

Re: Trademark

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: January 14, 2004 TRANSMITTAL LETTER

File No.: A3,061

In re: Trademark Application of Sugaree Baking Co., L.L.C.
Mark: SUGAREE BAKING COMPANY
Appl. No.: 76/456,211
Filed: October 7, 2002
Int'l Class: 35
Published: June 24, 2003 (T.M.O.G. 465)
Attorney Docket No.: A3,061



01-21-2004

U.S. Patent & TMOfe/TM Mail Rcpt Dt. #22

TO THE COMMISSIONER FOR TRADEMARKS:

Sir:

Enclosed herewith are the documents set forth hereinbelow for processing:

NOTICE OF INTENTION NOT TO OPPOSE in triplicate (3 pages); and a return postcard.

Also enclosed is my check in the sum of \$N/A for the required fee.

Please charge any additional fees or credit any overpayment concerning the filing of the enclosed documents to Deposit Account No. 23-0125.

Respectfully submitted,

Mary Jennifer Russell, d/b/a/
Sugaree's Bakery

Date: 1/14/2004

By: Russell H. Walker

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: TTAB-No Fee, Commissioner for Trademarks, 2900 Crystal Dr., Arlington, VA 22202, on 1/14/2004

Russell H. Walker
Russell H. Walker, Reg. No. 35,401
Date: 1/14/2004

Russell H. Walker
WALKER, McKENZIE & WALKER, P.C.
6363 Poplar Ave., Suite 434
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Tel. No. (901) 685-7428
Registration No. 35,401
Attorney for Potential Opposer

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

In re: Trademark Application of Sugaree Baking Co., L.L.C.
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BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Notice of Intention Not to Oppose

1 Potential opposer, Mary Jennifer Russell, a United States citizen d/b/a/ Sugaree's Bakery
2 ("Potential Opposer"), by and through its undersigned attorney, hereby informs the Trademark
3 Trial and Appeal Board that it will not file a Notice of Opposition in this case.

4 Potential Opposer and applicant Sugaree Baking Co., L.L.C. ("Applicant") have
5 negotiated and executed a Settlement Agreement effective January 6, 2004 (the "Settlement
6 Agreement"), providing for concurrent use by Potential Opposer and Applicant of their
7 respective marks, such that Potential Opposer may only use its mark "SUGAREE'S BAKERY"
8 throughout the states of Tennessee, Alabama, Georgia, Florida, Louisiana, Mississippi, and that
9 portion of Arkansas South of the line running through a point thirty (30) miles due north of the
10 northern most point of Little Rock and extending due East and due West to the Arkansas state
11 lines, respectively ("the restricted geographical area") and such that Applicant may use its mark
12 only outside the restricted geographical area, subject to the other conditions and provisions of the
13 Settlement Agreement.

14 Potential Opposer is separately and concurrently recording a copy of the Settlement
15 Agreement against Applicant's subject mark, and Potential Opposer reserves its right to file an
16 application for a Concurrent Use Registration of its mark "SUGAREE'S BAKERY" within the

1 restricted geographical area, subject to the other conditions and provisions of the Settlement
2 Agreement.

Respectfully submitted,

Mary Jennifer Russell,
d/b/a/ SUGAREE'S BAKERY

Date: 1/14/2004

By: Russell H. Walker

COUNSEL FOR
POTENTIAL OPPOSER:

Russell H. Walker
Larry W. McKenzie

Walker, McKenzie & Walker, P.C.
6363 Poplar Ave., Suite 434
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One of its Attorneys

Certificate of Service

I hereby certify that the foregoing Notice of Intention Not to Oppose is being deposited with the United States Postal Service as U.S. First Class Mail, postage prepaid, on **January 14, 2004**, in an envelope addressed to Applicant's counsel,

David W. Cody, Esq.
Beck & Cody, L.C.
3206 Shenandoah Ave.
St. Louis, Missouri 63104

Date: 1/14/2004

Russell H. Walker

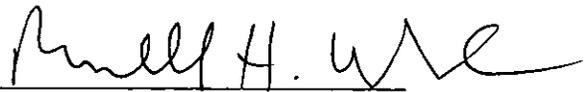
Russell H. Walker
U.S.P.T.O. Registration No. 35,401

Certificate of Mailing
under 37 C.F.R. § 2.197 (formerly 37 C.F.R. § 1.8)

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2900 Crystal Drive
Arlington, Virginia 22202-3514

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Respectfully submitted,

Mary Jennifer Russell,
d/b/a/ SUGAREE'S BAKERY

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By: Russell H. Walker

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POTENTIAL OPPOSER:

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