

Docket No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FaceCake Marketing Technologies, Inc.

Serial No: 77/032,435

Filed: October 30, 2006

Class: 35

Mark: FACECAKE

Examining Attorney

Bernice Middleton

Law Office: 106

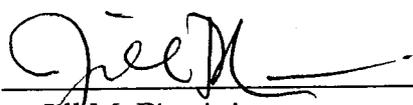
NOTICE OF APPEAL

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

The Applicant of the above-identified Application hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney refusing registration. The filing fee of \$100 for the Notice of the Appeal is enclosed. Any additional charged or credits should be taken from or credited to the deposit account for Applicant's counsel, Deposit Account No. 131 241. A duplicate copy of this Notice of Appeal is enclosed for such action.

Respectfully submitted,

Dated: April 16, 2008By: 

Jill M. Pietrini
MANATT, PHELPS & PHILLIPS, LLP
11355 W. Olympic Blvd., 10th Fl.
Los Angeles, California 90064
(310) 312-4000

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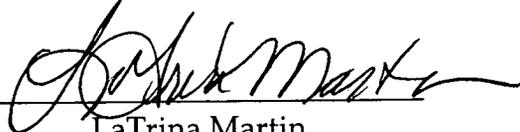
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04-18-2008

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this 16th day of April, 2008.



LaTrina Martin

41225551.1

Applicant: FaceCake Marketing Technologies, Inc.
Mark: FACECAKE
Serial No. 77/032,435

**DECLARATION OF LINDA SMITH
UNDER 37 C.F.R. SECTION 2.20**

I, Linda Smith, being warned that willfully false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willfully false statements may jeopardize the validity of the trademark application and this declaration, declare as follows:

1. I am the Chief Executive Officer of Applicant FaceCake Marketing Technologies, Inc. and I am authorized to execute this declaration on behalf of Applicant.

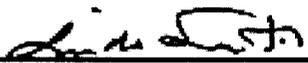
2. Applicant has used in commerce the specimens submitted with the attached office action response since at least as early as the filing date of this application.

I further declare that all statements made of my own knowledge are true, and all statements made on information and belief are believed to be true.

FACECAKE MARKETING TECHNOLOGIES, INC.

Date: 4/14/08

By: _____


Linda Smith
Chief Executive Officer



about

services

products

faceCake Marketing Technologies, Inc. is a technology and software development company based in Calabasas, California. faceCake offers unique and powerful marketing and demonstration softwares and provides a backend marketing solution with multiple levels of personalization.

FaceCake's multiple technologies allow for the acquisition, retention and conversion of consumer while building brand loyalty throughout the customer life cycle. The personalized product and our personalized recommendation and profiling softwares provide a significant ROI and increased level of consumer satisfaction. Many of our product clients have increased revenue in and of themselves.

Find the perfect hue for your hair and brows!

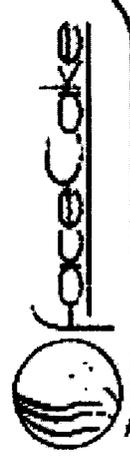
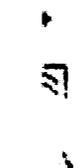
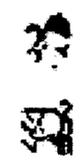
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FaceCake Hair Salon

My Makeover Party™

fragrance finder

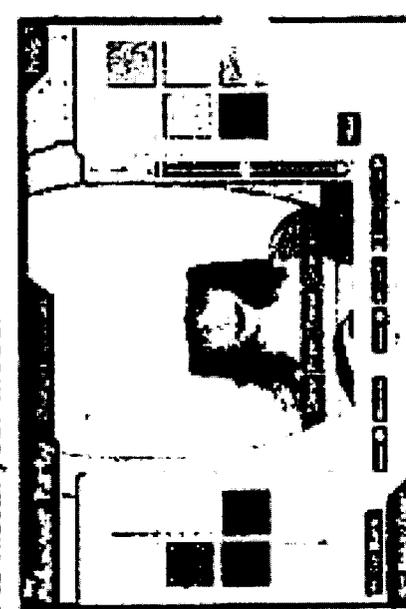
Interactive Television

faceCake fix

YM Makeover Magic

House 2 Home

My Makeover Party™: girls 6 - 12
Invite your friends and have fun with your photo at My Makeover Party™. Use the Color Wheel to create a rainbow of your very own shades and colors. Experiment with hairstyles and then change the shade to match your mood.



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