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Filing date: **04/21/2016**

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

Proceeding	91212653
Party	Plaintiff Nautica Apparel, Inc.
Correspondence Address	STEPHEN L BAKER BAKER AND RANNELLS PA 92 E MAIN ST, SUITE 302 SOMERVILLE, NJ 08876 UNITED STATES officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com, jmr@br-tmlaw.com, s.baker@br-tmlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John M. Rannells
Filer's e-mail	jmr@br-tmlaw.com, k.hnasko@br-tmlaw.com, s.baker@br-tmlaw.com
Signature	/John M. Rannells/
Date	04/21/2016
Attachments	2nd Notice Reliance 91212653.pdf(457968 bytes )



Applicant's Response to Document Request Nos. 12 is relevant to the following DuPont factor: "The length of time during and conditions under which there has been concurrent use without evidence of actual confusion."

Baker and Rannells PA

Dated: April 21, 2016

/s/John M. Rannells  
John M. Rannells  
Attorneys for Opposer  
92 East Main St., Suite 302  
Somerville, N.J. 08876  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 21<sup>st</sup> day of April, 2016 to Applicant's counsel at the following address:

GINO NEGRETTI LAW OFFICES  
670 PONCE DE LEON AVE.  
CARIBBEAN TOWERS, STE. 17  
SAN JUAN, PR 00907-3207

/s/John M. Rannells  
John M. Rannells

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

NAUTICA APPAREL, INC.

Opposer

Vs.

MAJESTIQUE CORPORATION

Applicant

OPP. NO. 91212653  
SERIAL NO. 85883577

**SUPPLEMENTAL ANSWERS TO INTERROGATORY**

COMES NOW Applicant, Majestique Corporation, by and through its counsel, hereby  
Answers a "Supplemental Answers to Interrogatory":

**INTERROGATORY NO. 1**

State the date upon which Applicant began use of Applicant's Mark.

**ANSWER TO INTERROGATORY NO. 1:**

June 27, 2012.

**INTERROGATORY NO. 6**

Describe each product that has been, is being, or will be sold or offered for sale using Applicant's Mark in the United States.

**ANSWER TO INTERROGATORY NO. 6:**

Clothing (25), shirt and polos.

**INTERROGATORY NO. 8**

State for each such product described in response to Interrogatory No. 6:

- a. the date the product was first sold in intrastate and interstate commerce;
- b. whether any product was discontinued, each product that was discontinued, the date when sale of the product was discontinued, and the reason(s) for such discontinuance; and
- c. whether any product that was discontinued was later resumed and whether the mark is currently in use.

**ANSWER TO INTERROGATORY NO. 8:**

- a. June 27, 2012, was sold in Puerto Rico.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

- a. November 15, 2012 in Puerto Rico.
- b. Applicant stopped selling the products upon the filing of the Opposition in this case.

c. Applicant is waiting for the outcome of the case to continue selling the products.

**INTERROGATORY NO. 9**

If Applicant's use of Applicant's Mark upon goods or in conjunction with services has been made known to the trade and/or public in the United States by means of magazine or newspaper articles, trade publications or by any other manner, identify all such articles, publications and the like.

**ANSWER TO INTERROGATORY NO. 9:**

No.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

No advertising publications in Magazines or Newspapers articles have been made by Applicant in the United States. Advertising has been made by word of mouth, only to customers of Applicant.

**INTERROGATORY NO. 12**

Describe in detail the geographic areas in the United States in which each product identified in Interrogatory No. 6 are sold.

**ANSWER TO INTERROGATORY NO. 12:**

Puerto Rico.

**INTERROGATORY NO. 16**

Identify the names and addresses of the business establishments in the United States, which are accessible to the public, where each of the products identified in response to Interrogatory No. 6 were sold or are currently on sale.

**ANSWER TO INTERROGATORY NO. 16:**

The product has been sold in Puerto Rico. The address of our client is a business secret.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:**

Retailer's names: Esquina famosa, Madison and La Gran Via (Puerto Rico retailers)

**INTERROGATORY NO. 20**

State the annual advertising and promotional expenditures in the United States separately for each product identified in response to Interrogatory No. 6 from Applicant's first use of Applicant's Mark to the present.

**ANSWER TO INTERROGATORY NO. 20:**

Advertising has been made in Puerto Rico by word of mouth. Applicant's promotional expenditures in Puerto Rico is a business secret.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:**

Applicant has not made any expenditure in advertising.

**INTERROGATORY NO. 24**

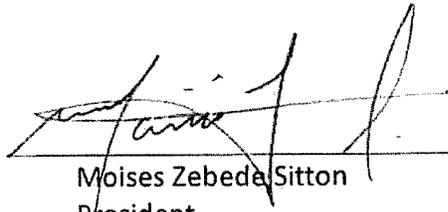
Identify each publication or item of advertising or promotional material in which Applicant has advertised or promoted or will advertise or promote each product identified in Interrogatory No. 6, including the date of each such publication or item of advertising or

promotional material and the type of persons to whom the item was distributed.

**ANSWER TO INTERROGATORY NO. 24:**

There is none.

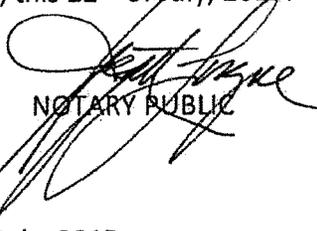
In San Juan, Puerto Rico this 22nd day of July, 2015.

  
\_\_\_\_\_  
Moises Zebede Sitton  
President  
Majestique Corporation

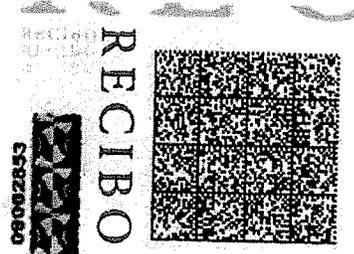
Affidavit No. 4347

Sworn and subscribed before me by Mr. Moisés Zebedé Sitton, of legal age, married and resident of Ponce, in his capacity as President of Majestique Corporation, personally known to me, in San Juan, Puerto Rico, this 22<sup>nd</sup> of July, 2015.



  
NOTARY PUBLIC

In San Juan, Puerto Rico, this 22<sup>nd</sup> day of July, 2015.



BY: /gino negretti/  
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52801-2015-0605-80010460

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

NAUTICA APPAREL, INC.

OPP. NO. 91212653  
SERIAL NO. 85883577

Opposer

Vs.

MAJESTIQUE CORPORATION

Applicant

**APPLICANT'S SUPPLEMENTAL ANSWER FOR PRODUCTION  
OF DOCUMENTS AND THINGS**

COMES NOW Applicant, Majestique Corporation, by and through its counsel,  
hereby Answers a "Supplemental Answers for Production of Documents and Things":

**REQUEST NO. 12**

Produce copies of all advertisements and/or promotional materials concerning Applicant's Goods featuring Applicant's Mark.

**ANSWER NO. 12**

There are no documents in response to this Petition.

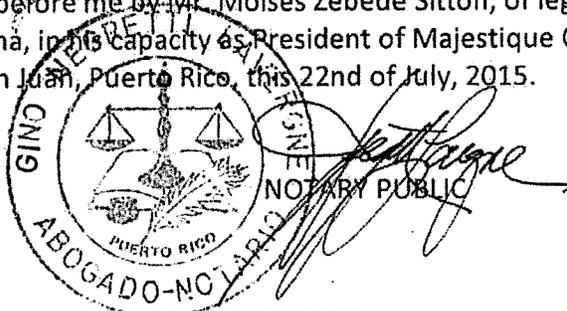
In San Juan, Puerto Rico this 22nd day of July, 2015.



Moises Zebede Sitton  
President  
Majestique Corporation

Affidavit No. 4348

Sworn and subscribed before me by Mr. Moisés Zebedé Sitton, of legal age, married and resident of Panama, in his capacity as President of Majestique Corporation, personally known to me, in San Juan, Puerto Rico, this 22nd of July, 2015.



In San Juan, Puerto Rico, this 22nd day of July, 2015.



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