

Room To Go Professional Organizing Services.

May 2 2007

78/664,438

Mr. Andrew P. Baxley
United States Patent And Trademark Office
PO Box 1451
Alexandria, VA 22313

Cancellation No. 92047055

Artemis marketing Corp. f/k/a
Rooms To Go, Inc.

V.

Khazzie Kindle

Dear Mr. Baxley,

I was in hospital recovering from the cesarean section birth of my twins at the time I received noticed of the petition by Artemis Marketing Corporation to cancel my trademark, registration number 3,120,019. Since then I have been focused on my own recovery from a difficult pregnancy and the care of my newborn children, one



of whom has ongoing medial issues. I regret being unable to respond to this matter in the time frame allowed by the trademark Appeal Board but I hope that my circumstances will be deemed extenuating.

It is my position that a few words in common in a trademark do not constitute an infringement.

I would like to cite Lexus, a division of Toyota Motor Sales and Lexis-Nexis and their website addresses www.lexus.com and www.lexis.com as precedents.

Although these names are very similar as the two companies are in different industries no trademark infringement occurred.

I will also use Delta Airlines and Delta faucets as examples. These two companies have similar names but it is not reasonable to believe that consumers would be confused or either company would be hurt by the existence of the other.

I hold that no conflict exists between Room To Go Professional Organizing Services and Rooms To Go Furniture Inc.

Rooms To Go Furniture Inc. is a retail operation selling furniture. Room To Go

Professional Organizing Services does not market or sell furniture; in fact we do not sell any goods at all. We offer a residential organizing service primarily for seniors moving from their homes into assisted living or nursing homes. As such, the two businesses are in separate industries and do not compete with each other.

The position of Rooms To Go Furniture, Inc. that they would be damaged by the continued registration of the trademark Room To Go Professional Organizing Services is overstated. In the time that I have been in business I have never once received at telephone call or email enquiry for Rooms To Go Furniture, Inc in error and I assure you had I done so I would not have hesitated in correcting and forwarding the consumer.

In closing I will add that my trademark was published in the Official Gazette and no opposition was filed in the time the time frame specified by Section 13(a) of the Statute.

I look forward to the resolution of this matter and I will, of course, comply with the ruling of the appeals board.

Thank you for your attention.