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Filing date: **06/10/2011**

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

Proceeding	92047433
Party	Plaintiff Gado S.A.R.L.
Correspondence Address	MARK LERNER SATTERLEE STEPHENS BURKE BURKE LLP 230 PARK AVE NEW YORK, NY 10169 UNITED STATES mlerner@ssbb.com, pcarey@ssbb.com
Submission	Other Motions/Papers
Filer's Name	Robert Carrillo
Filer's e-mail	rcarrillo@ssbb.com, mlerner@ssbb.com
Signature	/RCC/
Date	06/10/2011
Attachments	11 06 10 Notice of Motion to Change the Caption.pdf ( 1 page )(97462 bytes ) 11 06 10 Declaration of Robert Carrillo.pdf ( 6 pages )(750547 bytes ) 11 06 10 Certificate of Service.pdf ( 1 page )(90331 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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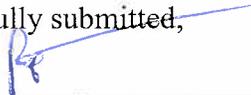
GADO S.A.R.L.	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92047433
v.	)	
	)	
JAY-Y ENTERPRISES CO., INC.,	)	
	)	
Respondent.	)	

**PETITIONER'S NOTICE OF MOTION TO CHANGE THE CAPTION OF THE PROCEEDING**

**PLEASE TAKE NOTICE** that upon the annexed declaration of Robert Carrillo, dated June 9, 2011, together with the exhibits annexed thereto, as well as all pleadings filed with the Trademark Trial and Appeal Board (the "Board"), and name change materials previously filed with the Assignment Services Division of the United States Patent and Trademark Office ("USPTO"), Petitioner Gado S.r.l. ("Petitioner" or "Gado") hereby moves the Board for an Order changing Petitioner's name in the caption for this proceeding from *Gado S.a.r.l.* to *Gado S.r.l.*, pursuant to Section 512.02 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP").

Dated: June 10, 2011

Respectfully submitted,

  
\_\_\_\_\_  
Mark Lerner  
Robert Carrillo  
Satterlee, Stephens, Burke & Burke LLP  
230 Park Avenue, 11<sup>th</sup> Floor  
New York, NY 10169  
(212) 818-9200  
*Attorneys for Petitioner*

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

GADO S.A.R.L. )  
 )  
 Petitioner, )  
 ) Cancellation No. 92047433  
 v. )  
 )  
 JAY-Y ENTERPRISES CO., INC., )  
 )  
 Respondent. )

**DECLARATION OF ROBERT CARRILLO IN SUPPORT OF MOTION TO CHANGE THE  
CAPTION OF THE PROCEEDING**

I, Roberto Carrillo, declare under penalty of perjury:

1. I am an associate of the law firm of Satterlee Stephens Burke & Burk LLP, counsel for Petitioner Gado S.r.l. (“Petitioner” or “Gado”). I submit this Declaration in Support of the Motion by Petitioner for an order pursuant to Section 512.02 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) changing Petitioner’s name in the caption for this proceeding from *Gado S.a.r.l.* to *Gado S.r.l.*

2. Petitioner’s legal name at the inception of the above-captioned proceeding was *Gado S.a.r.l.* After the proceeding was underway, Petitioner filed an assignment indicating a change of name with the United State Patent and Trademark Office covering the three registrations owned by Petitioner that are at issue in this proceeding: Registration Nos. 3,108,433, 2,096,500, 1,742,622. Each of the name changes was recorded by the USPTO at Reel/Frame: 3803/0950. Copies of the USPTO’s web database cataloguing the filing of the name changes (including the reel and frame numbers) are attached hereto as Exhibit A. The above name change has been previously noted on materials filed with the TTAB by way of footnote (for example in Petitioner’s Notice of Reliance).

3. Pursuant to Section 512.02 of the TBMP, as evidence of Petitioner’s name change

has been provided and is on record with the USPTO, Petitioner's name in the above-captioned proceeding should be changed from *Gado S.a.r.l.* to *Gado S.r.l.* See *Wma Group Inc. v. Western International Media Corp.*, 29 U.S.P.Q.2d 1478, 1479 (T.T.A.B. 1993); *Principal Financial Services, Inc. v. Beacon Bank*, 2004 WL 1294394, \*6 (T.T.A.B. 2008).

4. The granting of the instant motion should not change the proceeding's testimony schedule.

I declare under laws of perjury of the United States of America that the foregoing is true and correct and this declaration was executed on June 9, 2011 at New York, New York.



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Roberto Carrillo

# **EXHIBIT A**

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Filing Dt: 10/22/1990

Reg #: [1742622](#)

Reg. Dt: 12/29/1992

Registrant: GABBANA, STEFANO

Mark: DOLCE &amp; GABBANA

**Assignment: 1**Reel/Frame: [2906/0563](#)

Received: 08/02/2004

Recorded: 08/02/2004

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignors: [DOLCE, MR. DOMENICO](#)

Exec Dt: 06/29/2004

Entity Type: INDIVIDUAL

Citizenship: NONE

Exec Dt: 06/29/2004

Entity Type: INDIVIDUAL

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: LUXEMBOURG

[GABBANA, MR. STEFANO](#)Assignee: [GADO S.A.R.L.](#)5, RUE GUILLAUME  
KROLL L-1882, LUXEMBOURG

Correspondent: BARTH X. DEROSA

1615 L STREET, N.W., STE. 850  
WASHINGTON, DC 20036**Assignment: 2**Reel/Frame: [3803/0950](#)

Received: 06/26/2008

Recorded: 06/26/2008

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: [GADO S.A.R.L.](#)

Exec Dt: 09/30/2007

Entity Type: CORPORATION

Citizenship: LUXEMBOURG

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Assignee: [GADO S.R.L.](#)VIA GOLDONI, 10  
MILANO, ITALY 20129

Correspondent: JOHN CLARKE HOLMAN

JACOBSON HOLMAN PLLC  
400 7TH ST., NW  
WASHINGTON, DC 20004

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Filing Dt: 11/07/1995

Reg #: [2096500](#)

Reg. Dt: 09/16/1997

Registrant: GABBANA, STEFANO

Mark: D&amp;G DOLCE &amp; GABBANA

**Assignment: 1**Reel/Frame: [2906/0563](#)

Received: 08/02/2004

Recorded: 08/02/2004

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignors: [DOLCE, MR. DOMENICO](#)

Exec Dt: 06/29/2004

Entity Type: INDIVIDUAL

Citizenship: NONE

Exec Dt: 06/29/2004

Entity Type: INDIVIDUAL

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: LUXEMBOURG

[GABBANA, MR. STEFANO](#)Assignee: [GADO S.A.R.L.](#)5, RUE GUILLAUME  
KROLL L-1882, LUXEMBOURG

Correspondent: BARTH X. DEROSA

1615 L STREET, N.W., STE. 850  
WASHINGTON, DC 20036**Assignment: 2**Reel/Frame: [3803/0950](#)

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Exec Dt: 09/30/2007

Entity Type: CORPORATION

Citizenship: LUXEMBOURG

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ITALY

Assignee: [GADO S.R.L.](#)VIA GOLDONI, 10  
MILANO, ITALY 20129

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### Trademark Assignment Abstract of Title

**Total Assignments: 1****Serial #:** [76599454](#)**Filing Dt:** 06/28/2004**Reg #:** [3108433](#)**Reg. Dt:** 06/27/2006**Registrant:** GADO S.à.r.l.**Mark:** D&G**Assignment: 1****Reel/Frame:** [3803/0950](#)**Received:** 06/26/2008**Recorded:** 06/26/2008**Pages:** 5**Conveyance:** CHANGE OF NAME**Assignor:** [GADO S.A.R.L.](#)**Exec Dt:** 09/30/2007**Entity Type:** CORPORATION**Citizenship:** LUXEMBOURG**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** ITALY**Assignee:** [GADO S.R.L](#)VIA GOLDONI, 10  
MILANO, ITALY 20129**Correspondent:** JOHN CLARKE HOLMAN  
JACOBSON HOLMAN PLLC  
400 7TH ST., NW  
WASHINGTON, DC 20004

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*CERTIFICATE OF SERVICE*

I hereby certify, under penalty of perjury, that a copy of the foregoing **Notice of Motion and Declaration of Robert Carrillo** was served on this 10 day of June 2011, by Federal Express Overnight Mail, addressed to Kenneth L. Wilton:

Seyfarth Shaw LLP  
One Century Plaza, Suite 3500  
2029 Century Park East  
Los Angeles, CA 90067-3021

Attorney for the Respondent.

  
\_\_\_\_\_  
Robert Carrillo

*CERTIFICATE OF ESTTA FILING*

I hereby certify, under penalty of perjury, that this Notice of Motion and the Declaration of Robert Carrillo is being filed on June 10, 2011, by way of the USPTO'S ESTTA ONLINE FILING SYSTEM.

  
\_\_\_\_\_  
Robert C. Carrillo