



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

10-10-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #80

Application Serial No. 78/078,003 – GREENFLASH GF

Filed: August 7, 2001; Published June 11, 2002

Dunlop Slazenger Group Americas, Inc.,

Opposer,

v.

NTS Enterprises, Ltd., Stewart R. Halbauer II,
Natalie T. Halbauer

Applicant.

Opposition No. _____

Docket No. 032211.00059
(DLP77)

Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
Box TTAB FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

NOTICE OF OPPOSITION

Dunlop Slazenger Group Americas, Inc., a Delaware corporation, having a place of business at 728 N. Pleasantburg Drive, Greenville, South Carolina 29607 ("Opposer"), believes that it will be damaged by the registration of the mark shown in application Serial No. 78/078,003 – GREEN FLASH GF for "shirts, t-shirts, sweatshirts, hats, shoes and sandals" in Class 25, filed by NTS Enterprises, Ltd., a partnership composed of Stewart R. Halbauer II and Natalie T. Halbauer, having an address at 845 Greenville Avenue,

10/18/2002 ZCARRITH 00000008 502079 78078003

01 FC:6402 300.00 CH

Cincinnati, Ohio 45246 ("Applicant"), and hereby opposes the same pursuant to Section 13 of the Trademark Act of 1946 (15 U.S.C. § 1063).

The name of the Opposer has been changed from Dunlop Slazenger Group Americas, Inc. to Dunlop Sports Group Americas, Inc. as evidenced by the attached Certificate of Amendment from the Delaware Secretary of State's Office. This name change has been filed with the Trademark Office as well. Please see attached Exhibit A.

Opposer opposes Serial No. 78/078,003 – GREEN FLASH GF pursuant to Section 2(a) and 2(d) of the Trademark Act of 1946 (15 U.S.C. §1052(a) and §1052(d)) and as grounds for the opposition hereby states that:

1. Opposer's GREEN FLASH shoes are well known in Europe. They are the brand of tennis shoes required by many European boarding schools and were also the shoes worn by 3 time Wimbledon winner Fred Perry in 1934, 1935, and 1936.
2. Opposer has used the mark GREEN FLASH in association with tennis shoes continuously since at least as early as 1958.
3. Opposer's shoes are also known in the United States where they were later introduced.
4. Numerous references to Opposer's "DUNLOP GREEN FLASH" shoes can be found on the internet. Please see attached printouts in Exhibit B which include the history of Opposer's well known GREEN FLASH shoes.
5. The Opposer's GREEN FLASH shoes can also be purchased online.
6. Upon information and belief, Applicant has attempted to adopt and use a

mark identical to the Opposer's GREEN FLASH mark. Please see attachments showing Opposer's mark as affixed to the goods and Applicant's drawing of the mark which is identical to it. (Exhibit C)

7. On information and belief, Applicant has taken advantage of a technical and unintentioned cancellation of Opposer's U.S. Registration No. 887,204 GREEN FLASH belonging to the Opposer through mesne assignments.

8. Opposer is the owner of expired Registration No. 887,204 GREEN FLASH. Said registration was inadvertently allowed to be canceled due to confusion created when Opposer switched legal representation following the exit of Opposer's In House Intellectual Property Manager. (Exhibit D)

9. Opposer had also had some difficulties with its American licensees using the GREEN FLASH mark which it has attempted to rectify.

10. Opposer never abandoned the GREEN FLASH mark and has always maintained a continuous intent to use said mark in association with tennis shoes in the United States. Nonetheless, Opposer's registration was canceled during a period of intellectual property employee turnover within the company.

11. Opposer's registration was cancelled on August 7, 2001, the very same day that Applicant filed Serial No. 78/078,003. Please see attached Exhibit D.

12. As soon as Opposer realized that its mark had been allowed inadvertently to be canceled, Opposer filed a new actual use application, Serial No. 76/306,557 for GREEN FLASH, on August 30, 2001.

13. Opposer thought the mix-up would accordingly be rectified.

14. Opposer did not know of Applicant's opportunistic GREEN FLASH GF

application until the Examining Attorney cited it against Opposer's pending mark.

15. Opposer's Serial No. 76/306,557 GREEN FLASH has been suspended based on the Applicant's pending GREEN FLASH GF application which has the earlier filing date of August 7, 2001.

16. Applicant's Serial No. 78/078,003 is blocking Opposer's attempts to regain its GREEN FLASH registration.

17. Opposer would be greatly damaged were Applicant's Serial No. 78/078,003 to proceed to registration.

18. Applicant's mark GREEN FLASH GF is deceptive in that it falsely suggests a connection with Opposer.

19. Applicant's mark is likely to cause confusion, mistake, or deception by having the public erroneously assume or believe that the goods emanate from the Opposer, or are in some other way associated or connected with Opposer because of Opposer's prior use of GREEN FLASH in association with tennis shoes.

20. Registration of Applicant's mark will irreparably damage the goodwill that Opposer has built up in its use of GREEN FLASH.

21. The goods associated with Serial No. 78/078,003 GREEN FLASH GF, "shirts, t-shirts, sweatshirts, hats, shoes, and sandals" are related to the tennis shoe goods sold by the Opposer under the GREEN FLASH mark.

22. The goods are sold through the same channels of trade and to the same class of purchasers.

23. The use and registration by the Applicant of the GREEN FLASH GF mark for

the goods identified in Serial No. 78/078,003 are likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from the Opposer or are in some other way associated or connected with the Opposer because of the Opposer's prior use of the GREEN FLASH mark for tennis shoes, all to the Opposer's irreparable damage.

For the reasons set forth in paragraphs 1-23, Opposer believes and asserts that it will be damaged by the registration of application Serial No. 78/078,003. Accordingly, the Opposer prays that this Opposition be sustained, and that the Applicant be refused registration of the GREENFLASH GF mark for the goods set forth in application Serial No. 78/078,003.

This notice is filed in duplicate. Please charge the \$300.00 filing fee to the McNair Law Firm, P.A. Deposit Account No. 502079 as well as any additional fees required.

Respectfully submitted,



Elizabeth Christian
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, S.C. 29603-0827
Telephone: (864) 232-4261
Fax: (864) 232-4437
Attorney for Opposer

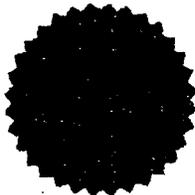
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "DUNLOP SLAZENGER GROUP AMERICAS INC.", CHANGING ITS NAME FROM "DUNLOP SLAZENGER GROUP AMERICAS INC." TO "DUNLOP SPORTS GROUP AMERICAS INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF MAY, A.D. 2002, AT 1:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
 Harriet Smith Windsor, Secretary of State

2047393 8100

020314869

AUTHENTICATION: 1788276

DATE: 05-21-02

EXHIBIT A

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Dunlop Slazenger Group Americas Inc.

- Individual(s) Association
 General Partnership Limited Partnership
 Corporation-State
 Other _____

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 05/17/2002

2. Name and address of receiving party(ies)

Name: Dunlop Sports Group Americas Inc.

Internal Address: _____

Street Address: 728 N. Pleasantburg Drive

City: Greenville State: SC Zip: 29607

- Individual(s) citizenship _____
 Association _____
 General Partnership _____
 Limited Partnership _____
 Corporation-State Delaware
 Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)
Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) 76/306,557

B. Trademark Registration No.(s) _____

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Elizabeth D. Christian

Internal Address: McNair Law Firm, P.A.

P.O. Box 10827

Greenville, SC 29603-0827

Street Address: _____

City: _____ State: _____ Zip: _____

6. Total number of applications and registrations involved: _____

1

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
 Authorized to be charged to deposit account

8. Deposit account number:

502079

DO NOT USE THIS SPACE

9. Signature.

Elizabeth D. Christian

Name of Person Signing

Elizabeth D. Christian
Signature

10/9/02
Date

Total number of pages including cover sheet, attachments, and document:

This is **G o o g l e**'s cache of <http://www.rareit.com/dunlop/greenflash.html>.
G o o g l e's cache is the snapshot that we took of the page as we crawled the web.
 The page may have changed since that time. [Click here for the current page](#) without highlighting.
 To link to or bookmark this page, use the following url: http://www.google.com/search?q=cache:c9Hsx_00ii8C:www.rareit.com/dunlop/greenflash.html+dunlop+green+flash+shoes&hl=en&ie=UTF-8

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These search terms have been **dunlop green flash shoes**

Dunlop Sports Footwear

h greenflas litew: products contact

Dunlop Sports Footwear - Welcome

EXHIBIT B

History of Green Flash

In the world of fashion and sport few styles bear the test of time, even fewer survive to become design icons. **Green Flash** lays claim to both. It can trace its pedigree back to the 1870s and the invention of the very first plimsoll.

Dunlop sold a million pairs annually in the UK at the peak of their popularity.

Dunlop has sold over 25 million pairs of **Green Flash** 1555 plimsolls - making them one of the biggest sellers of any **shoes** ever.

Fred Perry

Fred Perry - the greatest British Tennis Player wore **Green Flash** plimsolls to win Wimbledon three times in 1934, 1935, and 1936.

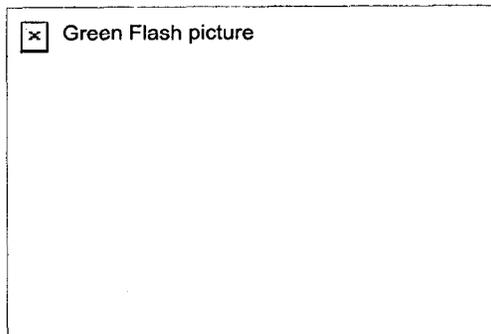
The earliest sports **shoes** were developed in the 1830's by the Liverpool Rubber company, whose founder, John Boyd **Dunlop**, discovered how to bond canvas to rubber. They were first called "Sand **shoes**" because they were worn on the beach by Victorian middle classes. By the end of the century they became known as plimsolls - so named because the point at which the canvas and rubber bonded supposedly looked similar to the Plimsoll line around a ship's hull. "Sand **shoes**" proved to be the prototype for the **Green Flash** trainer. Plimsolls were all-purpose gym **shoes**

and cheap street **shoes** through the early years of this century. But after the First World War, fashion and style began to re-emerge. In 1933 the **Green Flash** range

was launched with higher quality canvas, better design sports **shoes** with a herringbone pattern on the sole to give good grip on grass tennis courts.

Key Features

- **Green Flash** is a true design icon
- **Green Flash** can trace it's pedigree back to 1870s with the invention of the plimsoll
- **Green Flash** worn by Fred Perry to win Wimbledon 3 times
- **Green Flash** has sold over 25 million pairs in the UK alone
- **Green Flash** the original classic English canvas leisure shoe



Product Information

Green Flash 1555 Classic

Colour:	White/ Green
Material:	Canvas/Rubber Outsole
Sizes:	Boys/Girls: size 13 - Mens: size 13 (half sizes available)

Obtaining Green Flash

You can obtain **Green Flash** at your local John Lewis Partnership store, Russell and Bromley, Gordon Scott, Sugg Sports and many independent tennis sports specialists.

If you have problems obtaining **Green Flash** from your local sports store, [contact us](#) for more details.

Copyright © 2000 **Dunlop** Sports Footwear, All Rights Reserved.
E-mail: webmaster@greenflash.co.uk | Last Updated: Tuesday 1st February 2000.

Powered by: Rare.IT Limited.

Back



Uniform List



Winter

Boys

- Long grey trousers
- White or grey shirts
- Long sleeved V-neck jumper
- School tie
- Grey socks
- Black Shoes
- Green duffle coat or Green kagoul
- Blazer with School badge
- Cap with School badge
- School scarf
- Green gloves

Girls

- Green pinafore dress
- White blouse
- Green cardigan
- School tie
- Green socks (long - Pex only)
- Black Shoes
- Green duffle coat or Green kagoul
- Blazer with School badge
- Beret with School badge
- School scarf
- Green gloves

Summer

Boys

- Short grey trousers
- Short sleeved white shirt
- Black sandals
- Short grey socks
- School Tie
- Blazer with School Badge
- Green kagoul
- Cap with School badge

Girls

- Green striped summer dress
- Green cardigan
- Black sandals
- Short white socks - Jonelle

- Blazer with School badge
- Green kagoul
- Straw boater with green band

P.E. Uniform

Infant Department Boys and Girls:

White shorts
White T-shirt
White socks
White pumps

Junior Department:

Boys and Girls

White T-shirt
White shorts
White short socks
White pumps
Green track suit
Green Speedo swimming trunks / Green Speedo swimming costume
Yellow cap

All Juniors must have a pair of white Dunlop Green Flash tennis shoes in addition to the white pumps listed above - these are for outdoor sports. P.E. and Swimming Bags these are only available from the school office.

fashionUK Tuesday 30-04-2002

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Besides me, what does my family back in the UK need most?

advertisement



Headlines 16/11/00

Airline culture

Keith Lovegrove takes a trip

Ready for runs

Cricket sweaters bowl over fashion

Dome dollies

Don't miss it for the world

Graft'n'glam

Homage to working women

Plimsoll line

Greenflash is reborn

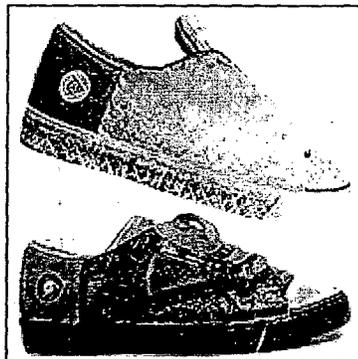


News Archive

← fashion news

Plimsoll line

The last time you wore a pair of Greenflash plimsolls you were probably wearing only your pants and vest (after forgetting your kit) and trying to climb up a rope. But today the Dunlop Greenflash is ultra cool. Why? Because it's very British, it's very ironic and all that white space on them is crying out for customisation. Take inspiration from 35 various creative types - including Vexed Generation, Mickey Brazil, Bond and Burro - asked to customise a pair of Greenflash by Dunlop. You can see the results, which have been put together as an exhibition by Artomatic and Kurious PR, between 27th November and 21st December at Artomatic (13-14 Great Sutton Street, London EC1D 0BX). The unique sneakers will later be auctioned for charity.



Greenflash versions by Zakee & Miller and Noki.



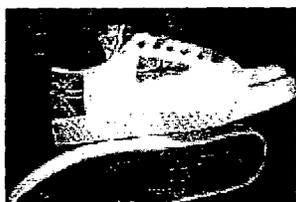
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 23 OLD PEPPER LANE
 STANDISH
 WIGAN
 LANCASHIRE
 WN6 0PH
 tel 01257 401007
 fax 01257 400800
 United Kingdom
shopcontact@warriorclothing.co.uk
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Trainers

Product	Code	Description	Price	Buy
	DTGF1	Dunlop Greenflash, 5	£20.00	Buy
	DTGF2	Dunlop Greenflash, 6	£20.00	Buy
	DTGF3	Dunlop Greenflash, 7	£20.00	Buy
	DTGF4	Dunlop Greenflash, 8	£20.00	Buy
	DTGF5	Dunlop Greenflash, 9	£20.00	Buy
	DTGF6	Dunlop Greenflash, 10	£20.00	Buy
	DTGF7	Dunlop Greenflash, 11	£20.00	Buy
	DTUJF1	Dunlop Union Jack Flash, 4	£25.00	Buy



DTUJF2 **Dunlop Union Jack Flash, 5** £25.00 [Buy](#)

DTUJF3 **Dunlop Union Jack Flash, 6** £25.00 [Buy](#)

DTUJF4 **Dunlop Union Jack Flash, 7** £25.00 [Buy](#)

DTUJF5 **Dunlop Union Jack Flash, 8** £25.00 [Buy](#)

DTUJF6 **Dunlop Union Jack Flash, 9** £25.00 [Buy](#)

DTUJF7 **Dunlop Union Jack Flash, 10** £25.00 [Buy](#)



GTW1 **Gola Trainer, white, 4** £30.00 [Buy](#)
70s style trainers

GTW2 **Gola Trainer, white, 5** £30.00 [Buy](#)
70s style trainers

GTW3 **Gola Trainer, white, 6** £30.00 [Buy](#)
70s style trainers

GTW4 **Gola Trainer, white, 7** £30.00 [Buy](#)
70s style trainers



DUNLOP®
GEL-FRESH

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Sat May 4 04:32:38 EDT 2002

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSER DICT	BOTTOM	HELP	PREV LIST
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Logout Please logout when you are done to release system resources allocated for you.

Start List At: _____ OR Jump to record: _____ Record 1 out of 7

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark GREEN FLASH GF
 Goods and Services IC 025. US 022 039. G & S: SHIRTS, T-SHIRTS, SWEATSHIRTS, HATS, SHOES, SANDALS
 Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
 Design Search Code 261713
 Serial Number 78078003
 Filing Date August 7, 2001
 Filed ITU FILED AS ITU
 Owner (APPLICANT) NTS Enterprises, Ltd. Stewart R. Halbauer II Natalie T. Halbauer PARTNERSHIP OHIO 845 Greenville Avenue Cincinnati OHIO 45246
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN" APART FROM THE MARK AS SHOWN
 Type of Mark TRADEMARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

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CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 10/09/2002 10:00:24 ET

Serial Number: 72312760

Registration Number: 887204

Mark (words only): GREEN FLASH

Current Status: Registration canceled under Section 18.

Date of Status: 2001-08-07

Filing Date: 1968-11-21

Registration Date: 1970-03-03

Law Office Assigned: Unknown

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-10-03

CURRENT APPLICANT(S)/OWNER(S)

1. DUNLOP HOLDINGS PLC

Address:

DUNLOP HOLDINGS PLC
SILVERTOWN HOUSE VINCENT SQUARE
LONDON, ENG SW1P 2PL
United Kingdom

State or Country of Incorporation: United Kingdom

Legal Entity Type: Corporation

GOODS AND/OR SERVICES

TENNIS SHOES

U.S. Class: 039 (International Class 025)

First Use Date: 19580900

First Use in Commerce Date: 19580900

Basis: 1(a)

EXHIBIT D

ADDITIONAL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2001-08-07 - Canceled Section 18 -Total
2001-08-07 - Cancellation terminated for Proceeding
2001-07-02 - Cancellation granted for Proceeding
2001-04-28 - Canceled Section 8 (10-year)/Expired Section 9
2000-03-16 - Cancellation instituted for Proceeding
1990-04-25 - Registration renewed - 10 year
1990-03-01 - Section 9 filed/check record for Section 8

CONTACT INFORMATION

Correspondent (Owner)

GEORGE H. MARTENS (Attorney of record)

BENJAMIN S. WARREN, III
PATTISHALL, MCAULIFFE, NEWBURY
HILLIARD & GERALDSON
320 WATERGATE SIX HUNDRED
WASHINGTON, D.C. 20037
United States

Domestic Representative

PATTISHALL, MCAULIFFE, NEWBURY, ET AL

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 10/09/2002 12:23:34 ET

Serial Number: 78078003

Registration Number: (NOT AVAILABLE)

Mark



(words only): GREEN FLASH GF

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2002-07-12

Filing Date: 2001-08-07

Registration Date: (DATE NOT AVAILABLE)

Law Office Assigned: TMEG Law Office 102

Attorney Assigned:
CLAYTON CHERYL A Employee Location

Current Location: 849 -TTAB

Date In Location: 2002-09-26

CURRENT APPLICANT(S)/OWNER(S)

1. NTS Enterprises, Ltd.

Composed Of:
Stewart R. Halbauer II Natalie T. Halbauer

Address:
NTS Enterprises, Ltd.
845 Greenville Avenue
Cincinnati, OH 45246
United States

State or Country Where Organized: Ohio

Legal Entity Type: Partnership

GOODS AND/OR SERVICES

SHIRTS, T-SHIRTS, SWEATSHIRTS, HATS, SHOES, SANDALS

International Class: 025

First Use Date:

First Use in Commerce Date:

Basis: 1(b)

ADDITIONAL INFORMATION

Disclaimer: "GREEN"

PROSECUTION HISTORY

2002-07-12 - Extension of time to oppose - Filed

2002-06-11 - Published for opposition

2002-05-22 - Notice of publication

2002-01-14 - Approved for Pub - Principal Register (Initial exam)

2001-11-01 - Communication received from applicant

2001-09-18 - Communication received from applicant

2001-09-18 - Non-final action mailed

2001-09-17 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

NTS ENTERPRISES, LTD.

845 GREENVILLE AVE

CINCINNATI OH 45246-4609

United States



10-10-2002

U.S. Patent & TMO/c/TM Mail Rpt Dt. #80

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

Tab

In re application Serial No. 78/078,003 – GREENFLASH GF
Filed: August 7, 2001; Published June 11, 2002

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Applicant.

Opposition No. _____

Docket No. 032211.00059
(DLP77)

TRADEMARK TRIAL AND
APPEAL BOARD
02 OCT 24 AM 9:47

Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
BOX TTAB FEE
2900 Crystal Drive
Arlington, VA 22202-3513

To the Trademark Trial and Appeal Board:

TRANSMITTAL LETTER

Please find the following correspondence items enclosed for filing in the United States Patent and Trademark Office:

1. Notice of Opposition with Exhibits A – D filed in duplicate; and
2. Return receipt postcard.

Please charge payment of fee of \$300.00 to Deposit Account No. 502079. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Elizabeth D. Christian

Elizabeth D. Christian
McNAIR LAW FIRM, P.A.
P.O. Box 10827
Greenville, S.C. 29603-0827
Telephone: (864) 232-4261
Attorney for the Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as "EXPRESS MAIL" mailing label EV 214261925 US with sufficient postage and mailing label affixed thereto, in an envelope addressed to: Assistant Commissioner for Trademarks, Trademark Trial and Appeal Board, BOX TTAB FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date indicated below.

By: Cornelia Wendland

Date: 10-9-2002