

ESTTA Tracking number: **ESTTA551655**

Filing date: **07/31/2013**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	DBMK Enterprises, Inc.
Granted to Date of previous extension	07/31/2013
Address	1701 Stockton St. San Francisco, CA 94133 UNITED STATES

Attorney information	Jay Behmke Carle Mackie Power & Ross LLP 100 B. Street, Suite 400 Santa Rosa, CA 95401-6376 UNITED STATES jmbehmke@cmprlaw.com, pjerry@cmprlaw.com, jdawson@cmprlaw.com Phone:707-526-4200
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Applicant Information

Application No	85763145	Publication date	04/02/2013
Opposition Filing Date	07/31/2013	Opposition Period Ends	07/31/2013
Applicant	LELJ Incorporated c/o Bauer & Keller PLLC 21 West 38 Street, 9th Floor New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. All goods and services in the class are opposed, namely: Restaurant services

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3322889	Application Date	01/12/2007
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	MAMA'S ON WASHINGTON SQUARE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1967/12/31 First Use In Commerce: 1967/12/31 Restaurant services

Related Proceedings	Jennifer Strome, Elizabeth Cuny Petitioners v. DBMK Enterprises, Inc., Cancellation No. 92056383
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Attachments	Notice-of-Opposition (00298776).pdf(80777 bytes) Exhibit A - Opposition (00298763).pdf(202687 bytes) Exhibit B - Opposition (00298764).pdf(161225 bytes) Exhibit C - Opposition (00298766).pdf(536713 bytes) Exhibit D - Opposition (00298767).pdf(190174 bytes) Exhibit E - Opposition (00298769).pdf(1350543 bytes) Exhibit F - Opposition (00298770).pdf(225718 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jmb163603/
Name	Jay M. Behmke
Date	07/31/2013

As grounds for this Opposition, Opposer relies upon the rights developed by it and alleges on knowledge as to itself and otherwise upon information and belief, as follows:

1. Since at least as early as December 31, 1997, Opposer and its predecessors have continuously used the mark MAMA'S ON WASHINGTON SQUARE in interstate commerce in the United States in connection with restaurant services. Opposer's shareholders are Michael and Debra Sanchez. In the 1960s, Michael Sanchez's parents founded a restaurant located at 1701 Stockton Street, San Francisco, California called MAMA'S ON WASHINGTON SQUARE. Since at least as early as December 31, 1997, Opposer and its predecessors have continuously provided restaurant services under the MAMA'S ON WASHINGTON SQUARE mark at that same location.

2. Opposer applied for and obtained United States Trademark Registration No. 3,322,889, dated October 30, 2007, for its MAMA'S ON WASHINGTON SQUARE mark. A Section 8 Declaration of Use was accepted and acknowledged on December 6, 2012. True and correct copies of Trademark Registration 3,322,889 and the USPTO's notice of acceptance and acknowledgement of the Section 8 Declaration of Use are attached hereto as Exhibit B.

3. The MAMA'S ON WASHINGTON SQUARE registration is valid and subsisting, unrevoked and uncanceled, and is prima facie evidence of the validity of Opposer's exclusive right to use the MAMA'S ON WASHINGTON SQUARE mark in commerce in connection with restaurant services, and constitutes constructive notice of Opposer's ownership of the MAMA'S ON WASHINGTON SQUARE mark for the services described in the registration, restaurant services, as provided for by §§7(b) and 22 of the Lanham Act, 15 U.S.C.A. §§1057(b) and 1072 (2005).

4. Opposer has expended substantial amounts of time and effort in advertising and promoting its services under the MAMA'S ON WASHINGTON SQUARE mark. As a result of

such advertising and promotional activities, the MAMA'S ON WASHINGTON SQUARE mark has become well known and favorably received, the relevant public has come to associate and identify the MAMA'S ON WASHINGTON SQUARE mark with Opposer, and Opposer derives substantial goodwill from such identification by consumers. Opposer has received substantial praise from national media outlets (including USA Today, ZAGAT, Travel Channel, Restaurant Business magazine, Food Network) for the restaurant services it provides under the MAMA'S ON WASHINGTON SQUARE service mark, and has been described as a "culinary landmark."

5. On April 2, 2013, Applicant LELJ INCORPORATED, c/o Bauer & Keller PLLC, 21 West 38th Street, 9th Floor, New York, New York 10018 filed an Intent to Use application, Serial No. 85-763,145, to register the name MAMA'S GIRLS for use in "Restaurant services" in International Class 43. A true and correct copy of Applicant's application for the MAMA'S GIRLS proposed mark is attached hereto as Exhibit C. Upon information and belief, Applicant obtained a license from Mama's Girls, LLC, a New York limited liability company, to file for the MAMA'S GIRLS proposed mark for purposes of establishing a chain of MAMA'S GIRLS restaurants. Upon information and belief, the Managing members of Mama's Girls, LLC are the sisters of Michael Sanchez, Jennifer Strome and Elizabeth Cuny.

6. Upon information and belief, Mama's Girls, LLC is the owner of the domain name and website www.mamasfamilyaffair.com. Attached hereto as Exhibit D is a true and correct copy of a print out from the www.whois.com website evidencing that Mama's Girls, LLC is the owner of the www.mamasfamilyaffair.com domain name and website. That website expressly refers to Opposer's MAMA'S ON WASHINGTON SQUARE restaurant, stating in relevant part, "MAMA'S GIRLS, LLC We all grew up at the original Mama's on Washington Square in San Francisco. Eight kids. Mom and Dad cooked all this up, and we're happy to serve you. Want to CONTACT Mama's Girls? E-mail us." The underlined reference to "Mama's on

Washington Square” contains a hyperlink to Opposer’s website, www.mamas-sf.com. Furthermore, that same website contains images of Opposer’s MAMA’S ON WASHINGTON SQUARE restaurant, including images of Opposer’s mark as used in commerce. True and correct copies of screen shots from the www.mamasfamilyaffair.com website that include the above-quoted statements, as well as screen shots from the hyperlinked page at Opposer’s www.mama-sf.com website and the reviews of Opposer’s restaurant, are attached hereto as Exhibit E.

7. Upon information and belief, Mama’s Girls, LLC issued a press release dated March 8, 2012, regarding aspects of its future restaurant plans. The press release, entitled “Mama’s – San Francisco’s Breakfast Legend – Looks to NYC for Expansion and New Market Growth,” states in part that “Working in harmony as Mama raised them, son Michael Jr., with wife Debra ... keep the family tradition going on Washington Square in San Francisco, while Mama’s Girls LLC, four of Mama’s daughters, are going Coast to Coast. Mama’s is, as always, a family affair.” A true and correct copy of the March 8, 2012 press release is attached hereto as Exhibit F.

Count 1: False Suggestion of Connection

8. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 7 hereof as if fully set forth here.

9. The Applicant’s proposed mark MAMA’S GIRLS, as set forth in the application opposed herein, falsely suggests a connection with Opposer and its MAMA’S ON WASHINGTON SQUARE restaurant.

10. Opposer and its MAMA’S ON WASHINGTON SQUARE restaurant constitute an institution for purposes of Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a).

11. Registration may be refused where a proposed mark consists of or comprises matter that may falsely suggest a connection with a famous person or institution and that consumers would presume such a connection when viewing the mark in relation to the identified goods or services. Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §§ 1203.03, 1203.03(e) and 1203.03(f).

12. Applicant's proposed mark MAMA'S GIRLS for restaurant services constitutes a close approximation of the MAMA'S ON WASHINGTON SQUARE mark for the restaurant doing business as MAMA'S ON WASHINGTON SQUARE, and Applicant's proposed mark MAMA'S GIRLS for restaurant services would be recognized by consumers as a close approximation of the MAMA'S ON WASHINGTON SQUARE restaurant and mark.

13. The MAMA'S ON WASHINGTON SQUARE restaurant identified in Opposer's mark is not connected with the services to be performed, or goods to be sold, by Applicant under its proposed MAMA'S GIRLS mark. Applicant is the New York corporation LELJ Incorporated, and upon information and belief is the licensee of Mama's Girls, LLC. Opposer is DBMK Enterprises, Inc., a California corporation located in San Francisco. None of the shareholders of LELJ Incorporated or members of Mama's Girls, LLC are shareholders in Opposer. Consequently, neither Opposer nor Opposer's mark is connected with Applicant, Applicant's proposed mark, or any licensor thereof.

14. Opposer and its predecessors have continuously provided restaurant services under the MAMA'S ON WASHINGTON SQUARE mark in interstate commerce since at least December 31, 1997, during which time Opposer and its restaurant have obtained widespread publicity and become recognized by the public at large.

15. Applicant's intended restaurant services are the same type of services that Opposer provides under Opposer's MAMA'S ON WASHINGTON SQUARE mark. The fame

and reputation of the MAMA'S ON WASHINGTON SQUARE restaurant is of such a nature that a connection with such institution would be presumed when Applicant's proposed mark is used for Applicant's restaurant services.

16. If Applicant is permitted to register or use the mark herein opposed for restaurant services, consumers will presume a false connection with Opposer, resulting in damage and injury to Opposer. Persons familiar with Opposer's MAMA'S ON WASHINGTON SQUARE restaurant will be likely to frequent Applicant's restaurant, believing it to be connected with Opposer.

17. Opposer will be damaged by registration of the mark show in the application opposed herein because such registration will support and assist Applicant in suggesting a false connection with Opposer, and will give color of rights to Applicant in violation of Opposer's prior and superior statutory and common-law rights in the MAMA'S ON WASHINGTON SQUARE mark.

Count 2: Likelihood of Confusion

18. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 17 hereof as if fully set forth here.

19. The Applicant's proposed mark MAMA'S GIRLS, as set forth in the application opposed herein, is substantially identical in commercial impression and confusingly similar to Opposer's MAMA'S ON WASHINGTON SQUARE registered mark. The initial words in the marks are identical. Moreover, upon information and belief, Applicant and Applicant's licensor (Mama's Girls, LLC) intend to continue to make reference to MAMA'S ON WASHINGTON SQUARE in advertising and promotional endeavors associated with restaurant services offered under the MAMA'S GIRLS mark.

20. Applicant's mark and Opposer's mark cover the same services, namely, restaurant services, in International Class 043.

21. Accordingly, Applicant's proposed mark is likely to cause confusion, mistake, or to deceive the public into believing that Applicant's services are somehow affiliated or associated with, connected to or sponsored by Opposer, in violation of Section 2(d) of the Lanham Act.

22. If Applicant is permitted to register or use the mark herein opposed, confusion would be likely as to the sponsorship of the services, resulting in damage and injury to Opposer by reason of the similarity between Applicant's and Opposer's marks. Persons familiar with Opposer's MAMA'S ON WASHINGTON SQUARE mark will be likely to purchase Applicant's services, believing them to be affiliated or associated with, connected to or sponsored by Opposer. Likewise, persons exposed to Applicant's mark who subsequently become acquainted with Opposer's mark, are likely to conclude that the services offered by Opposer under its mark are in some manner affiliated or associated with, connected to or sponsored by Applicant. Any such confusion as to sponsorship inevitably would result in damage and injury to Opposer.

23. Opposer will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark, and will give color of rights to Applicant in violation of Opposer's prior and superior statutory and common-law rights in the MAMA'S ON WASHINGTON SQUARE mark.

WHEREFORE, Opposer prays that registration of the proposed mark MAMA'S GIRLS in Application Serial No. 85-763,145 be denied, and that this Opposition be sustained in favor of Opposer.

Dated: July 31, 2013
Santa Rosa, California

Respectfully submitted,
/jmb-163603/
Jay M. Behmke
Philip J. Terry
John B. Dawson
CARLE, MACKIE, POWER & ROSS, LLP
100 B Street, Suite 400
Santa Rosa CA 95401
Tel: (707) 526-4200
Fax: (707) 526-4707

Certificate of Service

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on LELJ INCORPORATED by mailing said copy on July 31, 2013, via First Class Mail, postage prepaid, to

James E. Rosini,
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

and

LELJ Incorporated
c/o Bauer & Keller PLLC
21 West 38th St., 9th Floor
New York, NY 10018

And by email on the same date to:

tmdocketny@kenyon.com

Dated: July 31, 2013

/John B. Dawson/
John B. Dawson
Carle Mackie Power & Ross LLP
100 B Street Suite 400
Santa Rosa CA 95401
Tel: (707) 526-4200
Fax: (707) 526-4707

EXHIBIT "A"

Generated on: This page was generated by TSDR on 2013-07-30 15:54:59 EDT

Mark: MAMA'S GIRLS

MAMA'S GIRLS

US Serial Number: 85763145

Application Filing Date: Oct. 25, 2012

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Apr. 18, 2013

Publication Date: Apr. 02, 2013

Mark Information

Mark Literal Elements: MAMA'S GIRLS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: LELJ Incorporated

Owner Address: c/o Bauer & Keller PLLC
21 West 38 Street, 9th Floor
New York, NEW YORK 10018
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James E. Rosini

Docket Number: 15323/6

Attorney Primary Email Address: imdocketny@kenyon.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JAMES E. ROSINI
KENYON & KENYON LLP
1 BROADWAY
NEW YORK, NEW YORK 10004-1007
UNITED STATES

Phone: 212-425-7200

Fax: 212-425-5288

Correspondent e-mail: tmducketny@kenyon.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 18, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 02, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 02, 2013	PUBLISHED FOR OPPOSITION	
Mar. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 26, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 25, 2013	ASSIGNED TO EXAMINER	73708
Nov. 01, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 29, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MCMORROW, RONALD G

Law Office Assigned: LAW OFFICE 105

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 27, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: 85763145

Filing Date: Apr 18, 2013

Status: Not Instituted

Status Date: Apr 18, 2013

Interlocutory Attorney:

Defendant

Name: LELJ Incorporated

Correspondent Address: JAMES E. ROSINI
KENYON & KENYON LLP
1 BROADWAY
NEW YORK NY , 10004-1007

Associated marks

Mark	Application Status	Serial Number	Registration Number
MAMA'S GIRLS	Request For Extension of Time to File Opposition	85763145	

Potential Opposer(s)

Name: DBMK Enterprises, Inc.

Correspondent Address: Jay Behmke
Carle Mackie Power & Ross LLP
1500 Los Carneros Avenue
Santa Rosa CA , 95401-6376
UNITED STATES

Correspondent e-mail: jmbehmke@cmpirlaw.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 18, 2013	
2	EXTENSION OF TIME GRANTED	Apr 18, 2013	

EXHIBIT "B"

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,322,889

Registered Oct. 30, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

MAMA'S ON WASHINGTON SQUARE

DBMK ENTERPRISES, INC. (CALIFORNIA CORPORATION)

1701 STOCKTON STREET

SAN FRANCISCO, CA 94133

FOR: RESTAURANT SERVICES, IN CLASS 43
(U.S. CLS. 100 AND 101).

FIRST USE 12-31-1967; IN COMMERCE 12-31-1967.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WASHINGTON SQUARE", APART FROM THE MARK AS SHOWN.

SER. NO. 77-082,424, FILED 1-12-2007.

MARY ROSSMAN, EXAMINING ATTORNEY

From: TMOOfficialNotices@USPTO.GOV
Sent: Thursday, December 6, 2012 11:00 PM
To: jmbehmke@cmpirlaw.com
Subject: Trademark RN 3322889: Official Notice of Acceptance under Section 8 of the Trademark Act

Serial Number: 77082424
Registration Number: 3322889
Registration Date: Oct 30, 2007
Mark: MAMA'S ON WASHINGTON SQUARE(STANDARD CHARACTER MARK)
Owner: DBMK Enterprises, Inc.

Dec 6, 2012

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
043

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE**

REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.**

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=77082424>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

EXHIBIT “C”

Trademark/Service Mark Application, Principal Register

Serial Number: 85763145

Filing Date: 10/25/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85763145
MARK INFORMATION	
*MARK	<u>MAMA'S GIRLS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MAMA'S GIRLS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	LELJ Incorporated
INTERNAL ADDRESS	c/o Bauer & Keller PLLC
*STREET	21 West 38 Street, 9th Floor
*CITY	New York
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	10018
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	New York
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	043

*IDENTIFICATION	Restaurant services
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	James E. Rosini
ATTORNEY DOCKET NUMBER	15323/6
FIRM NAME	Kenyon & Kenyon LLP
STREET	One Broadway
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10004
PHONE	212-425-7200
FAX	212-425-5288
EMAIL ADDRESS	tmdocketny@kenyon.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Michael Kelly
CORRESPONDENCE INFORMATION	
NAME	James E. Rosini
FIRM NAME	Kenyon & Kenyon LLP
STREET	One Broadway
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10004
PHONE	212-425-7200
FAX	212-425-5288
EMAIL ADDRESS	tmdocketny@kenyon.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1

FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/MK/
SIGNATORY'S NAME	Michael Kelly
SIGNATORY'S POSITION	Appointed Attorney, New York bar member
DATE SIGNED	10/25/2012

Trademark/Service Mark Application, Principal Register

Serial Number: 85763145

Filing Date: 10/25/2012

To the Commissioner for Trademarks:

MARK: MAMA'S GIRLS (Standard Characters, see mark)

The literal element of the mark consists of MAMA'S GIRLS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, LELJ Incorporated, a corporation of New York, having an address of
c/o Bauer & Keller PLLC,
21 West 38 Street, 9th Floor
New York, New York 10018
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 043: Restaurant services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

James E. Rosini and Michael Kelly of Kenyon & Kenyon LLP
One Broadway
New York, New York 10004
United States

The attorney docket/reference number is 15323/6.

The applicant's current Correspondence Information:

James E. Rosini
Kenyon & Kenyon LLP
One Broadway
New York, New York 10004
212-425-7200(phone)
212-425-5288(fax)
tmdocketny@kenyon.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /MK/ Date: 10/25/2012

Signatory's Name: Michael Kelly

Signatory's Position: Appointed Attorney, New York bar member

RAM Sale Number: 10100

RAM Accounting Date: 10/25/2012

Serial Number: 85763145

Internet Transmission Date: Thu Oct 25 11:29:06 EDT 2012

TEAS Stamp: USPTO/BAS-65.246.216.100-201210251129064

90552-85763145-4909db6f29a9f8623fe1aba34

3d2857567-CC-10100-20121025111707829231

MAMA'S GIRLS

EXHIBIT “D”



Whois Lookup

- Domains
- Web Hosting
- Email
- SSL
- Website Builder
- WHOIS**
- Support

mamasfamilyaffair.com registry whois

Updated 1 second ago - Refresh

Domain Name: MAMASFAMILYAFFAIR.COM
 Registrar: NETWORK SOLUTIONS, LLC.
 Whois Server: whois.networksolutions.com
 Referral URL: http://www.networksolutions.com/en_US/
 Name Server: NS1.HANDSONWEBHOSTING.COM
 Name Server: NS2.HANDSONWEBHOSTING.COM
 Status: clientTransferProhibited
 Updated Date: 29-dec-2012
 Creation Date: 13-feb-2012
 Expiration Date: 13-feb-2014

Hot Deals!



.ORG @ \$6.88 \$9.88

mamasfamilyaffair.com registrar whois

Updated 1 second ago

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Get a FREE domain name registration, transfer, or renewal with any annual hosting package.

<http://www.networksolutions.com>

Visit [AboutUs.org](http://www.aboutus.org) for more information about MAMASFAMILYAFFAIR.COM
 AboutUs: MAMASFAMILYAFFAIR.COM

Registrant:
 Mama's Girls LLC
 127 W83rd St, #237
 Ste 630
 New York, NY 10024
 US

Domain Name: MAMASFAMILYAFFAIR.COM

Promote your business to millions of viewers for only \$1 a month
 Learn how you can get an Enhanced Business Listing here for your domain name.
 Learn more at <http://www.NetworkSolutions.com/>

Administrative Contact, Technical Contact:
 Mama's Girls LLC jms@mamasfamilyaffair.com
 127 W83rd St, #237
 Ste 630
 New York, NY 10024
 US
 917-951-7441

Record expires on 13-Feb-2014.
 Record created on 13-Feb-2012.

Web Hosting

Host
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EXHIBIT "E"

GALLERY REVIEWS ABOUT US

Mama's

MAMA'S GIRLS, LLC

Growing Mama's Brand COAST TO COAST

- Building on 60 years of success
- New model, fresh ideas
- Future licensing opportunities
- BUSINESS INQUIRIES?
info@mamasfamilyaffair.com

We all grew up at the original Mama's on Washington Square in San Francisco. Eight kids. Mom and Dad cooked all this up, and we're happy to serve you.

Want to CONTACT Mama's Girls? E-mail us.

Please, no calls to San Francisco; they have a line at the door.



Mama's Girls in Times Square, 2011
From left: Laura, Jenny, Lynn, Liz

© 2012 MAMA'S GIRLS LLC - INFO@MAMASFAMILYAFFAIR.COM

SITE BY SIMMA PARK

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Mama's

A FAMILY AFFAIR * SINCE 1964

In 1951 Mike and Fran owned an ice cream and confection shop in San Francisco on a little corner facing Washington Square Park. Thirteen years and eight kids later, along came MAMA'S. A family affair.



Click the photo for more pics!



Mike & Fran at Washington Square with staff (Silvana & Alma). 1969

"Absolutely brilliant. I would wait in line everyday for their food." -Palomino, Citysearch, 2011

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SITE BY SIMMA PARK

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Happy 4th of July! We'll be open 8am-3pm as usual!

Welcome to Mama's, a family tradition!

We are a breakfast and lunch spot proudly serving San Francisco's North Beach neighborhood for over 50 years. From traditional favorites to unique creations, everything's fresh, made to order, and delicious; just like Mama used to make. Our fresh baked goods and homemade jams make all the difference, so come on in—we look forward to seeing you!

Mama's
ON WASHINGTON SQUARE

1701 Stockton St. (at Filbert)
San Francisco, CA 94133
(415) 362-6421

Open daily 8am - 3pm
Closed Mondays



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Design and Illustration by Michael A. Johnson

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Reviews

Here are just a few of the nice things people have said about us. Thanks everyone!



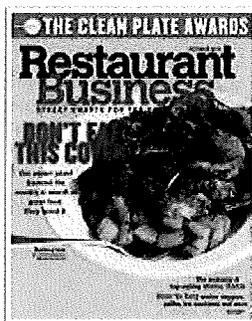
Zagat San Francisco, 2012

The “rib-sticking” “American-style” eats and “fresh baked goods” – including “creative” omelets, and pancakes that are “as light as a feather” – are “close to perfect” at this “cheery” North Beach breakfast and lunch location “with a charming kitchen-table vibe”; “quick” service adds to the “pleasure”, but remember that the “long lines” are as “legendary as the food”, so steel yourself to join the “crowd of locals” in the queue.



USA Today, 2010

At USA TODAY's request, Zagat.com found the best ones for breakfast in 25 cities – ranging from Boston to San Francisco, Minneapolis to Houston – that are frequently visited by business travelers. At Mama's on Washington Square in San Francisco, diners can feast for \$10.50 on the Northwest omelet. It includes smoked salmon and grilled leeks drizzled with sour cream, served with grilled red potatoes and toast. See the full article [here!](#)



Restaurant Business, The 2010 Clean Plate Awards

Bob Okura - Vice President of Culinary Development & Corporate Executive Chef for The Cheesecake Factory

Mama's of San Francisco - Fresh Spinach & Dungeness Crab Benedict

There is always a line with at least a 45-minute wait to eat breakfast here at this northern California culinary landmark, and this dish has got to be one of the reasons why. An unbelievably generous portion of sweet, steamed Dungeness crab piled high on a bed of perfectly sautéed spinach set on a warm, toasted English muffin, and topped with poached eggs and a buttery smooth hollandaise sauce.



Rachael Ray, *Rachael's Vacation* (on the Food Network)

Rachael calls Mama's a "popular hotspot" with a "homey atmosphere that you just don't find in many restaurants." "For something traditional try the Buttermilk Pancakes made from scratch. And if you come on a weekend, check out the specials menu. If you're lucky they'll have the Dungeness Crab Benedict with Fresh Spinach... it is worth every penny in every rich bite." "My favorite? The Apple Pan Dore. De-lish. No wonder San Franciscans can not get enough of Mama's."

Check Please! Bay Area (KQED)

(To jump right to Mama's, go to about 09:38 on the video playback time line.)



TIME

Time Magazine (time.com Travel)

San Francisco: 10 Things to Do in 24 Hours

1. Get Breakfast at Mama's

If you've just flown in from a later time zone, get up early and go to Fisherman's Wharf to check out the sea lions that lounge like giant, stinking dogs, around Pier 39. (This, by the way, is the only thing you should do at Fisherman's Wharf, and only do it around dawn, before the tourists arrive.)

Afterward, head down Stockton St. into North Beach, the formerly Bohemian part of the city. Get yourself a serious breakfast at Mama's, which makes the best breakfast in town; it gets crowded on weekends, so get there early or expect to wait about half an hour. After breakfast, you won't feel like eating again for a days. Time to start walking off the food.



Travel Channel (travelchannel.com Destination Guides)

Mama's on Washington Square has long queues that will keep you waiting on the sidewalk for half an hour. But once you are inside and seated, be prepared for a great breakfast that puts the wait in perspective. Mama's has been around for almost 50 years and it has aged gracefully to say the least. On the menu you will find eleven different omelettes and French toasts made from different types of bread. Make sure you try their home-made jams. Mama's also serves lunch, that too in generous quantities. Try the Monte Cristo which has turkey, ham, cheddar cheese in bread dipped in egg white and grilled.

Food Network

Gotta have the Monte Cristo Sandwich!

Want to make our famous Monte Cristo Sandwich yourself? Check out our recipe featured on foodnetwork.com here...

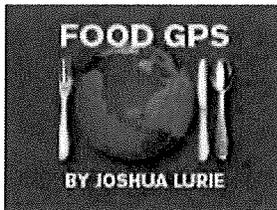


Worth the wait

Standing in line for more than an hour for Sunday brunch at Mama's on Washington Square wasn't necessarily the best way to end a vacation.

The tiny North Beach restaurant with yellow walls and kitschy curtains is in such demand that it operates under martial law. "Bouncers" at the door let in one party at a time. You order at the counter, pay before you eat and then wait again to be seated.

But, oh, the food. The jams are homemade and the french toast moist, but not soggy. It's divine. My sister's only request was that I send this message to foodie tourists who venture there: "Come early and eat quick."



Food GPS by Joshua Lurie (food writer)

Mama's is "the reigning queen of Bay Area breakfast joints."

"Once you're granted the privilege of passing through the front door, you're paraded past the sizzling grill and bustling prep counter, where you'll see warm loaves of bread destined for French toast glory, bowls of garden fresh vegetables and lump crab meat, and stacks of jaw-dropping coffee cakes."

"Michael Sanchez transforms his fresh loaves of bread into French toast. You can order the toasts individually, but the best way to experience the French toast is by ordering the sampler... we enjoyed tart cranberry-orange-walnut, Swedish cinnamon and banana nut topped with thin-sliced banana. The supple French toast fan was dusted with powdered sugar, scattered with fresh berries (black, rasp and straw) and plated with a tiny pitcher of maple syrup."

"If French toast isn't your thing, Mama's also produces buttermilk pancakes, several varieties of fluffy omelettes and a crab benedict that utilizes that pulled crab meat."

"Mama's was well worth the half-hour wait for what remains San Francisco's best breakfast. During the week, customers have to contend with fewer tourists, so it's an even better time to visit."



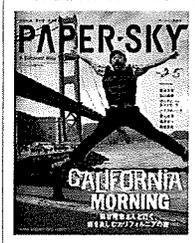
yelp.com

"Best breakfast in the city." "I was honestly blown away." "The eggs were perfectly poached, the breakfast potatoes were crispy in just the right way and the french toast was amazing." "It was definitely worth the wait!" "The cute country Mama's ambiance throughout the restaurant made you feel comfortable and right at home. The place definitely gave the cute, quaint, and country feel. The service was a delight." "This place is fantabulous! Everyone raves about Mama's french toast and for good reason. Whoever thought of using banana nut bread for french toast is a genius! If you're

going for first time, don't narrow your options, try the French Toast Sampler (it comes with 3 different varieties) AND the Monte Cristo (you won't be disappointed)."
"I am in heaven." "It was definitely worth the wait!"



Paper Sky (Japanese magazine, www.paper-sky.com)
(click images for larger view)



VIINI (Finnish wine magazine, www.viinilehti.fi)
(click images for larger view)



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EXHIBIT “F”



Mama's -- San Francisco's Breakfast Legend -- Looks to NYC for Expansion and New Market Growth

MAMA'S RESTAURANT FAMILY NOW OFFERING LICENSING AND INVESTMENT OPPORTUNITIES

NEW YORK, March 8, 2012 /PRNewswire/ -- After 60 years the line still tops an hour for hungry customers queued up for one of the country's top breakfast experiences. Now Mama's Girls LLC, the company formed by the offspring of Mama's founders, is scouting around for an East Coast location of San Francisco's "wildly-popular" breakfast and lunch experience in New York City.

The original Mama's on Washington Square opened its doors in 1964 after Frances and Michael Sanchez revamped their tiny ice cream and confection shop. Inspired by North Beach and it's bounty of Italian bakers and coffee roasters, the Sanchez's originated a fresh, eye-popping approach to food and restaurant service attracting culinary notables like Julia Child and James Beard. Gourmet Magazine credited Mama's as "a kind of super American brasserie, the best that the country has to offer."

Mama's (A Family Affair), has a new 2200 Sq Ft "multi-use" design that captures the cozy intimacy of the original Mama's on Washington Square for casual dining, and introduces a bakery sidekick dubbed "Little Mama's," by Mama's eight offspring.

In the bakery expect some of the 50's-60's "gustatory kitsch" Mama raised her brood on, - **Jewish Coffee Cake, Dutch Baby, and Raspberry Jam M'Omelette™**-

Also a nod to her early confectionary soda's "Fifty/Fifty" and "Italian Lemon Freeze" among sweets, expect those "to die for" signature sandwiches in a new grab n 'go style.

With competitive price points and a family friendly menu, daughter Jennifer Strome is scouting popular NYC hotspots like Union Square and the Upper West Side for a 2012-13 opening.

Whether Bay Area locals or global travelers, Mama's customers tweet, snap, and post to Facebook when the mouth-watering Swedish Cinnamon French Toast or the Mama's Cristo™ Sandwich plates are brought to the table, and the Original Slim Joe™ burger plate is still, well, "incredibly delicious" and simply original!

Working in harmony as Mama raised them, son Michael Jr., with wife Debra and a barrel of grandchildren keep the family tradition going on Washington Square in San Francisco, while Mama's Girls LLC, four of Mama's daughters, are going Coast to Coast. Mama's is, as always, a family affair.

www.mamasfamilyaffair.com User: mamasfamily Password: Sanchez2012! (Website not

available for public viewing)

SOURCE Mama's Girls LLC

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Check the box to include the list of links referenced in the article.