

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM349031

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CORRECTION BY DECLARATION OF INCORRECT NUMBER 2072727 RECORDED AT AT REEL: 2572 FRAME: 0099		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
CALIFORNIA FRAGRANCE COMPANY		08/14/2002	COMPANY: CALIFORNIA
RECEIVING PARTY DATA			
Name:	CALIFORNIA FRAGRANCE COMPANY		
Street Address:	171 EAST SECOND STREET		
City:	HUNTINGTON STATION		
State/Country:	NEW YORK		
Postal Code:	11746		
Entity Type:	COMPANY: CALIFORNIA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2072727	BE CALM	
CORRESPONDENCE DATA			
Fax Number:	3125548015		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	(312) 554-8000		
Email:	kep@pattishall.com		
Correspondent Name:	Belinda J. Scrimenti		
Address Line 1:	200 South Wacker Drive, Suite 2900		
Address Line 4:	Chicago, ILLINOIS 60606-5896		
ATTORNEY DOCKET NUMBER:	1019-000-0008		
NAME OF SUBMITTER:	Belinda J. Scrimenti		
SIGNATURE:	/Belinda J. Scrimenti/		
DATE SIGNED:	07/23/2015		
Total Attachments: 5			
source=Scrimenti and Rocha Declarations Combined#page1.tif			
source=Scrimenti and Rocha Declarations Combined#page2.tif			
source=Scrimenti and Rocha Declarations Combined#page3.tif			

CH \$40.00 2072727

source=Scrimenti and Rocha Declarations Combined#page4.tif

source=Scrimenti and Rocha Declarations Combined#page5.tif

UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BE CALM
Registration No.: 2,072,727
Registration Date: June 06, 1997
Proper Renewal Owner: California Fragrance Company
(by assignment from Circle of Beauty, Inc.)
Original Registrant: Circle of Beauty, Inc.
Interim Erroneous Assignees: Intimate Brands, Inc.
Intimate Beauty Corporation
Victoria's Secret Stores, Inc.

**DECLARATION PURSUANT TO TMEP § 503.06 (c) and 37 C.F.R. § 2.20 TO
CORRECT ERRONEOUS ASSIGNMENT AND
SUBSEQUENT CHAIN OF ASSIGNMENTS**

I, Belinda J. Scrimenti, do hereby declare that:

1. I am a partner with Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 200 South Wacker Drive, Suite 2900, Chicago, IL 60606, current trademark counsel to California Fragrance Company ("California Fragrance"), which is the proper owner by assignment of the registration identified above.

2. As the proper owner, through my firm as counsel, California Fragrance attended to the maintenance of the registration by filing the Section 8 and 15 declaration and later renewal Section 8 and 9 maintenance documents on June 13, 2003 and June 12, 2007, respectively, as shown by the records of the registration, in the TDSR file.

3. This file has a complex history reflecting errors by the original owner, Circle of Beauty, Inc. in re-assigning the mark which it no longer owned, subsequent erroneous assignments thereafter, and subsequent errors by the USPTO after the error was brought to its attention by me. The history is outlined below.

4. The registration was originally owned by applicant Circle of Beauty, Inc. As part of the settlement of a cancellation action brought by California Fragrance's prior counsel, the registration was assigned by Circle of Beauty, Inc. to California Fragrance Company by assignment dated February 12, 1998. The assignment was recorded twice by the Assignment

division (for reasons unknown), both on February 24, 1998, at Reel/Frame 1694/0778 and 1705/0394.

5. In error, and apparently not realizing that the registration had been assigned to California Fragrance Company, Circle of Beauty, Inc. purportedly "assigned" the registration to Intimate Brands, Inc. by assignment dated July 15, 2002, and recorded on July 26, 2002 at Reel/Frame 2560/0883. This was done as part of a master assignment of some 40 registrations.

6. Continuing the error, shortly thereafter, Intimate Brands, Inc. purportedly "assigned" the registration to Intimate Beauty Corporation dba/aka/ta dba Vitoria's Secret Beauty, by assignment dated August 14, 2002, and recorded on August 20, 2002 at Reel/Frame 2572/0099. Similarly, this was done as part of a master assignment of some 33 registrations.

7. On June 13, 2003, my firm filed the Section 8 & 15 maintenance documents for the registration. In response, the Post-Registration examiner issued a preliminary refusal, noting that the record reflected assignment to California Fragrance, and the subsequent erroneous assignments to Intimate Brands, Inc. and Intimate Beauty Corporation. Following discussion with post-registration and the assignment branch, the 8 & 15 Declaration was Accepted.

8. Although the Section 8 & 15 Declaration was accepted, the assignment records were not corrected. Following that, again, apparently without knowledge that its client no longer owned the mark, Intimate Beauty Corporation recorded yet another conveyance, reflecting a merger of it with Victoria's Secret Stores, Inc., dated February 25, 2005, and recorded on March 3, 2005, at Reel/Frame 3141/0364.

9. On June 15, 2007, I filed on behalf of California Fragrance the Section 8 and 9 Renewal documents, again noting the error and rightful ownership with California Fragrance, which was accepted on June 29, 2007.

10. I have contacted Victoria's Secret Stores Brand Management, Inc.'s legal department, the office now overseeing trademark matters for the Victoria's Secret and Limited Brands group of companies, c/o Ms. Maria J. Rocha, L Brands Inc, 666 5th Ave Frnt 5, New York, NY, 10103-0005, phone, 212-884-3479, to address this matter. As set forth in her accompanying declaration, Victoria's Secret Stores Brand Management, Inc. (as successor to Victoria's Secret Stores, Inc., Intimate Beauty Corporation, and Intimate Brands, Inc.), it does not claim rights in the BE CALM mark and registration at issue, and has confirmed that the chain of assignments from Circle of Beauty, Inc. to Intimate Brands, Inc., to Intimate Beauty Corporation, and finally to Victoria's Secret Stores, Inc. was in error. See Ms. Rocha's accompanying declaration.

11. Accordingly, on behalf of our client, California Fragrance, as well as the interests of the successor to Victoria's Secret Stores, Inc., we respectfully request the Assignment Division's assistance in correcting the assignment records to reflect California Fragrance as the proper owner of the mark, BE CALM, registration No. 2072727, and/or advising us on how to prepare the electronic corrective assignment to effect this result.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the registration.

DATE: July 21, 2015

By:



Belinda J. Scrimenti
Attorney of Record
for California Fragrance Company

UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BE CALM
Registration No.: 2,072,727
Registration Date: June 06, 1997
Proper Renewal Owner: California Fragrance Company
(by assignment from Circle of Beauty, Inc.)
Original Registrant: Circle of Beauty, Inc.
Interim Erroneous Assignees: Intimate Brands, Inc.
Intimate Beauty Corporation
Victoria's Secret Stores, Inc.

**DECLARATION PURSUANT TO TMEP § 503.06 (c) AND 37 C.F.R. § 2.20
TO CORRECT ERRONEOUS ASSIGNMENT AND
SUBSEQUENT CHAIN OF ASSIGNMENTS**

I, Maria J. Rocha, do hereby declare that:

1. I am Assistant Secretary of Victoria's Secret Stores Brand Management, Inc., a Delaware Corporation, and have authority to execute this declaration on its behalf. Based on personal knowledge and/or my review of the USPTO assignment records of Victoria's Secret Stores Brand Management, Inc. and its predecessors, including various assignments described herein, I have knowledge of the matters set forth herein and could testify competently thereto.

2. Victoria's Secret Stores Brand Management, Inc. is a successor to Victoria's Secret Stores, Inc., a Delaware Corporation. Victoria's Secret Stores, Inc. was a successor by way of merger to Intimate Beauty Corporation d/b/a Victoria's Secret Beauty. Prior thereto, Intimate Beauty Corporation was a successor owner of certain trademarks owned by Intimate Brands, Inc.

3. On or about July 15, 2002, Intimate Brands, Inc. acquired by assignment certain trademarks from Circle of Beauty, Inc., as reflected in USPTO assignment records on Reel/Frame 2560/0083. Among those marks, the assignment schedule erroneously included the registration for the mark BE CALM, Reg. No. 2072727. However, as reflected in the abstract of title, that registration had previously been assigned by Circle of Beauty, Inc. to California Fragrance Company as reflected in Reels/Frames 1694/0778 and 1705/0394, as of February 12, 1998.

4. Due to inadvertent errors, when Intimate Brands, Inc. later assigned a series of marks to Intimate Beauty Corporation d/b/a Victoria's Secret Beauty, the BE CALM mark, Reg. No. 2072727, was again listed in the assignment schedule, recorded at Reel/Frame 2572/0099. The error was yet again inadvertently repeated when Intimate Beauty Corporation was merged into Victoria's Secret Stores, Inc., as reflected in the assignment records at Reel/Frame 3141/0364.

5. Victoria's Secret Stores Brand Management, Inc. (as successor to Victoria's Secret Stores, Inc., Intimate Beauty Corporation, and Intimate Brands, Inc.), acknowledges that California Fragrance is the rightful owner of Reg. No. 2072727 and the rights and goodwill therein for the mark BE CALM as reflected therein, and further acknowledges that the initial assignment by Circle of Beauty, Inc. to Intimate Brands, Inc. and subsequent recordations of assignments to Intimate Brands, Inc.'s later successor entities were in error.


6. Victoria's Secret Stores Brand Management, Inc. (as successor to Victoria's Secret Stores, Inc., Intimate Beauty Corporation, and Intimate Brands, Inc.), further acknowledges that, as USPTO TSDR records reflect, California Fragrance has maintained the registration by filing the Section 8 & 15 and later Section 8&9 declaration.

7. Accordingly, on behalf of Victoria's Secret Stores Brand Management, Inc. (as successor to Victoria's Secret Stores, Inc., Intimate Beauty Corporation, and Intimate Brands, Inc.), we request that a corrective assignment be entered reflecting California Fragrance as the owner of record of the Registration No. 2072727 for the mark BE CALM, effective as of the February 12, 1998 date of the original assignment from Circle of Beauty, Inc. to California Fragrance, Inc.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the registration.

DATE: April 10, 2015

By:



Maria J. Rocha

Assistant Secretary

Victoria's Secret Stores Brand Management,
Inc.