

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TTAB

Nano-Write Corporation,

Plaintiff,

v.

Case No. 91168158

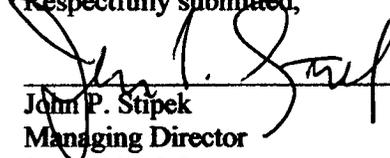
Bio-CAM, LC,

Applicant.

BIO-CAM'S MOTION TO REOPEN CASE

In accord with Bio-CAM's first awareness on February 1, 2006 of a required response within forty days of the December 21, 2005 mailing date of opposition number 91168158, administratively closing this case, Bio-CAM respectfully moves that the Board reopen Case No. 91168158.

Respectfully submitted,



John P. Stipek
Managing Director
Bio-CAM, LC
5651 Corporate Way, Suite 4
West Palm Beach, Florida 33407
Tel: (561)329-7039

Certificate of Service

The undersigned hereby certifies that true and correct copies of the foregoing motion and supporting brief were served by overnight courier to counsel of record for plaintiff:

Mark Lauer
6601 Koll Center Parkway, Suite 245
Pleasanton, California 94566
Tel: (925)484-9295

this 6th day of February, 2006.



John P. Stipek



BRIEF IN SUPPORT OF MOTION TO REOPEN CASE

John P. Stipek
Managing Director
Bio-CAM, LC
5651 Corporate Way, Suite 4
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(561) 333-6651
Pro Personai

ARGUMENT

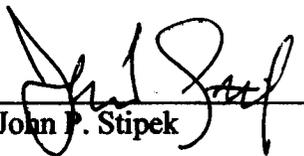
BIO-CAM'S FAILURE TO ANSWER OPPOSITION NOTICE WITHIN FORTY DAYS OF THE DECEMBER 21, 2005 MAILING DATE WAS CAUSED BY INADVERTENT INTERPRETATION OF LANGUAGE USED IN SAID OPPOSITION NOTICE.

(a) Bio-CAM is not represented by legal counsel and respectfully petitions the Board to reopen said case based on my inadvertent interpretation of the sentence pertaining in the notice of opposition number 91168158, which sentence is written, "ANSWER IS DUE FORTY DAYS after the mailing date hereof." Not being familiar with these proceedings, I interpreted said sentence to pertain to the plaintiff being required to provide an answer. Bio-CAM's answer seemed at that time all too obvious to me; that I don't appreciate said opposition and I don't agree there is any potential for causing confusion or for causing mistakes and that I don't agree there has been any effort or motive for deceiving customers, our products, processes and trade names being significantly different. After considerable time researching the internet, I finally found the information clearly stating I am the party referred to in said sentence.

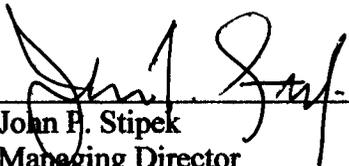
(b) Taking into consideration the facts surrounding Bio-CAM's failure to respond to notice of opposition number 91168158, Bio-CAM feels these are compelling reasons why the Board should allow Bio-CAM's motion to reopen this case.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the DHL express "Next Day" service in an envelope addressed to: Trademark Trial and Appeal Board, Trademark Assistance Center, Madison East, Concourse Level Room C-55, 600 Dulany Street, Arlington, Virginia 22202, Tel: (571)272-9250, on February 6, 2006.

Date: Feb. 6, 2006 
John P. Stipek

Respectfully submitted,


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