

TTAB

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File Number: 80601-00033
Document Number: 1457747.1



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February 10, 2005

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

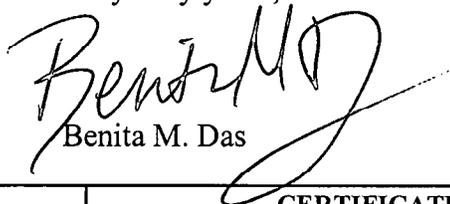
Re: ***Application to Amend Application***
Applicant: Lori Persing and Eric Persing dba Spectrasonics
Opposition No.: 91/158,448
Mark: ATMOSPHERE
Serial No.: 76/475,501
Filed: December 15, 2002
Our Ref. No.: 80601-00033

Dear Sir/Madam:

Enclosed herein is Applicants' Application to Amend Application in connection with the above-referenced mark.

Please direct all communications regarding this matter to the undersigned.

Very truly yours,


Benita M. Das

BMD:mlc

Enclosures:

1. Application to Amend Application
2. Certificate of Mailing
3. Postcard

CERTIFICATE OF MAILING

I, Maria L. Caunan, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on February 10, 2005.


Maria L. Caunan



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

In the matter of U.S. Trademark Application
Serial No.: 76/475,501
Filed: December 15, 2002
Trademark: ATMOSPHERE
Published: November 11, 2003

Sean Daley,

Opposer,

vs.

Lorey Persing and Eric Persing dba
Spectrasonics,

Applicants.

Opposition No. 91/158,448

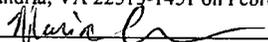
APPLICATION TO AMEND APPLICATION

Pursuant to 37 C.F.R. §2.133, Lorey Persing and Eric Persing dba Spectrasonics ("Applicants") hereby delete the goods identification in its Application Serial No. 76/475,501 in its entirety and replaces it with the following:

"Computer software for use in music creation and music production, namely, software that allows the user to access an included core-library of pre-recorded sounds and manipulate them through a graphic user interface to generate customized music" in International Class 9.

CERTIFICATE OF MAILING

I, Maria L. Caunan, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on February 10, 2005.



Maria L. Caunan



02-16-2005

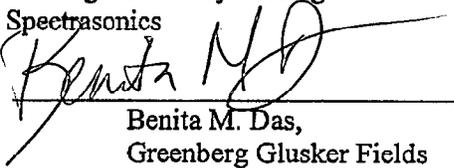
U.S. Patent & TMO/TM Mail Rcpt Dt. #64

The above amended identification is acceptable under 37 C.F.R. §2.71(a) in that it limits the original goods identification.

Respectfully submitted,

Eric Persing And Lorey Persing
dba Spectrasonics

Dated: February 9, 2005

By: 

Benita M. Das,
Greenberg Glusker Fields
Claman Machtinger & Kinsella LLP,
Attorneys for Applicant

Sean Daley

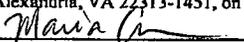
Dated: February __, 2005

By: 

Luke DeMarte,
Seyfarth Shaw LLP
Attorneys for Opposer

CERTIFICATE OF MAILING

I, Maria L. Caunan hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on February 8, 2005.


Maria L. Caunan

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon counsel for the Opposer, to the following address, via first class mail, postage prepaid, this February 10, 2005.

Luke W. DeMarte
Seyfarth Shaw LLP
55 East Monroe Street, Suite 4200
Chicago, IL 60603



Maria L. Caunan