

ESTTA Tracking number: **ESTTA167566**

Filing date: **10/09/2007**

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

Application Serial No.	78864725
Applicant	Harmonix Music Systems, Inc.

Notice of Appeal

Notice is hereby given that Harmonix Music Systems, Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 78864725.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following class of goods/services:

- Class 009.

All goods and services in the class are appealed, namely: video games distributed via download and on discs for use by one or more players on computers and over the internet, on video game player machines for use with televisions, namely video game consoles, on handheld units for playing video games, on mobile phones, and on handheld music players, namely portable digital electronic devices for organizing, transmitting, manipulating, reviewing and listening to audio files, and on MP3 players

Respectfully submitted,
/Heather E. Balmat/
10/09/2007

HEATHER E. BALMAT

CHOATE, HALL & STEWART LLP

ATTN: TRADEMARK ADMINISTRATOR TWO INTERNATIONAL PLACE

BOSTON, MA 02110

UNITED STATES

tmadmin@choate.com

617-248-5000