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September 11, 2006

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-000031

Attention: **BOX TTAB - FEE**

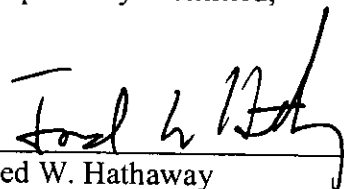
Re: Oscient Pharmaceuticals Corporation
U.S. Trademark Application No. 78/366,336
Mark: OSCIENT PHARMACEUTICALS
Attorney Docket: 1032796-000230

Commissioner:

Attached hereto with respect to the above-identified application is a Notice of Appeal, a Request to Suspend Appeal and Remand Application for Further Examination, and a Second Request for Reconsideration.

Please charge \$100.00 to cover the statutory fees to the undersigned's American Express account. A Credit Card Payment Form authorizing payment is attached. Should the above amount prove insufficient, please charge any additional fees to our Deposit Account No. 02-4800.

Respectfully submitted,



Fred W. Hathaway

FWH/rbc
Enclosures

09-11-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #32

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

In Re Application of :
: Oscient Pharmaceuticals Corporation :
Serial No. 78/366,336 : Attn: Box TTAB - Fee
: Filed: February 11, 2004 :
: Mark: OSCIENT PHARMACEUTICALS :
: Attorney Docket No.: 1032796-000230 :

NOTICE OF APPEAL

To The Trademark Trial and Appeal Board:

Applicant hereby appeals to the Trademark Trial and Appeal Board from the final decision of the Examiner of Trademarks refusing registration for the mark in International Class 9.

Please charge \$100.00 to cover the statutory fees to the undersigned's American Express account. A Credit Card Payment Form authorizing payment is attached. Should the above amount prove insufficient, please charge any additional fees to our Deposit Account No. 02-4800.

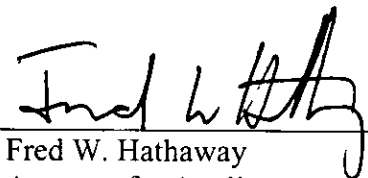
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100.00 OP

Respectfully submitted,

Oscient Pharmaceuticals Corporation

By 
Fred W. Hathaway
Attorney for Applicant

Buchanan Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: 9/11/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of	:	
	:	Examining Attorney:
Oscient Pharmaceuticals Corporation	:	Carrie Achen
	:	
Serial No. 78/366,336	:	Law Office: 115
	:	
Filed: February 11, 2004	:	Box: Responses - No Fee
	:	
Mark: OSCIENT PHARMACEUTICALS	:	
	:	
Attorney Docket No.: 1032796-000230	:	

SECOND REQUEST FOR RECONSIDERATION

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

Commissioner:

Responsive to the Final Office Action of March 9, 2006, please amend the above-identified application as follows:

Please delete the identification of goods in International Class 5 only in the application and on the drawing and substitute therefor the following:

-- PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT, PREVENTION AND/OR ALLEVIATION OF CONDITIONS AND DISORDERS RELATING TO THE CARDIOVASCULAR SYSTEM, HEMATOLOGY, BACTERIAL AND VIRAL INFECTIONS, ONCOLOGY, PSYCHIATRY, NEUROLOGY, ENDOCRINOLOGY, NEPHROLOGY, ALLERGIES AND IMMUNOLOGY, PAIN MANAGEMENT, OSTEOPOROSIS, DERMATOLOGY, GASTROENTEROLOGY, OTOLARYNGOLOGY, RHEUMATOLOGY, ORTHOPEDICS, PNEUMOLOGY, AND NUTRITION; BIOLOGICAL PREPARATIONS FOR MEDICAL LABORATORY, CLINICAL, VETERINARY, AND MEDICAL PURPOSES. International Class 5 --

REMARKS

As required by the Examining Attorney, the identification of goods in International Class 5 has been amended. It is respectfully submitted that the amended identification is sufficient for purposes of registration.

It is understood that the services in International Class 42 of record have not been objected to and no amendment to these services has been presented above.

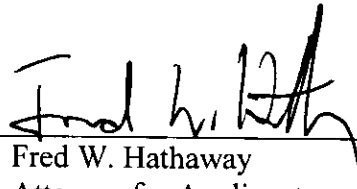
Should additional informalities remain, the favor of a telephone call to the undersigned is respectfully requested.

Further and favorable consideration is earnestly solicited.

Respectfully submitted,

Oscient Pharmaceuticals Corporation

By:



Fred W. Hathaway
Attorney for Applicant

Buchanan Ingersoll & Rooney PC
Post Office Box 1404
Alexandria, Virginia 22313-1404
Telephone: (703) 836-6620

Date: 9/11/06

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

In Re Application of :
Oscient Pharmaceuticals Corporation :
Serial No. 78/366,336 : Attn: Box TTAB
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Attorney Docket No.: 1032796-000230 :

**REQUEST TO SUSPEND APPEAL AND
REMAND APPLICATION FOR FURTHER EXAMINATION**

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

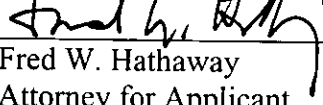
Commissioner:

Applicant respectfully requests, pursuant to 37 C.F.R. 2.142(d), that the appeal proceedings filed in connection with the above-identified application be suspended and the application remanded to the Examining Attorney for further examination.

A Request for Reconsideration and Notice of Appeal are being filed concurrently herewith.

Respectfully submitted,

Oscient Pharmaceuticals Corporation

By: 
Fred W. Hathaway
Attorney for Applicant

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Date: 9/11/06