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

Proceeding	91200905
Party	Defendant Novick, Nelson Lee, Novick, Jonathan
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Date	09/06/2011
Attachments	Trademark Response to Opposition.pdf (1 page)(103241 bytes)

WITHOUT PREJUDICE

September 5, 2011

Proceeding No.: 91200905 and ESTTA Tracking No.: ESTTA422012

In the Matter of Application Serial No. 77/810,902

To the Attention of: United States Patent and Trademark Office, Trademark and Appeal Board,
POB 1451, Alexandria, VA 22313-1451, USA

To the Attention of: Cosmedical Technologies, Inc., owner of U.S. Trademark Registration No.
3,301,694, issued October 2, 2007

My clients, Nelson Lee Novick and Jonathan Novick (Applicant), and I, respectfully disagree with all the points raised by the attorneys representing Cosmedical Technologies, Inc. (Opposer).

In Paragraph 4 of Opposer's brief, it is stated that the similarities between Opposer's Mark and Applicant's Mark so resemble each other that confusion and irreparable damage would be the likely result. The Applicant sees no similarity between the two marks and/or services provided, certainly none that would cause confusion and irreparable damage to the Opposer. Placed side by side, it is hard to understand this contention. For example, the fonts and sizes are not the same, the differing style of capitalizing only three letters (Applicant) and capitalizing all letters (Opposer), and the fact that the Applicant has a motto "Where Aesthetics and Science Meet" while the Opposer has none at all, the graphic circular logo and Rx with artist's brush (Applicant) and no graphics at all (Opposer), to name a few.

The only commonality is that both marks share 7 letters of the alphabet. The suffix of "cosmedi" is very different for each mark and a simple Google search returns hundreds of listings that begin with the word "cosmedi."

As such, the Applicant, and I as their counsel, respectfully request that the Trademark and Appeal Board see fit to deny the Opposer's request and approve the Applicant's registration.

Sincerely,

/Yoel E. Novick/

Yoel E. Novick, Esq.

Admitted, New York State Bar and Israel Bar