



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TM LAW OFFICE 114  
SER. NO. 76/039,365  
MARK: LUV-IT

152722

In re Trademark Application of  
EDL LICENSING CORP.

Atty. Ref. 375-19

Trademark Attorney: Raul F. Cordova, Esq.

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Va. 22202-3513



12-09-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

AMENDMENT

Dear Sir:

Please delete the current identification of the goods/services in Class 18 (with prejudice) and insert therefor:

BABIES' AND CHILDREN'S BAGS (EXCLUDING DIAPER BAGS), PACKS AND CARRIERS, in International Class 18.

In this regard, it is noted that, on August 28, 2002, a Notice of Opposition against this application. Subsequently, on July 11, 2003, action in the above-identified application was suspended pending the resolution of Opposition No. 91152722.

Applicant and the owner of Registration No. 1,060,347 (the Opposer) have negotiated an amicable resolution of this matter. As part of the agreement to resolve this matter, Applicant agreed to amend its goods in the manner set forth in the above amendment. In this connection, enclosed is the Settlement Agreement signed by the Opposer consenting to the use and registration of the subject mark by Applicant with respect to the amended goods.

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Please note also that, upon receipt of the Amendment, Opposer agrees to dismiss the opposition (with prejudice) and agrees not to oppose Applicant's use or registration of LUV-IT in the United States so long as it is in compliance with the terms of the agreement.

Respectfully submitted

**NIXON & VANDERHYE P.C.**

By: 

Date: December 9, 2003

Robert W. Adams  
1100 North Glebe Road, 8th Floor  
Arlington, Virginia 22201

**SETTLEMENT AGREEMENT**

This Agreement is entered into effective this \_\_\_ day of August 2003, by and between The Procter & Gamble Company (Procter & Gamble), a corporation of Ohio having a principal place of business located at One Procter & Gamble Plaza, Cincinnati, Ohio 45202, and EDL Licensing Corporation (EDL), a corporation of the state of Delaware having a principal place of business located at 1225 Park Avenue, New York, New York 10128.

WHEREAS, Procter & Gamble is the owner of the trademark LUVS as used on baby diapers;

WHEREAS, EDL filed an application for Federal registration of the mark LUV-IT, Serial No. 76/039,365, for use in connection with --BABIES' AND CHILDREN'S STROLLERS, CARRIAGES, CAR SEATS, BUMPERS, CARRIERS AND BICYCLES in International Class 12; BABIES' AND CHILDREN'S BAGS, PACKS AND CARRIERS in International Class 18; BABIES' AND CHILDREN'S FURNITURE; MATTRESSES, PILLOWS, AND BASSINETS in Class 20; BABIES' AND CHILDREN'S BEDDING AND BATH PRODUCTS - NAMELY, MATTRESS COVERS AND PADS, SHEETS, PILLOW CASES, CRIB BUMPERS, BLANKETS, QUILTS, DUST RUFFLES, VALANCES, CRIB AND CRADLE COVERS, TOWELS, WASH CLOTHS AND MITTS, BATH MATS, in International Class 24; BABIES' AND CHILDREN'S TOYS - NAMELY, PLAY MATS, CRIB TOYS, MOBILES, RATTLES, STUFFED ANIMALS, PLASTIC AND RUBBER ANIMALS, DOLLS, PLAY COSMETICS, MUSICAL TOY INSTRUMENTS, MUSICAL PLAYERS AND TOYS, ACTIVITY TOYS, ACTIVITY TABLES AND BENCHES, BLACKBOARDS, CRAYONS AND CHALK, BICYCLES AND TRICYCLES, WAGONS, SLEDS, CARS AND TRUCKS, PLAY GYMS, SLIDES, SWINGS, PLAY POOLS, SAND BOXES, PLAY BALLS, TOY BATS AND PADDLES,

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AND HAND HELD UNIT FOR PLAYING ELECTRONIC GAMES in International Class  
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WHEREAS, Procter & Gamble filed an Opposition to the registration of the LUV-IT  
mark, Opposition No. 91152722;

WHEREAS, Procter & Gamble and EDL wish to prevent any future potential for  
consumer mistake or confusion arising, *inter alia*, from the erroneous belief that EDL's LUV-IT  
products are manufactured by, affiliated with, or sponsored by Procter & Gamble, and/or that  
Procter & Gamble's LUVS products are manufactured by, affiliated with, or sponsored by EDL,  
when in fact they are not; and

WHEREAS, Procter & Gamble and EDL wish to resolve the present Opposition  
amicably;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and other  
good and valuable consideration (the receipt and sufficiency of which are hereby expressly  
acknowledged), the parties agree as follows

1. EDL agrees to file an Amendment to exclude with prejudice the goods "diaper bags"  
from the current identification of goods in Ser. No. 76/039,365 and that it further agrees not to  
sell diaper bags under the LUV-IT mark.
2. In return for and after compliance with paragraph 1, Procter & Gamble agrees to  
dismiss the present opposition with prejudice and agrees not to oppose EDL's use or registration  
of LUV-IT in the United States so long as it is in compliance with the terms of this agreement.
3. Procter & Gamble agrees that, in the event it decides to sell children's clothing under  
the LUVS mark in the future, it will merchandise <sup>MARKET</sup> and sell those goods in a manner so as to avoid  
confusion with EDL's LUV-IT marks. 
4. EDL hereby agrees that Procter & Gamble may sell children's clothing under the  
LUVS mark in the future, subject to the conditions of paragraph 3 above, and that EDL will not

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object to such sale of LUVS branded children's wear, nor Proctor & Gamble's use and/or registration of a LUVS formative mark for such goods. EDL has no objections to this now, nor will it have in the future, and EDL hereby agrees to sign a letter of consent if necessary at any time to allow Proctor & Gamble to achieve a trademark registration or registrations for the use of LUVS or a formative of LUVS (for example, LUVS CHILDRENS WEAR) for the goods of children's clothing.

5. This agreement is binding upon the parties' successors and assigns.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, hereby sign this Agreement as of the date and year first written above.

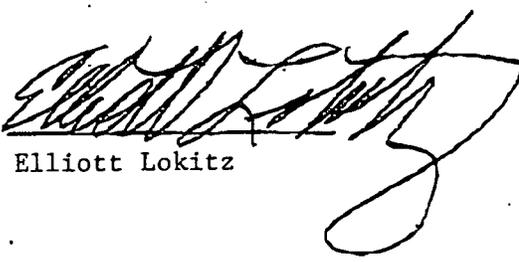
THE PROCTER & GAMBLE COMPANY

Date: 8/27/03

By:   
Akihiko Kuroki  
LUVS Brand Manager

EDL LICENSING CORPORATION

Date: 8/20/03

By:   
Elliott Lokitz