

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

In re the Application of)	
)	Date: March 14, 2006
SMART GARDENING PRODUCTIONS, LLC)	
)	Law Office 112
Serial No. : 78/324,912)	
Filed : November 7, 2003)	Trademark Examining
For : SMART GARDENING)	Attorney: S. Jackson
)	

Commissioner for Trademarks
P. O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

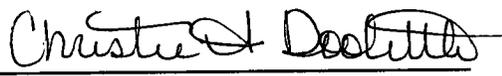
**COMMUNICATION REGARDING
CHANGE OF OWNERSHIP OF CITED MARK**

Applicant wishes to notify the Board that it now owns the registration (U.S. Registration No. 2,513,316) which was cited against its application. A copy of the assignment which has been recorded is enclosed herewith as Exhibit A.

In view of the foregoing, applicant respectfully requests that the Examining Attorney's refusal of registration be reversed, and that the application be allowed with directions to forward it to publication for purposes of opposition.

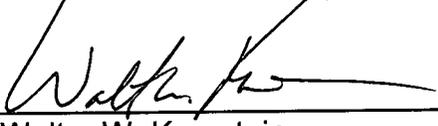
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on March 14, 2006.


Christie A. Doolittle

Respectfully submitted,

KOLISCH HARTWELL, P.C.


Walter W. Karnstein
Registration No. 35,565
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Applicant



03-16-2006

COPY

ASSIGNMENT

WHEREAS, American Horticultural Society, a not for profit corporation organized and existing under the laws of the state of the District of Columbia, is the sole and exclusive owner of the following trademark registered in the United States Patent and Trademark Office:

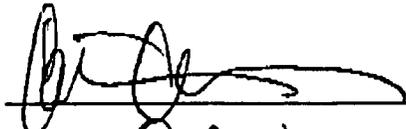
Registration No. 2,513,316 for SMARTGARDEN,
registered on November 27, 2001

WHEREAS, Smart Gardening Productions, LLC, a limited liability company organized and existing under the laws of the state of Oregon, located and doing business at 2975 Chad Drive, Eugene, Oregon 97408, is desirous of acquiring the above registration;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, American Horticultural Society does hereby assign unto Smart Gardening Productions, LLC all right, title and interest in and to the above registration, together with the good will of the business connected with the use of and symbolized by the mark.

AMERICAN HORTICULTURAL SOCIETY

Date: March 8 2006



Name: Catherine C M Warner

Title: President

Witness:

Ausan Dick

(Name)

1931 East Blvd. Dr.

(Address)

Alexandria VA 22308

(City, State)