

1 B

07-06-2005



103034697

RI

To the Director of the U. S. Patent and Trademark Office

ments or the new address(es) below.

1. Name of conveying party(ies):

Niche Media Holdings, LLC

- Individual(s)
- General Partnership
- Corporation- State: \_\_\_\_\_
- Other Limited Liability Company

Citizenship (see guidelines) New York

Additional names of conveying parties attached?  Yes  No

3. Nature of conveyance /Execution Date(s) :

Execution Date(s) December 30, 2004

- Assignment
- Security Agreement
- Other \_\_\_\_\_
- Merger
- Change of Name

Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: Aspen Peak Magazine, LLC

Internal

Address: \_\_\_\_\_

Street Address: 257 Park Avenue So., 5th Floor

City: New York

State: New York

Country: USA Zip: 10010

- Association Citizenship \_\_\_\_\_
- General Partnership Citizenship \_\_\_\_\_
- Limited Partnership Citizenship \_\_\_\_\_
- Corporation Citizenship \_\_\_\_\_
- Other LLC Citizenship New York

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)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

78/376,147; 78/476,068

B. Trademark Registration No.(s)

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

Filing dates: March 1, 2004

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

Name: Eric H. Melzer

Internal Address: c/o Greenbaum, Rowe Smith & Davis LLP

Street Address: 99 Wood Avenue South

City: Iselin

State: NJ Zip: 08830

Phone Number: (732) 549-5600

Fax Number: (732) 549-1881

Email Address: emelzer@greenbaumlaw.com

6. Total number of applications and registrations involved:

2

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 80.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number \_\_\_\_\_  
Authorized User Name \_\_\_\_\_

9. Signature:

Eric Melzer  
Signature

12/30/04  
Date

Eric Melzer  
Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 3

7-1-05

**ASSIGNMENT AND ASSUMPTION OF TRADEMARKS AGREEMENT**

WHEREAS, NICHE MEDIA HOLDINGS, LLC, a New York limited liability company having its principal place of business at 257 Park Avenue South, 5<sup>th</sup> Floor, New York, New York 10010 (the "Assignor"), has used and is the owner of the trademarks set forth on Exhibit A attached hereto and made a part hereof (collectively, the "Trademarks"); and

WHEREAS, ASPEN PEAK MAGAZINE, LLC a New York limited liability company having its principal place of business at 257 Park Avenue South, 5<sup>th</sup> Floor, New York, New York 10010 (the "Assignee"), is desirous of acquiring any and all rights that the Assignor may have in and to the Trademarks and the applications and registrations therefor, together with the goodwill of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, along with the right to recover for damages and profits for past infringements thereof;


NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Assignor does hereby assign unto the Assignee all right, title and interest in and to the Trademarks, and the registrations and the applications therefor for the United States and throughout the world, together with the goodwill of the business in connection with which the Trademarks are used and which is symbolized by the Trademarks, along with all rights of action, powers and benefits accruing to the Trademarks, including without limitation, the right to recover for damages and profits for past infringements thereof.

The Assignor agrees to execute and deliver at the request of the Assignee, all papers, instruments, and assignments, and to perform any other reasonable acts the Assignee may require in order to vest all the Assignor's rights, title and interest in and to the Trademarks in the Assignee and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by the Assignee, to the extent such evidence is in the possession or control of the Assignor.

IN WITNESS WHEREOF, this Assignment is executed, delivered and made effective as of the 30<sup>th</sup> day of December, 2004

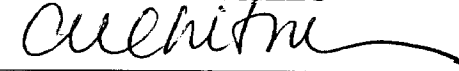
ASSIGNOR:

NICHE MEDIA HOLDINGS, LLC

By:   
Caryn Whitman, Member

ASSIGNEE:

ASPEN PEAK MAGAZINE, LLC

By:   
Caryn Whitman, Member

**EXHIBIT A**

**TRADEMARKS**

<b><u>Mark</u></b>	<b><u>Serial #</u></b>	<b><u>Date of Application</u></b>
ASPEN PEAK™	78/376,147	March 1, 2004
ASPEN PEAK™	78/476,068	March 1, 2004

**ASSIGNMENT AND ASSUMPTION OF TRADEMARKS AGREEMENT**

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IN WITNESS WHEREOF, this Assignment is executed, delivered and made effective as of the 30<sup>th</sup> day of December, 2004


ASSIGNOR:

NICHE MEDIA HOLDINGS, LLC

By:   
Caryn Whitman, Member

ASSIGNEE:

ASPEN PEAK MAGAZINE, LLC

By:   
Caryn Whitman, Member

**EXHIBIT A**

**TRADEMARKS**

<b><u>Mark</u></b>	<b><u>Serial #</u></b>	<b><u>Date of Application</u></b>
ASPEN PEAK™	78/376,147	March 1, 2004
ASPEN PEAK™	78/476,068	March 1, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

.....  
In re Trademark Application of: Niche Media Holdings, LLC

Applicant: Niche Media Holdings, LLC

Filing Date: March 1, 2004

Serial No.: 78/376147

Mark: ASPEN PEAK

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Date: December 29, 2004  
:  
:  
.....

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**COMMUNICATION RE: APPEARANCE OF COUNSEL**

Ladies and Gentlemen:

I hereby appoint GREENBAUM, ROWE, SMITH, & DAVIS LLP, to prosecute the above-identified application and to transact all business in the United States Patent and Trademark Office connected herewith, its attorneys to prosecute this application, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the notice of allowance and certification of registration, when issued, and to have full powers of substitution in connection therewith.

Please address all correspondence and telephone calls to:

ERIC H. MELZER, ESQ.  
Greenbaum, Rowe, Smith, & Davis LLP  
Metro Corporate Campus One  
P.O. Box 5600  
Woodbridge, New Jersey 07095-0988  
(732) 549-5600 - telephone  
(732) 549-1881 - fax  
[emelzer@greenbaumlaw.com](mailto:emelzer@greenbaumlaw.com) - e-mail

Respectfully submitted,

NICHE MEDIA HOLDINGS, LLC

By:   
Caryn Whitman, Member

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

.....  
In re Trademark Application of: Niche Media Holdings, LLC :  
Applicant: Niche Media Holdings, LLC :  
Filing Date: March 1, 2004 :  
Serial No.: 78/376068 :  
Mark: ASPEN PEAK : Date: December 29, 2004  
.....

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

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Please address all correspondence and telephone calls to:

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(732) 549-5600 - telephone  
(732) 549-1881 - fax  
[emelzer@greenbaumlaw.com](mailto:emelzer@greenbaumlaw.com) - e-mail

Respectfully submitted,

NICHE MEDIA HOLDINGS, LLC

By:   
Caryn Whitman, Member

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JOHN WHITING ROESER  
MICHAEL A. GOROKHOVICH

WM. L. GREENBAUM (1914-1983)  
ALLEN RAVIN (1957-1997)

REPLY TO: Woodbridge

January 11, 2005

**VIA CERTIFIED MAIL, R.R.R.**

Mail Stop Assignment Recordation Services  
Director of the United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Re: ASPEN PEAK™ Assignment of Trademarks  
United States Serial # 78/376,147 & 78/476,068**

Dear Sir/Madam:

I enclose the following:

1. One original and one copy of an Assignment of Trademark relating to the above captioned trademarks;
2. Cover sheet for processing the foregoing;
3. Our firm's check for \$80 payable to "Commissioner of Trademarks" covering the processing fee for both trademarks;
4. Change of Appearance of Counsel for both trademarks

**TRADEMARK  
REEL: 003188 FRAME: 0590**



United States Patent & Trademark Office  
January 11, 2005  
Page 2

Please return a copy of the recorded document to me. Thank you for your attention to this matter.

Very truly yours,

  
Eric H. Melzer

Enclosures

cc: Mr. Jeffrey Binstock  
Thomas C. Senter, Esq



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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

JUNE 20, 2005

PTAS



\*102924448A\*

ERIC H. MELZER  
C/O GREENBAUM, ROWE, SMITH & DAVIS LLP  
99 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF NON-RECORDATION OF DOCUMENT

DOCUMENT ID NO. : 102924448

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE,  
MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.  
IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE,  
YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT  
703-308-9723.

1. THE COVER SHEET SUBMITTED FOR RECORDING IS NOT ACCEPTABLE. TO RECORD A DOCUMENT, THE NATURE OF CONVEYANCE MUST BE PROVIDED.

RHONDA NICOL, SUPERVISOR  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

# GREENBAUM, ROWE, SMITH & DAVIS LLP

COUNSELORS AT LAW

METRO CORPORATE CAMPUS ONE  
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MEGHAN O. MURRAY

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ALLEN RAVIN (1957-1997)

Woodbridge

REPLY TO:

June 28, 2005

Ms. Rhonda Nicol  
Assignment Division  
Office of Public Records  
U. S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Re: Niche Media Holdings, LLC to Niche Media, LLC  
Document ID No. 102924448**

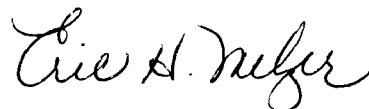
Dear Ms. Nicol:

Enclosed is a resubmitted Assignment of Trademark which is accompanied with a new cover sheet reflecting the nature of the conveyance, i.e., an assignment.

Kindly record the Assignment of Trademark and return a filed copy to my attention.

If you have any questions, please do not hesitate to contact me.

Very truly yours

  
Eric H. Melzer *pd*

Enclosure

725889.01

RECORDED: 07/01/2005

TRADEMARK  
REEL: 003188 FRAME: 0593

OFFICE OF PUBLIC RECORDS  
2005 JUL -1 AM 9:52  
FINANCE SECTION