

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: Integra Neurosciences Implants S.A. )  
)  
Reg. No.: 2,653,979 )  
)  
Reg. Date: 11/26/2002 )  
)  
Mark: OSV II )  
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**MISCELLANEOUS STATEMENT IN SUPPORT OF SECTION 7 REQUEST  
FOR CORRECTION OF REGISTRATION**

To the Commissioner for Trademarks:

Registrant respectfully submits that the proposed amendment of the mark to standard characters is a correction of USPTO clerical error and does not amount to a material alteration of the mark as originally filed. Registrant requests that the USPTO issue a new certificate of registration reflecting the corrected mark and the present owner.

**1. Nature of Requested Change**

Registrant respectfully requests that the USPTO change the mark drawing code to standard characters and delete the designation of "stylized" after the mark.

**2. Correction of USPTO Office Error**

TMEP §1609.10 (a) states that, "[i]f a clerical error occurred through the fault of the USPTO, which is apparent from a review of Office records, the USPTO will correct the error without charge."

A review of the application documents as originally filed reveals that the original application contained a drawing sheet that had the mark typed at the bottom half of the sheet in Courier font ("OSV II"). There was no mention of stylization by the registrant anywhere in the application. The mark is also in the same font as all the other text in the application.

The first Office Action dated November 28, 2001, included the designation that the mark is "OSV II (STYLIZED)." The Registrant's response to that Office Action on March 26, 2002 contained the following sentence:

The Examining Attorney is urged to note that the mark OSV II is not stylized, but rather is shown in block lettering. Therefore, to the extent that the trademark information has incorrectly been entered, Registrant requests correction. (Underline added for emphasis.)

Nevertheless, the USPTO disregarded Registrant's request for correction of the USPTO error and persisted in designating the mark as "stylized" in the Notice of Publication.

Therefore, Registrant urges the USPTO to find that it is apparent from a review of Office records that a clerical error occurred through the fault of the USPTO, and that the USPTO should correct the error without charge.

**Correction Constitutes an Immaterial Alteration**

The requested correction to the mark does not amount to a material alteration.

Here, Registrant submits that the correction amounts to an immaterial alteration because the change from the registered version of OSV II, indicated as "stylized" by the Office, to standard character form OSV II, creates a commercial impression of being essentially the same mark and contains the essence of the original mark, as shown below:

As Registered

As Used by Registrant

OSV II

OSV II

An ordinary person would realize that the mark as registered was simply typed in the Courier font and that a font change is not material to the appearance of the mark as it is being used by Registrant. The proposed amendment simply makes the appearance of the originally-filed mark more clear to the ordinary person.

Further, in accordance with the standard character requirements laid out in 37 C.F.R. §2.52(a), the amendment of the mark is in standard characters and no claim is made to any particular font style, size, or color; the mark does not include a design element; all letters in the mark are depicted in Latin characters; and all numerals in the mark are depicted in Roman numerals.

**3. Request for New Certificate of Registration**

Therefore, Registrant reiterates that this amendment does not amount to a material alteration and thus should be accepted and a new certificate of registration be issued with the present owner, Integra Neurosciences Implants S.A., listed as the Registrant, and the mark shown and indicated as being in standard character form.

Registrant believes that no fee is due for this paper; however, if in fact a fee is due, the Commissioner is hereby authorized to charge such fee or fees in connection with this amendment to Deposit Account No. 06/2425.

Respectfully submitted,

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