

TTAB

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

Applicant/Appellant: Dr. Matthias Rath, a citizen of Germany
Application Serial No.: 75/753445
Mark: DR. RATH
Date of Filing: July 19, 1999
Examining Attorney: Janice A. Mooneyham, Law Office 115
Applicant's Attorney of Record: Roy S. Gordet, San Francisco, California



10-21-2002

U.S. Patent & TMOtc/TM Mail Ropt Dt. #39

APPLICANT'S INQUIRY CONCERNING STATUS OF APPEAL

On April 29, 2002, under a Certificate of Express Mail, the above-referenced Applicant/Appellant filed a "Notice of Ex Parte Appeal".

On June 27, 2002, under a Certificate of Express Mail, the above-referenced Applicant/Appellant filed an "Applicant's Brief on Ex Parte Appeal", along with an Index of Exhibits. Applicant has received self-addressed cards acknowledging receipt of both of these important documents at the Trademark Trial & Appeal Board.

According to the USPTO's TARR database, the "Current Status" is: "Appeal Received at TTAB".

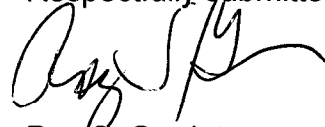
However, under the Prosecution History in the TARR database entry, there is no entry indicating that the Ex Parte Appeal has been "instituted". This is noteworthy because for a companion appeal of Application Serial No. 75753597 for the mark RATH, the TARR printout indicates that the Ex Parte Appeal was "instituted" on June 24, 2002, according to its "Prosecution History". Applicant has received documents related to a briefing schedule, etc. for this companion appeal. Needless to say, we have received no such documents for the appeal of Application Serial No. 75753445.

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Thus, it appears as though the TTAB has not moved forward with this ex parte appeal. Applicant/Appellant by this submission requests that the TTAB process this ex parte appeal pursuant to its rules and regulations.

If the undersigned attorney for Applicant/Appellant may be of any assistance, please contact the undersigned attorney. In any case, we respectfully request that the TTAB contact the undersigned attorney as to the current status of this appeal, and that the ex parte appeal proceed without further delay.

Respectfully submitted,



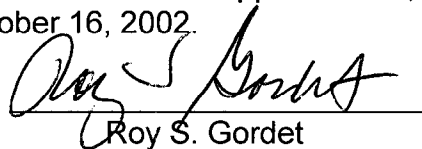
Roy S. Gordet
Attorney for Dr. Matthias Rath,
Applicant and Appellant

Roy S. Gordet
Attorney at Law
98 Battery Street, Suite 601
San Francisco, CA 94111
Tel. 415-627-0300
Fax 415-627-9020

CERTIFICATE OF MAILING

I certify that this document is being deposited with the United States Postal Service, First Class Postage pre-paid, addressed to the Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, CA 22202-3513 on October 16, 2002.

Dated: October 16, 2002



Roy S. Gordet