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Filing date: **04/09/2014**

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

Proceeding	91210514
Party	Plaintiff Lucky Pup Designs, Inc.
Correspondence Address	Joshua R. Furman Joshua R. Furman Law Corp. 15260 Ventura Blvd Suite 2250 Sherman Oaks, CA 91403 UNITED STATES jrf@furmanlawyers.com
Submission	Testimony For Plaintiff
Filer's Name	Joshua R. Furman
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Signature	/s/ Joshua R. Furman
Date	04/09/2014
Attachments	NotFile Decl Wynn.pdf(3507816 bytes )

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

LUCKY PUP DESIGNS, INC.,

Opposer,

v.

RACHEL ELIZABETH KENNEDY,

Applicant.

Opposition No. 91210514

Serial No. 85/576,906

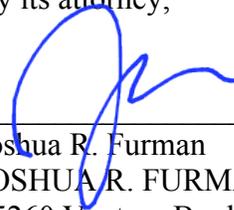
Mark: LUCKY PUPPY

**NOTICE OF FILING DECLARATION OF MARGARET WYNN**

Pursuant to 37 C.F.R. § 2.123(b) and T.B.M.P. 703.01(b), and the written agreement of the parties, Opposer Lucky Pup Designs, Inc. hereby files the Declaration of its President Margaret Wynn, and exhibits thereto, in lieu of testimony, which Opposer makes a part of the record in this proceeding.

LUCKY PUP DESIGNS, INC.

By its attorney,



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Joshua R. Furman  
JOSHUA R. FURMAN LAW CORP.  
15260 Ventura Boulevard, Suite 2250  
Sherman Oaks, CA 91403  
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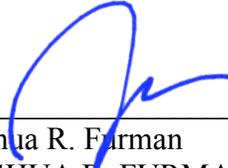
Dated: April 9, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing NOTICE OF RELIANCE was served upon the following Applicant by first class mail on April 9, 2014, by Applicant's counsel of record:

Pollie Gautsch, Esq.  
G&A Legal, APC  
2033 San Elijo Avenue, Suite 201  
Cardiff, CA 92007-1726

Dated: April 9, 2014



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Mark: LUCKY PUPPY

**DECLARATION OF MARGARET WYNN**

I, Margaret Wynn, declare as follows:

1. I am the President of Opposer LUCKY PUP DESIGNS, INC. (“LPD”). I make this declaration in support of LPD’s opposition to Application Serial No. 85/576,906. I am authorized to make this declaration on behalf of LPD. I make this declaration of my own personal knowledge and based upon the records of LPD kept in the usual course of business. If called as a witness, I could and would testify to the following.

2. No later than 2003, I began doing business as Lucky Pup Designs. The business consists of the manufacture and sale of designer dog collars, leads, tags, and apparel throughout much of the United States. Since that time all of Lucky Pup Designs’ products have featured the Lucky Pup name and logo. A true and correct depiction of the Lucky Pup Designs name and logo is attached as Exhibit A. A true and correct specimen of the Lucky Pup Designs name and logo as used in connection with our products is attached hereto as Exhibit B.

3. Lucky Pup Designs has used the Lucky Pup mark in connection with its products consistently since 2003. At no time has Lucky Pup Designs stopped using the Luck Pup mark.

4. In 2004, the luckypupdesigns.com website was established. The website showcases products sold under the Lucky Pup mark, many of which bear the words “Lucky Pup.”

5. In 2005, LPD was incorporated. At that time, all interest in and goodwill associated with the Lucky Pup mark was assigned to LPD.

6. LPD presently distributes its products to brick-and-mortar retail locations in Arizona, California, Colorado, Florida, Georgia, Illinois, Maine, Massachusetts, Missouri, Nevada, New York, Ohio, Oregon, Rhode Island, Texas, Virginia, and Washington, as well as sales reach throughout the world via multiple online retail outlets.

7. LPD first became aware of Applicant’s purported mark in December 2012. For the twelve-month period from December 2012 to December 2013, LPD received approximately 606 telephone calls from confused consumers who thought that they were calling the store operated under Applicant’s purported mark “LUCKY PUPPY.” These calls asked for anything from store hours, to what dog apparel products were carried, to whether certain dogs were available for adoption.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed this 9th day of April 2014 at Los Angeles, California.

  
Margaret Wynn

# **EXHIBIT A**



**LUCKYPUP**

# **EXHIBIT B**

