant's mark **BANANA SUTURELASSO** in the absence of a disclaimer of the term SUTURELASSO on the grounds that the term SUTURELASSO is primarily merely descriptive under Section 2(e)(3) of the Lanham Act, 15 U.S.C. §1052(e)(3), which refusal the Examining Attorney made final in the Office Action mailed on January 26, 2005. Applicant also appeals any and all remaining issues raised by the PTO Examining Attorney as an obstacle to registration. Applicant respectfully requests that the Board institute the appeal.

Applicant further respectfully requests that the Board suspend the appeal and remand the application to the Examining Attorney in order to allow the Examining Attorney to consider new evidence and arguments set forth in the Request for Reconsideration which

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is enclosed herewith. A check for \$100.00 covering the appeal fee is enclosed. If any additional fees are required, please charge the undersigned attorneys' Deposit Account No. 15-0700.


Dated: July 26, 2005
New York, New York

"Express Mail" mailing label No. EV 605945255US

Date of Deposit: July 26, 2005

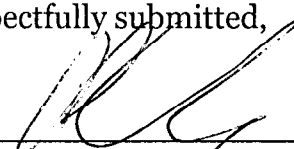
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Dorothy Jenkins
(Printed name of person mailing paper or fee)


Signature

CPL:ayh

Respectfully submitted,


Charles P. LaPolla

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