

Form PTO-1594  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET  
**TRADEMARKS ONLY**

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Mary B. Walker  
3149 Ocean Drive, Vero Beach, Florida 32963

- Individual(s)                       Association
- General Partnership               Limited Partnership
- Corporation-State
- Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment                               Merger
- Security Agreement                   Change of Name
- Other Correct recording at Reel 0639/0243

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

2. Name and address of receiving party(ies)

Name: Mary B. Walker  
Internal  
Address: \_\_\_\_\_

Street Address: 3149 Ocean Drive

City: Vero Beach State: FL Zip: 32963

- Individual(s) citizenship U.S.A.
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State \_\_\_\_\_
- Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) \_\_\_\_\_

B. Trademark Registration No.(s) \_\_\_\_\_

1,522,155

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Herbert L. Allen, Esq.

Internal Address: Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

Street Address: 255 South Orange Avenue  
Suite 1401

City: Orlando State: FL Zip: 32801-3460

6. Total number of applications and registrations involved: \_\_\_\_\_

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

010484

DO NOT USE THIS SPACE

9. Signature.

Herbert L. Allen  
Name of Person Signing

  
Signature

1/14/05  
Date

Total number of pages including cover sheet, attachments, and documents:

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

CH \$40.00 010484 1522155

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Concurrent Use Service Mark Registration of:  
**Mary B. Walker**

Registration No.: **1,522,155**

Registered: **January 24, 1989**

Mark: **CRAVINGS**

Class: **42**

Trademark Attorney: **Assignment Division**

Commissioner for Trademarks  
Attn: **ASSIGNMENT DIVISION**  
P.O. Box 1451  
Alexandria, VA 22313-1451

**VIA FACSIMILE:**

**REQUEST TO REMOVE ASSIGNMENT**  
**IMPROPERLY FILED AGAINST REGISTRATION**

Counsel of record hereby files this Request to Remove Assignment Improperly Filed Against Registration, and states as follows:

1. Registrant, Mary B. Walker, was the owner of record of the Concurrent Use Service Mark Registration No. 1,522,155, on the date of issuance of the registration. A copy of the registration certificate, in the name of Mary B. Walker, as issued by the U.S. Patent and Trademark Office is attached hereto as **Exhibit A**.

2. On August 15, 1994, through her undersigned counsel, Registrant filed the Affidavit of Continued, Exclusive Use Pursuant to Sections 8 and 15 of the Lanham Act with the U.S. Patent and Trademark Office. A copy of the Affidavit as filed, is attached hereto as **Exhibit B**.

3. On February 23, 1995, Mary E. Bowman, the Affidavit/Renewal Examiner of the U.S. Patent and Trademark Office contacted counsel for Registrant and advised that the records of the Assignment Branch did not show a clear chain of title, and that an assignment had been recorded against the subject registration. A copy of the Examiner's correspondence is attached hereto as **Exhibit C**. Counsel's reply to Examiner Bowman is also attached hereto as **Exhibit D**, in which counsel submits that the referenced assignment (Reel 639, Frame 243) from Zotos International, Inc. to Shiseido Co., Ltd. is for a registration of the mark **Z STYLIZED**, which was registered on January 24, 2989 in Class 41. Clearly the assignment refers to another registration, **not** the subject registration. A copy of the assignment documents as filed by the third parties is attached hereto as **Composite Exhibit E**. The U.S. Patent and Trademark Office's subsequent acceptance of the Section 8-15 Declaration is attached hereto as **Exhibit F**.

4. Counsel hereby **renews** its request for removal of the referenced assignment from Concurrent Use Registration No. 1,522,155, and hereby encloses an Assignment Recordal Sheet which reflects correction of an error at Reel 639, Frame 243. Counsel has also paid the required fee of \$40 to remove the referenced assignment from the subject registration.

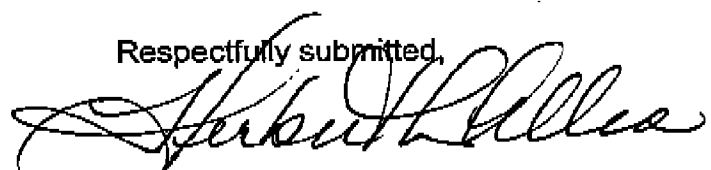
5. Counsel hereby submits that it has properly shown the correct chain of title, paid the required fees, and submitted the proper documentation to evidence that the referenced assignment was recorded **in error against Registration No. 1,522,155**, and hereby requests that said assignment **be removed from the record**.

Should the Assignment Examiner have any questions concerning this Request, or would like clarification of any of the points raised herein, the undersigned requests that he be

contacted by telephone at (407) 841-2330 or by electronic mail ([hallen@addmg.com](mailto:hallen@addmg.com)). Such favorable action is earnestly solicited.

Dated: 6/14/05

Respectfully submitted,



Herbert L. Allen  
Attorney for Applicant  
Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.  
255 South Orange Avenue  
Post Office Box 3791  
Orlando, FL 32802  
(407) 841-2330  
(407) 841-2343 (fax)  
Email: [hallen@addmg.com](mailto:hallen@addmg.com)

Enclosures: Exhibit A  
Exhibit B  
Exhibit C  
Exhibit D  
Composite Exhibit E  
Exhibit F

*Int. Cl. 42  
Revised U.S. Cl. 100*

*REC. No. 1572,155*

**United States Patent and Trademark Office** Registered Jan. 24, 1989

**SERVICE MARK  
PRINCIPAL REGISTER  
CONCURRENT USE**

**CRAVINGS**

WALKER, MARY B. (UNITED STATES CITIZEN)  
220 EAST MAIN STREET  
HARBOR SPRINGS, MI 49740

FOR: RESTAURANT SERVICES; RETAIL BAKERY, ICE CREAM AND CANDY STORE SERVICES, IN CLASS 42 (U.S. CL. 100).  
FIRST USE 5-13-1983; IN COMMERCE 5-13-1983.

SUBJECT TO CONCURRENT USE PROCEEDING NO. 717 WITH SERIAL NUMBER 442843. APPLICANT CLAIMS EXCLUSIVE RIGHT TO USE THE MARK IN THE AREA COMPRISING THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, COLORADO, FLORIDA, GEORGIA, HAWAII, IDAHO, ILLINOIS, IOWA, INDIANA, KANSAS, KEN-

TUCKY, LOUISIANA, MAINE, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW MEXICO, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, TEXAS, UTAH, VERMONT, WASHINGTON, WEST VIRGINIA, WISCONSIN AND WYOMING AND THE TERRITORIES OF GUAM, NORTH MARIANA ISLANDS, PUERTO RICO AND THE VIRGIN ISLANDS

SER. NO. 529,221, FILED 3-28-1985.

R. ELLSWORTH WILLIAMS, EXAMINING ATTORNEY

Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Service Mark Registration: )  
 )  
 Mary B. Walker )  
 )  
 Registration No. 1,522,155 )  
 )  
 Registered: January 24, 1989 )  
 )  
 Mark: CRAVINGS )  
 \_\_\_\_\_ )

Attention:  
Affidavit Section

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

AFFIDAVIT OF CONTINUED, EXCLUSIVE USE  
PURSUANT TO SECTIONS 8 AND 15 OF THE LANHAM ACT

State of Florida )  
 ) ss.  
County of Indian River)

I, Mary B. Walker, a United States citizen, having first  
appeared before an officer who is duly authorized to administer  
oaths in the State of Michigan, did depose and say:

1. Registrant is the owner of Service Mark Registration No.  
1,522,155.

Exhibit B

2. Registrant is presently using the mark in interstate commerce for the services recited in the registration certificate, in Class 42, and such use in interstate commerce has been continuous from the date of registration of the mark; and further Affiant verily believes that such use since this registration was issued has been exclusive.

3. To Affiant's knowledge, there has been no final decision adverse to the Registrant's claim of ownership in the subject mark as applied to the use described above, or to the right of the owner thereof to register this mark or to keep the same on the Principal Register. Further, Affiant believes that there is no proceeding involving the right to use or the right to register this mark pending in the Patent and Trademark Office or in a Court and not finally disposed of.

4. Attached is a specimen which indicates continued use of the mark, CRAVINGS. Affiant respectfully submits that this Affidavit and the enclosed specimen meet the requirements of Sections 8 and 15 of the Lanham Act.

5. The undersigned hereby appoints Herbert L. Allen, Registration No. 25,322; Ava K. Doppelt and Lisa N. Kaufman, all of the firm of Allen, Dyer, Doppelt, Franjola & Milbrath, P.A., Firststate Tower, 255 South Orange Avenue, Suite 1401, Orlando, FL 32801; all members of the Bar of the State of Florida, as its

attorneys to file this Affidavit with full power of substitution and revocation, and to transact all business in the Patent and Trademark Office in connection therewith.

FURTHER AFFIANT SAYETH NOT.

Mary B. Walker  
Mary B. Walker  
United States Citizen

The foregoing instrument was sworn to and subscribed before me this 5<sup>th</sup> day of December 1994, by Mary B. Walker who is personally known to me or has produced \_\_\_\_\_ as identification.

SEAL

**MARY C. PATE**  
Notary Public, State of Florida  
My Comm. Expires June 24, 1995  
No CC 114180  
Bonded thru Patterson-Becht Agency  
Personally Known  or Produced I.D.   
Type of I.D. Produced \_\_\_\_\_

Mary C. Pate  
Notary Public Signature  
Commission No. \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



## ALLEN, DYER, DOPPELT, FRANJOLA &amp; MILBRATH, P.A.

ATTORNEYS AT LAW

HERBERT L. ALLEN  
ROBERT DYER  
AVA K. DOPPELT  
GEORGE FRANJOLA  
STEPHEN D. MILBRATH  
BRIAN R. GILCHRIST  
LISA N. KAUFMAN  
VIRGINIA M. ZOCK  
STEPHEN MURPHY  
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JACQUELINE E. HARTT, Ph.D.\*

FIRSTSTATE TOWER  
255 SOUTH ORANGE AVENUE, SUITE 1401  
POST OFFICE BOX 3791  
ORLANDO, FLORIDA 32802-3791

407 841-2330  
FAX: 407 841-2343

INTELLECTUAL PROPERTY:  
PATENTS,  
TRADEMARKS &  
COPYRIGHTS

SECURITIES ARBITRATION  
& LITIGATION

ANTITRUST & TRADE  
REGULATION

BUSINESS LITIGATION

March 7, 1995

\*REGISTERED PATENT AGENT

Ms. Mary E. Bowman, Affidavit/Renewal Examiner  
Post Registration Division  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Sections 8 & 15 Affidavit  
Registration No. 1,522,155  
Mark: CRAVINGS in Class 42  
Our File No. 9118.1

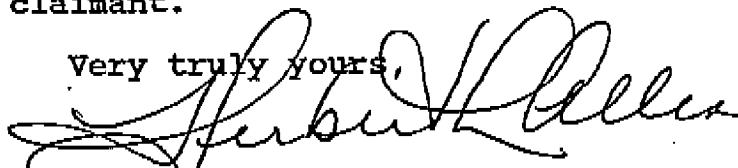
Dear Ms. Bowman:

This is in response to your letter dated February 23, 1995, withholding acceptance of the Sections 8 & 15 Affidavit for the above registration and conversation with our Paralegal Beverley Deacon.

The assignment at reel 639 frame 243 from Zotos International, Inc. to Shiseido Co., Ltd., which appears in our client's record, is for a registration of the mark Z Stylized, registered January 24, 1989, in Class 41. This clearly is not part of the chain of title for the subject registration because the assignment refers to another registration and there is no assignment from the registrant any other company. We feel this assignment was inserted into the record due to an error and we are making every effort have this error corrected.

In the meantime, we respectfully request that you accept the Affidavit in the name of the present claimant.

Very truly yours,



Herbert L. Allen

HLA/bhd

Exhibit D

TRADEMARK  
REEL: 003015 FRAME: 0392

ASSIGNMENT

Whereas Zotos International, Inc., of 100 Tokeneke Road, Danon, Connecticut 06820-4894, has adopted, used and is using the trademarks set forth in Schedule I hereto which are registered in the United States Patent and Trademark Office with the respective registration dates and registration numbers indicated thereon;

Whereas Zotos International, Inc. has adopted, used and is using the trademarks set forth in Schedule II hereto which are pending applications in the United States Patent and Trademark Office with the respective filing dates and serial numbers indicated thereon;

Whereas Shiseido Co., Ltd., of 7-5-5, Ginza, Chuo-ku, Tokyo 104-10, Japan, is desirous of acquiring all of said marks and the registrations and applications thereof;

Now, therefore, for good and valuable consideration, receipt (which is hereby acknowledged, said Zotos International, Inc. has hereby assign unto the said Shiseido Co., Ltd. all right, title and interest in and to the said marks, together with the good will of the business symbolized by the marks, and the registrations and applications thereof as set forth in Schedules I and II.

ZOTOS INTERNATIONAL, INC.

By: [Signature]  
Name: Joseph S. Kendy  
Title: Vice President  
Date: February 6, 1989

FILED  
FEB 24 1989  
FBI - NEW YORK

SCHEDULE I  
ZOTOS INTERNATIONAL, INC.  
REGISTERED U.S. TRADEMARKS

NAME	REG. NO.	CLASS	ISSUE DATE
RED BOMBAY LOTION	1,024,040	3	11-04-75
AMERICAN CIG.	619,415	51	01-17-56
BACK IN TIME w/Teardrop Design	1,308,744	3	04-08-86
BODY & HOME-- Assigned In	891,828	3	05-26-70
CADIFF GIRL	612,277	51	09-27-55
CONTOUR TONIC	1,004,516	3	09-20-88
COSMETIC	007,746	51	06-21-55
DE NO FREEDOM	1,385,678	3	03-11-86
FLUTE WAVE	531,194	51	10-20-53
FRAGRANTRESS	1,007,263	3	03-25-75
HAPPY LIFE	1,416,002	3	09-08-87
HASHI	1,423,222	8	02-07-89
HOUSEMARK	815,145	51	09-13-66
HOUSEMARK	839,276	51	11-21-67
HOUSEMARK	847,715	51	04-16-68

NO 069 309

<u>NAME</u>	<u>REG. NO.</u>	<u>CLASS</u>	<u>ISSUE DATE</u>
INECTO	93,179	6	08-26-13
INECTO	620,881	51	02-07-50
	256,335	6	05-14-29
ELONG STAPLES	1,576,356	3	06-10-86
MODERN FORM	859,796	51	11-05-48
MODERN HANE	747,758	51	04-02-67
NAILS BY LAMP LIGHT	1,188,777	3	04-08-86
PEACH BELTINI	1,440,979	3	06-02-87
PERFECT ANSWER (PA) and DESIGN	1,477,326	3	02-23-88
PERMANENT TEXTURIZED DESIGN	1,133,330	41	04-15-80
PHIX	868,245	51	04-15-69
7TH DIMENSION	1,148,611	3	03-24-81
SHEER TEST	624,580	44	04-03-56
SPA PERM	1,418,061	3	11-25-86
SPA REGIME, THE	1,418,048	3	11-25-86
SUZ	355,076	6	03-08-38
SVELT	389,059	6	07-22-41
TEXTURE FOAM	1,128,117	3	12-25-79
TIKRM-A-SENTIALS	1,520,437	3	01-17-89
THERMOLIZER	1,279,509	3	05-29-84
THERMOSHIELD	1,482,922	3	04-05-88
TUBEWAVE	596,501	51	10-05-54

- 2 -

<u>NAME</u>	<u>REG. NO.</u>	<u>CLASS</u>	<u>ISSUE DATE</u>
VITACOLOR	825,424	3	03-07-67
DUCTORS	1,476,687	9	02-16-88
WAVE LENGTHS and Design	1,230,205	3	04-05-83
WAVELOCK	570,219	51	02-10-53
"Z" Stylized Letter and Design	1,522,155	41	01-24-89
ZDS and Design	1,239,102	3	05-24-83
ZOTOS	861,122	3	11-26-68
ZOTOS	893,407	51	06-23-70
ZOTOS	635,328	52	10-02-56
ZOTOS	716,965	51	06-13-61
ZOTOS	725,715	51	12-26-61
ZOTOS	314,590	6	07-03-34
ZOTOS	770,905	10	06-02-64
ZOTOS	803,479	44	02-08-66
ZOTOS	295,481	44	07-05-32
ZOTOS COLOR INSURANCE	1,145,864	3	07-07-87
ZOTOS CURLY STICKS	1,464,115	9	11-17-87
ZOTOS CURRENT WAVES	1,475,588	3	02-09-88
ZOTOS DESIGN CARE	1,233,228	3	04-05-83
ZOTOS DESIGN SUPPORT	1,248,774	3	08-23-83
ZOTOS EASY COLOR	1,441,717	3	06-09-87
ZOTOS FLUID WAVE	587,514	51	03-30-54
ZOTOS GENTLE PERSUASION	1,237,935	3	05-17-83
ZOTOS GENTLE TEXTURE	1,439,732	3	05-19-87
ZOTOS MOISTURE WRAPS	745,901	44	02-26-63
ZOTOS PRECIOUS HAIR	1,406,400	3	08-26-86

HM 0639 110016

<u>NAME</u>	<u>REG. NO.</u>	<u>CLASS</u>	<u>ISSUE DATE</u>
ZOTOS SEQUINS	1,440,197	3	05-26-87
ZOTOS TWISTERS	1,477,497	9	02-23-88
PRABOND	1,434,441	3	03-31-87

000 0639 1247

RECORDED  
 TRADEMARK OFFICE  
 FEB 21 89  
SCHEDULE II  
ZOTOS INTERNATIONAL, INC.  
 PENDING U.S. TRADEMARK APPLICATIONS  
 SIGNATURE OF PATENT  
 TRADEMARK OFFICE

TRADEMARK	FILING DATE	SERIAL NO.
CLASSIC PERFECTION	7-25-88	742,191
THEATRICALS	11-21-88	765,090
THERMODYNAMICS	7-5-88	738,287
ULTRA HAUTE	11-21-88	765,091
ZOTOS ELLUGE	12-21-86	770,755
ZOTOS FORECAST	7-22-88	741,629
ZOTOS MOISTURE SEALANT	5-18-88	729,537
ZOTOS DRG-CLASSICS	7-1-88	737,853

TRADEMARK  
 MAR 06 09 11:24 89

ASSIGNMENTS

REC. NO. <b>1,522,155</b>
SER. NO.

- No previous assignments of record as of \_\_\_\_\_
- See Title Record for ownership information prior to this record

Serial No.	Filing Date	639	243	Jan. 24, 1989	I, 522,155
Date	Feb. 6, 1989	Reel	Frame	Registration Date	Reg. No.
Registrant	Walker, Mary B.				
Assignor	Zotos International, Inc. 100 Tokeneke Road Darien, CT 06820-4804				
Assignee	Shiseido Co., Ltd., 7-5-5, Ginza, Chuo-Ku, Tokyo, Japan				
Brief	Assigns the entire interest and goodwill.				

*1/27/90  
LSE  
returned  
to JPTOS*



JAN. 18. 2005 12:20PM



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

REGISTRATION NO. 1522155

SERIAL NO. 73/529221

PAPER NO.  
MAILING DATE: 05/16/95

MARK: CRAVINGS

REGISTRANT: WALKER, MARY B.

CORRESPONDENCE ADDRESS:

HERBERT L. ALLEN  
ALLEN, DYER, DOPPELT, FRANJOLA, ET AL.  
FIRSTSTATE TOWER, 255 SOUTH ORANGE AVENUE  
SUITE 1401, POST OFFICE BOX 3791  
ORLANDO, FL 32802-3791

Please furnish the following  
in all correspondence:

1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence not containing fees should include the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

SECTION 15 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.167-2.168.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

MARY E. BOWMAN  
AFFIDAVIT-RENEWAL EXAMINER  
TRADEMARK EXAMINING OPERATION  
(703) 308-9500 EXT. 36

**RECEIVED**

JUN - 2 1995

A. D. D. F. & M., P.A.

Exhibit F

RECORDED: 01/18/2005

TRADEMARK  
REEL: 003015 FRAME: 0400