

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: March 27, 2007

Opposition No. 91175439

Heraeus Kulzer GmbH

v.

78866714

Absher, Mark

Tina Craven, Paralegal Specialist:


Answer was due in this case on March 12, 2007. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until *thirty days* from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

04-09-2007

U.S. Patent & TMO/TM Mail Rcpt Dt #34

SUSAN HOLLAR, D.D.S.

 Accredited Member of the American Academy of Cosmetic Dentistry

The Art of Dentistry
April 4, 2007

United States Patent and Trademark Office
Trademark Trial and Appeal Board
Attention: Tina Craven
PO Box 1451
Alexandria, VA 22313-1451


Dear Tina Craven,

I am in receipt of the attached letter concerning our trademark Venus Veneers. I understood that I would first receive Heraeus Kulzer's arguments before making my appeal. I am not a lawyer and obviously not prepared to battle a New York law firm over this Trademark. However, I will give you my arguments as to why I should retain this trademark.

1. There are two very distinct types of dental restorations. One is a "porcelain" veneer that is made indirectly outside of the mouth in a dental laboratory. The main ingredient is glass or ceramic. It must be fired outside of the mouth at over 1000 degrees F. This is known as our "Venus Veneer".
The second type of restoration is a "chemical" composite resin filling material. This is a composite or plastic material that is placed directly on the tooth inside of the mouth. It requires no baking in an oven or outside dental laboratory. This is Kulzer's "Venus" product.
2. There is no confusion in the dental community – labs and dentists as sighted or to anyone who has knowledge of cosmetic dentistry between the two materials and type of service.
3. If there was confusion and great damage to be caused, why didn't Kulzer copyright the name in 2002? We thought of it first.
4. We started using the term Venus Veneers in 1996 when this became our logo.
5. The Venus Veneers are marketed to our patients and not to dentists or labs. Venus composite is marketed to dentists not the public. Their claim of damage is ridiculous.
6. Removing the name we coined will cause confusion in our patient's minds and cause our business damage.
7. The U.S. Patent and Trademark attorney's investigation saw no conflict in granting us the trademark in the first place.

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SUSAN HOLLAR, D.D.S.

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The Art of Dentistry

8. I noted 14 "Venus" apparel trademarks – all having to do with different types of clothing. In the mouth, composite fillings is like comparing shoes to a hat. They are both clothing but serve very different purposes.

I hope this is helpful in our cause.

Sincerely,



Mark Absher