

ESTTA Tracking number: **ESTTA281652**

Filing date: **05/04/2009**

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

Proceeding	91189025
Party	Defendant Lee, Rashanna
Correspondence Address	LEE, RASHANNA 245 DORSET ST BROOKLYN, NY 11236-1411 UNITED STATES rlee6405@yahoo.com
Submission	Answer
Filer's Name	Rashanna Lee
Filer's e-mail	rlee6405@yahoo.com
Signature	/rashanna lee/
Date	05/04/2009
Attachments	ANSWERWEAVEMASTERS.pdf ( 14 pages )(336260 bytes )



2. Applicant admits that Shake-n-Go Fashion, Inc. (“Opposer”) is a corporation having a principal place of business at 83 Harbor Road, Port Washington, New York 11050.
3. Upon information obtained in the Trademark Electronic Search System operated by the United States Patent and Trademark Office, Opposer’s U.S. Trademark Application Serial No. 77/525,914 (“the ‘914” Application) filed July 19, 2008 for **WEAVE MASTER** indicates Opposer’s first use on June, 6, 2006 and first use in commerce June 6, 2006.
4. Applicant is the owner of U.S. Trademark Application Serial No. 77/495,627 (the ‘627 Application”) filed June 10, 2008 for **WEAVEMASTERS**, which indicates first use January 1, 1998 and first use in commerce October, 15, 2000.
5. The dates of Opposer’s first use and first use in commerce of **WEAVE MASTER** mark are after the dates of Applicant’s first use and first use in commerce of **WEAVEMASTERS** mark, which indicates priority of use by Applicant.
6. The date of Opposer’s filing of **WEAVE MASTER** is after the date of filing of Applicant’s **WEAVEMASTERS** mark.
7. Further, Applicant has publicly advertised **WEAVEMASTERS** mark in connection with Applicant’s Services via international print media in Modern Salon

Magazine (June 2005 issue, July 2005 issue), Allure Magazine (July 2005 issue), and Sophisticates Black Hair Styles and Care Guide Magazine (September/October 2005 issue, June/July 2006 issue, September/October 2006 issue) and electronically via [www.weavemasters.us](http://www.weavemasters.us) (registered by Applicant on July 19, 2004) and [www.weavemasters.com](http://www.weavemasters.com) (registered by Applicant on May 19, 2005).

8. Sophisticates Black Hair Styles and Care Guide Magazine (“Publication”) lists Opposer among its Prominent Advertisers in 2005 media kit and Opposer advertised its products under Milky Way brand name (Trademark Registration No. 2,187,687), in two (2) full page ads and on the back cover of the Publication’s June/July 2006 issue, available in late May 2006, in which the Applicant’s **WEAVEMASTERS** mark was also advertised, establishing strong possibility that Opposer could have seen Applicant’s **WEAVEMASTERS** mark in said Publication, prior to Opposer’s indicated first use on June 6, 2006. Enclosed supporting evidence of Applicant’s use of **WEAVEMASTERS** mark includes: (1) official invoice from Publication for Applicant’s September/October 2005 issue ad using Applicant’s **WEAVEMASTERS** mark, dated July 18, 2005 (scanned image), (2) actual copy for September/October 2005 ad in Publication using Applicant’s **WEAVEMASTERS** mark (image), (3) Publication’s 2005 media kit insert listing Opposer among its Prominent Advertisers (scanned image), (4) Applicant’s ad in Publication’s June/July 2006 issue using Applicant’s **WEAVEMASTERS** mark (image), (5) Publication’s 2004 Distribution Profile indicating distribution of over 200,000 copies per issue internationally.

9. The **WEAVEMASTERS** mark used by the Applicant has become distinctive of the Applicant's Services in commerce, after several years of public advertising and delivery of training services in the field of hair extensions.

10. Applicant currently offers training services in the field of hair extensions ("Applicant's Services") under the Applicant's **WEAVEMASTERS** mark, namely to educate persons in multiple hair extension techniques.

11. Applicant denies that the mark is merely descriptive of Applicant's Services in that:

- (1) there is no existing English word nor commonly used term "weavemasters";
- (2) according to the Merriam-Webster Dictionary the English word "weave" means "to form by interlacing strands," specifically citing the use of cloth, yarn, and thread;
- (3) and the Applicant's Services include training in over 10 unique hair extension techniques, which cannot be described by the terms "weavemasters" nor "weave"

12. Applicant denies that the granting of a trademark registration on **WEAVEMASTERS** to Applicant would be contrary to Section 2(e) of the Lanham Act, 15 U.S.C. §1052(e).

13. As a point of reference, on May 3, 2005, Regis Inc. Corporation was granted **HAIRMASTERS** trademark Registration No. 2,946,028, filed in International Class 44 as

applied to “beauty salon services, namely, hair cutting, styling, coloring, perming services, and nail care services.” According to records, no opposition was filed on Application Serial No. 78/338,690.

14. The HAIRMASTERS Registration No. 2,946,028 was not deemed contrary to Section 2(e) of the Lanham Act, 15 U.S.C. §1052(e) by an Examining Attorney.

15. Similarly, the Applicant’s **WEAVEMASTERS** trademark was not deemed contrary to Section 2(e) of the Lanham Act, 15 U.S.C. §1052(e) by an Examining Attorney during initial review.

16. The ‘914 Application was filed as applied to hair products, namely, hair pieces, wigs, hair braids, hair extensions, ponytails and hair weaves, indicating differentiation by Opposer between hair extensions and hair weaves.

17. Upon information and belief, the Applicant admits that the Opposer’s mark so resembles Applicant’s mark as to be likely, when applied to the services of the Applicant, to cause confusion, or to cause mistake, or to deceive.

18. Upon information and belief, Opposer is believed to have acted in bad faith, using deceptive practices to investigate Applicant’s use of & interest in **WEAVEMASTERS** mark. Serious, careful consideration has been taken as to not falsely and/or wrongfully

accuse Opposer and supporting evidence of the deceptive acts are provided in statements below.

19. Corporation Service Company, is provider of legal services for law firms offering services, including trademark screening research and corporate domain management.

20. Attorneys for Opposer John K. Kim Shareholder of Greenberg Traurig have an established connection with Corporation Service Company (“CSC”) evidenced by Attorney Jason Firth (employed as an attorney of Greenberg Traurig through March 2008) serving on the CSC Corporate Identity Protection Executive Business Advisory Board as a representative of Greenberg Traurig and the law firm having also received multiple awards and top rankings from CSC, as published in a public February 10, 2009 Greenberg Traurig press release.

21. Corporation Service Company (doing business as “Corporate Domains, Inc.”) is the registrar of record for [www.Reizmann.com](http://www.Reizmann.com).

22. In consideration of the foregoing, Applicant believes that, Simon Derrick (“Employee”), an employee of Reizmann ([www.Reizmann.com](http://www.Reizmann.com)) acting on behalf of Opposer, pretended to be a prospective hair extension training class client in an attempt to purposely deceive the Applicant to investigate Applicant’s use of & interest in **WEAVEMASTERS** mark.

23. Employee placed at least two phone calls to Applicant during January 2009 pretending to be a cosmetologist working for Reizmann, which he claims is a “Los Angeles production company” and made several unusual inquiries about the Applicant and the length of time of the use and scope of use of Applicant’s mark. Cosmetology licensing records for Employee could not be confirmed. The existence of a business called Reizmann offering production services could not be confirmed.

24. Employee provided a telephone number of 323-665-7149 and an email of sderrick@reizmann.com and further requested all information for Applicant’s Services be mailed to 10061 RIVERSIDE DRIVE, #702 TOLUCA LAKE, CA 91602, the same post office box address as indicated on www.Reizmann.com and the same address supplied by registrar of record, Corporate Domains, Inc., of CSC, for its client Reizmann, now believed to be contracted to investigate the Applicant, ultimately on behalf of Opposer.

25. Applicant admits failure to deliver Consent to Extension Request to Opposer in advance, and Applicant remains open and willing to directly and honestly communicate with Opposer in a timely manner, in the spirit of cooperation and good faith and is making efforts to seek alternative dispute resolution with the assistance of a non-profit organization.

26. Upon information and belief, should Opposer’s Opposition be upheld and ‘627 Application not be permitted to mature into a registration, Applicant, who first used and

filed for currently used **WEAVEMASTERS** mark would not be able to obtain federal trademark protection for its **WEAVEMASTERS** mark.

WEHEREFORE, Applicant prays that said Application Serial No. 77/495,627 be accepted and permitted to mature into a registration, that registration be issued thereon to Applicant, and that Opposition be rejected in favor of Applicant.

Dated: May 4, 2009.

Respectfully submitted,

/Rashanna Lee/

By: Rashanna Lee

245 Dorset Street

Brooklyn, New York 11236

Tel. 585-721-6405

**ENCLOSURE - SUPPORTING EVIDENCE:**

(1) Official invoice from Publication for Applicant's September/October 2005 issue ad using Applicant's **WEAVEMASTERS** mark, dated July 18, 2005 (scanned image):

**SOPHISTICATE'S  
BLACK HAIR  
STYLES AND CARE GUIDE**

INVOICE #9/05 SBH

TO: Accounts Payable  
Rashanna Lee  
Excessis Enterprises  
245 Dorset Street  
Brooklyn NY 11236

ISSUE: September 2005  
Enclosed

DESCRIPTION	SPACE	TOTAL
INVOICE DATE: July 18, 2005		
CLIENT: Excessis Enterprises		
PRODUCT: Weavemasters	1/6 vert. 4/c	\$2,136.00/net
		SUBTOTAL \$2,136.00
SPECIAL DISCOUNTS: Less Advance payment received	-	2,136.00
<b>NET TOTAL AMOUNT DUE:</b>		<b>\$ - 0 -</b>

NOTE: A service charge of 1 1/2% (18 percent per annum) will be charged on all accounts after 30 days.

INVOICE MUST BE PAID BY: Thank you!

Please make check payable to: Associated Publications, Inc.  
Attention: Linda M. Rolle  
875 N. Michigan Avenue  
Suite 3434  
Chicago IL 60611-1901

**THANK YOU FOR YOUR ORDER!**

NOTE: "Our policy is that the advertising agency and/or advertiser are jointly or severally liable for all advertising invoice."

ASSOCIATED PUBLICATIONS, INC. 875 NORTH MICHIGAN AVENUE, SUITE 3434 CHICAGO, IL 60611-1901 312/264-8688

/Rashanna Lee/

**ENCLOSURE - SUPPORTING EVIDENCE:**

(2) actual copy for September/October 2005 ad in Publication using Applicant's

**WEAVEMASTERS** mark (image):



**Weavemasters**  
HAIR EXTENSIONS

Kera-tip Fusion  
Micro Linx  
Invisi-Weave  
Sew-In  
*& More!*

**SHOP  
ONLINE**

[www.weavemasters.com](http://www.weavemasters.com)  
**1-866-WEAVE-US**  
(Locations Nationwide)

100% Virgin Remy  
Hand-tied Wefts !

*CELEBRITY*  
LACE-FRONT WIGS  
with Hairline

*(Actual wig)*

*Training  
Avail!* **Trust the masters...**

/Rashanna Lee/

**ENCLOSURE - SUPPORTING EVIDENCE:**

(3) Publication's 2005 media kit insert listing Shake-N-Go Fashion, Inc. among its

Prominent Advertisers (scanned image):

prominent advertisers

**CELEBRATING 20 YEARS OF BEAUTY**

**SOPHISTICATE'S BLACK HAIR STYLES AND CARE GUIDE...**

**THE #1 BEST-SELLING HAIR AND BEAUTY PUBLICATION IN THE WORLD**

ADORABLE HARD-DO CORP.	FANTASIA INDUSTRIES CORPORATION	NATURAL ESSENCE
ADVANTAGE RESEARCH LABORATORIES, INC.	FAROUK SYSTEMS, INC.	NATURE'S PROTEIN/GOO-GOO PRODUCTS
AFRICA'S BEST	HOUSE OF CHEATHAM	NISHIMOTO TRADING, LTD.
ALBERTO CLIVER COMPANY	J.M. PRODUCTS, INC.	PROCTER & GAMBLE CORPORATION
ALBINCO HAIR CO.	J. STRICKLAND & CO.	PROLINE INTERNATIONAL
AMEKOR INDUSTRIES	JIVE RECORDS	STRENGTH OF NATURE, LLC / PROTECTIV
AYLON INDUSTRIES, INC.	KANEKA CORPORATION	ROYAL IMEX INC.
BEAUTY PLUS TRADING CO., INC.	KEYSTONE LABORATORIES INC.	SALLY BEAUTY
BACKGROUND RECORDS, LLC	L'ORÉAL CLASSIC SALON PRODUCTS	SHAKEN-GO FASHION INC.
BIGEN	LUSTER PRODUCTS INC.	SOFT SHEEN/CARSON, INC.
BIOSMETIC RESEARCH LABS	LUSTRASIK	SPARTAN BRANDS INC.
BOYANG TRADING CO.	McBRIDE RESEARCH LABORATORIES INC.	SUMMIT LABORATORIES, INC.
BRONNER BROS.	McDONALD'S CORPORATION	THE HAIR FACTORY INC.
C&L USA INC.	MIDWAY INTERNATIONAL INC.	TYLER FERRY PRODUCTIONS
CLAROL DIVISION OF R&G	MIZANI LLC	UBH PUBLICATIONS, INC.
CLEAR ESSENCE COSMETICS USA INC.	MOTIONS	UNIVERSAL RECORDS
COLOMER U.S.A., INC.	MOTOWN RECORD CO., LP	VIRGIN RECORDS AMERICA, INC.
ELASTA OP	NAMASTE LABORATORIES, LLC	WELLA/JOHNSON PRODUCTS
EMPRESS		

• Associated Publications, Inc.  
• 875 N. Midway Avenue, Suite 3434  
• Chicago, Illinois 60611-1901  
• Phone: (312) 269-8680

/Rashanna Lee/

**ENCLOSURE - SUPPORTING EVIDENCE:**

(4) Applicant's ad in Publication's June/July 2006 issue using Applicant's

**WEAVERMASTERS** mark (scanned image):

**Dark as her L2 Step dance routine, Goodies singer Ciara has been changing up her pretty faces from one beautiful color to the next. We've watched in admiration as she transformed her long hair from coppery brown to jet-black to chocolate. And though no one—except Ciara—knows her next move, SBH just had to get the scoop from the singer herself about her new shade-switching style. Listen as Ciara reveals her color code...**

**DELICIOUS CHOCOLATE**  
 "In the beginning, I had some bronde," Ciara recounts. "I just thought it was time to change. I felt like having fun. I thought people were a little more familiar with me, so I can make the [style] change and they may still know who I am!" she tells SBH with a laugh. "The color transformation makes [Ciara] need to be versatile—and gives her a few added hair health benefits, too. "The cool thing about darker hair is it's much more flexible than the lighter hair. With the heat styling and everything, I think my hair is much stronger now."  
 The lovely, brown color gains added depth from a layering of several different hues, the songbird explains. "It's a combination of more than one color in my hair. One layer is darker brown, one layer is softer brown and one layer gets even darker, in that order."  
 Another quick-change effect the singer flaunts was her sleek, jet-black ponytail at the Billboard Awards—a look for which she transformed her own hair to the ebony hue, then added length with a ponytail hairpiece. "I did actually take my hair black then. My ponytail isn't as long as you saw it on the [Billboard] but it's not far from it. Even when you add a little piece, it makes a difference!"

**SPECIAL EFFECTS**  
 Besides ponytail hairpieces, Ciara shares with SBH that she also uses another basic trick to pull off her hair color transformations.  
 "It varies," Ciara says of her use of weaves to augment her chocolate brown. "Sometimes I do a sew-in weave and sometimes, you may not know it, it could be real." While she may keep hair stylists guessing, the singer explains why she chooses to utilize sew-in weaves. "The reason I do sew-ins in my hair, for one, is to protect my hair. And, I hid you not, my hair grows tremendously when it's covered up, and that's a process [with sew-ins]. I know what it's like applying heat to my hair everyday, and that's one thing I don't ever want to do again."  
 The singer's busy schedule, complete with touring, performances and red-carpet appearances, makes the sew-in hair a fancy and healthy option for creating quick color and style changes, Ciara adds. "When I'm on tour it's one of the most convenient things, because once again, that heat [styling] is not a game!" The technique also allows the star to preserve her own lengths so they grow long and lovely.  
 "Sometimes when you do act [is weaves], you may want a longer length or to make it more full, because it's hard to maintain all applying different chemicals and heat. When you take your hair down, you want it to be the same length as the weaves you wear. I don't really go far off from the length of my hair when I do sew-ins. I put them in for length and fullness."  
**NEW SHADES** "I thought it was time to change. I felt like having fun," explains Ciara about recent color switches.

**KEEPING IT UP**  
 To help make sure her hair stays healthy throughout color change-ups and weaves, Ciara has picked up a few hair-care tips. "I keep it braided, which is good for your hair," she explains of her weaver routine. "When it's braided, I will go and get my hair washed, so I do the wash and dryer process routine," she says, adding that she gets a hot cleansing every three to seven days. "I also use a deep conditioner once a month."  
 The chart-topping singer reveals another aspect of her hair routine: choosing between natural and color. "One thing I think has really helped me is I don't do weaver and color at the same time," Ciara achieves sleek, lustrous with a ceramic flat iron or a Wap. "When you're applying heat to your hair, you want to make sure you have some kind of product protecting it," she details of her straightening routine. "I always make sure I keep products on my scalp."  
 When she's not reaching for the flat iron, Ciara turns to a curling iron to craft pretty ringlets. "I like big, bouncy curls," she reveals of a favorite today trick. "I call it the Jessica Simpson 'cause Jessica always has banging curls in her hair. I wrap the hair around a medium sized curling iron. But I'm making lengths all over my head. Then once it's all curled, I take my hands and go through it." SBH

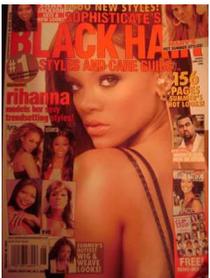
**GIL PEREZ** "The real thing about darker hair is it's much more flexible than lighter hair. I think my hair is much stronger now," declares the singer.

**CIARA GIRL** "The real thing about darker hair is it's much more flexible than lighter hair. I think my hair is much stronger now," declares the singer.

**NEW SHADES** "I thought it was time to change. I felt like having fun," explains Ciara about recent color switches.

**CIARA'S STYLIST SAYS...**  
 And here has her hair star Ciara been achieving these pretty palette changes to her length? We turned to the star's hairstylist, Shaheen Allen, to get the '06 details.  
**How Hot** "It's a chocolate brown, a translucent color," says pro Shaheen Allen describes of Ciara's recent choice. "If you go in the sun, you see the highlights in the hair, but it's all chocolate brown. There's a little bit of blonde highlight on the ends." The decision to go darker was arrived at after a number of color try-outs. "We went brown, blonde, and then we said, 'You know what brings out our eye features is darker hair.' So we agreed to make it chocolate brown."  
**How To Get** Paul Mitchell, Matrix and L'Oréal color in tones of brown and honey gold were used to achieve the deep brown color, details Allen of the hair-changing process. "What we do is sub-section the hair. We base the color in possibly seven strands around the edges. You had to be section 2 and color it one-by-one."  
**Moist Maintenance** Make sure color is best by using shampoo and conditioners for color-treated hair, advises Ciara's hair expert. "I use Pantene," she details. "Paul Mitchell also has color-treated shampoo and conditioners. They have reconstructing agents for your hair so your hair stays healthy and won't break. It maintains the hair's integrity and elasticity." Ciara's color touch-ups are done every month and a half, she stars star adds.  
**Texture Games** Ciara prefers pretty curls in her natural, wavy tresses, shares Allen, which get a boost from a few select products. "It's maintenance free when she's traveling. I use Trelon. It's hair-training [the spray]. It keeps the hair in water. I also use a BBQ sauce. I don't want to break. It maintains the hair's integrity and elasticity." Ciara's color touch-ups are done every month and a half, she stars star adds.  
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**WEAVERMASTERS HAIR EXTENSIONS**  
 Actual Size Real Wig  
**CELEBRITY Lace Front Wig**  
 Keratin Fusion  
 Invisi-Weave  
 Virgin Remy Hair  
 Find a Stylist, Register for Classes & SHOP ON-LINE  
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 Custom-made products & travel packages avail  
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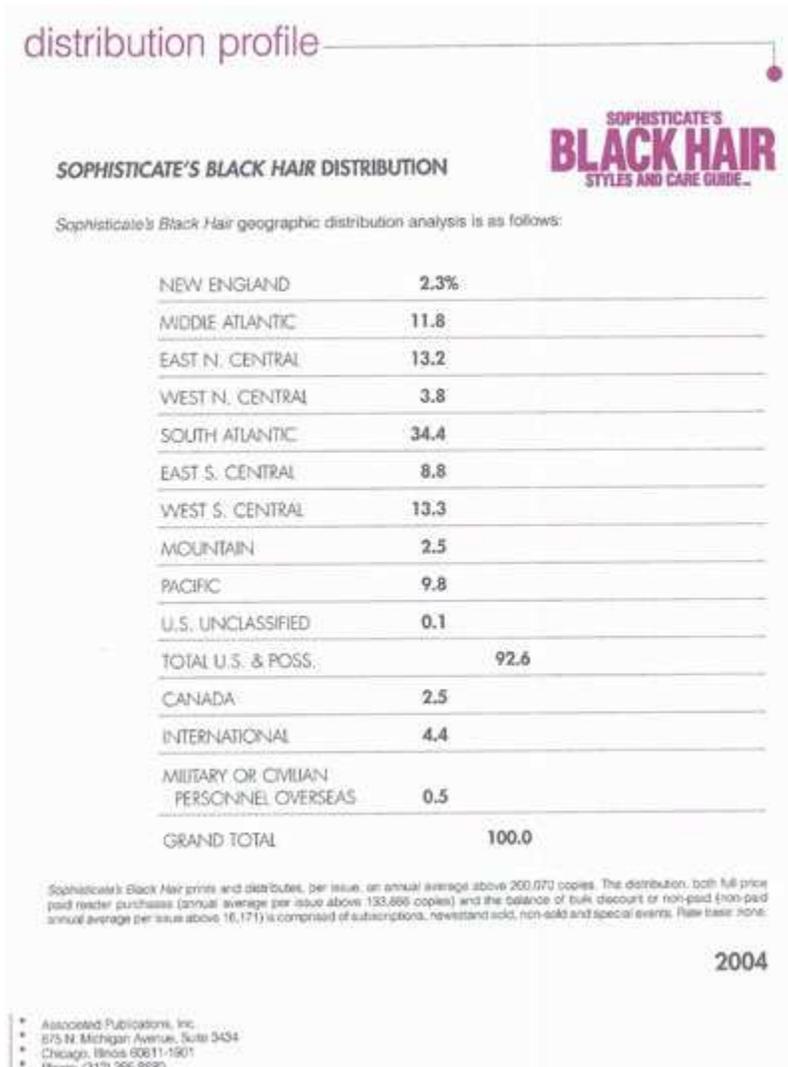


(JUNE/JULY 2006 COVER IMAGE)

/Rashanna Lee/

**ENCLOSURE - SUPPORTING EVIDENCE:**

(5) Publication's 2004 Distribution Profile indicating distribution of over 200,000 copies per issue internationally:



/Rashanna Lee/

Certificate of Service

I, Rashanna Lee, certify that on May 4, 2009, I caused a true and complete copy of the foregoing Answer to Notice of Opposition to be transmitted by First Class U.S. Mail, postage prepaid, to the Opposer at the following address:

John K. Kim

Greenberg Traurig

200 Park Avenue

P.O. Box 677

Florham Park, NJ 07932-0677

/May 4, 2009/

/Rashanna Lee/

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rashanna Lee