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

Proceeding	91213744
Party	Plaintiff Yuko Fujita
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Submission	Opposition/Response to Motion
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Date	05/14/2014
Attachments	Fujita Response to Motion to Dismiss (FINAL NON-CONFIDENTIAL).pdf(318769 bytes )

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

**Yuko Fujita** )  
Opposer, )  
v. ) Opposition No. 91213744  
**Pearl Enterprises, LLC** )  
Applicant. )  
\_\_\_\_\_ )

**OPPOSER’S RESPONSE TO APPLICANT’S MOTION TO DISMISS  
FOR LACK OF JURISDICTION**

Opposer Yuko Fujita (“Opposer”) hereby submits her Response to Applicant’s Motion to Dismiss for Lack of Jurisdiction. For the reasons set forth below, Opposer respectfully requests that the Board deny Applicant’s Motion to Dismiss in its entirety.

In its Motion to Dismiss, Applicant argues that the Notice of Opposition should be dismissed because the named opposer in this proceeding is a “fictitious or non-jural entity.” Applicant’s Brief, 1. Nothing could be further from the truth. Opposer has attached a Declaration indicating that she is, in fact, a Japanese citizen who owns the KINOKI trademark. The Declaration further indicates that Opposer is the Registrant of U.S. Registration No. 3,943,580 for the KINOKI mark and is the Opposer in this proceeding. Moreover, Opposer has attached as Exhibit A to the Declaration a true and accurate copy of a trademark license agreement indicating that she licenses the KINOKI trademark to a Japanese company called Kenrico LTD. Finally, the Declaration further explains that Opposer’s trademark registration for KINOKI lists Kenrico’s address because she did not want her personal home address to be listed in the public trademark records.

In view of the attached Declaration and trademark license agreement, Opposer respectfully requests that the Board deny Applicant's Motion to Dismiss for Lack of Jurisdiction.

Respectfully submitted,

YUKO FUJITA

By: \_\_\_\_\_/aph72/

Dated: 5/14/2014

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing has been served by mailing said copy on 5/14/2014 via First-Class Mail, postage pre-paid, to:

Christopher R. Kinkade  
FOX ROTHSCHILD LLP  
997 Lenox Drive, Bldg. 3  
Lawrenceville, NJ 08648-2311

\_\_\_\_\_/aph72/  
Annette P. Heller, Attorney for Opposer

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Yuko Fujita )  
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Applicant. )  
\_\_\_\_\_ )

**DECLARATION OF YUKO FUJITA**

COMES NOW, Yuko Fujita, under the penalty of perjury and being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, declares the following:

1. My name is Yuko Fujita and I am a citizen of Japan.
2. I am the sole owner of the KINOKI trademark.
3. I am the sole owner of U.S. Registration No. 3,943,580 for the KINOKI mark for “wound dressings; gauze; adhesive bandages; bandages for dressings; medical adhesives for binding wounds, namely, adhesive pads,” in International Class 5.
4. I am the Opposer in Opposition No. 91213744.
5. I have attached as **Exhibit A** a true and accurate copy of the trademark license agreement between me (a Licensor of the KINOKI trademark) and Kenrico LTD (as Licensee of the KINOKI trademark). The trademark license agreement was effective as of July 10, 2010.
6. U.S. Registration No. 3,943,580 for KINOKI lists the address for Kenrico LTD because I did not want my personal home address to be listed in the public trademark records.

Fujita 

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Fujita 

\_\_\_\_\_  
Yuko Fujita  
1738-2 Kikugawa  
Shimada, Shizuoka 428-0037  
JAPAN

Dated: 2014/05/13