

Joseph S. Bird, III
Direct: (205) 254-1069
Main: (205) 254-1000
jbird@maynardcooper.com

January 16, 2019

Via Electronic Mail
Original to Follow

Mr. Jason Myers
Senior Product Manager
Summer Classics
3140 Pelham Parkway
Pelham, AL 35124

RE: US Trademark Registration No. 5,647,141
SC HOME

Dear Jason:

I am pleased to enclose for your files the **original** trademark registration certificate for SC HOME which now bears Registration No. 5,647,141. This mark has a registration date effective as of January 8, 2019. You should maintain this registration in a location of safe keeping as a title document.

Now that the mark is federally registered, Gabriella White, LLC should use one or all of the following official designations in connection with each use of the mark:

- 1) The symbol “®”
- 2) “Registered in the U.S. Patent and Trademark Office” or
- 3) “Reg. U.S. Pat. & TM Off.”

These designations serve as notice that the mark is protected by a federal registration, and will allow Gabriella White, LLC to recover profits and damages should Gabriella White, LLC have the occasion to bring legal action against an infringer of the mark.

The registration is for an initial period of ten (10) years, but will be canceled automatically by the U.S. Patent and Trademark Office unless Gabriella White, LLC. files an affidavit of continued use between the fifth and sixth anniversary of the registration date (January 8, 2024 to January 8, 2025). The registration must also be renewed every ten years from the registration date of January 8, 2019 (January 8, 2029). We will docket these dates on our docket, however we do not assume responsibility for notifying clients of deadlines so far in the future, so we recommend that the registrant calendar the deadlines as well. Failure to make these required filings and pay

the necessary fees will result in cancellation of the registration. Please note that if Gabriella White, LLC does not continue to use the mark, it risks losing these rights in the mark.

If any mark is sold or otherwise transferred, or if the business name, address, state of incorporation or ownership is changed, a formal record of this should be filed with the USPTO. Failure to file a proper transfer or to update information can have an adverse effect on the mark and its registration.

Rights to a trademark are ultimately protected through its continued use and diligent objection to the use of confusingly similar marks by third parties. In order to identify third party trademarks which may be confusingly similar to a client's mark, we often order a professional "watching" service to monitor all applications filed with the USPTO concerning the marks. The reason for monitoring potentially conflicting marks is that the USPTO does not always succeed in rejecting the registration of marks which are confusingly similar to registered marks. You should note, however, that the watching service is merely a supplement to, and not a substitute for, your own attention to the use of confusingly similar marks.

From time to time, you may receive correspondence and request for payment for certain organizations regarding payment for registration and/or maintenance of your trademarks. Your trademarks have been officially registered with the United States Patent and Trademark Office; please review such solicitations with caution. If you should receive any such notifications, please contact me.

Congratulations on the issuance of this registration. If you have any questions or concerns please let me know.

Sincerely,


Joseph S. Bird, III

JSB/jct

Enclosure

United States of America

United States Patent and Trademark Office

SC HOME

Reg. No. 5,647,141

Registered Jan. 08, 2019

Int. Cl.: 35

Service Mark

Principal Register

Gabriella White, LLC (DELAWARE LIMITED LIABILITY COMPANY)
3140 Pelham Parkway
Pelham, ALABAMA 35124

CLASS 35: Retail services, namely, retail store services featuring indoor and outdoor furniture, lighting fixtures, mirrors, rugs, carpets, sculptures made of various materials, throw pillows, outdoor furniture seat cushions, non-textile wall hangings, market umbrellas, fireplace accessories, gas logs, and fireplace inserts; online retail store services featuring indoor and outdoor furniture, lighting fixtures, mirrors, rugs, carpets, sculptures made of various materials, throw pillows, outdoor furniture seat cushions, non-textile wall hangings, market umbrellas, fireplace accessories, gas logs, and fireplace inserts

FIRST USE 9-30-2009; IN COMMERCE 9-30-2009

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3090951, 2994509

No claim is made to the exclusive right to use the following apart from the mark as shown: "HOME"

SER. NO. 87-906,269, FILED 05-03-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office



Please note that U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, maintains a trademark recordation system for marks registered at the United States Patent and Trademark Office. Parties who register their marks on the Principal Register may record these marks with CBP, to assist CBP in its efforts to prevent the importation of goods that infringe registered marks. The recordation database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks, and can access the recordation database at each of the 317 ports of entry.

In October 2005, CBP released the **Intellectual Property Rights e-Recordation (IPRR)** system. This new system allows right holders to electronically file IPR recordation applications, thus significantly reducing the amount of time normally required to process paper applications. Some additional benefits of the new system include:

- Elimination of paper applications and supporting documents.
- Copies of the certificate issued by the registering agency (U.S. Patent and Trademark Office or the Copyright Office) are retained by the right holder, not submitted to CBP.
- Payment by credit card (preferred), check or money order.
- Ability to upload images of the protected work or trademark, thus obviating the need to send samples to CBP.
- Reduced time from filing of the application to enforcement by field personnel.

Information about how to obtain a recordation, and about CBP's **Intellectual Property Rights** (<https://www.cbp.gov/trade/priority-issues/ipr/protection>) border enforcement program, is available at CBP's web site, www.cbp.gov. Or, go directly to the **CBP recordation page**.

USPTO Emails vs. Potentially Misleading Offers and Notices from Private Companies

Make sure you receive our emails about your registration

We will send you email reminders when your deadline approaches to file the necessary maintenance filings to keep your registration active. We do **not** send reminders by regular mail. We will also use an authorized owner's email address to serve notice if a petition to cancel your registration is filed with the Trademark Trial and Appeal Board.

To receive emails:

- Authorize receipt of correspondence by email by checking the designated box on the Trademark Electronic Application System (TEAS) Change of Correspondence Address and Change of Owner's Address Forms on <https://www.uspto.gov/trademarks/teas/>.
- Make sure the USPTO is on your "approved senders list" and that email from the USPTO is not treated as junk mail.
- Let us know if your email address changes.

To update your email address:

- Use the TEAS Change of Correspondence Address and Change of Owner's Address Forms on <https://www.uspto.gov/trademarks/teas/>.
- If an attorney represented you before your mark was registered but no longer represents you, use the TEAS Attorney Revocation/Appointment Form to remove your prior attorney's name and to add your email address so that the email reminders come directly to you.

Beware of potentially misleading offers and notices

All **official correspondence** about your registration will be from the **"United States Patent and Trademark Office" in Alexandria, VA**, and, if by email, from the **domain "@uspto.gov."** Our email reminders will direct you to make the necessary filings and pay the associated fees online through TEAS, and will not request any fees by mail.

Private companies **not** associated with the USPTO often use trademark application and registration information from our databases to mail or email trademark-related offers and notices. These offers and notices may include legal services, trademark monitoring services, recording trademarks with U.S. Customs and Border Protection, and "registering" trademarks in a private registry. Most companies require "fees" to be paid.

These companies may have names similar to the USPTO. Their names may include the terms "United States," "U.S.," "Trademark," "Patent," "Registration," "Office," or "Agency." Some companies attempt to make their offers and notices look like official government documents by using official government data publicly available from USPTO records.