

ESTTA Tracking number: **ESTTA417207**

Filing date: **06/30/2011**

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

Proceeding	92053622
Party	Plaintiff UMG Recordings, Inc.
Correspondence Address	JASON JONES FROSS ZELNICK LEHRMAN AND ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES ddonahue@fzlz.com, jjones@fzlz.com, mortiz@fzlz.com, gary@gsphillpslaw.com
Submission	Other Motions/Papers
Filer's Name	Jason D. Jones
Filer's e-mail	ddonahue@fzlz.com, jjones@fzlz.com, mortiz@fzlz.com
Signature	/Jason D. Jones/
Date	06/30/2011
Attachments	DECLARATION OF JASON JONES with Exhibits (F0820081).PDF ( 13 pages ) (447755 bytes )

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

In the Matter of Registration No. 3,059,241

Mark: J5

UMG RECORDINGS, INC.,

Petitioner,

- against -

SIGGY MUSIC, INC.,

Registrant.

Cancellation No. 92053622

**DECLARATION OF JASON D. JONES IN SUPPORT OF  
PETITIONER'S MOTION TO DISMISS REGISTRANT'S COUNTERCLAIM**

Jason D. Jones declares under penalty of perjury as follows:

1. I am a member of the Bar of the state of New York and a member of the law firm Fross Zelnick Lehrman & Zissu, P.C., counsel for Petitioner UMG Recordings, Inc. ("Petitioner") in the above-captioned cancellation proceeding. This Declaration is based on my personal knowledge and on our firm's files in this action. I submit this Declaration in support of Petitioner's Motion to Dismiss Registrant's Counterclaim For Fraud.

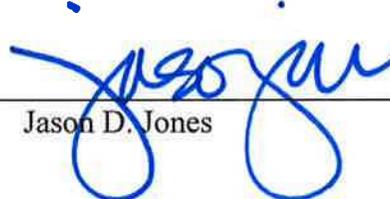
2. Attached hereto as **Exhibit A** is a true and correct copy of a March 1, 2004 Examiner's Amendment to Application Serial No. 76/536,394, which was printed from the USPTO's Trademark Document Retrieval webpage.

3. Attached hereto as **Exhibit B** is a true and correct copy the Trademark Assignment Abstract of Title for Registration No. 965,809, which was printed from the USPTO's Assignment Information webpage. This document demonstrates that, on May 21, 2003, an assignment of Registration No. 965,809 from Motown Record Company, L.P. to Petitioner was recorded with the USPTO.

4. Attached hereto as **Exhibit C** is a true and correct copy the official assignment documents referenced in the USPTO's Trademark Assignment Abstract of Title for Registration No. 965,809, which are located at Reel/Frame 2737/0324-2737/0326. These assignment documents demonstrate that Registration No. 965,809 for JACKSON 5 was assigned to Petitioner from Motown Record Company, L.P. on May 14, 2003.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 30, 2011  
New York, New York



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Jason D. Jones

# **EXHIBIT A**

UNITED STATES PATENT AND TRADEMARK OFFICE

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 76/536394

**APPLICANT:** UMG RECORDINGS, INC.

**CORRESPONDENT ADDRESS:**

ANNE B. NIELSEN  
UNIVERSAL CITY STUDIOS LLLP  
100 UNIVERSAL CITY PLAZA  
UNIVERSAL CITY, CALIFORNIA 91608

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
**ecom114@uspto.gov**

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

**MARK:** JACKSON 5

**CORRESPONDENT'S REFERENCE/DOCKET NO :** N/A

**CORRESPONDENT EMAIL ADDRESS:**

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 76/536394

**EXAMINER'S AMENDMENT**

In accordance with the authorization granted by Anne Nielsen on **March 1, 2004**, the application has been AMENDED as indicated below. Please note that if the identification of goods or services has been amended below, any future amendments must be in accordance with 37 C.F.R. 2.71(a); TMEP section 1402.07(e). No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Disclaimer :

No claim is made to the exclusive right to use '5' apart from the mark as shown.

Claim of Prior Registration :

The applicant is the owner of U.S. Registration No. 0965809.

/Won T. Oh/  
Law Office 114  
(703) 308 - 9114 x-176  
email: [won.oh@uspto.gov](mailto:won.oh@uspto.gov)

# **EXHIBIT B**



## United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

## Trademark Assignment Abstract of Title

**Total Assignments: 4****Serial #:** 72419999**Filing Dt:** 03/30/1972**Reg #:** 965809**Reg. Dt:** 08/07/1973**Registrant:** MOTOWN RECORD CORPORATION**Mark:** JACKSON 5**Assignment: 1****Reel/Frame:** 0878/0095**Received:****Recorded:** 06/22/1992**Pages:** 3**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** GORDY COMPANY, THE**Exec Dt:** 06/11/1992**Formerly:** FORMERLY KNOWN AS MOTOWN RECORD CORPORATION**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Assignee:** MOTOWN RECORD COMPANY, L.P.**Entity Type:** LIMITED PARTNERSHIP

6255 SUNSET BOULEVARD

**Citizenship:** DELAWARE

LOS ANGELES, CALIFORNIA 90028

**Correspondent:** IRELL & MANELLA

BRUCE D. KUYPER

333 SOUTH HOPE ST. STE. 3300

LOS ANGELES, CA 90071-3042

**Assignment: 2****Reel/Frame:** 1024/0128**Received:****Recorded:** 09/10/1993**Pages:** 9**Conveyance:** TERMINATION, RELEASE AND REASSIGNMENT OF SECURITY INTEREST, EXECUTED AS OF SEPTEMBER 2, 1993.**Assignor:** CHEMICAL BANK**Exec Dt:** 09/02/1993**Entity Type:** NEW YORK BANKING CORPORATION**Citizenship:** NONE**Assignee:** MRAC, L.P.**Entity Type:** CALIFORNIA LIMITED PARTNERSHIP

6255 SUNSET BOULEVARD

**Citizenship:** NONE

LOS ANGELES, CALIFORNIA 90028

**Correspondent:** STACY A. KREISBERG, ESQ.

O'MELVENY &amp; MYERS

1999 AVENUE OF THE STARS, STE. 700

LOS ANGELES, CALIFORNIA 90067

**Assignment: 3****Reel/Frame:** 1071/0223**Received:****Recorded:** 10/13/1993**Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** MOTOWN RECORD COMPANY, L.P.**Exec Dt:** 09/02/1993**Entity Type:** LIMITED PARTNERSHIP**Citizenship:** DELAWARE**Assignee:** MRAC, L.P.**Entity Type:** LIMITED PARTNERSHIP

6255 SUNSET BOULEVARD LOS ANGELES, CA 90028

**Citizenship:** CALIFORNIA**Correspondent:** STACY A. KREISBERG, ESQ.

O'MELVENY &amp; MYERS

1999 AVENUE OF THE STARS

SUITE 700

LOS ANGELES, CA 90067

**Assignment: 4**

**Reel/Frame:** 2737/0324      **Received:** 05/21/2003

**Recorded:** 05/21/2003

**Pages:** 3

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** MOTOWN RECORD COMPANY, L.P.

**Exec Dt:** 05/14/2003

**Entity Type:** LIMITED PARTNERSHIP

**Citizenship:** NONE

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** UMG RECORDINGS, INC.

100 UNIVERSAL CITY PLAZA  
UNIVERSAL CITY, CALIFORNIA 91608

**Correspondent:** ANNE B. NIELSEN  
100 UNIVERSAL CITY PLAZA  
UNIVERSAL CITY, CA 91608

Search Results as of: 06/15/2011 05:21 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.1  
Web interface last modified: Apr 30, 2009 v.2.1

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# **EXHIBIT C**

05-22-2003

Form PTO-1594 (Rev. 10/02) OMB No. 0851-0027 (exp. 6/30/2005)



102454165

U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Motown Record Company, L.P.

5-21-03

- Individual(s) Association General Partnership Limited Partnership Corporation-State Other

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger Security Agreement Change of Name Other

Execution Date: 5/14/03

2. Name and address of receiving party(ies)

Name: UMG Recordings, Inc. Internal Address:

Street Address: 100 Universal City Plaza City: Universal City State: CA Zip: 91608

- Individual(s) citizenship Association General Partnership Limited Partnership Corporation-State Delaware Other

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) See Attached

B. Trademark Registration No.(s) See Attached

Additional number(s) attached Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Anne B. Nielsen Internal Address: 1280 - 6th Floor

Street Address: 100 Universal City Plaza City: Universal City State: CA Zip: 91608

6. Total number of applications and registrations involved: 24

7. Total fee (37 CFR 3.41): \$ 615.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number: 50-0333

DO NOT USE THIS SPACE

9. Signature.

Anne B. Nielsen Name of Person Signing

Signature

5/16/03

Date

Total number of pages including cover sheet, attachments, and document: 4

Mail documents to be recorded with required cover sheet information to: Commissioner of Patent & Trademarks, Box Assignments Washington, D.C. 20231

05/22/2003 ECOOPER 00000039 75441755

01 FC:0521 40.00 CH 02 FC:0522 575.00 CH

TRADEMARK REEL: 002737 FRAME: 0324

## SCHEDULE A

MARK	SERIAL NO.
HITSVILLE	75/441755
MOTOWN	75/866346

MARK	REG. NO.
MOTOWN MASTER SERIES & DESIGN	2516930
MOTOWN	881471
MOTOWN	800977
MOTOWN	2040824
MOTOWN (LOGO)	985972
MOTOWN (LOGO)	985976
M MOTOWN (LOGO)	1075409
M MOTOWN (LOGO)	2242932
M MOTOWN (LOGO)	2663608
M (LOGO)	1432360
M STIPPEN (LOGO)	1368252
TAMLA	985973
TAMLA	800978
TAMLA (LOGO IN HALVE CIRKEL)	1026437
MOROCCO (LOGO)	1342156
THE SUPREMES	1003076
<b>JACKSON 5</b>	<b>965809</b>
THE TEMPTATIONS	879695
MOJAZZ (LOGO)	2055631
MOJAZZ	1885546
MOJAZZ (LOGO)	1917167
THE SUPREMES	1009265

**ASSIGNMENT OF TRADEMARKS**

**WHEREAS**, Motown Record Company, L.P. a California limited partnership organized and existing under the laws of the State of California of which UMG Recordings, Inc. is the General Partner, having its principal place of business at 825 Eighth Avenue, Worldwide Plaza, New York, New York 10019 ("Assignor"), is the owner of all right, title and interest in and to the trademarks listed on the attached Schedule A (the "Trademarks"), and is the owner of the applications and registrations therefor; and

**WHEREAS**, UMG Recordings, Inc. a Delaware corporation organized and existing under the laws of the State of Delaware also having its principal place of business at 100 Universal City Plaza, Universal City, California 91608 ("Assignee"), desires to acquire all right, title and interest in and to the aforementioned Trademarks, the goodwill of the business symbolized thereby, and the applications and registrations therefor;

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee the Assignor's entire right, title and interest in and to the Trademarks, the goodwill of the business symbolized thereby, and the applications and registrations therefor.

**IN TESTIMONY WHEREOF**, the Assignor has caused this Assignment of Trademarks to be executed by its authorized representative.

**MOTOWN RECORD COMPANY, L.P.**

May 14, 2003

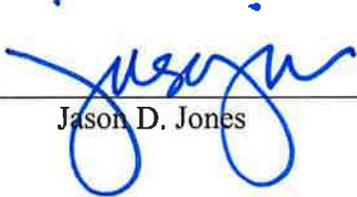
By: \_\_\_\_\_

  
Anne B. Nielsen  
Assistant Secretary  
UMG Recordings, Inc.  
General Partner

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 30<sup>th</sup> day of June 2011, a copy of the foregoing **DECLARATION OF JASON D. JONES IN SUPPORT OF PETITIONER'S MOTION TO DISMISS REGISTRANT'S COUNTERCLAIM** was sent by first class mail postage pre-paid, and by e-mail, to Registrant's counsel of record as follows:

Charles W. Grimes, Esq.  
Jessica S. Rutherford, Esq.  
GRIMES & BATTERSBY, LLC  
488 Main Avenue, Third Floor  
Norwalk, CT 06851  
[grimes@gandb.com](mailto:grimes@gandb.com)  
[rutherford@gandb.com](mailto:rutherford@gandb.com)

  
\_\_\_\_\_  
Jason D. Jones