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

Proceeding	91199879
Party	Defendant Stylistics Los Angeles Car Club, Inc.
Correspondence Address	JORGE LUIS RAMIREZ STYLISTICS LOS ANGELES CAR CLUB INC 8732 DORIAN STREET DOWNEY, CA 90242-5218 UNITED STATES
Submission	Other Motions/Papers
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Date	05/21/2012
Attachments	STYL-401 Motion for Involuntary Dismissal.pdf (3 pages)(28875 bytes)

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

Gilbert Lerma Jr., d/b/a Stylistics Car Club,

Opposer,

v.

Stylistics Los Angeles Car Club, Inc., a
California Corporation

Applicant.

Opposition No. 91199879

Mark: STYLISTICS LOS ANGELES

Serial No.: 76/700,391

Filed: November 16, 2009

Published: April 19, 2011

MOTION FOR INVOLUNTARY DISMISSAL

Applicant hereby moves for an involuntary dismissal dismissing this Opposition pursuant to 37 C.F.R. § 2.132 for the reasons set forth below.

In the above-identified Opposition, the Opposer, Gilbert Lerma, Jr. d/b/a Stylistcs Car Club was assigned a period for taking its testimony-in-chief to close April 22, 2012. To date, neither the Applicant nor its attorney has been informed of any intention on the part of Opposer to take testimony and has received no notice that testimony is contemplated or is to be taken. It is now too late for Opposer to take such testimony. Opposer has taken no discovery in this case, has not taken any oral or written depositions, and did not submit any pre-trial disclosures to the Applicant.

The Opposer has the burden of proof of supporting its Opposition and that burden cannot now be met by Opposer due to its failure to take testimony within the allotted time. The mere submission of Notices of Reliance is not enough to sustain the Opposition in this case. Trial Exhibit #1 submitted by the Opposer does not show the mark that is pending in this Opposition

nor does it show the mark in connection with the services filed by the Applicant. Trial Exhibit #2 shows the filing of a different mark in the State of California. The filing date of the California trademark antedates the filing date of the Application at issue – January 13, 2010 is after November 16, 2009. The Opposer has not provided any testimony or any evidence that supports the allegations in this case and the allegations of the Notice of Opposition were denied by Applicant.

As such, dismissal is requested due to the Opposer's failure to take testimony or prosecute the Opposition diligently pursuant to §2.132.

Respectfully submitted,



Dated: May 21, 2012

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **MOTION FOR INVOLUNTARY
DISMISSAL** was e-mailed on May 21, 2012 to

Zachary Levine, Esq.
zjl@wltlawyers.com



Christina S. Loza