

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

Concurrent Use No. 94002078
In the matter of Trademark Registration No. 2,348,945
For the Mark: CAMPO DE FIORI
Date Registered: May 9, 2000

75/312, 127

I MATTI RISTORANTE, INC., Petitioner
v.
CAMPO DE FIORI L.L.C., Registrant

Petitioner: I MATTI RISTORANTE, INC.
205 South Mill Street, #109
Aspen, CO 81611

Box: TTAB
Honorable Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Enclosed herewith via **Express Mail No. EV 712574093 US** is Applicant's Withdrawal Of Its Concurrent Use Application. No fee is required for this transmittal. However, authorization is given to charge any insufficiency to Deposit Account No. 14-1131.

Respectfully submitted,

I certify that this document and enclosed fee is being deposited on March 12, 2007 with the U.S. Postal Express Mail Service under 37 C.F.R. 1.10 and is addressed to box TTAB: Honorable Commissioner of Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

Liz Wells

Signature of Person Mailing Correspondence

Liz Wells

Printed Name of Person Mailing Correspondence

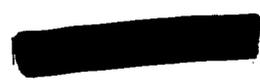
EV 712574093 US

"Express Mail" Label Number

Richard B. Megley, Jr.

Richard B. Megley, Jr.
Reg. No. 41,992

NIRO, SCAVONE, HALLER & NIRO, LTD.
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
(312) 236-0733



03-12-2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Concurrent Use No. 94002078
In the matter of Trademark Registration No. 2,348,945
For the mark: CAMPO DE FIORI
Date Registered: May 9, 2000

I MATTI RISTORANTE, INC.
v.
CAMPO DE FIORI L.L.C.

APPLICANT'S WITHDRAWAL OF ITS CONCURRENT USE APPLICATION

Pursuant to 37 C.F.R. § 2.68, Applicant I Matti Ristorante, Inc. ("Applicant"), hereby withdraws its Concurrent Use Application Serial No. 76471175. The application is subject to a pending concurrent use proceeding with Registration No. 2,348,945 ("the '945 registration").

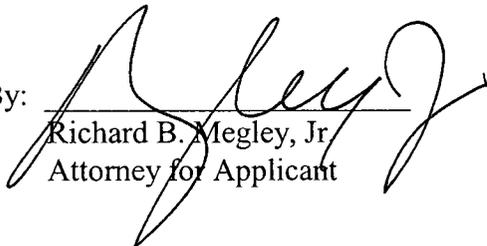
Until recently, the '945 registration was owned by Registrant Campo de Fiori L.L.C. ("Registrant"). In July of 2006, Registrant entered Chapter 7 bankruptcy proceedings before the United States Bankruptcy Court for the District of Massachusetts ("the Court"). In connection with said bankruptcy proceedings, Stewart F. Grossman ("Trustee") is and has been the duly appointed, qualified and acting Chapter 7 Bankruptcy Trustee of Registrant. By Order of the Court dated February 20, 2007, Trustee was authorized to assign the '945 registration to Applicant. (Exhibit A, Court Order of February 20, 2007).

On February 27, 2007, Trustee assigned all right, title and interest in and to the '945 registration to Applicant. The assignment was recorded with the United States Patent & Trademark Office on March 7, 2007 at reel/frame 003495/0340, and is also attached hereto as Exhibit B. As a result of the assignment, Applicant is the owner of all right, title and interest in the '945 registration, thereby rendering Applicant's pending concurrent use application unnecessary.

Applicant therefore respectfully requests that its Concurrent Use Application Serial No. 76471175 be withdrawn pursuant to 37 C.F.R. § 2.68, and further requests that the pending concurrent use proceeding (Concurrent Use No. 94002078) be terminated.

Dated: 3/12/07

Niro, Scavone, Haller & Niro
181 West Madison Street - Suite 4600
Chicago, Illinois 60602
(312) 236-0733

By: 

Richard B. Megley, Jr.
Attorney for Applicant

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

| | | |
|----------------------|---|----------------------|
| _____ |) | |
| In re |) | |
| |) | |
| CAMPO DE FIORI LLC , |) | Chapter 7 |
| |) | Case No. 06-12252-RS |
| Debtor. |) | |
| _____ |) | |

**ORDER AUTHORIZING TRUSTEE TO SELL
TRADEMARK "CAMPO DE FIORI" AT PRIVATE SALE**

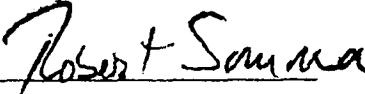
Upon consideration of the Trustee's Motion For Authority to Sell Trademark "Campo De Fiori" at Private Sale (the "Motion"), notice having properly been given in accordance with the Notice Of Intended Private Sale, Deadline for Submitting Objections and Higher Offers, and Hearing Date filed with such Motion, and any and all objections having been heard and addressed, the Court hereby ORDERS, for good and adequate cause shown, that:

1. The Motion is ALLOWED;
2. Stewart F. Grossman, the Chapter 7 Trustee (the "Trustee") may sell by private sale the Debtor's Trademark (as defined in the Motion) to I Matti Ristorante, Inc. c/o Robert A. Conley, Esq., Niro, Scavone, Haller & Niro, 181 West Madison Street, Suite 4600, Chicago, IL 60602-4515 (the "Purchaser") for the sum of \$1,500 (the "Purchase Price") in accordance with the terms contained in the Motion;
3. The Trademark shall be sold free and clear of all liens, claims, interests, or encumbrances. Any perfected, enforceable, valid liens, claims, interests, or encumbrances shall attach to the proceeds of the sale according to priorities established under applicable law;

4. The provisions of Fed. R. Bankr. P. 6004(g) and 6006(d), which otherwise would stay this Order until the expiration of ten (10) days after its entry, are deemed inapplicable, and the Trustee may proceed with the sale of the Trademark immediately upon the entry of this Order;

It is SO ORDERED.

Entered at Boston, Massachusetts this 20th day of ^{February}~~January~~, 2007.



Robert Somma,
United States Bankruptcy Judge

EXHIBIT B

ASSIGNMENT

WHEREAS, Campo De Fiori L.L.C. ("Assignor"), a limited liability company existing under the laws of the State of Delaware , is the owner of United States trademark registration number 2,348,945 for the trademark "CAMPO DE FIORI" ("The Mark");

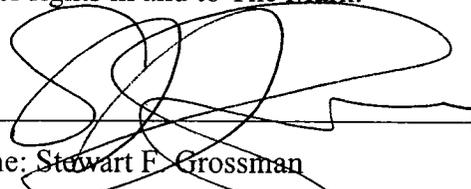
WHEREAS, Stewart F. Grossman ("Trustee"), is the duly appointed, qualified and acting Chapter 7 Bankruptcy Trustee of Assignor;

WHEREAS, I Matti Ristorante, Inc. ("Assignee"), a corporation incorporated under the laws of the State of Colorado, desires to acquire any and all right, title and interest of Assignor in and to United States trademark registration number 2,348,945, as well as any other rights of Assignor in and to The Mark; and

WHEREAS, by Order of the United States Bankruptcy Court for the District of Massachusetts ("the Court") dated February 20, 2007, Trustee has been authorized to sell The Mark to Assignee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Trustee, acting on behalf of Assignor, hereby sells, assigns, transfers and otherwise conveys to Assignee, Assignee's successors, legal representatives and assigns, all right, title and interest of Assignor in and to United States trademark registration number 2,348,945, as well as any other rights of Assignor in and to The Mark. As stated in the Court's Order of February 20, 2007, a copy of which is attached hereto as Exhibit A, the Trustee's sale to Assignee of Assignor's United States trademark registration number 2,348,945, as well as any other rights of Assignor in and to The Mark, shall be free and clear of all liens, claims, interests, or encumbrances. Trustee further agrees to execute and cause to be executed such additional instruments prepared by Assignee as may be necessary or desirable to confirm the transfer of rights herein contemplated, to record the transfer of rights in the United States Patent & Trademark Office, and to permit Assignee, and Assignee's successors, legal representatives and assigns to enforce United States trademark registration number 2,348,945, as well as any other rights in and to The Mark.

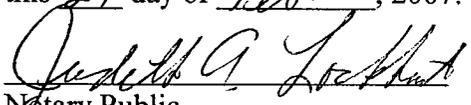
Dated this 27th day of February, 2007

By: 

Name: ~~Stewart F. Grossman~~

Title: Chapter Bankruptcy 7 Trustee for Campo De Fiori L.L.C.

Subscribed and sworn to before me
this 27 day of Feb., 2007.


Notary Public

My Commission Expires: 11/23/12

:ROBERT A. CONLEY COMPANY:181 W. MADISON ST., SUITE 4600



UNITED STATES PATENT AND TRADEMARK OFFICE

Facsimile Transmission

To: **Name:** ROBERT A. CONLEY
 Company: 181 W. MADISON ST., SUITE 4600
 Fax Number: 13122363137
 Voice Phone:

From: **Name:** ASSIGNMENT SERVICES BRANCH
 Voice Phone: 571-272-3350

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

| Pg# | Description |
|-----|--------------------------|
| 1 | Cover Page |
| 2 | 811.TXT |
| 4 | Document 1, Batch 869593 |

USPTO ASSIGNMENT SYSTEM PROCESSING

Date and time of transmission: Friday, March 09, 2007 9:02:10 AM
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ROBERT A. CONLEY COMPANY: 181 W. MADISON ST., SUITE 4600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 07, 2007

PTAS

900071130A

ROBERT A. CONLEY
181 W. MADISON ST., SUITE 4600
NIRO, SCAVONE, HALLER & NIRO
CHICAGO, IL 60602

900071130A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 03/07/2007

REEL/FRAME: 003495/0340
NUMBER OF PAGES: 6

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:

STEWART F. GROSSMAN AS CHAPTER 7
TRUSTEE OF CAMPO DE FIORI LLC

DOC DATE: 02/27/2007
CITIZENSHIP: MASSACHUSETTS
ENTITY: TRUSTEE

ASSIGNEE:

I MATTI RESTAURANTE, INC.
DBA CAMPO DE FIORI
215 S. MILL ST., #109
ASPEN, COLORADO 81611

CITIZENSHIP: COLORADO
ENTITY: CORPORATION

APPLICATION NUMBER: 75312127
REGISTRATION NUMBER: 2348945

FILING DATE: 06/20/1997
ISSUE DATE: 05/09/2000

MARK: CAMPO DE FIORI

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

:ROBERT A. CONLEY COMPANY:181 W. MADISON ST., SUITE 4600

003495/0340 PAGE 2

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

: ROBERT A. CONLEY COMPANY: 181 W. MADISON ST., SUITE 4600

TRADEMARK ASSIGNMENT

Electronic Version v1.1
Stylesheet Version v1.103/07/2007
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|---|--|--|------------------------|
| SUBMISSION TYPE: | | NEW ASSIGNMENT | |
| NATURE OF CONVEYANCE: | | ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL | |
| CONVEYING PARTY DATA | | | |
| Name | | Formerly | Entity Type |
| Stewart F. Grossman as Chapter 7 Trustee of Campo De Fiori LLC | | | TRUSTEE: MASSACHUSETTS |
| Execution Date | | | |
| | | 02/27/2007 | |
| RECEIVING PARTY DATA | | | |
| Name: | I Matti Restaurante, Inc. | | |
| Doing Business As: | DBA Campo De Fiori | | |
| Street Address: | 215 S. Mill St., #109 | | |
| City: | Aspen | | |
| State/Country: | COLORADO | | |
| Postal Code: | 81611 | | |
| Entity Type: | CORPORATION: COLORADO | | |
| PROPERTY NUMBERS Total: 1 | | | |
| Property Type | Number | Word Mark | |
| Registration Number: | 2348945 | CAMPO DE FIORI | |
| CORRESPONDENCE DATA | | | |
| Fax Number: | (312)236-3137 | | |
| | <i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i> | | |
| Phone: | 312-236-0733 | | |
| Email: | conley@nshn.com | | |
| Correspondent Name: | Robert A. Conley | | |
| Address Line 1: | 181 W. Madison St., Suite 4600 | | |
| Address Line 2: | Niro, Scavone, Haller & Niro | | |
| Address Line 4: | Chicago, ILLINOIS 60602 | | |
| NAME OF SUBMITTER: | | Robert A. Conley | |
| Signature: | | /s/ Robert A. Conley | |
| Date: | | 03/07/2007 | |

OP \$40.00 2348945

:ROBERT A. CONLEY COMPANY:181 W. MADISON ST., SUITE 4600

Total Attachments: 4

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