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October 11, 2005

Ms. Maria Victoria Suarez
Trademark Examining Attorney, Law Office 102
United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451 USA

Re: Apex Energetics, Inc.'s Application for Registration of "CELLEGION"
Trademark; USPTO Serial Number 78/312414 – REQUEST FOR AMENDMENT

Dear Ms. Suarez:

I represent Applicant Apex Energetics, Inc. as their legal counsel in the prosecution of the above-referenced trademark application.

On September 21, 2004, Cellegy Pharmaceuticals, Inc. filed an opposition against Apex's mark, which opposition was suspended on March 22, 2005. During this time the parties negotiated and reached a compromise agreement whereby Cellegy would withdraw its opposition to Apex's application if the application could be amended so as to change its statement of goods to "nutritional supplements" in International Class 005.

On behalf of Apex Energetics, Inc., and with the concurrence of Opposer Cellegy Pharmaceuticals, Inc., I hereby request that Applicant's trademark application Serial No. 78/312,414 be amended so as to replace its current goods description of a "housemark for a full line of nutritional, homeopathic and herbal preparations; nutritional, homeopathic and herbal preparations for general immune support, for treatment of immune function, for immune system modulation, and immune related issues" and state instead that its CELLEGY trademark shall apply as to "nutritional supplements."

If you have any questions about this Request for Amendment or my client's application, please feel free to contact me at scott@rivieramail.com or by calling me at (415) 244-1813. Thank you.

Sincerely yours,



Scott C. Tips

SCT:mmm



10-18-2005