

Ex parte

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	:	Ferton Holding S.A.	:	
	:		:	
	:		:	Jeffrey S. DeFord
Serial No.	:	76/405,002	:	Examining Attorney
	:		:	Law Office 115
Filed	:	May 8, 2002	:	
	:		:	
Trademark	:	LITHOCLAST ULTRA	:	
	:		:	
OFGS Ref	:	T/3425-15	:	

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

AMENDMENT TO ALLEGE USE UNDER § 37 C.F.R. 2.76

Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, VA 22202-3514
 Attn: Box RESPONSES -- FEE

01/05/2004 KGIBBONS 00000181 76405002

01 FC:6002

100.00 DP

1. The above-identified applicant has adopted and is now using the attached mark in commerce for the goods identified in the application and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

2. The mark was first used on or in connection with the goods anywhere at least as early as August 1995; was first used in commerce on or in connection with the goods at least as early as August 1995; and is now in use in commerce.

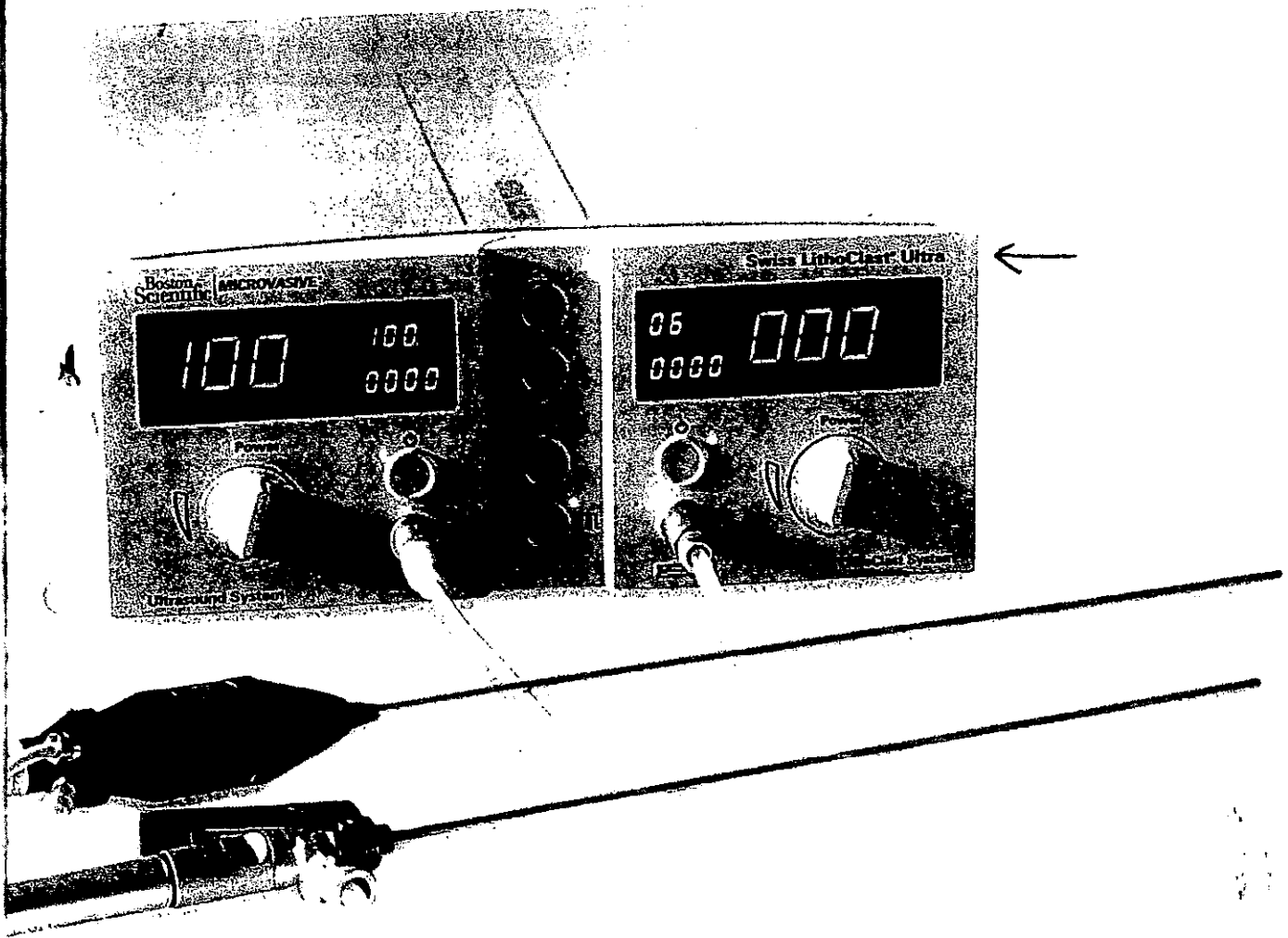
3. A specimen showing the mark as actually used on or in connection with the goods in commerce is presented herewith.

4. The mark is used in commerce by a party related to Applicant.

5. The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this paper on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

FERTON HOLDING S.A.

By: Bernd Bühner
Name: BERND BÜHNER
Title: Administrator
Date: 18- Nov - 2003



to

specimen retention system.
sterile specimen container
connect the long tubing to
endpiece and connect the
through the pinch valve to the

ments for analysis, drain
and attach the retention

d to

efficiency

The Versatility and Reliability of Standard LithoClas and More

- Four sizes of rigid pneumatic probes for use in the kidney, ureter and bladder
- Flex Probe for use through flexible endoscopes
- New and improved LithoVac Ultra suction system
- Swiss designed and manufactured

**Boston
Scientific**

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December 11, 2003

Commissioner for Trademarks

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ATTN: Box ITU — FEE

Re: OFGS File : T/3425-15
Applicant : Ferton Holding S.A.
Mark : **LITHOCLAST ULTRA**
Serial No. : 76/405,002
Class : 10
Filed : May 8, 2002



12-15-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

S I R:

Enclosed for filing in the above-identified application are the following:

- ◆ Amendment to Allege Use Under § 2.76, with Declaration
- ◆ Specimen of use
- ◆ OFGS Check in the amount of \$100.00 in payment of the Government Filing Fee for the Statement of Use; and
- ◆ Return-Addressed Post Card

If the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee is due during the prosecution of this case, the PTO is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on December 11, 2003.

Respectfully submitted,

Peter S. Sloane

Name of applicant, assignee or
Registered Representative

Signature

December 11, 2003

Date of Signature

Peter S. Sloane

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Encls.

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