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

Proceeding	92043985
Party	Defendant Lisane Aesthetics, Inc. Lisane Aesthetics, Inc. 16902 MILLIKAN AVENUE IRVINE,, CA 926065012
Correspondence Address	J. Mark Holland J. Mark Holland & Associates 3 San Joaquin Plaza, Suite 210 Newport Beach, CA 92660 UNITED STATES office@jmhlaw.com
Submission	Other Motions/Papers
Filer's Name	Lynne M.J. Boisineau
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Date	12/16/2005
Attachments	LettertoTTAB.pdf ( 2 pages )

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J. MARK HOLLAND, PC  
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PATENT, TRADEMARK, COPYRIGHT,  
AND RELATED MATTERS

December 16, 2005

BOX TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Petitioner's Opposition and Motion  
Wella Aktiengesellschaft, Petitioner v. Lisane Aesthetics, Inc., Registrant  
In the matter of Trademark Registration No. 1910985; Cancellation No. 92013985  
For the Mark MAGMATHERAPY ®;  
Our Docket: LISAN-T1788.1

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Dear Commissioner,

We are in receipt of PETITIONER'S OBJECTIONS TO AND MOTION TO STRIKE DECLARATIONS OF ZU'BI AND DUNCAN AND REGISTRANT'S REPLY BRIEF BASED THEREON filed by Petitioner Wella Aktiengesellschaft dated December 7, 2005.

We presume you will not be considering this motion based on Rule 37 CFR §2.127 (e)(1) in connection with a motion for summary judgment:

If no motion under Rule 56(f) is filed [and none was filed in this case], a brief in response to the motion for summary judgment shall be filed within 30 days from the date of service of the motion unless the time is extended by stipulation of the parties approved by the Board, or upon motion granted by the Board, or upon order of the Board. ... The Board may, in its discretion, consider a reply brief. A reply brief, if filed, shall be filed within 15 days from the date of service of the brief in response to the motion. The time for filing a reply brief will not be extended. No further papers in support of or in opposition to a motion for summary judgment will be considered by the Board. (emphasis added).

Please advise our office of your intent regarding petitioner's motion. If for some reason the TTAB is NOT going to apply the foregoing rule, Registrant respectfully requests notice of same and an opportunity to respond to Petitioners belated motion..

Best regards,

J. Mark Holland & Associates,  
a Professional Law Corporation




Lynne M.J. Boisineau

LMB:lmh

cc: Gregory B. Wood, Counsel for Petitioner  
John Carson, Counsel for Petitioner  
Miles Yamanaka, Counsel for Petitioner

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing **Letter to Commissioner for Trademarks regarding Petitioner's Opposition and Motion** this 16<sup>th</sup> day of December, 2005, to Gregory B Wood, Esq., Fulbright & Jaworski L.L.P., 555 South Flower Street, 41<sup>st</sup> Floor, Los Angeles, CA 90071, the attorney for Petitioner, via U.S. mail.



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Lindy M. Herman