

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Class: 9
Innotek, Inc.)
Serial No.: 76/527,873) Trademark Attorney: Nicholas K.D. Altree
Filed: June 26, 2003)
Mark: INVISIBLE TECHNOLOGIES) Law Office 108

REQUEST TO REMAND CASE TO EXAMINER

MEX

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

Sir:

Applicant filed a Notice of Appeal in this case on January 18, 2005, responsive to a Final Rejection dated July 16, 2004. A proposed consent agreement to overcome the final rejection was sent to the Examiner on January 21, 2005 and the undersigned conducted a telephone conference with the Examiner regarding the Consent Agreement on January 26, 2005. The Examining Attorney tentatively agreed that the proposed consent agreement should place this application in condition for allowance, and requested that the signed consent agreement be filed along with a request to remand this case to the Examining Attorney. Accordingly, Applicant herewith submits the executed consent agreement, and respectfully requests the Board to remand this case to the Examining Attorney for final disposition and allowance.

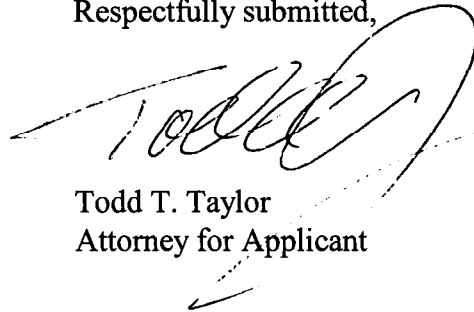


02-16-2005

U.S. Patent & TMOc/TM Mail Rcpt Dt. #64

Should any questions concerning any of the foregoing arise, the Examining Attorney is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Todd T. Taylor
Attorney for Applicant

TTT/mb

TAYLOR & AUST, P.C.
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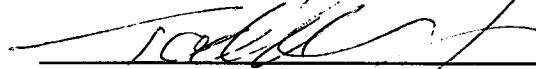
Enc.: Return postcard

CERTIFICATE OF MAILING

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: February 11, 2005.

Todd T. Taylor, Reg. No. 36,945

NAME OF REGISTERED REPRESENTATIVE



SIGNATURE

February 11, 2005

DATE

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CONSENT TO REGISTRATION - AGREEMENT

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

Sir:

1. INVISIBLE FENCE, INC. is the owner of U.S. Registration No. 1,765,230 (INVISIBLE) for use with an electrical animal confinement system comprising a transmitter, wire and receiver.
2. INVISIBLE FENCE, INC. is also the owner of a number of other U.S. trademark registrations and applications including the word "invisible".
3. INNOTEK, INC. has applied for and seeks registration of the mark INVISIBLE TECHNOLOGIES as identified in pending U.S. Trademark Application Serial No. 76/527,873.
4. INVISIBLE FENCE, INC. and INNOTEK, INC. are sister companies to each other, as evidenced by the web pages at the web site www.invisibletech.com.
5. INVISIBLE FENCE, INC. consents to the use and registration by INNOTEK, INC. of the trademark INVISIBLE TECHNOLOGIES, for use with the goods as specified in pending U.S. Trademark Application Serial No. 76/527,873.
6. INVISIBLE FENCE, INC. and INNOTEK, INC. do not believe that confusion would exist in the minds of prospective or actual purchasers, based upon use of the mark INVISIBLE TECHNOLOGIES by INNOTEK, INC. However, to the extent that examples of confusion are brought to their attention, INVISIBLE FENCE, INC. and INNOTEK, INC. will take necessary steps to avoid and mitigate any such confusion.
7. INVISIBLE FENCE, INC. will take no action to interfere with the use and registration of the mark INVISIBLE TECHNOLOGIES by INNOTEK, INC.

In witness whereof the parties have caused this Agreement to be executed by their duly authorized representatives.

INVISIBLE FENCE, INC

By: 

Title: VICE-PRESIDENT

Date: 2/02/2005

INNOTEK, INC

By: 

Title: VICE-PRESIDENT

Date: 2/02/2005