

ESTTA Tracking number: **ESTTA212887**

Filing date: **05/21/2008**

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

Proceeding	91182996
Party	Plaintiff Traditional Medicinals, Inc.
Correspondence Address	Jay H. Geller 2425 Olympic Bl., Suite 4000W Santa Monica, CA 90404 UNITED STATES jhgeller@aol.com
Submission	Other Motions/Papers
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Date	05/21/2008
Attachments	MotionCorrect.pdf (4 pages)(598315 bytes)

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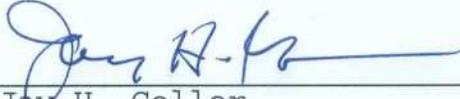
Traditional Medicinals, Inc.)	Opp. No. 91182996
)	
Opposer,)	MOTION TO CORRECT ERRORS
)	IN NOTICE OF OPPOSITION
v.)	
K.U.M. Hair Care Products, Inc.)	Mark: SMOOTH MOVES
)	
Applicant.)	
)	

On March 14, 2008, Opposer opposed the referenced application. Inadvertently, the Notice of Opposition attached had the wrong caption and the wrong serial number. However, the allegations in the original Notice of Opposition are correct, namely that there is a likelihood of confusion between the applied-for mark and Opposer's registered trademarks and that Opposer has priority of use.

Attached to this Motion is a corrected Notice of Opposition with the correct caption and serial number of the Opposed application. Since the matter is at the earliest stages of this proceeding, applicant will not be prejudiced by granting this Motion to Amend to correct the inadvertent errors.

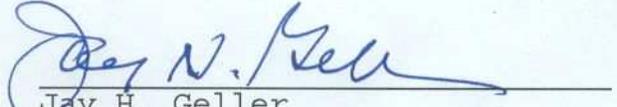
Opposer requests that its motion be granted.

Dated: May 21, 2008



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I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed Dennis M. Moskal, Technology & Entrepreneurial Ventures LA, Allegheny Building, Suite 1212, 429 Forbes Avenue, Pittsburgh, PA 15210 on May 21, 2008.



Jay H. Geller

herb teas. Opposer is the owner of United States Trademark Registrations No. 3344362, 2520275 and 1258223. Registration Nos. 2520275 and 1258223 are incontestable.

5. Applicant's mark wholly incorporates Opposer's trademark SMOOTH MOVE, and is identical in sound, spelling and appearance to Opposer's trademark.

6. The goods upon which applicant intends to use its mark SMOOTH MOVES are closely related to those goods upon which Opposer uses its mark SMOOTH MOVE.

7. The likelihood of confusion in the marketplace exists between Opposer's trademark when applied to the goods of the respective parties, and applicant's trademark.

8. Registration of applicant's trademark will result in damage to Opposer's trademark and Opposer's business.

Wherefore, Opposer requests that this Opposition be sustained and that the registration to the Applicant be refused.

As required by the rules of the TTAB, this Notice is filed in duplicate.

Dated: March 14, 2008



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