

Form PTO-1594 (Rev. 01-09)
OMB Collection 0651-0027 (ex)

09-09-2009

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



SHEET
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SEP - 8 2009

To the Director of the U. S. :

103573388

Attached documents or the new address(es) below.

1. Name of conveying party(ies):

Scott Kuhlman
2419 First Avenue
Seattle, WA 98121

- Individual(s) Association
- General Partnership Limited Partnership
- Corporation- State: _____
- Other _____

Citizenship (see guidelines) USA

Additional names of conveying parties attached? Yes No

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: Scott Kuhlman

Internal

Address: _____

Street Address: 2419 First Avenue

City: Seattle

State: WA

Country: USA Zip: 98121

- Association Citizenship _____
- General Partnership Citizenship _____
- Limited Partnership Citizenship _____
- Corporation Citizenship _____

Other Individual Citizenship USA

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)

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

Execution Date(s) 8-14-2009

- Assignment Merger
- Security Agreement Change of Name
- Other Affidavit stating 4035/0766
to correct erroneous assignment.

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

A. Trademark Application No.(s)

78834888

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):

KUHLMAN

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

Name: Katherine Hendricks

Internal Address: _____

Street Address: 901 Fifth Avenue

Suite 4100

City: Seattle

State: WA Zip: 98164

Phone Number: 206-624-1933

Fax Number: 206-583-2716

Email Address: kb@hlaw.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

09/09/2009 DBYRNE 00000007 78834888

Deposit Account Number _____

01 FC:8521

40.00

Authorized User Name _____

9. Signature:

Signature

September 3, 2009

Date

Katherine Hendricks

Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 68

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PRE-REGISTRATION SECTION**

In re Application of: Scott Kuhlman

Serial No.: 78/834888

Filed: March 10, 2006

Mark: KUHLMAN

Trademark Law Office 101

Attorney: George M. Lorenzo

Commissioner for Trademarks
Attention: Law Office 101
P.O. Box 1451
Alexandria, Virginia 22313-1451

AFFIDAVIT OF SCOTT KUHLMAN

I, Scott Kuhlman, on oath depose and say as follows:

1. I am the owner of the application to register the mark KUHLMAN in international classes 025, 040 and 042, serial no. 78834888, for, respectively, clothing, namely coats, jackets, vests, shirts, sweaters, jeans, pants, slacks; clothing accessories, namely hats, belts, headbands, gloves, scarves; leather jackets and coats, tailoring and sewing services for custom made clothing and alterations of clothing; and retail stores featuring clothing, clothing accessories and jewelry.
2. I have not assigned my mark or application serial no. 78834888 to anyone, including Shirtless, LLC, 14 Skillman Street, C/O G4 Development Group, LLC, Roslyn, New York 11576.
3. On August 12, 2009, I first became aware of a purported assignment of my mark and application as set forth on the Trademark Assignment Assignor Details page from the US PTO

website attached hereto as Exhibit A. The abstract of title reflects that this purported assignment is recorded at reel/frame 4035/0766.

4. For several years I have been aware of another Scott Kuhlman, of Minneapolis, Minnesota. Several years ago, I personally spoke with this other Scott Kuhlman to advise him of my trademark rights. I have never authorized him to act on my behalf or with respect to my trademark or application for its registration, serial nop. 78834888.

5. The other Scott Kuhlman's last known address is 5232 Clinton Avenue South, Minneapolis, MN 55419. I have never lived in Minnesota. Rather, I have lived most of my life in the state of Washington, in Spokane, and later, Seattle.

6. As I understand it, the Scott Kuhlman of Minneapolis, Minnesota is the contact person for Kuhlman Company, LLC and EAK, LLC. I believe him to be an officer, owner and/or manager of these two entities, neither of which has any relationship to me or to my retail store located at 2419 First Avenue, Seattle, Washington 98121. For a time, the other Kuhlman operated retail stores in other states, financed by one or more public securities offering(s). I have had nothing to do with these operations. The Scott Kuhlman of Minneapolis, Minnesota has no relationship to me or my Seattle store.

7. I am the petitioner in a cancellation proceeding, no. 92050144, instituted at my direction against Kuhlman Company, LLC and thereafter also including EAK, LLC for cancellation of the KUHLMAN mark formerly claimed by them and registered on November 27, 2007, on the Supplemental Register, Registration No. 3346360.

8. The assignment recorded on July 24, 2009, at reel/frame 4035/0766, against my application for registration, Serial No. 78834888 was submitted with erroneous information, in that I have not assigned nor authorized the assignment of my KUHLMAN Mark and application.

I am the correct owner of the application serial no. 78834888. Ownership of my KUHLMAN mark and application Serial No. 78834888 has never changed and the assignment recorded against it was erroneous.

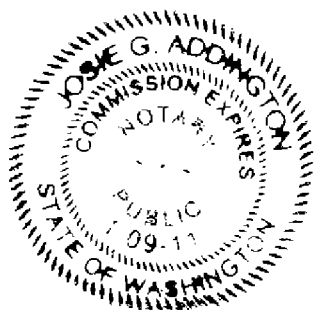
Signed under pain and penalty of perjury this 14 day of August, 2009.

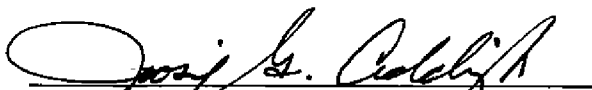


SCOTT KUHLMAN
2149 First Ave., Seattle, Washington 98121

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

SUBSCRIBED AND SWORN TO before me on this 14th day of August, 2009 by
Scott Kuhlman.




PRINTED NAME: Josie Addington
NOTARY PUBLIC in and for the
State of Washington
Residing at: Edmonds, WA
My Appointment Expires: 1-9-2011