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

Application Serial No.	79226894
Applicants	Mark Herron and Orthoracle Limited

## Notice of Appeal

Notice is hereby given that Mark Herron and Orthoracle Limited appeal to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79226894.

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

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

- Class 010. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Surgical, medical, dental and veterinary apparatus and instruments, namely, medical and surgical implants made of artificial materials, surgical splints, surgical and medical apparatus and instruments for use in orthopaedic surgery, surgical instruments for use in ophthalmic surgery, medical and surgical laparoscopes, medical and surgical knives and cutters for cutting human or animal tissue and organs, medical and surgical catheters, electric scalpels for surgical purposes, dressing forceps for surgical use, surgical staples, surgical clips, medical device and surgical instruments for use in diagnosis and surgery of the gastro-intestinal tract, surgical and medical apparatus and instruments for use in general surgery, drainage appliances for surgical procedures, surgical forceps, surgical pliers, surgical perforators, surgical scissors, surgical compressors; artificial limbs, eyes and teeth; orthopaedic articles, namely, orthopaedic footwear, orthopaedic inserts for footwear, orthopaedic cushions, orthopaedic splints, orthopaedic prostheses, orthopaedic insoles, orthopaedic soles, orthopaedic implants made of artificial materials, orthopaedic braces, orthopaedic belts, orthopaedic knee bandages, orthopaedic walkers, orthopaedic supports, orthopaedic devices for diagnostic and therapeutic use, orthopaedic fixation devices; suture materials; therapeutic and assistive devices adapted for the disabled, namely, walking frames, bathtub rails, dressing sticks, and toilets; medical products being therapeutic mattresses, beds, seats and cushions; massage apparatus; apparatus, devices and articles for nursing infants, namely, nursing bottles, cups and dishes adapted for feeding babies and children, intravenous feeding tubes and bottles, baby feeding dummies and pacifiers, oral syringes, enteral feeding pumps
- Class 041. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Education, namely, providing online classes in the medical field; education, namely, providing online classes in the field of medical surgery and orthopaedic surgery via the Internet; education, namely, providing online classes in the medical field via virtual reality; education, namely, providing online classes in the field of medical surgery and orthopaedic surgery via virtual reality; education, namely, providing online classes in the medical field via augmented reality; education, namely, providing online classes in the field of medical surgery and orthopaedic surgery via augmented reality; education, namely, providing a website featuring online classes in the fields of medicine, medical surgery and orthopaedic surgery; providing a website featuring academic information in the field of medical surgery and orthopaedic surgery for the purpose of academic study; providing online classes in the field of medical surgery and orthopaedic surgery; education, namely, providing online classes in the field of education regarding healthcare; education, namely, on-line academic library services in the field of medical surgery and orthopaedic surgery; education, namely, providing continuing professional education online classes and education courses and seminars in the field of medical surgery and orthopaedic surgery; providing of training in the field of medical surgery and orthopaedic surgery; education, namely, medical training and teaching; providing online non-downloadable resource guides for medical professionals; education, namely, providing on-line non-downloadable articles in the field of medicine, medical surgery and orthopaedic surgery

Respectfully submitted,  
/rlederman/  
04/15/2019

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