



TTAB

07-08-2002

U.S. Patent & TMOs/TM Mail Rcpt Dt. #26

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application  
Serial Number 76/110770,  
for the mark SERCOS

Attorney Docket No. MQM009US01

Sarcos L.C.	)
	)
Opposer	)
	)
v.	)
	)
Interessengemeinschaft Sercos	)
Interface E.V.	)
	)
Applicant.	)

Opposition Number 91151528

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 JUL 15 AM 12:09

Albert Zervas, Esq.  
Box TTAB, NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**RESPONSE**

Dear Mr. Zervas:

In our conversation on June 14, 2002 I advised you that it had come to the attention of the undersigned that the subject application for the mark SERCOS had been Published for Opposition showing the mark covered goods in Class 9. This is incorrect. The subject application was filed as a Collective Trademark/Service Mark Application. In the application the Applicant requested registration of the Collective Mark for digital interfaces in numerically controlled machines for providing communication between

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controls and drives these goods being in Class 9. However, Applicant believes that the application properly should be classified in Class 200.

In our conversation I advised that I had contacted the Examiner to whom the original application was assigned, this being Ms. Lesley LaMothe, Law Office 103. Ms. LaMothe stated that in her opinion the Trademark Office made a mistake when the application was filed and had not classified it as a Collective Membership Mark. It was her opinion that the subject application should be returned to her so that the error in classification could be corrected. In our conversation you advised that you would look into this matter and get back to me. You inquired as to whether I had any objection to returning the application to Examiner LaMothe where it would be corrected and thereafter be published. I advised I had no objection to this.

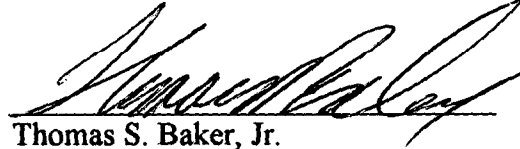
On June 28, 2002 I received a phone call from you and you advised that the file for the subject Collective Trademark Application was not on the shelf where it should be and could not be located. Additionally, the Opposition file could not be located. You confirmed that the application was published in the Official Gazette in Class 9. Until the file is located, the classification error cannot be corrected. You advised everything is on hold until the file is located.

I look forward to hearing from you in due course.

Thank you for your help in this matter.

Respectfully submitted,

Date: 01/20/02



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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

Attorney Docket No. MQM009US01

In the matter of Application Serial Number 76/110770

for the mark SERCOS

Opposition Number: 91151528

Thomas S. Baker, Jr.

(Name of Party Filing Paper)

A RESPONSE, A CERTIFICATE OF MAILING AND A RETURN RECEIPT

(Identify the type of paper)

POSTCARD

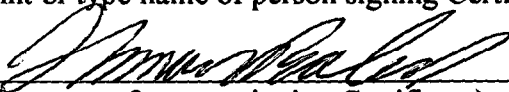
I hereby certify that the above-identified correspondence, which is attached is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Albert Zervas, Esq.  
Box TTAB, NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

on 01 JULY 2002

Thomas S. Baker, Jr.

(Print or type name of person signing Certificate)

  
(Signature of person signing Certificate)

01 JULY 2002

(Date of Signature)