


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TTAB

NY-EXOTICS, INC. ) Cancellation No. 92/040976  
Petitioner ("Plaintiff") ) Registration No. 2,576,808  
vs. ) Mark: NY-EXOTICS.COM  
EXOTICS.COM, INC. ) NOTICE OF CIVIL ACTION SETTLEMENT AND  
Respondent ("Defendant") ) ASSIGNMENT MOOTING PRESENT PROCEEDING;  
 ) REQUEST TO DISMISS THEREFORE.

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

  
07-24-2006  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

**INFORMATION RE SUSPENSION**

In April, 2004, the Trademark Trial and Appeal Board denied Plaintiff-Petitioner's motion of summary judgement and in the same opinion also suspended this cancellation action *sua sponte* pending the outcome of California Superior Court Case No. BC 290511 involving the parties in and issues relevant to this proceeding. The Board requested to be informed when the state action was definitively resolved.

That case has now been entirely resolved as to the Parties in this matter by mutual dismissals and a comprehensive settlement of the numerous issues between them.<sup>1</sup> Attached as Exhibits A and B are file stamped service copies of the two relevant dismissals executed by Pamela Koslyn, counsel in the civil action for Exotics.com (plaintiff in the California action) and Glenn Plattner, counsel in the civil action for NY-Exotics, Inc. and its president Scott London (defendants and cross-complainants).

## ASSIGNMENT

As part of that settlement, Plaintiff-Petitioner NY-Exotics, Inc., assigned its entire interest in the subject mark NY-EXOTICS.COM — including applications and causes of action — to Respondent-Defendant Exotics.com, Inc. Attached Exhibit C is a copy of the notarized assignment. Attached as Exhibit D is the June 27, 2006, USPTO recordation of that assignment (reel/frame: 003338/0191).

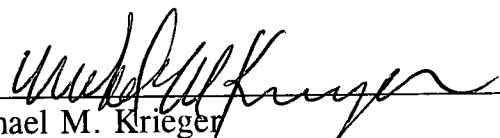
## MOOTNESS AND REQUEST FOR DISMISSAL

By this assignment, the Parties to this cancellation are now merged into one, namely, Exotics.com, Inc. With Petitioner and Respondent the same entity, this proceeding has been rendered moot.

Accordingly, Exotics.com, Inc., as sole remaining party and being both Plaintiff-Petitioner and Defendant-Respondent, respectfully requests that the Board dismiss this action.

Dated: July 21, 2006

Very truly yours,

  
Michael M. Krieger  
Attorneys for Respondent/Registrant  
EXOTICS.COM, INC. a Nevada corp.  
EXOTICS.COM, INC. a Delaware corp.

EXHIBITS A-D (p. 3-12)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <b>ADAM SIEGLER (State Bar No. 116233)</b> <b>SIEGLER LAW GROUP</b> 9454 Wilshire Boulevard, Suite M-16 Beverly Hills, California 90212 ATTORNEY FOR (Name): <b>Plaintiffs EXOTICS.COM, INC. et al</b>		TELEPHONE NO.: <b>(310) 777-1111</b> FAX NO.: <b>(310) 777-1114</b>	<b>FOR COURT USE ONLY</b>  <b>ORIGINAL FILED</b>  <b>JUN 29 2006</b>  <b>LOS ANGELES SUPERIOR COURT</b>
Insert name of court and name of judicial district and branch court, if any: <b>Los Angeles Superior Court</b> <b>Central District</b>			
PLAINTIFF/PETITIONER: <b>EXOTICS.COM, INC., a Nevada corp. et al</b>  DEFENDANT/RESPONDENT: <b>ANDREW MALTIN, et al</b>			
<b>REQUEST FOR DISMISSAL</b> <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): <b>Conversion, Breach of Fiduciary Duty, etc.</b>		CASE NUMBER:  <b>BC 290511</b>	

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

**1. TO THE CLERK: Please dismiss this action as follows:**

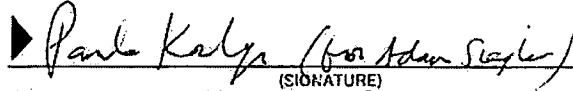
- a. (1)  With prejudice      (2)  Without prejudice
- b. (1)  Complaint      (2)  Petition  
 (3)  Cross-complaint filed by (name):  
 (4)  Cross-complaint filed by (name):  
 (5)  Entire action of all parties and all causes of action  
 (6)  Other (specify):\*

on (date):  
on (date):

As to these Defendants only: Scott London, NY Exotics, Inc., Steven Wechsler, Webstar Publishing, Inc., Miami Exotics, Inc., and Red Rock, LLC.  
 Date: June 28, 2006

**ADAM SIEGLER**

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)  
 \* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

  
 (SIGNATURE)

Attorney or party without attorney for:

- Plaintiff/Petitioner     Defendant/Respondent  
 Cross-complainant

**2. TO THE CLERK: Consent to the above dismissal is hereby given.\*\***

Date:

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

\*\* If a cross-complaint or Response (Family Law) seeking affirmative relief is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:

- Plaintiff/Petitioner     Defendant/Respondent  
 Cross-complainant

(To be completed by clerk)

**JUN 29 2006**

3.  Dismissal entered as requested on (date):  
 4.  Dismissal entered on (date): as to only (name):  
 5.  Dismissal not entered as requested for the following reasons (specify):  
  
 6.  a. Attorney or party without attorney notified on (date):  
 b. Attorney or party without attorney not notified. Filing party failed to provide  
 a copy to conform     means to return conformed copy

**JOHN A. CLARKE**

**COPY**

**PROOF OF SERVICE**  
**VIA U.S. MAIL**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

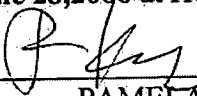
I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 6255 Sunset Boulevard, Suite 714, Hollywood, California 90028.

On **June 28, 2006** I served the foregoing documents described as **REQUEST FOR DISMISSAL** on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope(s) addressed as follows:

<b>Adam Siegler, Esq.</b> SIEGLER LAW GROUP 9454 Wilshire Boulevard, Suite M-16 Beverly Hills, CA 90212 <i>Attorney for Plaintiffs</i>	<b>Glenn J. Plattner, Esq.</b> JENKENS & GILCHRIST L.L.P. 12100 Wilshire Boulevard, 15 <sup>th</sup> Floor Los Angeles, CA 90025-7120 <i>Attorney for Scott London</i>
<b>Alan S. Gutman, Esq.</b> LAW OFFICES OF ALAN S. GUTMAN 9401 Wilshire Boulevard, Suite 575 Beverly Hills, California 90212-2918 <i>Attorney for Andrew Maltin, Lea Hastings and LA Exotics, LLC</i>	<b>Steven Wechsler</b> WEBSTAR PUBLISHING, INC. 6917 Arlington Road, Suite 214 Bethesda, Maryland 20814 <i>In Pro Per</i>
<b>Nate Bernstein, Esq.</b> NATE BERNSTEIN & ASSOCIATES 15760 Ventura Boulevard, Suite 700 Encino, California 91436 <i>Attorney for Irene Ferro, Regatta and Hillstone</i>	

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing, and I deposited the foregoing envelope(s) into the firm's mail collection system. Under that practice, it is deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **June 28, 2006** at Hollywood, California.

  
\_\_\_\_\_  
PAMELA KOSIYN

COPY

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):  
 GLENN J. PLATTNER (Bar No. 137454) (310) 820-8800  
 JENKENS & GILCHRIST, LLP  
 12100 Wilshire Boulevard, 15th Floor  
 Los Angeles, California 90025

TELEPHONE NO.:

ATTORNEY FOR (Name): NY EXOTICS, INC. and SCOTT LONDON

Insert name of court and name of judicial district and branch court, if any:  
 Los Angeles Superior Court  
 Central District

PLAINTIFF/PETITIONER: EXOTICS.COM, INC., a Nevada corporation; EXOTICS.COM, INC., a Delaware corpora  
 DEFENDANT/RESPONDENT: ANDREW MALTIN, et al.

**REQUEST FOR DISMISSAL**

Personal Injury, Property Damage, or Wrongful Death  
 Motor Vehicle  Other Indemnity  
 Family Law  
 Eminent Domain  
 Other (specify):

ORIGINAL FILED  
JUN 28 2006  
LOS ANGELES SUPERIOR COURT

CASE NUMBER:  
BC 290511

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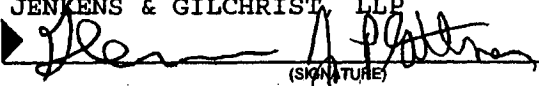
1. TO THE CLERK: Please dismiss this action as follows:

- a. (1)  With prejudice (2)  Without prejudice
- b. (1)  Complaint (2)  Petition
- (3)  Cross-complaint filed by (name): Scott London
- (4)  Cross-complaint filed by (name):
- (5)  Entire action of all parties and all causes of action
- (6)  Other (specify):\*

on (date): May 26, 2005  
on (date):

Date: June 26, 2006

GLENN J. PLATTNER  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

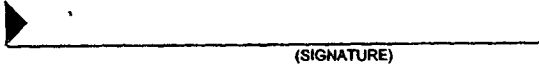
JENKENS & GILCHRIST, LLP  
  
(SIGNATURE)  
Attorney or party without attorney for: Scott London

\* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Plaintiff/Petitioner  Defendant/Respondent  
 Cross-complainant

2. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*

Date:  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

  
(SIGNATURE)  
Attorney or party without attorney for:

\*\* If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(f) or (j).

Plaintiff/Petitioner  Defendant/Respondent  
 Cross-complainant

(To be completed by clerk)

- 3.  Dismissal entered as requested on (date): JUN 28 2006
- 4.  Dismissal entered on (date): as to only (name):
- 5.  Dismissal not entered as requested for the following reasons (specify):

- 6.  a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide  
 a copy to conform  means to return conformed copy

JOHN A. CLARKE

Date: JUN 28 2006 Clerk, by  Deputy

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