

Applicant : Nettek A/S
Serial No. : 76/348,083
Filed : December 11, 2001
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TRADEMARK
Attorney's Docket No.:13769-003001

confirmation that the cited registration was cancelled pursuant to the voluntary surrender by Registrant.

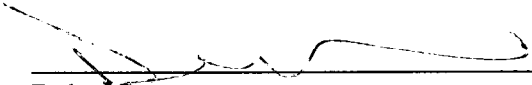
On August 3, 2004, the Examining Attorney spoke with the undersigned confirming withdrawal of the refusal based on the cited (now cancelled) registration, and requesting additional revisions to the identification of goods and services. A Notice of Continuation of Final Refusal issued on August 18, 2004 indicating that the case had been forwarded to the Board for further action and on August 24, 2004 the Board issued an action resuming the appeal.

Applicant has filed, simultaneous with this Motion, a response to the Examining Attorney's request of August 3, and therefore requests that jurisdiction be restored to the Examining Attorney for further consideration of Applicant's response.

Please apply any charges or credits to Deposit Account No. 06-1050 (13769-003001).

Respectfully submitted,

Date: 10/9/04


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Attorneys for Applicant,
NETTEST A/S

DXS/dxs

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****of Response to Office Action ONLY.****

Examining Attorney: THOMPSON, HEATHER
Serial Number: 76/348083



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nettek A/S
Serial No. : 76/348,083
Filed : December 11, 2001
Mark : NETTEST and three stripes design
Law Office : 103
Examiner : Heather D. Thompson

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

RESPONSE TO OFFICE ACTION

This is in response to the Notice of Continuation of Final Refusal dated August 18, 2004.

AMENDMENT

Please delete the identification of goods and services and insert the following:

Computers; computer software; fiber optics; fiber optic cable; fiber optic test and measuring units, namely electronic devices for test and measurement of optical characteristics of fiber optic cable; fiber optic microscopes; optical time domain reflectometers; electronic fiber fault location units, namely electronic devices for identifying and locating anomalies in fiber optic cables; optical test meters; optical spectrum analyzers; variable attenuators; chromatic dispersion measuring units, namely electronic devices for measuring and characterizing chromatic and polarization mode dispersion effects; fiber identifiers; bare fiber adapters; handheld fiber inspection microscopes; software for analyzing, reporting and printing optical spectrum analyzer data and optical time domain reflectometer data; optical attenuators; multiplexers/demultiplexers; and channel equalizers, all for installing, monitoring, optimizing, testing, analyzing, trouble-shooting, fault localization, supervision, measuring, and surveillance

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, or is being facsimile transmitted to the Patent and Trademark Office, on the date indicated below.

Date October 7, 2004

Signature Darlene J. Morin

Typed or Printed Name of Person Signing Certificate Darlene J. Morin

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TRADEMARK
Attorney's Docket No.: 13769-003001 / T 2001-01087
US LPR/SLA

of telecommunication, fiber optic, mobile, backbone and wireless networks in International Class 9;

Installation, repair and maintenance of fiber optic, mobile, backbone and wireless network equipment and systems in International Class 37;

Telecommunications services, namely, providing access to a global computer network for purposes of providing remote monitoring, analysis and optimization of fiber optic, mobile, backbone and wireless networks in International Class 38;

Optimization, quality assurance, trouble-shooting, fault localization, checking, supervision, measuring, surveillance and testing of fiber optic networks; consulting services in the field of fiber optic, mobile, backbone and wireless networks; administration, management and monitoring of fiber optic, mobile, backbone and wireless network equipment and systems for others in International Class 42

REMARKS

In a telephone conversation on August 3, 2004, the Examining Attorney agreed to the terms "optimization" and "fault localization" – both of which are industry terms. Applicant has further amended the identification to clarify the term "units" and believes the revised identification of goods and service is accurate and addresses the Examining Attorney's concerns.

It is submitted that the application is in condition for publication, and early favorable action is requested. Please apply any charges or credits to Deposit Account No. 06-1050 (13769-003001).

Respectfully submitted,

Date: 10/14/04


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