

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

In the Matter of Serial No: 86/191,607 for the trademark application  
L.A. Beach and Design

L.A. Beach 

("Applicant's Mark")

L.A. GEAR, INC.,	)	Opposition No. 91217968
	)	
Opposer,	)	Serial No. 86/191,607
	)	
vs.	)	APPLICANT'S RESPONSE TO
	)	OPPOSER'S FIRST SET OF
CELINE LEGEY-SALISIAN,	)	REQUESTS FOR ADMISSIONS
	)	TO APPLICANT
Applicant .	)	
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RESPONDING PARTY: CELINE LEGEY-SALISIAN, 630 Haverkamp Drive,  
Glendale, Ca. 91206-3117

PROPOUNDING PARTY: L.A. GEAR, INC. by and through counsel, MATHEW  
H. SWYERS, Esq., THE TRADEMARK COMPANY,  
344 Maple Avenue West, Suite 151, Vienna, Va.  
22180

SET NO.: One

RESPONSE TO REQUEST FOR ADMISSION A.F.1:

Admit.

RESPONSE TO REQUEST FOR ADMISSION A.F.2:

Admit.



01-12-2015

**RESPONSE TO REQUEST FOR ADMISSION A.F.3:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.4:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.5:**

Admit.

**RESPONSE TO REQUEST FOR ADMISSION A.F.6:**

Admit.

**RESPONSE TO REQUEST FOR ADMISSION A.F.7:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.8:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.9:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.10:**

Admit.

**RESPONSE TO REQUEST FOR ADMISSION A.F.11:**

Deny. Applicant's Mark is to be used only in connection with specific goods in Class 025 (beach footwear, flip flops, for men and women); and, goods in Class 018 (beach bags, clutch bags, leather bags, tote bags).

**RESPONSE TO REQUEST FOR ADMISSION A.F.12:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.13:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.14:**

Deny; based on Opposer's framing of the Request to Admit. Confused as to whether reference to goods without trademarks or a comparison of similar products bearing trademarks.

**RESPONSE TO REQUEST FOR ADMISSION A.F.15:**

Deny.

**RESPONSE TO REQUEST FOR ADMISSION A.F.16:**

Deny, based on insufficient information with which to answer same.

**RESPONSE TO REQUEST FOR ADMISSION A.F.17:**

Refuse to answer based on confusion of Request. Refer to Verification attached to Applicant's Response to Opposer's First Request for Production of Documents.

**VERIFICATION**

**STATE OF CALIFORNIA            )**

**COUNTY OF LOS ANGELES        )**

I, the undersigned, say:

I have read the foregoing APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT and know its contents. I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief and, as to those matters, I believe them to be true.

Executed on \_\_\_January 9th\_\_\_\_\_, 2015 at Glendale, California.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

/Celine Legey-Salisian/

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CELINE LEGEY-SALISIAN  
Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_9th\_\_\_\_ day of January, 2015 at  
Glendale,

California, a copy of the foregoing APPLICANT'S RESPONSE TO OPPOSER'S  
FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT was served  
upon the

Opposer via U.S. mail, postage prepaid, and addressed as follows:

MATHEW H. SWYERS, Esq.

The Trademark Company

344 Maple Avenue West, Suite 151

Vienna, Va. 22180

/Celine Legey-Salisian/

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CELINE LEGEY-SALISIAN  
Applicant



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	)	OPPOSER'S FIRST SET OF
CELINE LEGEY-SALISIAN,	)	REQUESTS FOR PRODUCTION
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22180

**SET NO.:** One

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Applicant will provide copies of the artwork in respect to the selection of  
the design of the Applicant's Mark.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Applicant was the only person involved in the selection of Applicant's Mark.

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**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Applicant will provide copies of registration/documentation filed with or sent to the U.S.P.T.O.. Applicant has not had legal representation at any step of the process.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Applicant does not have any documents in this regard. Applicant obtained such information through researching the U.S.P.T.O. link.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

There is no such documentation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Applicant posts pictures of goods on *Etsy.com* merchant site: <http://www.etsy.com/shop/LABEACHSANDALS>. The addition of the word "sandals" helps consumers narrow down the search for Applicant's store on the website.

Applicant will provide copies of pictures of goods and whatever relevant documentation Applicant might have with respect to online posting. Opposer can go onto the website to view information posted thereon.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Refer to Applicant's Response to Request for Production No. 6.

Applicant is not aware of additional documentation in response to this Request, but should Applicant discover such information, Application will provide same to Opposer.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Refer to Applicant's Response to Request for Production No. 6.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Applicant can provide receipts for registration of on-line store. But, such agreement does not relate or refer to the use of Applicant's Mark. The agreement refers to the ability of Applicant to offer product in an on-line store.

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**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

As of this date, the only examples of the requested material refer to the offer of goods through the on-line store, referenced in Response to Request for Production No. 6. To date, Applicant has not sold any goods and, therefore, has not generated the material requested.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Refer to Applicant's Response to Request for Production No. 6.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Not applicable. No products have been sold.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Applicant does not have the information requested. No products have been sold.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Not applicable. No products have been sold.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Applicant has no such documentation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Requested information is displayed on the online merchant store *Etsy.com* (from which Applicant relied on pricing of Applicant's goods). Applicant's pricing is set forth on the online store *Etsy.com*.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Not applicable. No products have been sold.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Applicant has no sales or marketing plans documentation; other than as set forth in Applicant's Response to Request for Production No. 6.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Not applicable. Applicant offers goods, not services.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Applicant has no such documentation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Applicant has no such documentation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Applicant has no such documentation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Applicant has no such documentation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Applicant has no such documentation; except as pertains to this case.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Applicant refers to Applicant's Response to Requests for Production Nos. 6 and 9.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Applicant has not determined what documentation Applicant will rely on to establish the claim set forth in the Answer to the Notice of Opposition, at this time. As soon as Applicant has determined same, Applicant will provide copies of such documentation to Opposer.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Applicant will provide copies of the requested information.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Applicant refers to Applicant's Response to Request for Production No. 6.

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**VERIFICATION**

**STATE OF CALIFORNIA        )**

**COUNTY OF LOS ANGELES    )**

I, the undersigned, say:

I have read the foregoing APPLICANT’S RESPONSE TO OPPOSER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO APPLICANT and know its contents. I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief and, as to those matters, I believe them to be true.

Executed on \_\_\_January 9th\_\_\_\_\_, 2015 at Glendale, California.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

*/Celine Legey-Salisian/*

\_\_\_\_\_  
**CELINE LEGEY-SALISIAN**  
Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_9th\_\_\_\_ day of January, 2015 at  
Glendale,

California, a copy of the foregoing APPLICANT'S RESPONSE TO OPPOSER'S  
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
APPLICANT was served upon the Opposer via U.S. mail, postage prepaid, and  
addressed as follows:

**MATHEW H. SWYERS, Esq.**

**The Trademark Company**

**344 Maple Avenue West, Suite 151**

**Vienna, Va. 22180**

\_\_\_\_\_/Celine Legey-Salisian/  
**CELINE LEGEY-SALISIAN**  
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CELINE LEGEY-SALISIAN,	)	INTERROGATORIES TO
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_____	)	

RESPONDING PARTY: CELINE LEGEY-SALISIAN, 630 Haverkamp Drive,  
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H. SWYERS, Esq., THE TRADEMARK COMPANY,  
344 Maple Avenue West, Suite 151, Vienna, Va.  
22180

SET NO.: One

**RESPONSE TO INTERROGATORY NO. 1:**

Applicant's business consists of the selling and distributing of sandal  
(shoes) and sandal (shoe) accessories manufactured in the Los Angeles area;

for sale on-line and/or in boutiques. Applicant's business is solely managed by Applicant.

**RESPONSE TO INTERROGATORY NO. 2:**

Applicant only; CELINE LEGEY-SALISIAN.

**RESPONSE TO INTERROGATORY NO. 3:**

Applicant's goods offered consist of sandals (shoes), flip-flops (shoes), bags and accessories in accordance with sandal and flip-flop designs. Applicant first used Applicant's Mark on or about September 3, 2014 in the greater Los Angeles area of the State of California in boutiques and on-line.

**RESPONSE TO INTERROGATORY NO. 4:**

There was no such period.

**RESPONSE TO INTERROGATORY NO. 5:**

September 3, 2014 in an on-line store.

**RESPONSE TO INTERROGATORY NO. 6:**

On-line and in boutiques. On-line requests will be sent by mail and products will be given to boutiques for direct purchase. To date, all such activity has been in the greater Los Angeles area of the State of California.

**RESPONSE TO INTERROGATORY NO. 7:**

September 3, 2014 through *Etsy.com* website

**RESPONSE TO INTERROGATORY NO. 8:**

None.

**RESPONSE TO INTERROGATORY NO. 9:**

No current promotion or marketing efforts have been done, except to offer products on an on-line store.

**RESPONSE TO INTERROGATORY NO. 10:**

Nothing.

**RESPONSE TO INTERROGATORY NO. 11:**

Applicant is solely responsible and has been solely responsible sine inception.

**RESPONSE TO INTERROGATORY NO. 12:**

Not applicable. None.

**RESPONSE TO INTERROGATORY NO. 13:**

Not applicable. None.

**RESPONSE TO INTERROGATORY NO. 14:**

Not applicable. None.

**RESPONSE TO INTERROGATORY NO. 15:**

None, other than the instant matter.

**RESPONSE TO INTERROGATORY NO. 16:**

Not applicable. None.

**RESPONSE TO INTERROGATORY NO. 17:**

Not applicable Applicant has obtained all relevant information for trademark from the U.S.P.T.O. trademark search website.

**RESPONSE TO INTERROGATORY NO. 18:**

Applicant reviewed on-line listing on *Etsy.com* website.

**RESPONSE TO INTERROGATORY NO. 19:**

Applicant became aware on or about August 21, 2014; on receipt of Notice of Opposition from the U.S.P.T.O.

**RESPONSE TO INTERROGATORY NO. 20:**

Class 025: beach footwear, flip flops; and,  
Class 018: beach bags.

**RESPONSE TO INTERROGATORY NO. 21:**

Not applicable. None.

**RESPONSE TO INTERROGATORY NO. 22:**

Unknown at this time, but Applicant will advise Opposer as soon as same is determined.

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**RESPONSE TO INTERROGATORY NO. 23:**

Not applicable. None.

**RESPONSE TO INTERROGATORY NO. 24:**

Other than the fact that Opposer does not have license to use the terms 'L.A.' and "Beach" to the exclusion of all other trademarks and logos; additional facts and the requisite evidence are undetermined at this time; but Applicant will advise Opposer as soon as same is determined.

**RESPONSE TO INTERROGATORY NO. 25:**

No.

**RESPONSE TO INTERROGATORY NO. 26:**

No.

**VERIFICATION**

**STATE OF CALIFORNIA            )**

**COUNTY OF LOS ANGELES        )**

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CELINE LEGEY-SALISIAN

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