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

Application Serial No.	88242157
Applicant	A9.com, Inc.

Notice of Appeal

Notice is hereby given that A9.com, Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 88242157.

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 005. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Pharmaceuticals, namely, pharmaceutical preparations and substances for the treatment of viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; medical and veterinary preparations namely, prescription and non-prescription medicines in the form of pills, tablets, capsules, powders, syrups, sprays, gels, creams, caplets, liquid drops, sachets, and solutions for the treatment of viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; sanitary preparations for medical purposes; dietetic food and beverages adapted for medical or veterinary use; dietary supplements for humans and animals; medical and surgical plasters; materials for dressings, namely, sterilized dressings, burn dressings, wound dressings, medical dressings, and surgical dressings; material for stopping teeth, dental wax; disinfectants; ointments for pharmaceutical purposes, namely, antibiotic ointments, anti-fungal ointments, anti-inflammatory ointments, analgesic ointments, hemorrhoidal ointments, medicated ointments for treating dermatological conditions, and anti-itch ointments; ointments for pharmaceutical purposes, namely, medicated ointments for the treatment of viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; lotions for pharmaceutical purposes, namely, medicated lotions for the treatment of viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; lotions for pharmaceutical purposes, namely, pharmaceutical skin care lotions, antibiotic lotions, medicated aftershave lotions, medicated sunburn lotions, anti-fungal lotions, medicated lotions for treating dermatological conditions; pharmaceutical skin lotions; balms for medical purposes
- Class 009. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Pedometers; altimeters; scales; calculating machines; data processing apparatus; computers; downloadable computer software for the transmission, display, and review of messages via computer networks, communication networks and the global information network; downloadable computer software for personal information management; downloadable computer software for accessing, monitoring, organizing, managing and tracking shipments; downloadable computer software for transmitting, storing, manipulating, organizing, recording, and reviewing text, images, audio, video and data, including via global computer networks, wireless networks, and electronic communications networks; downloadable computer software for accessing online information; downloadable computer software for online shopping; downloadable computer software for facilitating payments and online transactions; downloadable computer software for conducting online retail transactions and retail ordering for a wide variety of consumer goods

- Class 010. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Surgical instruments and apparatus; medical apparatus and instruments for diagnosing, examining, treating, and monitoring viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; dental apparatus and instruments, namely, dental picks, dental caps, dental inlays, dental onlays, dental burrs, dental bridges, dental mirrors, dental drills, dental prostheses, dental gloves, dental syringes, dental bite trays, oral irrigators, teeth protectors for dental purposes, X-ray apparatus for dental imaging; medical apparatus and instruments, namely, medical imaging apparatus; medical apparatus for facilitating the inhalation of pharmaceutical preparations; inhalers for medical use; cups for dispensing medicine; testing apparatus for medical purposes, namely, apparatus for diagnosing, examining, and monitoring viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders
- Class 020. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Containers, not of paper or metal, for storage or transport; commercial dispensers for pills or capsules, sold empty; plastic medication containers for commercial use; commercial medical storage apparatus, namely, plastic pill dispensers, plastic pill containers, medication cases, and non-metal plastic boxes for storing pills and medication, sold empty
- Class 021. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Personal dispensers for pills or capsules for domestic use; personal medical storage apparatus, namely, plastic pill dispensers, plastic containers for storing and organizing medications and vitamins, and non-metal boxes for storing pills; lotion containers sold empty for domestic use
- Class 035. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Advertising services; business management; business administration services; Providing office functions; online retail store services in the fields of medical, drug store, and general merchandise; online retail pharmacy services, namely, processing online prescription orders; retail store services featuring pharmaceutical and sanitary preparations and medical supplies; retail pharmacy services
- Class 039. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Transport of goods; packaging and storage of goods; delivery of goods; delivery of goods by mail order; distribution services, namely, delivery of prescription medication; packaging of medication for others
- Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Provision of scientific information, advice and consultancy in relation to pharmacology; research and development in the field of pharmaceuticals; scientific research for medical purposes in the field of viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; medical and scientific research, namely, conducting clinical trials; industrial analysis and research services; design and development of computer hardware and software; platform as a service featuring computer software to permit users to identify, request and receive pharmacy products; providing temporary use of online non-downloadable software to permit users to identify, request and receive pharmacy products; providing a website featuring information about medical devices, diagnostics and drugs; providing medical and scientific research information in the fields of pharmaceuticals
- Class 044. First Use: 0 First Use In Commerce: 0
All goods and services in the class are appealed, namely: Medical services; veterinary services; hygienic and beauty care for human beings or animals; preparation of prescriptions in pharmacies; preparation and dispensing of medications; providing information services relating to medications; providing information services relating to pharmaceuticals, namely, providing information relating to diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing medical information to patients in the field of administering medications; providing medical information; providing a web site featuring medical information; providing information in the field of health care in connection with retail pharmacy transactions, in particular, information about medications, medication side effects, and drug interactions; health care services for

treating viral, infectious, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genit-ourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; health care services, namely, provision of medical services by health care professionals via the internet or telecommunication networks; health care services in preparation for traveling

Respectfully submitted,
/THOMAS M. HADID/
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THOMAS M. HADID
KILPATRICK TOWNSEND & STOCKTON LLP
MAILSTOP: IP DOCKETING - 22
1100 PEACHTREE STREET SUITE 2800
ATLANTA, GA 30309
UNITED STATES

kts-health@kilpatricktownsend.com, tadmin@kilpatricktownsend.com, jew-ilson@kilpatricktownsend.com
310-310-7013