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TRADEMARK  
120431-8070

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Cemex, S.A. de C.V.  
U.S. Serial No. : 76/203,565  
Mark : CXNETWORKS  
Filing Date : February 1, 2001  
Trademark Attorney : Leigh Caroline Case  
Law Office : 105



04-05-2004  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

745 Fifth Avenue  
New York, New York 10151

**FIRST CLASS MAIL**

I 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, 2900 Crystal Drive, Arlington, VA 22202-3514, on April 1, 2004.

A. Thomas S. Safford, Reg. No. 21,002

Name of Applicant, Assignee or Registered Representative

Signature

April 1, 2004

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**NOTICE OF APPEAL**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Madame:

It is understood that this application may have already been approved for publication (in view of the TEAS Amendment sent and acknowledged March 23, 2004).

See the attached copy of a March 29, 2004 e-mail from Examiner Case stating that:

"I will approve the case for publication of the mark when I receive the file from our text editor."

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A Final Refusal was mailed October 1, 2003 (resulting in a deadline for putting this case in condition for publication or appeal by today, April 1, 2004).

In the event that an appeal is necessary to maintain the pendency of this application; then Applicant hereby appeals to the Trademark Trial and Appeal Board to register the above referenced mark. Please charge any fees that may be due or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

This Notice is filed in triplicate.

The early issuance of a Notice of Publication is respectfully urged. If for any reason the Amendment filed March 23, 2004 is insufficient to place this case in condition for publication, then a response indicating the remaining deficiencies is respectfully requested.

Respectfully submitted,

**FROMMER LAWRENCE & HAUG LLP**  
Attorneys for Applicant

By: 

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**Safford, Thomas**

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**From:** Case, Leigh Caroline [Leigh.Case@USPTO.GOV]  
**Sent:** Tuesday, March 30, 2004 8:06 AM  
**To:** Safford, Thomas  
**Subject:** RE: Serial No. 76/203,565 for CXNETWORKS (our file 120431-8070)

Hello and thanks for your e-mail message. I can see that you filed both a paper copy and an electronic copy of your amendment to the recitation of services. Thanks. I have reviewed the "clean version" of the recitation of services, and the recitation is acceptable. I will approve the case for publication of the mark when I receive the file from our text editor. (All approved files are then reviewed by the Trademark Commissioner's Office, but I don't expect there to be any changes requested.)

Best regards. --Leigh Case.

-----Original Message-----

**From:** TSafford@flhlaw.com [mailto:TSafford@flhlaw.com]  
**Sent:** Monday March 29, 2004 4:31 PM  
**To:** Case, Leigh Caroline  
**Subject:** RE: Serial No. 76/203,565 for CXNETWORKS (our file 120431-8070)

Dear Ms. Case:

This application is due for appeal on Thursday, April 1, 2004.

In view of the short time remaining, I filed a TEAS Amendment (with the signed written Amendment attached as "evidence") on last Tuesday, March 23, 2004.

I hope and expect that with this Amendment should meet satisfactorily all of the remaining objections, and that it should now be ready for passing on for publication (in advance of my appeal deadline and your quarterly PTO deadline).

Please let me know the status of this case; so that I can update our docket. Let me know as soon as possible, if there are any remaining issues.

I expect to be telecommuting tomorrow, so I look forward to your e-mail response.

Best regards.

Tom Safford

P.S. I note that in the first line of the Remarks (in the written Amendment attached as "evidence"), I inadvertently referred to the "acceptance of the deletion of the section 1(d) basis". For the record, this should, of course, have read "acceptance of the deletion of the section 1(b) basis".

ATSS

-----Original Message-----

**From:** Case, Leigh Caroline [mailto:Leigh.Case@USPTO.GOV]  
**Sent:** Wednesday, March 17, 2004 5:12 PM  
**To:** Safford, Thomas  
**Subject:** RE: Serial No. 76/203,565 for CXNETWORKS (our file 120431-8070)

Hello again. I will be working every day (most weekends, too!) until 4/1. We have a midyear deadline here at the Trademark Office.

Best regards. --Leigh Case.

-----Original Message-----

**From:** TSafford@flhlaw.com [mailto:TSafford@flhlaw.com]  
**Sent:** Wednesday March 17, 2004 4:03 PM  
**To:** Case, Leigh Caroline  
**Cc:** mariadelapaz.fernandez@cemex.com  
**Subject:** RE: Serial No. 76/203,565 for CXNETWORKS (our file 120431-8070)

Thank you for your prompt reply.

I will hope to send an Amendment soon. Let me know, if you will be unavailable for any significant time period between now and the April 1, 2004 FINAL deadline.

Regards.

ATSS

-----Original Message-----

**From:** Case, Leigh Caroline [mailto:Leigh.Case@USPTO.GOV]  
**Sent:** Wednesday, March 17, 2004 1:29 PM  
**To:** Safford, Thomas  
**Subject:** RE: Serial No. 76/203,565 for CXNETWORKS (our file 120431-8070)

Hello and thanks for your e-mail. I can see that I left out the wording "research and development for others relative to computers" in Class 42. My apologies. The wording is acceptable for Class 42.

Best regards. --Leigh Case.

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