

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM609528

<b>SUBMISSION TYPE:</b>	RESUBMISSION
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL
<b>RESUBMIT DOCUMENT ID:</b>	900575084

## CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Super G Capital, LLC		07/29/2020	Limited Liability Company: DELAWARE

## RECEIVING PARTY DATA

<b>Name:</b>	Scent Cloud, LLC
<b>Also Known As:</b>	AKA Killer Killer eFundraiser, LLC
<b>Street Address:</b>	7028 KEARNY DRIVE
<b>City:</b>	HUNTINGTON BEACH
<b>State/Country:</b>	CALIFORNIA
<b>Postal Code:</b>	92648
<b>Entity Type:</b>	Limited Liability Company: DELAWARE

## PROPERTY NUMBERS Total: 9

Property Type	Number	Word Mark
Registration Number:	2257821	GOLD CANYON
Registration Number:	2801252	COZY CHRISTMAS
Registration Number:	2906052	THE WORLD'S FINEST
Registration Number:	3444294	SCENT POD
Registration Number:	3607493	GOLD CANYON
Registration Number:	3651125	HERITAGE
Registration Number:	4481830	SCENTRIC
Registration Number:	4491831	SCENTRE
Registration Number:	3350894	GOLD CANYON

## CORRESPONDENCE DATA

Fax Number: 6026409050

*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.*

Phone: 602-640-9381

Email: trademarks@omlaw.com

Correspondent Name: Danielle D. Janitch

Address Line 1: 2929. N. Central Ave., Ste. 2100

**Address Line 2:** c/o Osborn Maledon, P.A.  
**Address Line 4:** Phoenix, ARIZONA 85012

**ATTORNEY DOCKET NUMBER:** 18589.1

**NAME OF SUBMITTER:** Danielle D. Janitch

**SIGNATURE:** /danielle.d.janitch/

**DATE SIGNED:** 11/18/2020

**Total Attachments: 6**

source=Coversheet with stamp received date#page1.tif

source=Coversheet with stamp received date#page2.tif

source=Request for Reconsideration re Amendment to Assignment#page1.tif

source=Gold Canyon - Amendment to Intellectual Property Assignment Agreement (Executed)#page1.tif

source=Gold Canyon - Amendment to Intellectual Property Assignment Agreement (Executed)#page2.tif

source=Gold Canyon - Amendment to Intellectual Property Assignment Agreement (Executed)#page3.tif

**TRADEMARK ASSIGNMENT COVER SHEET**

Electronic Version v1.1  
 Stylesheet Version v1.2

<b>SUBMISSION TYPE:</b>	RESUBMISSION
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL
<b>RESUBMIT DOCUMENT ID:</b>	900569584

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Super G Capital, LLC		07/29/2020	Corporation: DELAWARE

**RECEIVING PARTY DATA**

<b>Name:</b>	Scent Cloud, LLC
<b>Also Known As:</b>	AKA Killer Killer eFundraiser, LLC
<b>Street Address:</b>	7028 KEARNY DRIVE
<b>City:</b>	HUNTINGTON BEACH
<b>State/Country:</b>	CALIFORNIA
<b>Postal Code:</b>	92648
<b>Entity Type:</b>	Limited Liability Company: DELAWARE

**PROPERTY NUMBERS Total: 9**

Property Type	Number	Word Mark
<b>Registration Number:</b>	2257821	GOLD CANYON
<b>Registration Number:</b>	2801252	COZY CHRISTMAS
<b>Registration Number:</b>	2906052	THE WORLD'S FINEST
<b>Registration Number:</b>	3444294	SCENT POD
<b>Registration Number:</b>	3607493	GOLD CANYON
<b>Registration Number:</b>	3651125	HERITAGE
<b>Registration Number:</b>	4481830	SCENTRIC
<b>Registration Number:</b>	4491831	SCENTRE
<b>Registration Number:</b>	3350894	GOLD CANYON

**CORRESPONDENCE DATA**

Fax Number: 6026409050

<b>Phone:</b>	602-640-9381
<b>Email:</b>	<a href="mailto:trademarks@omlaw.com">trademarks@omlaw.com</a>
<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>	
<b>Correspondent Name:</b>	Danielle D. Janitch
<b>Address Line 1:</b>	2929. N. Central Ave., Ste. 2100
<b>Address Line 2:</b>	c/o Osborn Maledon, P.A.
<b>Address Line 4:</b>	Phoenix, ARIZONA 85012
<b>ATTORNEY DOCKET NUMBER:</b>	18589.1
<b>NAME OF SUBMITTER:</b>	Danielle D. Janitch
<b>Signature:</b>	/danielle.d.janitch/
<b>Date:</b>	10/16/2020
<b>Total Attachments: 4</b> source=Request for Reconsideration re Amendment to Assignment#page1.tif source=Gold Canyon - Amendment to Intellectual Property Assignment Agreement (Executed)#page1.tif source=Gold Canyon - Amendment to Intellectual Property Assignment Agreement (Executed)#page2.tif source=Gold Canyon - Amendment to Intellectual Property Assignment Agreement (Executed)#page3.tif	
<b>RECEIPT INFORMATION</b>	
<b>ETAS ID:</b>	TM603433
<b>Receipt Date:</b>	10/16/2020

## Statement of Facts- Request for Reconsideration

The entity Super G Capital, LLC registered a number of trademarks with the USPTO, including those set forth in Schedule 2 to the Intellectual Property Assignment Agreement, dated June 5, 2020 (the “**Assignment**”), as well as certain additional marks inadvertently left off the Assignment. The Assignment was recorded with the USPTO/Assignment Office on June 8, 2020, reflecting the assignment of the marks to Killer Killer Efundraiser LLC. Section 1 of the Assignment includes the statement that Super G Capital, LLC “irrevocable conveys, transfers, and assigns . . . all rights . . . in and to . . . **the trademark registrations and applications set forth in Schedule 2** hereto and all issuances, extensions, and renewals thereof (the “Trademarks”), **together with the goodwill of the business connecting with the use of, and symbolized by, the Trademarks**” (emphasis added).

Killer Killer Efundraiser LLC changed its legal name to Scent Cloud, LLC, as shown by the State of Delaware Certificate of Amendment to Certificate of Formation (the “**Name Change Amendment**”). A separate **Name Change Assignment** has been submitted on the same day as this response, seeking to record the Name Change with the USPTO.

To address the inadvertent omission of certain trademarks from Assignment Schedule 2, Super G Capital, LLC and Scent Cloud, LLC executed a First Amendment to the Intellectual Property Assignment (the “**Amendment**”). This Amendment did not modify Assignment Section 1(b), which includes the statement of goodwill required under 15 USC Section 1060(a). The Amendment only replaced Schedule 2 with an updated list of trademarks. Our office subsequently filed this Amendment with the USPTO.

On September 17, 2020, a Notice of Non-Recordation was issued rejecting the Amendment as a “statement for the Goodwill of the business was omitted.” The Notice quotes 15 USC Section 1060(a), which provides that an assignment must include the goodwill statement. The Assignment does include this statement and has been accepted by the USPTO on June 8, 2020. The document rejected is an amendment to that Assignment. This Amendment does not remove the goodwill statement from the Assignment, it merely adds certain marks to Schedule 2. We respectfully ask that the Office reconsider the rejection, given the goodwill statement is included in the recorded Assignment and the Amendment does not modify or remove this Goodwill statement from the Assignment.

**FIRST AMENDMENT  
TO  
INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT**

**THIS FIRST AMENDMENT TO INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT** (this "Amendment") is entered into as of July 29, 2020, by and between Super G Capital, LLC, a Delaware limited liability company ("Seller"), and Scent Cloud, LLC (formerly known as Killer Killer EFundraiser, LLC), a Delaware limited liability company ("Buyer"). Capitalized terms used but not defined in this Amendment shall have the meanings given to them in the Intellectual Property Assignment Agreement.

**RECITALS**

**A.** Seller and Buyer entered into that certain Asset Purchase Agreement, dated as of May 26, 2020 (the "Asset Purchase Agreement"), pursuant to which Seller agreed to sell and Buyer agreed to purchase all general intangibles consisting of the intellectual property of Gold Canyon International, L.L.C., an Arizona limited liability company ("Borrower"), pursuant to Section 9617(a) of the UCC, including, without limitation, the trademarks, tradenames and service marks listed on Schedule A to the Asset Purchase Agreement.

**B.** Seller and Buyer entered into that certain Intellectual Property Assignment Agreement (the "IP Assignment Agreement"), dated as of June 5, 2020, listing certain trademarks of Borrower for purposes of recording with the United States Patent and Trademark Office and corresponding entities or agencies in any applicable jurisdictions.

**C.** Certain trademarks of the Borrower were inadvertently omitted in Schedule 2 to the IP Assignment Agreement.

**D.** Seller and Buyer desire to amend and replace Schedule 2 to the IP Assignment Agreement as set forth below.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, and intending to be legally bound, the parties hereto agree as follows:

**1. Amendment to IP Assignment Agreement.** Schedule 2 to the IP Assignment Agreement is hereby amended and restated in its entirety with Schedule 2 attached hereto.

**2. Counterparts.** This Amendment may be executed in any number of counterparts and all of such counterparts taken together shall be deemed to constitute one and the same instrument.

*[Signature page follows.]*

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed and delivered as of the date first written above.

SUPER G CAPITAL, LLC

By: 

Name:

Mark Cole

Title:

CEO

SCENT CLOUD, LLC (formerly known as  
Killer Killer EFundraiser, LLC)

By: 

Name:

Justin Pappas

Title:

Manager

**SCHEDULE 2 TO INTELLECTUAL PROPERTY ASSIGNMENT AGREEMENT**

**ASSIGNED TRADEMARK REGISTRATIONS**

**Federal and Foreign Trademark Registrations**

<b>Mark</b>	<b>Jurisdiction</b>	<b>Registration Number</b>	<b>Registration Date</b>
GOLD CANYON	USA	2,257,821	06/29/1999
COZY CHRISTMAS	USA	2,801,252	12/30/2003
THE WORLD'S FINEST	USA	2,906,052	11/30/2004
SCENT POD	USA	3,444,294	6/10/2008
GOLD CANYON	USA	3350894	12/22/2007
GOLD CANYON	USA	3,607,493	4/14/2009
HERITAGE USA	USA	3,651,125	06/29/1999
SCENTRIC USA	USA	4,481,830	12/30/2003
SCENTRE USA	USA	4,491,831	11/30/2004
GOLD CANYON	Canada	1361265	12/16/2009
THE WORLD'S FINEST	Canada	1361264	1/26/2010
EMERGE	Canada	1362249	8/31/2011
TOTAL RESPONSE THERAPY	Canada	1362248	4/2/2009
GOLD CANYON CANDLES BODY HOME	Canada	1368013	1/12/2010
SCENT POD	Canada	1409067	11/4/2009
EPARTY	Canada	1422482	7/6/2010
GOLD CANYON	UK	2465169	8/1/2008