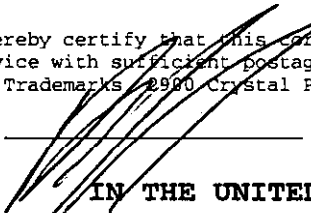


Docket No.: PR 214 M-US

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 for Trademarks, 2980 Crystal Place, Arlington, Virginia 22202-3513.

By:  Date: January 26, 2004

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

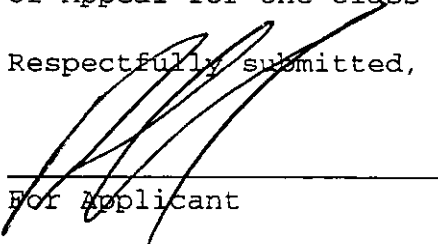
in re:)
)
76/421,229)
)
Metzeler Reifen GmbH (original))
Pirelli Pneumatici S.p.A. (assignee))
)
June 14, 2002)
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DIABLO)
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NOTICE OF APPEAL

Applicant, pursuant to Trademark Rule 2.141, hereby appeals to the Trademark Trial and Appeal Board from the Examining Attorney's refusal of registration dated July 31, 2003. Applicant filed a response to the final Office Action on January 8, 2004, which was received in the Trademark Office on January 12, 2004. Since the Examining Attorney did not have time to review the response before the due date, applicant is filing a Notice of Appeal to reserve his rights to file an Appeal.

Enclosed please find a credit card payment for filing a Notice of Appeal for one class in the amount of \$100.00.

Respectfully submitted,



**RALPH E. LOCHER
REG. NO. 41,947**

For Applicant

Date: January 26, 2004

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, FL 33022-2480
Tel.: (954) 925-1100
Fax : (954) 925-1101



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