

ESTTA Tracking number: **ESTTA405199**

Filing date: **04/22/2011**

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

Proceeding	77663101
Applicant	EK Success, Ltd.
Applied for Mark	JOLEE'S JEWELS
Correspondence Address	SCOTT E. THOMPSON GREENBERG TRAUERIG, LLP 200 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10166 UNITED STATES nytmdkt@gtlaw.com, schlossd@gtlaw.com
Submission	REQUEST TO REMOVE APPEAL FROM SUSPENSION AND REQUEST TO REMAND TO EXAMINING ATTORNEY
Attachments	request to remove from suspension.pdf (8 pages)(153854 bytes)
Filer's Name	Masahiro Noda
Filer's e-mail	nytmdkt@gtlaw.com, thompsonse@gtlaw.com, nodam@gtlaw.com
Signature	/MASAHIRO NODA/
Date	04/22/2011

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

In re Application of:)	
EK Success, Ltd.)	
Application Serial No.: 77/663,101)	Law Office 108
Filed: February 4, 2009)	
Trademark: JOLEE'S JEWELS)	Examining Attorney:
)	Fred Carl III

**APPLICANT'S REQUEST TO REMOVE APPEAL FROM SUSPENSION
AND REQUEST TO REMAND TO THE EXAMINING ATTORNEY**

Further to Applicant's motion filed July 21, 2010, the Board issued an order on September 2, 2010 suspending the instant proceeding pending disposition of Civil Action Case No. 10-216-ML.

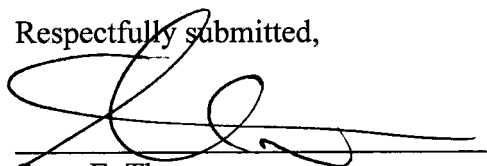
Applicant respectfully submits the following: (1) the Civil Action has concluded and the parties involved in the Civil Action, namely, Applicant and JJI International, Inc. ("JJi"), have executed a settlement agreement; (2) as part of the settlement agreement, JJI, the previous owner of the cited registration, namely, Reg. No. 2,758,913 for the mark JOLIE JEWELS, assigned its entire interest and the goodwill to Applicant; and (3) the only asserted ground in the refusal of registration of Applicant's mark JOLEE'S JEWELS, Ser. No. 77/663,101 remaining was refusal under Trademark Act Section 2(d), 15 U.S.C. §1052(d) based on Reg. No. 2,758,913, which has now been assigned over to Applicant and is currently in Applicant's name (a copy of the assignment document is attached herein as Exhibit A).

In light of the foregoing, Applicant respectfully requests that the Board remove the instant proceeding from suspension, and remand the application to the trademark examining attorney for approval for publication.

Respectfully submitted,

Dated: April 22, 2011

By:



Scott E. Thompson
Daniel I. Schloss
Masahiro Noda
GREENBERG TRAUIG, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9200

Attorneys for Applicant EK Success, Ltd.

EXHIBIT A

TO: MASA NODA COMPANY: 200 PARK AVENUE



UNITED STATES PATENT AND TRADEMARK OFFICE

Facsimile Transmission

To: **Name:** MASA NODA
 Company: 200 PARK AVENUE
 Fax Number: 12023313101
 Voice Phone:

From: **Name:** ASSIGNMENT RECORDATION SERVICES
 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	<Description not available>
4	Batch 2305622 Document 1

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Date and time of transmission: Monday, January 24, 2011 9:19:04 AM
Number of pages including this cover sheet: 05

TO:MASA NODA COMPANY:200 PARK AVENUE

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

JANUARY 11, 2011

PTAS

MASA NODA
200 PARK AVENUE
METLIFE BUILDING
NEW YORK, NY 10166***900180272***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.

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RECORDATION DATE: 01/03/2011

REEL/FRAME: 004445/0718

NUMBER OF PAGES: 4

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:

JJI INTERNATIONAL, INC.

DOC DATE: 12/30/2010

CITIZENSHIP: RHODE ISLAND

ENTITY: CORPORATION

ASSIGNEE:

EK SUCCESS, LTD.

CITIZENSHIP: NEW YORK

100 DELAWANNA AVENUE

ENTITY: CORPORATION

CLIFTON, NEW JERSEY 07014

TO: MASA NODA COMPANY: 200 PARK AVENUE

004445/0718 PAGE 2

SERIAL NUMBER: 78141959

FILING DATE: 07/08/2002

REGISTRATION NUMBER: 2758913

ISSUE DATE: 09/02/2003

MARK: JOLIE JEWELS

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

MARY BENTON, EXAMINER

ASSIGNMENT SERVICES BRANCH

PUBLIC RECORDS DIVISION

TO: MASA NODA COMPANY: 200 PARK AVENUE

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1



SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
JJI International, Inc.		12/30/2010	CORPORATION: RHODE ISLAND
RECEIVING PARTY DATA			
Name:	EK Success, Ltd.		
Street Address:	100 Delawanna Avenue		
City:	Clifton		
State/Country:	NEW JERSEY		
Postal Code:	07014		
Entity Type:	CORPORATION: NEW YORK		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2758913	JOLIE JEWELS	
CORRESPONDENCE DATA			
Fax Number:	(202)331-3101		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	(212) 801-2168		
Email:	zajkj@gtlaw.com		
Correspondent Name:	Masa Noda		
Address Line 1:	200 Park Avenue		
Address Line 2:	MetLife Building		
Address Line 4:	New York, NEW YORK 10166		
NAME OF SUBMITTER:	Masa Noda		
Signature:	/Masa Noda/		
Date:	01/03/2011		

CH \$40.00 2758913

TO: MASA NODA COMPANY: 200 PARK AVENUE

Total Attachments: 2

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source=Jolie Jewels Trademark Assignment Agreement#page2.tif