

ESTTA Tracking number: **ESTTA22250**

Filing date: **12/29/2004**

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

Proceeding	92043663
Party	Plaintiff SMART WORLD ORGANICS INC. ,
Correspondence Address	SHYAM N.S. DIXIT JR. TRENAM KEMKER SCHARF BARKIN FRYE O'NEILL 2700 BANK OF AMERICA PLAZA POST OFFICE BOX 1102 TAMPA, FL 33601
Submission	Response to Board Order/Inquiry
Filer's Name	SHYAM N.S. DIXIT JR.
Filer's e-mail	sdixit@trenam.com
Signature	/SHYAM N.S. DIXIT JR./
Date	12/29/2004
Attachments	Response to Board Order-Inquiry.pdf (6 pages)

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

GUSTAFSON, LLC

Petitioner,

v.

CIRCLE ONE INTERNATIONAL, INC.

Registrant

Cancellation No. 92041710, consolidation with
Cancellation No. 92043663

Registration No. 2271859

Serial No. 75462372

RESPONSE TO BOARD ORDER/INQUIRY

BOX TTAB
Commissioner for Trademarks,
2900 Crystal Drive
Arlington, Va. 22202-3513

BOX: NO FEE

REGISTRANT, Circle-One International (“Circle-One”), by and through the undersigned counsel, responds to the Board’s Inquiry in its November 19, 2004 Order, ordering Circle-One to (A) “inform the Board of the particulars of the assignment so that Smart World may be made a party hereto”; and (B) “show cause why Cancellation Nos. 92041710 and 92043663 should not be consolidated if ownership of registration no. 2271859 is established to be in Smart World.” Circle-One answers as follows:

A. SMART WORLD SHOULD BE MAY BE MADE A PARTY HERETO:

1. The trademark PROSPER was first used by Circle-One in connection with the services in International Class 01 at least as early as March 3, 1994, and was first used in interstate commerce in connection with the services in International Class 01 at least as early as September 2, 1994. The trademark PROSPER is now and has always been in use by Circle-One in such interstate commerce.

2. The Commissioner of Patent and Trademarks issued a certificate of registration to Circle-One International for the trademark PROSPER on August 24, 1999, Registration No. 2271859.

3. Circle One International, Inc. has since transferred all right, title and interest in and to the trademark PROSPER to Smart World Organics, Inc, with an address of 18744 Titus Road, Hudson, Florida 34667. As such, all of Circle-One's property rights are owned and/or controlled by Smart World Organics, as evidenced by the attached Notice of Recordation of Assignment.

4. In addition, Smart World Organics continues to do business as Circle-One and continues to market the Circle-One line of products, which display the trademark PROSPER.

5. Consequently, Smart World should be may be made a party hereto.

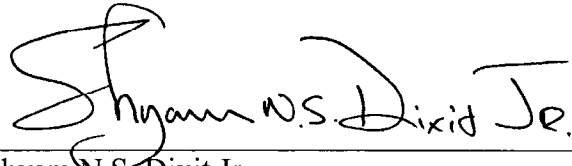
B. CANCELLATION NOS. 92041710 AND 92043663 SHOULD BE CONSOLIDATED SINCE OWNERSHIP OF REGISTRATION NO. 2271859 HAS BEEN ESTABLISHED TO BE IN SMART WORLD.

B. The facts and attachments set forth above are incorporated herein.

C. Because ownership of registration no. 2271859 is in Smart World, Cancellation Nos. 92041710 and 92043663 should be consolidated.

C. CONCLUSION

Registrant respectfully requests that Smart World be made a party hereto and that Cancellation Nos. 92041710 and 92043663 be consolidated since ownership of registration no. 2271859 is in Smart World.



Shyam N.S. Dixit Jr.
TRENAM, KEMKER, SCHARF, BARKIN, FRYE,
O'NEILL & MULLIS, P.A.
2700 Bank of America Plaza
Post Office Box 1102
Tampa, Florida 33601
(813) 223-7474
(813) 223-6553 (facsimile)

ATTORNEYS FOR REGISTRANT CIRCLE-ONE

Date: December 28, 2004

Please direct all telephone calls and correspondence to:

Shyam N.S. Dixit Jr.
TRENAM, KEMKER, SCHARF, BARKIN, FRYE,
O'NEILL & MULLIS, P.A.
2700 Bank of America Plaza
Post Office Box 1102
Tampa, Florida 33601
(813) 227-7469
(813) 223-6553 (facsimile)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



DECEMBER 02, 2004

PTAS

900016133A

SHYAM N.S. DIXIT JR.
101 EAST KENNEDY BOULEVARD
2700 BANK OF AMERICA PLAZA
TAMPA, FL 33602

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 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/02/2004

REEL/FRAME: 002983/0646
NUMBER OF PAGES: 2

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
DOCKET NUMBER: 04-4132

ASSIGNOR:

CIRCLE ONE INTERNATIONAL, INC.

DOC DATE: 11/30/2004
CITIZENSHIP: FLORIDA
ENTITY: CORPORATION

ASSIGNEE:

SMART WORLD ORGANICS, INC.
AKA CIRCLE-ONE
18744 TITUS ROAD
HUDSON, FLORIDA 34667

CITIZENSHIP: FLORIDA
ENTITY: CORPORATIONAPPLICATION NUMBER: 75462372
REGISTRATION NUMBER: 2271859FILING DATE: 04/06/1998
ISSUE DATE: 08/24/1999

MARK: PROSPER

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

002983/0646 PAGE 2

MAURICE CARTER, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

12/02/2004
900016133

SUBMISSION TYPE:	NEW ASSIGNMENT
-------------------------	----------------

NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
------------------------------	--

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Circle One International, Inc.		11/30/2004	CORPORATION: FLORIDA

RECEIVING PARTY DATA

Name:	Smart World Organics, Inc.
Also Known As:	Circle-One
Street Address:	18744 Titus Road
City:	Hudson
State/Country:	FLORIDA
Postal Code:	34667
Entity Type:	CORPORATION: FLORIDA

PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	2271859	PROSPER

CORRESPONDENCE DATA

Fax Number: (813)229-6553
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.

Phone: 813-223-7474
 Email: sdixit@trenam.com
 Correspondent Name: Shyam N.S. Dixit Jr.
 Address Line 1: 101 East Kennedy Boulevard
 Address Line 2: 2700 Bank of America Plaza
 Address Line 4: Tampa, FLORIDA 33602

ATTORNEY DOCKET NUMBER:	04-4132
--------------------------------	---------

NAME OF SUBMITTER:	Shyam N.S. Dixit Jr.
---------------------------	----------------------

Total Attachments: 1
 source=Assgn SWOP#page1.tif

CH \$40.00 2271859