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of Response to Office Action ONLY.**

Examining Attorney: MATTESSICH, DANIELLE

Serial Number: 76/559460

IN THE UNITED STATES PA



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| In re Application of: |] |
| DeguDent GmbH |] |
| |] |
| Serial No: 76/559,460 |] |
| |] |
| Filed: November 12, 2003 |] |
| |] |
| Mark: SOLARIS |] |
| |] |
| Attorney's Docket: T03-180 |] |
| |] |

Law Office 106
Attorney: Danielle I. Mattessich

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

AMENDMENT

Sir:

In response to the Office Action of June 16, 2004, please amend the above application as follows:

Insert the following standard character clause:

--The mark is presented in standard characters without claim to any particular font style, size, or color.--

Delete the entire description of the goods in all classes and insert in lieu thereof the following:

-- Chemical additives in the nature of brighteners and materials for regeneration, neutralization and disposal of electrolytes for metal deposition for dental purposes in Class 1;

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purifying agents and cleaning materials for use on electrodes in connection with electroplating devices for dental purposes in Class 3;

electrolytes, namely, electrolytes for metal deposition in the nature of gold and gold alloy baths as well as ingredients of such baths, namely brightener, materials for regeneration, neutralization, disposal of electrolytes for metal deposition; dental adhesives, namely, fixing mass for mounting of molds/casts to electrodes of electroplating devices; dental impression materials, namely, dental plaster, dental technical duplicating compound for duplication of molds/casts, dental technical model materials for manufacturing of molds/casts, dental wax for manufacturing of molds/casts, hardeners for dental plaster and/or dental technical duplicating compounds; dental restoration compounds, namely, conductive lacquers, covering varnishes and their diluents for coating of molds/casts in Class 5;

electroplating machines and parts therefore, electroplating devices, components and accessories for electroplating devices in the nature of sensors, controlling means, motions, power supplies and metal bars for use as cathodes in Class 9;

dental instruments, namely, brushes for the application of conductive lacquers and covering varnishes to molds/casts in Class 10; and

heat-shrinkable sleeves for the insulation of the electrodes of electroplating devices and their power supplies in the dental field in Class 17.--

REMARKS

Applicant submits herewith a certified copy of German Registration 303 24 702.9 which matured from the Convention application on which the present United States filing was based. This Registration was dated August 20, 2003 and a verified English translation is also attached.

Applicant advises that the mark, SOLARIS, has no significance or meaning in the trade or industry in which this mark is used.

Applicant wishes to express its appreciation to the Examining Attorney for the helpful suggestions concerning the proper and definite identification of the goods in this application. The complete listing has been revised by this amendment.

The Examining Attorney's suggestions for modification have been generally followed, however, several obviously erroneous typographical mistakes were noted wherein web sites were for some reason inserted in the listing of goods in Classes 1 and 3 (see page 4 of the Office Action). Additionally, several of the original wares have been deleted,

such as "beakers and graduated measuring and metering syringes and pumps" in order to more clearly define over the cited registration as noted further herein.

A standard character clause has been inserted concerning the mark as depicted in the drawing.

The Examining Attorney has initially refused registration under Sec. 2(d) based upon a perceived likelihood of confusion with the mark SOLARUS as shown in Registration 2,714,219. This registration covers laboratory apparatus, namely dispensers, displacement-dosers, pipettes and titrators, all for laboratory purposes in Class 9.

As indicated above, any goods in the present application that could possibly be confused with those in the registration have now been deleted. Applicant's goods are sophisticated products all designed for the dental industry and not for general laboratory use. The purchasers of Applicant's goods must be considered as sophisticated and accordingly, great care is exercised by such consumers in selection of these expensive products and systems. *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 718, 21 USPQ2d 1388, 1392 (Fed. Cir. 1992). Accordingly, reconsideration of the 2(d) refusal is respectfully solicited.

It is now believed that all formal matters have been properly addressed and that the application is in proper form for publication and an early action in that regard is solicited

Respectfully submitted,



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December 13, 2004