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

Proceeding	91184808
Party	Defendant Eco-Logics, Inc.
Correspondence Address	ECO-LOGICS INC 321 OAKDALE ST ROYAL OAK, MI 48067-2495 UNITED STATES rimiller1@aol.com
Submission	Answer
Filer's Name	Risa Miller
Filer's e-mail	rimiller1@aol.com
Signature	/Risa Miller/
Date	09/06/2008
Attachments	Kiss my Lips letter to trademark-8-09-2008.pdf (3 pages)(71308 bytes) Kiss My Lips letter to trademark about judgment9-06-2008.pdf (1 page)(4062 bytes)

OPPOSITION #91184808

To Whom It May Concern,

After speaking with council for Kiss My Face corporation, on several occasions, the following has been tentatively agreed upon. Although, council after being contacted for over a month has not responded.

It was preliminary indicated that my company would have till the end of the year of 2008 to use up any labels for product. At that point in time the application for trademark for Kiss My Lips would be cancelled, and any and all companies owned by Eco-Logics, Inc. would be released of any and all responsibilities.

Therefore, I am withdrawing my application, based on the above statement, and would appreciate if council would contact my office and confirm this agreement, as I cannot seem to reach them via email or phone for the last 4 to 5 weeks.

I can also document phone calls to their office via my phone records on at least 6 occasions with no return phone calls from council.

See attached correspondence.

Thank you.

Risa Miller

President

Eco-Logics Inc., dba Organic Bath & Body

248-246-6391

email of 7-02-2008

Hi Mr. Magidoff,

as per our conversation today concerning my application for Kiss My Lips lip balm and your clients opposition- if you could send me something in writing indicating I can deplete the labels as discussed I have for product which as indicated would not be more than 6 months and indicate a release on behalf of my companies for any and all liabilities etc. I will withdraw the trademark application. I will have my attorney review it quickly and return it signed.

I appreciate the consideration.

Thanking you in advance.

Please confirm receipt of this email.

Risa Miller

President

Risa Miller

Eco-Logics, Inc.

P 248-399-1239

c 248-761-7777

F 248-544-9667

RiMiller1@aol.com

email of 7-07-2008 In a message dated 7/2/2008 9:34:17 PM Eastern Standard Time, RIMILLER1 writes:

Hi Mr. Magidoff,

as per our conversation today concerning my application for Kiss My Lips lip balm and your clients opposition- if you could send me something in writing indicating I can deplete the labels as discussed I have for product which as indicated would not be more than 6 months and indicate a release on behalf of my companies for any and all liabilities etc. I will withdraw the trademark application. I will have my attorney review it quickly and return it signed. I appreciate the consideration.

Thanking you in advance.

Please confirm receipt of this email.

Risa Miller

President

Risa Miller

Eco-Logics, Inc.

P 248-399-1239

c 248-761-7777

F 248-544-9667

RiMiller1@aol.com

email dated 7-08-2008

Hello Mr. Magidoff,

Hope this finds you well

I have tried to email you and called you several times about the Kiss My Lips trademark and have not heard from you

could you please contact me tomorrow or should I contact someone else that is handling this matter at your office?

thanks so much

Risa Miller

*Risa Miller
Eco-Logics, Inc.
P 248-399-1239
c 248-761-7777
F 248-544-9667
RiMiller1@aol.com*

email from council dated 7-09-2008

Dear Ms Miller,

As I explained, I needed to obtain my client's approval before agreeing to this. My client is willing to allow you to sell off, by the end of this year, the labeled lip balm product you had on hand as of July 1, 2008, provided that you abandon the pending application and agree that, as of this date, you will not make any other use of the mark "KISS MY LIPS" or any other mark including the words "KISS MY ...", on any goods or services. That will avoid any further controversy or claim by my client with respect to the lip balm product.

If that is satisfactory to you and your counsel, please have counsel get back to me with your agreement.

Very truly yours,

Barry G. Magidoff
Greenberg Traurig LLP
200 Park Avenue - 34th Floor
New York, NY 10166
Tel: (212)801-2130
Fax: (212)224-6130

From: RIMILLER1@aol.com [mailto:RIMILLER1@aol.com]

Sent: Monday, July 07, 2008 6:03 PM

To: Magidoff, Barry (Shld-NY-IP/Tech)

Subject: Fwd: kiss my lips

In a message dated 7/2/2008 9:34:17 PM Eastern Standard Time, RIMILLER1 writes:

Hi Mr. Magidoff,

as per our conversation today concerning my application for Kiss My Lips lip balm and your clients opposition- if you could send me something in writing indicating I can deplete the labels as discussed I have for product which as indicated would not be more than 6 months and indicate a release on behalf of my companies for any and all liabilities etc. I will withdraw the trademark application. I will have my attorney review it quickly and return it signed.

I appreciate the consideration.

Thanking you in advance.

Please confirm receipt of this email.

Risa Miller

President

*Risa Miller
Eco-Logics, Inc.
P 248-399-1239
c 248-761-7777
F 248-544-9667
RiMiller1@aol.com*

email to their council 7-23-2008
Hi Mr. Magidoff,
Was following up on the last email
I would like to finalize this
Did you hear from your client
I have to respond to trademark this week as to the status
thank you
Risa Miller

Risa Miller
Eco-Logics, Inc.
P 248-399-1239
c 248-761-7777
F 248-544-9667
RIMiller1@aol.com

email to their council 8-01-2008

Hello Mr. Magidoff,
I have been trying to reach you and have received no response
I would think by now your client has had sufficient time to review what we potentially agreed upon
please let me know
I am contacting trademark today
thank you
Risa Miller

Risa Miller
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c 248-761-7777
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RIMiller1@aol.com

To Whom It May Concern

RE: Response to letter received 8-26-2008 from Lalita R. Greer

In August I prepared the document attached responding to the opposition notice. It was given to my assistant to file with you, as I have and had a family medical emergency, which is still an on going situation. Unfortunately, it does not appear that she had filed it correctly.

I apologize, and hope you will accept it at this time. As it states in my correspondence to Mr. Magidoff, I am willing to abandon the application if allowed as he indicated to use out the labels by the end of the year, and obtain a release from Kiss My Face Corporation or from Mr. Magidoff on their behalf. My artwork for new labeling is almost complete, so it would not be a problem finishing things up before the year ends.

Please confirm receipt of this correspondence.

Thanking you in advance for your understanding in this matter.

Risa Miller

Eco-Logics, Inc.

Email: rimiller1@aol.com