



Ga. Peach Buns, Inc.
6083 New Jesup Hwy. Ste 1
Brunswick, GA. 31523
912-262-9511

Trademark Trial and Appeal Board
RE: Opposition 91161120
Serial No. 76550318

Mr. Baxley,

I am the owner of the mark *PEACH BUNS* and have been patiently awaiting an answer from the TTAB about the registration of my mark. I have been unfortunately pursued by the owner of *BUNS* men's underwear, whom tried to extort money from me and have me file my mark under his name. I decided to defend the mark and brand that I have built over the last nine years through out the opposition process. Mr. Burkard has deviously tried to delay the entire trial, and I feel that he continues to do that by creating a reason for office action when he applied for a section 8 and 9 renewal. He has still not responded to the office action, allowing the 6 month period for his response to run the end of it's time. He not only asked for an extension during the opposition trial, he never took testimony, and failed to renew his mark correctly. I believe he knew that a decision would be delayed by the TTAB if he took these steps. I also believe that if *BUNS* was so important to him, he would have gotten the registration renewed promptly. He can not show where he still uses this mark. He only uses it to make licensing fees off of others whom don't have the time and creativity devoted, as I do. The purpose of my letter is to express the importance of the registration of my mark. I sell my goods all over the country, and internationally. Other people are starting to capitalize on my brand, and I have nothing solid to defend my company with. Yes, I have a common law right. That only causes me to spend a lot more money to bring action against others that would stop with a simple letter. The first and dominant portion of my mark is the word *PEACH*. There is another corporation in California using *PEACH CLAIRE* for ladies lingerie and bikini sets. They are now selling on the web site *peachclaire.com*. Their email address is sales@peachclaire.com; mine is sales@peachbuns.com. The key words they use to draw people to their site include swimwear and bikini sets.

I issued them a letter in March before they started producing these goods, to let them know about *PEACH BUNS* and the length of time I have used the mark. I received no response from them, and attended my wholesale tradeshow in Las Vegas back in April 2006; to find them selling at the same show. I am seeking a preliminary injunction against them now, to stop them from using the *PEACH CLAIRE* label, and selling the goods in the same channel of trade that I do. Until the likely hood of confusion can be determined and my mark has an official registration. It makes it very hard to protect my brand when a decision has not been made. I am asking you to please consider these things if the reason for delay is due to the *BUNS* mark not being answered.

Thank You

Miranda M. Smith
Miranda Music Smith
President
GA. Peach Buns, Inc.

10-03-2006