

ESTTA Tracking number: **ESTTA1009798**

Filing date: **10/18/2019**

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

Application Serial No.	79239991
Applicant	Bio-Gate AG

Notice of Appeal

Notice is hereby given that Bio-Gate AG appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79239991.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 001. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Chemicals containing elementary silver particles used in agriculture, horticulture and forestry except insecticides and non-antifungal parasiticides; preparations comprising elementary silver particles for use in agriculture, horticulture and forestry except insecticides and non-antifungal parasiticides; chemical substances containing elementary silver particles for preserving foodstuffs; chemical substances containing elementary silver particles for coating or dip coating seeds for preserving the seeds; chemical substances containing elementary silver particles for increasing shelf-life of harvest and crop, namely, grain, vegetables, culinary fruits, tuberous crops, phytomedical plants/herbs, grapes; chemical preparations comprising elementary silver particles for preserving food stuffs; fertilizers containing elementary silver particles; fertilizers containing elementary silver particles in solid form; fertilizers containing elementary silver particles in liquid form; fertilizers comprising elementary silver particles; preparations containing elementary silver particles for fortifying plants; preparations comprising elementary silver particles for fortifying plants; chemical substances containing elementary silver particles for increasing the shelf-life of cut flowers; substances containing elementary silver particles for preserving cut flowers; chemical products containing elementary silver particles for preserving the freshness of cut flowers
- Class 005. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Pharmaceutical preparations for fighting infections or inflammations containing elementary silver particles, medicinal preparations for fighting infections or inflammations containing elementary silver particles and drugs in the nature of pharmaceutical preparations for fighting infections or inflammations containing elementary silver particles; pharmaceutical preparations for wounds containing elementary silver particles; pharmaceutical preparations for fighting infections or inflammations containing elementary silver particles, medical preparations for fighting infections or inflammations containing elementary silver particles and medicines for fighting infections or inflammations containing elementary silver particles and health care preparations in the nature of pharmaceutical preparations for fighting infections or inflammations containing elementary silver particles in the form of ointments, creams, gels, lotions, oils, foams, bath preparations and sprays; pharmaceutical ear care products namely, ear drops and lotions containing elementary silver particles; foot-care preparations for medical purposes, namely, athlete's foot preparations, preparations for treating nail onychomycosis, preparations for the treatment of cracked foot skin, preparations for foot wound-care containing elementary silver particles; tissues for medical use, namely, pre-moistened medicated tissue, wound dressing tissue containing elementary silver particles; disinfectant-impregnated tissues containing elementary silver particles; tissues impregnated with pharmaceutical lotions containing elementary silver particles for the treatment of wounds, sun burns or local inflammations; pharmaceutical and veterinary preparations for fighting infections or inflammations containing elementary silver particles; sanitary preparations for medical containing elementary silver particles; plasters containing elementary silver particles; dressings, medical containing elementary silver particles; medical wound dressings containing elementary silver particles; wound dressings containing elementary silver particles; material for stopping teeth containing elementary silver particles, dental wax containing elementary silver particles; disinfectants containing elementary silver particles; bandages for skin wounds containing elementary silver particles; materials for dressing wounds,

namely, gauze for dressings or bandages, cellulose and cellulose derivatives for dressings, silk for dressings and bandages, alginate for dressings, chitosan for dressings, hydrogels for dressings, polyurethanes for dressings or bandages, polyesters for dressings or bandages containing elementary silver particles; sponges impregnated with antiseptics or anti-inflammatory material for healing wounds containing elementary silver particles; antiseptic preparations for wound care containing elementary silver particles; Sponge material for healing wounds containing elementary silver particles; adhesive bandages for skin wounds containing elementary silver particles; medical adhesives for binding wounds containing elementary silver particles; dental materials for stopping the teeth containing elementary silver particles; dental materials for stopping the teeth on basis of polymers containing elementary silver particles; synthetic materials for dental use for fillings containing elementary silver particles; dental cements containing elementary silver particles; dental lacquer containing elementary silver particles; dental varnishes for sealing teeth for use by dentists containing elementary silver particles; bone cements for orthopedic purposes containing elementary silver particles; bone cements for surgical purposes containing elementary silver particles; bone cement for medical purposes containing elementary silver particles; bone cements for medical orthopedic purposes containing elementary silver particles; bone cements on basis of polymers containing elementary silver particles; absorbent sanitary articles, namely, pants for incontinence, sanitary pads containing elementary silver particles; panty liners containing elementary silver particles; babies' diapers of cellulose or paper containing elementary silver particles; napkins for incontinence containing elementary silver particles; disposable panty liners of cellulose for napkins containing elementary silver particles; impregnated antiseptic wipes containing elementary silver particles; pharmaceutical preparations in the form of emulsions for fighting infections or inflammations containing elementary silver particles; chemical products for the treatment of plant disease, namely, powders, sprays, irrigation liquids, waxes, plasters, filling materials, superabsorber materials containing elementary silver particles; preparations comprising elementary silver particles for the treatment of plant diseases, namely, powders, sprays, irrigation liquids, waxes, plasters, filling materials, superabsorber materials containing elementary silver particles; chemical products for the protection of plants from bacterial and fungal infection, namely, fungicides, bactericides, seed protectants containing elementary silver particles; preparations comprising elementary silver particles for the protection of plants from bacterial and fungal infection for agricultural use

Respectfully submitted,

/Anne Naffziger/

10/18/2019

Anne Naffziger

Leydig, Voit & Mayer, Ltd.

1981 N. Broadway Suite 375

Walnut Creek, CA 94596

UNITED STATES

trademark@leydig.com

9254820100