

ESTTA Tracking number: **ESTTA527950**

Filing date: **03/20/2013**

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

Proceeding	92056442
Party	Defendant Aunties Bambino
Correspondence Address	JOHN LINDSAY LINDSAY LAW 11700 PRESTON ROAD, SUITE 660 157 DALLAS, TX 75230 UNITED STATES ipprosecution@startupipservices.com
Submission	Voluntary Surrender Of Registration
Filer's Name	John Lindsay
Filer's e-mail	ipprosecution@startupipservices.com
Signature	/John Lindsay/
Date	03/20/2013
Attachments	kiddieKollegePetToCanc_surrRegDocs.pdf ( 6 pages )(604514 bytes )

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

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ESSENTIAL BRANDS, INC.,	Cancellation No.: 92056442
Petitioner,	In re Registration No.: 3,341,061
v.	Registered: November 20, 2007
	Mark: Kiddie Kollege
AUNTIE'S BAMBINO, INC.,	
Registrant.	

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**SURRENDER OF REGISTRATION**

Pursuant to settlement agreement, Auntie's Bambino, Inc. hereby surrenders the above referenced registration for cancellation pursuant to Section 7(e) of the Lanham Act. The surrender is by consent of all parties, as shown in the partially redacted settlement agreement.

Dated: March 20, 2013

Respectfully submitted,  
Lindsay Law  
by:   /John Lindsay/  \_\_\_\_\_  
John Lindsay  
11700 Preston Rd Ste 660-167  
Dallas, TX 75230  
214-736-4306 (Phone)  
ipprosecution@startupipservices.com  
Counsel for Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Surrender of Registration to Cancel was served on March 20, 2013, via email, on:

NIXON PEABODY LLP  
Jeffrey S. Molinoff  
jmolinoff@nixonpeabody.com

401 9<sup>th</sup> Street, N.W., Suite 900  
Washington, D.C. 20004-2128

  /John Lindsay/    
John Lindsay

## AGREEMENT

This Settlement Agreement is by and between ESSENTIAL BRANDS, INC., a Delaware Corporation having an office address at 3415 Box Hill Corporate Center Drive, Abingdon, Maryland 21009 ("Essential Brands"), and AUNTIES BAMBINO, a Texas Corporation having an address of record of 5924 New Haven Drive, Plano, Texas 75093 ("Aunties Bambino"), and is to become effective upon the complete execution of the signature block provided below. Hereinafter, Essential Brands and Auntie's Bambino are collectively referred to as the "Parties" and may be individually referred to as a "Party."

WHEREAS, Essential Brands is the owner of, *inter alia*, the U.S. Trademark Registrations attached hereto as Exhibit A (the "Essential Brands Marks");

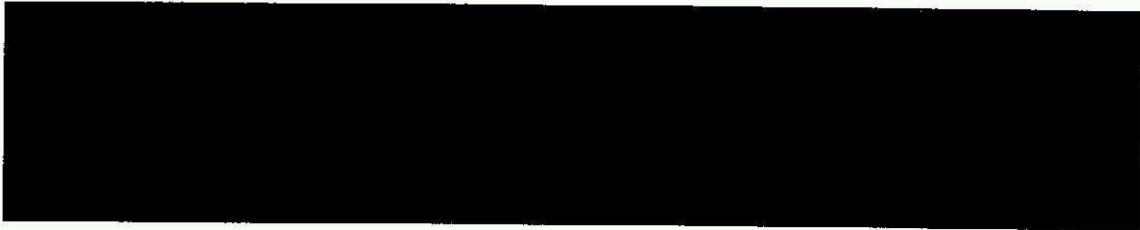
WHEREAS, Essential Brands has been using, *inter alia*, the Essential Brands Marks for many years, and long before Aunties Bambino used or applied to register the mark KIDDIE KOLLEGE;

WHEREAS, Aunties Bambino is the owner of U.S. Registration No. 3,341,061 for the mark KIDDIE KOLLEGE for use with *child daycare center*;

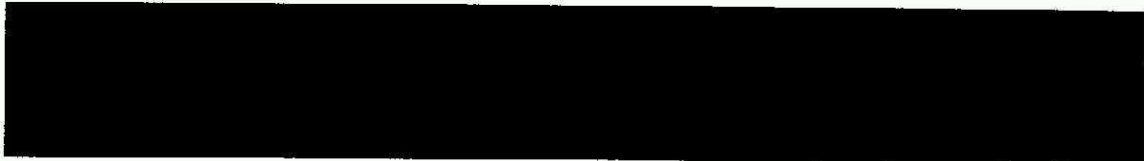
WHEREAS, Essential Brands has objected to Aunties Bambino's use and registration of the KIDDIE KOLLEGE mark; and

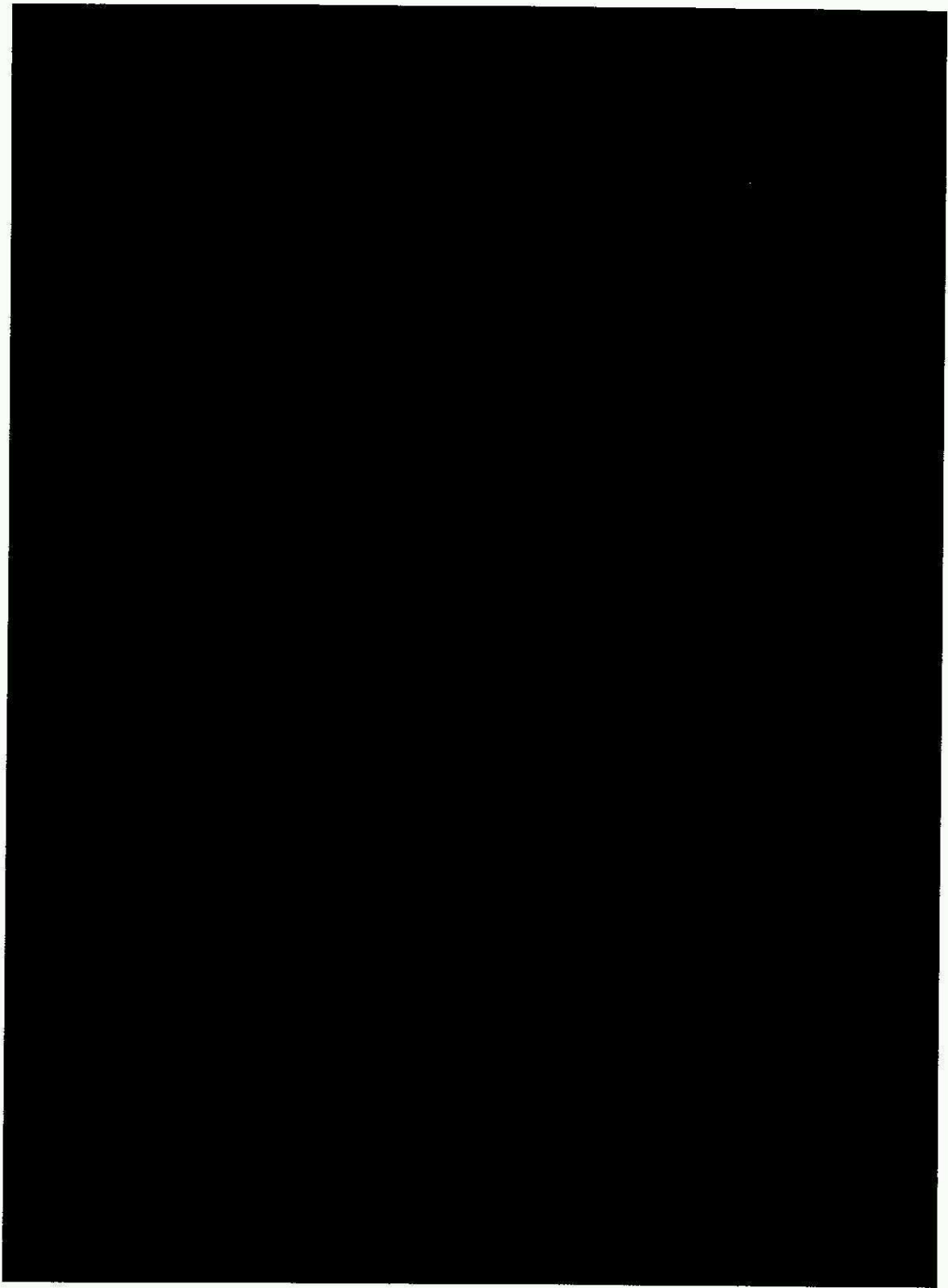
WHEREAS, the parties wish to resolve their dispute amicably.

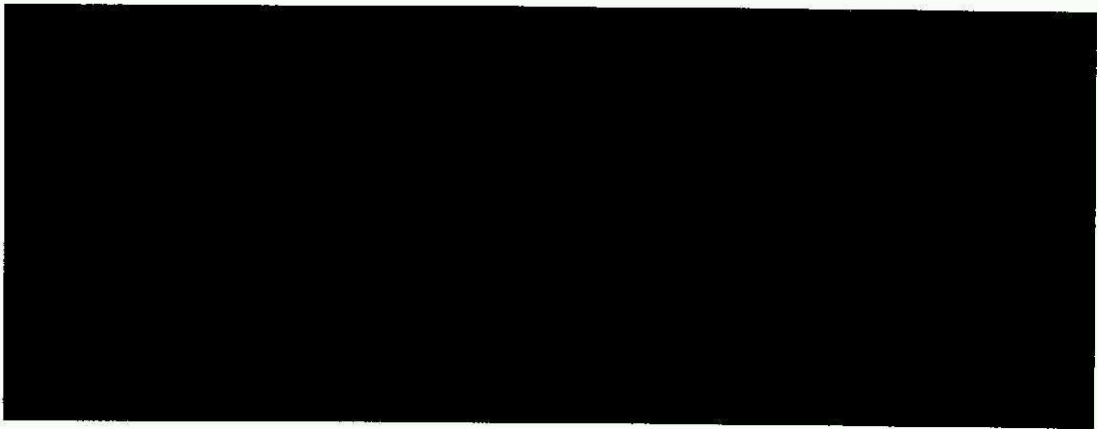
NOW, THEREFORE, in consideration of the mutual terms and covenants set forth in this Settlement Agreement, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:



2. Aunties Bambino shall, within fifteen (15) days of the Effective Date of this Agreement, surrender its U.S. Trademark Registration No. 3,341,061 for the mark KIDDIE KOLLEGE, and provide Essential Brands with evidence of the filing of the request to before the USPTO.







IN WITNESS WHEREOF, the Parties have executed this Agreement or caused it to be executed as of the dates written below.

**ESSENTIAL BRANDS, INC.**

**AUNTIES BAMBINO**

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

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

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Greg Helwig, President**

*Maria Seifi*

*Maria Seifi*

*President / Director*

*3/8/2013*

*3/7/2013*

