

TTAB

TRADEMARK  
452301-8005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : IPSEN, Société Anonyme

Mark : **IPSEN and Design**

Serial No. : 79/002,056

Filing Date : March 19, 2004

Examining Attorney : Sean W. Dwyer

Law Office : 103

745 Fifth Avenue  
New York, New York 10151

FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Commissioner For Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451**, on July 18, 2005.

Marilyn Matthes Brogan, Reg. No. 31,223

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

*Marilyn M Brogan*  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
July 18, 2005

\_\_\_\_\_  
Date of Signature

NOTICE OF APPEAL

Commissioner For Trademarks

~~07/25/2005 KIBBONS 00000003 79002056~~

~~01 FC:6403~~ Alexandria, VA 22313-145114  
~~100.00 OP~~

Sir:

In response to the Final Refusal dated January 19, 2005, Applicant hereby appeals to the Trademark Trial and Appeal Board from the refusal to register the above referenced mark. A check in the amount of \$100.00 is enclosed to cover the fee for the Notice of Appeal.

07/25/2005 KIBBONS 00000003 79002056

01 FC:6403

100.00 OP



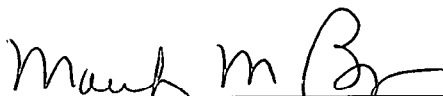
**TRADEMARK**  
**452301-8005**

This paper is being filed together with an Amendment After Final Refusal and Request For Reconsideration.

Please charge any additional fees or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By:   
Marilyn Matthes Brogan  
Reg. No. 31,223

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Signature

July 18, 2005

\_\_\_\_\_  
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**AMENDMENT AFTER FINAL REFUSAL AND REQUEST FOR RECONSIDERATION**

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

Sir:

In response to the Official Action (final refusal) dated January 19, 2005, Applicant respectfully requests that the above-referenced application be amended as follows:

**IN THE IDENTIFICATION OF GOODS AND SERVICES**

Please rewrite the identification of goods and services in classes 3, 31, 32, 41 and 42 to read as follows:

--Soaps for personal use; perfumery, essential oils for industrial use and personal use, cosmetics; hair lotions; and dentifrices, in Class 3;

--Agricultural, horticultural and forestry products, namely plants, flowers, vegetables, fruit, topsoil and unprocessed grains for consumption, in Class 31;

--Mineral and aerated waters and other non-alcoholic beverages, namely, non-alcoholic beverages containing or flavored with tea; fruit beverages and fruit juices; non-alcoholic syrups, extracts for making beverages, in Class 32;

--Training services in the fields of science, health, medicine and beauty; education services, namely, arranging and conducting colloquiums, conferences, conventions, seminars, symposiums in the fields of science, health, medicine and beauty, in Class 41;

--Scientific, medical and industrial research services and research and development services for new products in the fields of science, health, medicine and beauty; design services for chemical products, proprietary medicines, plants and pharmaceutical procedures in production of pharmacologically active substance and preparations of cosmetics; scientific and medical testing and diagnoses of chemical products, pharmaceutical products, cosmetic products, chemical, biological and bacteriological analysis; design and development of computers and software, all above mentioned services provided for others, in Class 42;

--Medical services; veterinary services; providing hygienic and beauty care services for human beings; information services, namely, providing advice and consulting in connection with the medical, pharmaceutical and cosmetic fields, in Class 44--.

**IN THE STATEMENT**

Please add the following:

--The mark comprises a vertical S-shaped curved line which is dissected by two horizontal curved lines with a dot to the right of the curvature of the upper horizontal line together with the term "IPSEN" --; and

--The color dark blue appears in the vertical S-shaped curved line and in the verbiage "IPSEN"; and the color light blue appears in the two horizontal curved line and the dot to the right of the curvature of the upper horizontal line--.

**REMARKS**

The only issues which remain in this application are formal in nature.

First, the identification of goods/services have been criticized as indefinite. Applicant has amended the identification, as set forth above, adopting in large part the proposals of the Examining Attorney, which proposals he is thanked. It is believed that only one of the suggestions of the Examining Attorney does not appear in the instant amendment, that being the suggestion that in Class 1, the recitation of "essential oils for industrial use", further "specify products or field of use, if possible" (Office Action dated January 19, 2005 at page 1).

It is believed that the amended recitation in Class 1, as presented above, is in good form, and that any further specificity with respect to the oils for industrial use is not necessary; indeed, the Action only states that this should be done "if possible". Moreover, a preliminary review of the U.S.P.T.O. database shows that there are a number of U.S. Registrations which have recently issued and which contain a recitation of "essential oils for industrial use", in Class 3, without any further description. See, for example, U.S. Registration Nos. 2,895,092 for the mark MISS

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