

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 11/30/2008)

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

Handwritten Signature

To the Commissioner for Trademarks:

MARK: COCHLEAR (stylized and/or with design)
SERIAL NUMBER: 76583996

This Allegation of Use is being filed after a Notice of Allowance has issued.

The applicant, COCHLEAR LIMITED, having an address of 14 Mars Road, Lane Cove, NSW 2066, Australia, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 009:
Current identification: Battery chargers and battery rechargers

The applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 08/23/2006, and first used in commerce at least as early as 06/20/2006, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Photograph of the underside of a battery charger used to charge the lithium ion battery of the Nucleus Freedom Speech Processor.

Specimen-1 [SPN0-631169311-165129011_._underside_of_Freedom_LiIon_battery_charger.jpg]

The applicant hereby appoints Michael G. Verga of CONNOLLY BOVE LODGE & HUTZ, LLP, 1875 Eye Street, Suite 1100, Washington, District of Columbia United States 20006 to submit this Trademark/Service Mark Statement of Use on behalf of the applicant.

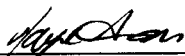
A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature Section:

Signature: 
Signatory's Name: Jayne Andrews
Signatory's Position: Patent Attorney/IP Manager

Date Signed: 3 DEC 2007

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.



