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Filing date: **03/23/2016**

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

Proceeding	91218280
Party	Plaintiff Mya Saray, LLC
Correspondence Address	M KEITH BLANKENSHIP DA VINCIS NOTEBOOK LLC 10302 BRISTOW CENTER DRIVE, NO 52 BRISTOW, VA 20136 UNITED STATES keith@dnotebook.com
Submission	Motion to Suspend for Civil Action
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Date	03/23/2016
Attachments	91218280_Motion to Suspend.pdf(95492 bytes ) 1_total.pdf(1156527 bytes )

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

MYA SARAY, LLC,

Plaintiff,

v.

DABES, IBRAHIM

Defendant.

Proceeding No. 91218280

**MOTION TO SUSPEND PROCEEDINGS PENDING CIVIL LITIGATION**

Pursuant to 37 CFR § 2.117(a) and TBMP § 510.02(a), Plaintiff Mya Saray, LLC (“Mya Saray”), hereby requests that the Trademark Trial and Appeal Board (the “TTAB” or the “Board”) suspend the present proceeding until the final determination of *Mya Saray, LLC v. Dabes, Ibrahim, et al.*, 1:16cv64, a civil action before the United States District Court in the Eastern District of Virginia (“Virginia Action”), because the Virginia Action will have a direct bearing on the instant proceeding. See Exhibit A.

**ARGUMENT**

Where a party to a case pending before the Board is also involved in a civil action that may have a bearing on the Trademark Trial and Appeal Board matter,

the Board may suspend the proceeding until the final determination of the civil action. 37 CFR § 2.117(a); TBMP § 510.02(a). This is because “a decision by the United States District Court would be binding on the United States Patent and Trademark Office whereas a determination by the USPTO as to the respondent’s right to retain its registration would not be binding nor would *res judicata* automatically attach based on a determination by the USPTO with respect to a subsequent or contemporaneous proceeding before the federal district court.” *Whopper-Burger, Inc. v. Burger King Corp.*, 171 U.S.P.Q. 805, 807 (T.T.A.B. 1971). A court’s decision regarding the right to registration is binding on the TTAB. *The Seven-Up Co. V. Bubble Up Co.*, 136 U.S.P.Q. 210, 214 (C.C.P.A. 1963); *see also In re Alfred Dunhill Ltd.*, 224 U.S.P.Q. 501, 503 (T.T.A.B. 1984).

Mya Saray and Dabes are both parties to the Virginia Action. The Civil Action is a live and ongoing litigation which at the present time is currently pending before the Eastern District Court of Virginia. Generally speaking, a final determination by a District Court in a trademark infringement litigation can take a matter of months and in some cases, a matter of years. Both the present proceeding and the matter before the District Court consume state and federal monetary resources as well as the man-hours of government employees involved in both proceedings. In order to minimize the time, money and resources expended by both parties as well as the overseeing governmental agencies, the most effective course of action for the Board at this time would be to suspend the present proceeding until such a time that the District Court renders a final judgment.

The Virginia Action involves the issues present in this Proceeding, as well as others. The Virginia Action is much more expansive than this Proceeding and involves all Dabes' uses of AMY, including the two marks that Dabes seeks to have registered. From the beginning Mya Saray has made it clear that Dabes' intent is a key factor in the likelihood of confusion analysis. Dabes began by copying Mya Saray products and trademarks and expanded into copying Mya Saray's house mark, MYA. In an earlier motion to compel, this Board indicated that its statutory authority would allow only minimal discovery in this direction. The Virginia Action, as it involves multiple bases of unfair competition and trademark infringement, has no such limitations. A ruling by the District Court that Dabes has no right to use AMY, which Mya Saray seeks, would vitiate all rights to any of its design marks bearing the term AMY.

In the same way that the Virginia Action includes all the issues of the present Proceeding, and moreso, so does the Virginia Action include Dabes as a party, as well as its national distributors. As Mya Saray has requested, among other things, relief in the form of injunctive relief, damages, and attorneys' fees, it is not possible for the issues now present in the Virginia Action to be adjudicated by the Board. Furthermore, it is clear that any continued involvement by the parties in the present Proceeding would be redundant and would also be wasteful of the limited resources currently afforded to the USPTO for opposition and cancellation proceedings.

As such, and considering the binding effect of any determination made by the District Court in the Virginia Action, it is the position of the Mya Saray that it is in the best interests of the parties and for judicial efficiency to allow for the Virginia Action

to proceed while the present proceeding is suspended pending the outcome of the Virginia Action. Once there is a final ruling or a final resolution in some other form is reached, the parties or the Court itself will inform the Board of the District Court's decision, and the Board can then decide what is the appropriate manner with which to proceed at that time. *See The Other Tel. Co. v. Conn. Nat'l Tel. Co., Inc.*, 181 U.S.P.Q. 125, 126-7 (T.T.A.B. 1974).

Based on the foregoing, Mya Saray respectfully requests that the Board stay this proceeding pending the final determination of the Virginia Action.

DATED: March 23, 2016

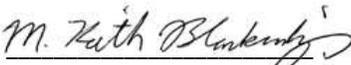
By: /M. Keith Blankenship/  
Attorney for Petitioner  
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Bristow, VA 20136  
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[keith@dnotebook.com](mailto:keith@dnotebook.com)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing Motion for Suspension has been served on counsel for Dabes by mailing said copy via First Class Mail, postage prepaid to:

Paul D. Bianco  
Fleit Gibbons Gutman Bongini & Bianco PL  
21355 E Dixie Hwy Ste 115  
Miami, Florida 33180-1244  
United States

This 23rd day of March 2016.

By:   
M. Keith Blankenship

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

MYA SARAY, LLC

Plaintiff

v.

DABES, IBRAHIM dba  
DABES EGYPTIAN IMPORTS

and

PREMIUM MOLASSES, INC.

and

SHISHA WHOLESALERS, INC.

and

WORLD SMOKE SHOP

Defendants

Docket No. 1:16cv64  
LMB/IDD

2016 JAN 20 A 11:19  
CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

FILED

JURY TRIAL DEMANDED

COMPLAINT

Mya Saray, LLC for its complaint against Ibrahim Dabes, Premium Molasses, Inc., Shisha Wholesalers, Inc., and World Smoke Shop avers with knowledge as to its own acts and otherwise on information and belief as follows:

THE PARTIES

1. The Plaintiff Mya Saray, LLC ("Mya Saray") is a limited liability company organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business at 6405 10th Street, Alexandria, VA.

2. Defendant Ibrahim Dabes, dba Dabes Egyptian Imports, (“Dabes”) is a sole proprietorship, with a mailing address of Neuburger Str. 109 Augsburg; Fed Rep Germany 86167.

3. Defendant Premium Molasses, Inc. (“Premium Molasses”) is an Illinois corporation, with a principal place of business at 1056 East Wilson Ave; Lombard, IL 60148. The registered agent for Premium Molasses is Luai Abuhilal accepting service at 75 Eisenhower Lane South; Lombard, IL 60148.

4. Defendant Shisha Wholesalers, Inc. (“Shisha Wholesalers”) is an Illinois corporation, with a principal place of business at 75 Eisenhower Lane South; Lombard, IL 60148. The registered agent for Shisha Wholesalers is Luai Abuhilal accepting service at 75 Eisenhower Lane South; Lombard, IL 60148.

5. Defendant World Smoke Shop (“World Smoke Shop”) is a California sole proprietorship doing business at 508 South Brookhurst St.; Anaheim, CA 92804.

#### JURISDICTION AND VENUE

6. This civil action for unfair competition arises under the Patent laws of the United States, including 35 U.S.C. §271, the Unfair Competition laws of the United States, including 15 U.S.C. § 1125; and the Virginia Consumer Protection Act (“VCPA”), Va. Code § 59.1-196 et seq. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(b), and supplemental jurisdiction for VCPA claims pursuant to 28 U.S.C. § 1367(a). Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b). Ibrahim Dabes, Premium Molasses, Inc., Shisha Wholesalers, Inc., and World

Smoke Shop (collectively, “Defendants”) are subject to personal jurisdiction in this district.

FACTS

7. Mya Saray is a manufacturer and distributor of tobacco products, particularly hookahs and hookah accessories, and has been in existence since 1863.

8. Mya Saray sells tobacco products nationally under the federally registered trademarks MYA, Reg. No. 3,031,439 (“the ‘439 registration” or the “Mya Word Mark”) and MYA (as stylized), Reg. No. 3,031,440 (“the ‘440 registration” or the “Mya Design Mark”), and Reg. No. 4,693,443 (“the ‘443 registration). True copies of the ‘439 registration and the ‘440 registration and the ‘443 registration are attached hereto as Exhibit A and Exhibit B and Exhibit C, respectively. Mya Saray owns many common law trademarks incorporating the term MYA having rights derived from the ‘439 and ‘440 registrations, including MYA (and depictions thereof) on packaging, advertisements, hookahs, etc.

9. Mya Saray is the exclusive owner of United States Patent No. 8,001,978 (“the ‘978 patent”) with authority to enforce that patent. A true copy of the ‘978 patent is attached as Exhibit D.

10. Mya Saray manufactures, distributes, advertises, publicizes, sells, and offers to sell the Mya QT hookah (“QT”), depicted in Exhibit E. The QT product design (“QT Hookah”) is distinctive, non-functional, and serves as a trademark. Furthermore, the QT Hookah is composed of a distinctive hookah stem design (“QT Stem”) and a distinctive hookah base (“QT Base”), each separately trademarked and capable of

independently acting as an indicator of source. The base of the QT hookah is protected by U.S. Trademark Reg. No. 3,845,276 (“the ‘276 registration). Exhibit E.

11. The MYA brand is one of the most counterfeited brands in the world.

12. Dabes is a German industrialist that has been importing hookahs from third party manufacturers for resale in Europe.

13. Mya Saray first encountered Dabes on or about 2009 when Dabes requested authority to distribute Mya Saray hookahs throughout Europe.

14. In performing due diligence, Mya Saray uncovered that Dabes was involved in significant counterfeiting activities, including offering counterfeits of multiple Mya Saray hookahs. Mya Saray refused Dabes distribution rights in any territory.

15. Subsequent to Mya Saray’s refusal of Dabes’ attempted distribution rights, Dabes began to sell hookahs throughout Europe with the term “AMY” associated therewith. The term “AMY” was stamped upon hookahs and hookah cases, and portrayed in advertisement and sales media for Dabes’ hookahs (“AMY hookahs”).

16. On or about July 31, 2013 Dabes filed an application in the U.S. Patent and Trademark Office for registration of a logo comprising the term “AMY DELUXE” as a logo, U.S. App. Ser. No. 86,025,122 (“the ‘122 application”).

17. On or about July 31, 2013 Dabes filed an application in the U.S. Patent and Trademark Office for registration of a logo comprising the term “AMY GOLD TOBACCO MOLASSES” as a logo, U.S. App. Ser. No. 86, 025,182 (“the ‘182 application”).

18. Dabes exports into the United States its AMY hookahs to two national distributors, Premium Molasses and World Smoke Shop. Premium Molasses and Shisha Wholesalers act in unison to accept imported AMY hookahs and distribute them to retail stores throughout the United States.

19. Defendants sell, offer to sell, and use in the United States a counterfeit of Mya Saray's QT hookah that infringes Mya Saray's '978 patent rights and the '276 registration. See Exhibit F.

20. Defendants provide AMY hookahs to Internet retailers in the United States that sell and offer to sell AMY hookahs into this district via website shopping carts, including: [http://5starhookah.com/AMY\\_c200.htm](http://5starhookah.com/AMY_c200.htm); <http://www.smoking-hookah.com/hookahs>; <http://www.texashookah.com/hookahs.html>; <http://www.smokyhookah.com/hookahs.html>; et. al.

21. Multiple retail stores in this district sell, offer to sell, and use AMY hookahs.

#### CLAIMS FOR RELIEF

##### **Count I. Violation of 15 U.S.C. § 1125(a)**

##### **Unfair Competition and Deceptive Marketing**

22. Mya Saray incorporates by reference the preceding paragraphs of this Complaint as though fully set forth herein.

23. The conduct of Defendants constitutes use in commerce of designations and dress, false designations of origin, false or misleading descriptions of fact, and false or misleading representations of fact likely to confuse and deceive a substantial number of distributors in the trade, relevant consumers, and other purchasers as to the affiliation,

connection, or association of Defendants with Mya Saray and others, in violation of 15 U.S.C. § 1125(a)(1)(A).

24. The conduct of Defendants constitutes use in commerce of designations and dress, false designations of origin, false or misleading descriptions of fact, and false or misleading representations of fact likely to confuse and deceive a substantial number of distributors in the trade, relevant consumers, and other purchasers as to the origin, sponsorship, or approval of Defendants' goods and commercial activities as they relate to Mya Saray and others, in violation of 15 U.S.C. § 1125(a)(1)(A).

25. The conduct of Defendants constitutes use in commerce of designations and dress, false designations of origin, false or misleading descriptions of fact, and false or misleading representations of fact that in commercial advertising and promotion misrepresent the nature, characteristics, and qualities of Defendants' goods and commercial activities in violation of 15 U.S.C. § 1125(a)(1)(B).

26. The conduct of Defendants in unfairly competing with Mya Saray is willful and deliberate and done with an intent to misrepresent the nature, characteristics, and qualities of Defendants' goods, and confuse, mislead, and deceive a substantial number of distributors in the trade, relevant consumers, and other purchasers, and members of the public as to the origin of Defendants' goods and to cause said persons to believe that the goods have been sponsored, approved, authorized, or licensed by Mya Saray.

27. Defendants' conduct is causing Mya Saray immediate and irreparable injury and will continue to both damage Mya Saray and deceive the public unless enjoined by this court. Mya Saray has no adequate remedy at law.

**Count II. Violation of 15 U.S.C. § 1114  
Registered Trademark Infringement of the '439 Registration**

28. Mya Saray incorporates herein by reference all preceding allegations of this Complaint as though fully set forth herein.

29. The conduct of Defendants in using the MYA Word Mark and colorable imitations thereof in connection with the sale, offering for sale, distribution, and advertising of tobacco products is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(a).

30. The conduct of Defendants in reproducing the MYA Word Mark and colorable imitations thereof and applying the reproduction to labels, signs, prints, packages, wrappers, receptacles or advertisements with the intent to be used in commerce with the sale, offer for sale, distribution, and advertising of tobacco products and such use is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(b).

31. Defendants' conduct is causing Mya Saray immediate and irreparable injury and will continue to both damage Mya Saray and deceive the public unless enjoined by this court. Mya Saray has no adequate remedy at law.

**Count III. Violation of 15 U.S.C. § 1114  
Registered Trademark Infringement of the '440 Registration**

32. Mya Saray incorporates herein by reference all preceding allegations of this Complaint as though fully set forth herein.

33. The conduct of Defendants in using the MYA Design Mark and colorable imitations thereof in connection with the sale, offering for sale, distribution, and

advertising of tobacco products is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(a).

34. The conduct of Defendants in reproducing the MYA Design Mark and colorable imitations thereof and applying the reproduction to labels, signs, prints, packages, wrappers, receptacles or advertisements with the intent to be used in commerce with the sale, offer for sale, distribution, and advertising of tobacco products and such use is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(b).

35. Defendants' conduct is causing Mya Saray immediate and irreparable injury and will continue to both damage Mya Saray and deceive the public unless enjoined by this court. Mya Saray has no adequate remedy at law.

**Count IV. Violation of 15 U.S.C. § 1114  
Registered Trademark Infringement of the '276 Registration**

36. Mya Saray incorporates herein by reference all preceding allegations of this Complaint as though fully set forth herein.

37. The conduct of Defendants in using the QT hookah product design and colorable imitations thereof in connection with the sale, offering for sale, distribution, and advertising of tobacco products is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(a).

38. The conduct of Defendants in reproducing the QT hookah product design and colorable imitations thereof and applying the reproduction to labels, signs, prints, packages, wrappers, receptacles or advertisements with the intent to be used in commerce with the sale, offer for sale, distribution, and advertising of tobacco products and such use

is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(b).

39. Defendants' conduct is causing Mya Saray immediate and irreparable injury and will continue to both damage Mya Saray and deceive the public unless enjoined by this court. Mya Saray has no adequate remedy at law.

**Count V. Violation of 15 U.S.C. § 1114  
Registered Trademark Infringement of the '443 Registration**

40. Mya Saray incorporates herein by reference all preceding allegations of this Complaint as though fully set forth herein.

41. The conduct of Defendants in using the MYA logo of the '443 registration and colorable imitations thereof in connection with the sale, offering for sale, distribution, and advertising of tobacco products is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(a).

42. The conduct of Defendants in using the MYA logo of the '443 registration and colorable imitations thereof and applying the reproduction to labels, signs, prints, packages, wrappers, receptacles or advertisements with the intent to be used in commerce with the sale, offer for sale, distribution, and advertising of tobacco products and such use is likely to cause confusion or mistake or to deceive in violation of 15 U.S.C. § 1114(1)(b).

43. Defendants' conduct is causing Mya Saray immediate and irreparable injury and will continue to both damage Mya Saray and deceive the public unless enjoined by this court. Mya Saray has no adequate remedy at law.

**Count V. Patent Infringement  
Infringement of the '978 Patent**

44. Mya Saray incorporates herein by reference all preceding allegations of this Complaint as though fully set forth herein.

45. The '978 patent, which was duly and lawfully granted on August 23, 2011, describes and claims a smoking apparatus.

46. Defendants have been and are infringing, inducing infringement of, and contributing to the infringement of the '978 patent by making, using, offering for sale and/or selling, in these United States, or importing into these United States articles, including the AMY "Jinn" hookah, that read on the '978 patent claims, all without the consent of Mya Saray.

47. Mya Saray has been and will continue to be damaged by the infringing activities of Defendants and will be irreparably harmed unless those infringing activities are enjoined by this Court.

**Count VI. Violation of Va. Code § 59.1-200(A)  
The Virginia Consumer Protection Act**

48. Mya Saray incorporates herein by reference all other allegations of this Complaint as though fully set forth herein.

49. Defendants are misrepresenting to consumers, and contributing to the ability of other suppliers to misrepresent, that the goods of Defendants are the goods of Mya Saray in violation of Va. Code § 59.1-200(A)(1).

50. Defendants are misrepresenting to consumers, and contributing to the ability of other suppliers to misrepresent, that the goods of Defendants are sponsored by,

approved by, or certified by Mya Saray, or that Mya Saray is a source of such goods in violation of Va. Code § 59.1-200(A)(2).

51. Defendants are misrepresenting to consumers, and contributing to the ability of other suppliers to misrepresent, that their goods are affiliated, connected, or associated with Mya Saray in violation of Va. Code § 59.1-200(A)(3).

52. Defendants are misrepresenting to consumers, and contributing to the ability of other suppliers to misrepresent, that their goods have the characteristics and benefits of the goods of Mya Saray in violation of Va. Code § 59.1-200(A)(5).

53. Defendants are misrepresenting to consumers, and contributing to the ability of other suppliers to misrepresent, that their goods are similar to those of Mya Saray in terms of standards, quality, grade, style, or model in violation of Va. Code Ann § 59.1-200(A)(6).

54. Defendants are violating Va. Code § 59.1-200(A)(14).

**WHEREFORE**, Plaintiff prays for judgment:

A. That Mya Saray is the owner of U.S. Patent No. 8,001,978 and has the right to sue and collect damages for any and all infringements thereof;

B That U.S. Patent No. 8,001,978 remains good and valid in law and has been infringed by Defendants;

C. That Defendants, and their officers, agents, servants, and employees and those persons in active concert and participation with or controlled by any of them, be preliminarily and permanently enjoined and restrained from infringing, inducing infringement of, and contributing to the infringement of U.S. Patent No. 8,001,978;

D. That Mya Saray is the sole and exclusive owner of the Trademarks referenced in this Complaint, including: the MYA word mark; the MYA design mark (As Stylized); the trade dress for the designs of the QT hookah base, hookah stems, and combination thereof; and that Mya Saray has the right to sue for its damages for any and all infringements thereof and trespasses thereupon;

E. That Defendants have unfairly competed with Mya Saray in violation of the unfair competition laws of Virginia and these United States, including 15 U.S.C. § 1125(a) and the Virginia Consumer Protection Act;

F. That this Court order Defendants, their agents, associates, employees, attorneys, and any other person in active concert or participation with them, be forthwith preliminarily and permanently enjoined from: using, alone or in combination, the designations MYA and MYA (As Stylized) and MYA (as portrayed in the '443 registration) and hookah products having a design confusingly similar to that of any protectable Mya Saray trade dress, including the '276 registration;

G. That Mya Saray be awarded all damages related to the unlawful actions of Defendants as characterized by this Complaint, or in the alternative statutory damages as recoverable under the U.S. Lanham Act.

H. That Defendants be required to account for and to disgorge its profits and that Mya Saray be awarded its damages and that those damages be trebled, together with interest and costs;

I. That Mya Saray be awarded its reasonable attorney's fees and costs in this action;

J. That all infringing articles and all means of making the same be delivered up and destroyed, at the costs of the Defendants;

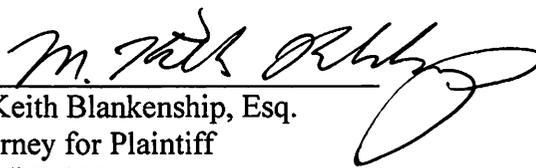
K. That this Court order the cancellation of any trademark rights recognized by the U.S. Patent and trademark office for any name, symbol, or device utilized by Defendants confusingly similar to any protectable trademark of Mya Saray, including Dabes' U.S. Trademark Application Serial Nos. 86/025,182 and 86/025,122.

L. That Mya Saray be awarded such further relief as this Court may deem just and proper.

**JURY DEMAND**

Mya Saray demands a trial by jury pursuant to Fed. R. Civ. Pro. 38 as to all issues triable of right to a jury.

DATED: January 19, 2016

By   
M. Keith Blankenship, Esq.  
Attorney for Plaintiff  
VSB# 70027  
Da Vinci's Notebook, LLC  
10302 Bristow Center Dr  
No. 52  
Bristow, VA 20136  
703-581-9562  
keith@dnotebook.com

**Exhibit A**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**Reg. No. 3,031,439**

**United States Patent and Trademark Office**

**Registered Dec. 20, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**MYA**

**MYA SARAY, LLC (VIRGINIA LIMITED LIABILITY CORPORATION)  
SUITE 1414 EAST  
3709 SOUTH GEORGE MASON DRIVE  
FALLS CHURCH, VA 22041**

**THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.**

**FOR: WATER PIPES FOR SMOKING, IN CLASS 34  
(U.S. CLS. 2, 8, 9 AND 17).**

**SER. NO. 78-349,755, FILED 1-9-2004.**

**FIRST USE 3-1-2002; IN COMMERCE 3-1-2002.**

**ANN E. SAPPENFIELD, EXAMINING ATTORNEY**

**The '439 Registration – Mya Word Mark**

**Exhibit B**

**Int. Cl.: 34**

**Prior U.S. Cls.: 2, 8, 9 and 17**

**United States Patent and Trademark Office**

**Reg. No. 3,031,440**

**Registered Dec. 20, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**



**MYA SARAY, LLC (VIRGINIA LIMITED LIABILITY CORPORATION)  
SUITE 1414 EAST  
3709 SOUTH GEORGE MASON DRIVE  
FALLS CHURCH, VA 22041**

**FOR: WATER PIPES FOR SMOKING, IN CLASS 34  
(U.S. CLS. 2, 8, 9 AND 17).**

**FIRST USE 3-1-2002; IN COMMERCE 3-1-2002.**

**THE MARK CONSISTS OF THE NAME MYA IN  
STYLIZED FORM.**

**SER. NO. 78-349,903, FILED 1-9-2004.**

**ANN E. SAPPENFIELD, EXAMINING ATTORNEY**

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**The '440 Registration – Mya Design Mark**

Exhibit C

**United States of America**  
United States Patent and Trademark Office



**Reg. No. 4,693,443**  
**Registered Feb. 24, 2015**  
**Int. Cl.: 34**

**TRADEMARK**  
**PRINCIPAL REGISTER**

MYA SARAY, LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
UNIT 114  
43671 TRADE CENTER PLACE  
STERLING, VA 20166

FOR: TOBACCO PRODUCTS, NAMELY, HOOKAHS AND HOOKAH ACCESSORIES, NAMELY, HOOKAH STEMS, HOOKAH BASES, HOOKAH TONGS, HOOKAH PLATES, HOOKAH BOWLS, HOOKAH HOSES, HOOKAH CASES, AND HOOKAH GROMMETS; TOBACCO SUBSTITUTE; HERBS FOR SMOKING, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 11-20-2014; IN COMMERCE 11-20-2014.

THE MARK CONSISTS OF AN INDEPENDENT ARRANGEMENT OF THE LETTER "M" AND "Y" AND "A" ENCAPSULATED BY A SQUARE, CIRCLE, AND SQUARE, RESPECTIVELY.

SN 86-230,745, FILED 3-24-2014.

JUSTINE D. PARKER, EXAMINING ATTORNEY



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

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The '443 Registration – A Mya Logo

**Exhibit D**

The '978 Patent

(Begins on Next Page)



US008001978B2

(12) **United States Patent**  
Mehio

(10) **Patent No.:** US 8,001,978 B2  
(45) **Date of Patent:** \*Aug. 23, 2011

(54) **SMOKING APPARATUS**

(56) **References Cited**

(75) **Inventor:** Nizar Youssef Mehio, Tallet El Khayet (LB)

**U.S. PATENT DOCUMENTS**

722,405 A *	3/1903	Ganim .....	131/173
3,805,806 A *	4/1974	Grihalva .....	131/173
3,918,464 A *	11/1975	Kolodziej .....	131/173
4,134,410 A *	1/1979	Kahler .....	131/173
5,908,531 A *	6/1999	Laurent .....	156/396

(73) **Assignee:** Mya Saray, LLC, Sterling, VA (US)

**FOREIGN PATENT DOCUMENTS**

DE 2004134 U1 \* 5/2000

(\* ) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 190 days.

\* cited by examiner

This patent is subject to a terminal disclaimer.

*Primary Examiner* — Richard Crispino

*Assistant Examiner* — Phu Nguyen

(74) *Attorney, Agent, or Firm* — General Counsel, P.C.

(21) **Appl. No.:** 11/201,289

(57) **ABSTRACT**

(22) **Filed:** Aug. 11, 2005

An improved smoking apparatus includes a bottle containing a fluid. The bottle has an upstanding neck with peripheral collar formed around the external periphery thereof. A stem has a base and a neck. The base defines an interior plenum, and a passage extends through the neck and terminates at the interior passage. A burner cup is mounted to the stem in communication with the passage. The interior plenum has a size and shape to permit the stem to be coupled to the bottle by placing the base over the neck, with a bottom edge of the base resting on the collar of the bottle. A sealing element is disposed between the exterior surface of the neck of the bottle and the inner surface of the interior plenum to provide a substantially air-tight coupling.

(65) **Prior Publication Data**

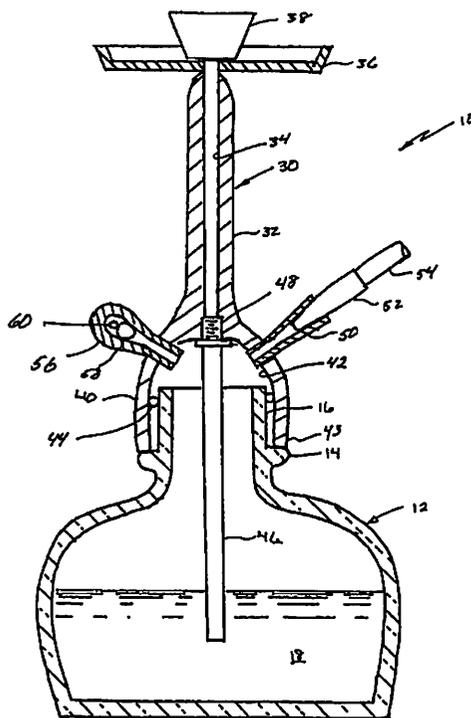
US 2006/0272658 A1 Dec. 7, 2006

(51) **Int. Cl.**  
A24F 1/14 (2006.01)  
A24F 1/30 (2006.01)

(52) **U.S. Cl.** ..... 131/173; 131/221; 131/229; 131/201; 131/207

(58) **Field of Classification Search** ..... 131/173  
See application file for complete search history.

14 Claims, 1 Drawing Sheet



U.S. Patent

Aug. 23, 2011

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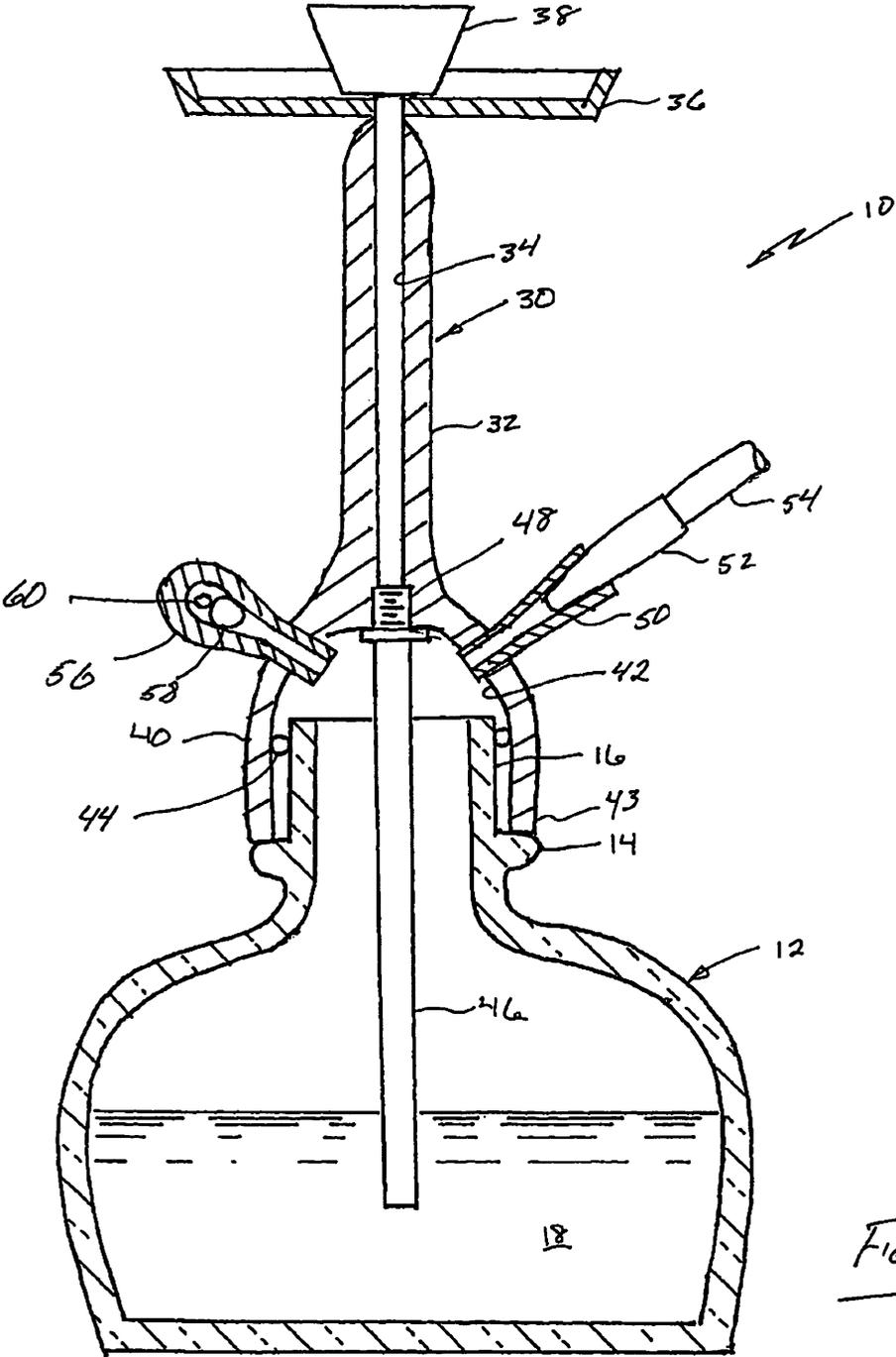


FIG. 1

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# 1

## SMOKING APPARATUS

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

The invention relates to smoking apparatuses, such as a pipe, and more particularly to smoking pipes with blown-glass bases.

#### 2. Description of the Related Art

Pipes are often used to smoke substances such as tobacco. Moisture from a fluid may be mixed with pipe smoke to ameliorate harshness and to impart a pleasant flavor or aroma to the smoke. So-called hookah pipes are one way in which smoke may be mixed with moisture.

A hookah pipe has a bottle which filled with fluid. The bottle of the hookah may be made of glass, such as crystal. A stem is mounted to the bottle. The stem includes a passage conveying smoke from a burner cup on top of the stem through a down tube projecting from the stem and into the fluid in the bottle. The stem is preferably made of metal. The smoke drawn through the stem is expelled from the down tube beneath the surface of the fluid and allowed to bubble up through the fluid to the surface, absorbing moisture as it rises to the fluid surface. The stem base defines an interior plenum into which smoke bubbling from the fluid surface collects. One or more smoking hoses are connected to the stem, in communication with the interior plenum. A user smokes the hookah by drawing smoke through the hose.

The bottle of a hubble-bubble is often made of blown glass. The stem of the hookah is mounted to a neck of the base, so the neck must be drawn out to a length and diameter commensurate with the dimensions of the metal stem and plenum during the glass blowing process. It may be difficult to control accurately the dimensions of the neck while the glass is being blown. Some of this variation of dimensions is attractive, and lends a unique, hand-crafted appearance to the base. Significant variations of dimensions can make coupling the stem to the neck with an air tight connection difficult. Typically a base of the stem is inserted or threaded into the neck of the bottle. The stem must fit inside the neck substantially tightly in order to prevent smoke from leaking. The longer the neck, the more likely the inner profile of the neck will vary from true roundness, and the less likely the stem will fit tightly.

### SUMMARY OF THE INVENTION

The current invention is embodied in a smoking apparatus which includes a bottle containing a fluid, a stem coupled to the bottle, and one or more smoking tubes connected to the stem which permit users to draw smoke from a burner cup mounted to the stem, through the stem and the fluid contained within the bottle, and out of the tube.

The bottle has an upwardly-extending neck and a radially extending collar extending around the external periphery of the neck. The stem has a base and a neck extending upwardly from the base. The base defines an interior plenum having a size and shape that permits the base to be placed over the neck of the bottle with a bottom edge of the base resting on the collar.

### BRIEF DESCRIPTION OF THE OF THE DRAWINGS

FIG. 1 is a smoking pipe according to the present invention shown in cross section.

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## DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

A smoking apparatus in the form of a hookah pipe indicated by reference no. 10 is shown in FIG. 1. The pipe 10 includes a bottle 12 containing a liquid 18 and a stem 30 mounted to the top of the bottle 12. The bottle 12 has an upper, generally cylindrical neck 16 and a radially extending peripheral shoulder 14 surrounding the neck beneath the upper end thereof. The bottle 12 may be formed from any suitable material such as glass, plastic, acrylic, ceramic, etc.

The stem 30 includes an upper neck 32 and a stem base 40. A burner cup 38 for holding the smoking material, such as tobacco, is mounted proximate a top end of the neck 32. Preferably a plate 36 is positioned beneath the burner cup 38 for catching ashes and other materials spilled from the burner cup 38.

The stem base 40 forms an interior plenum 42. The lower portion 43 of the base 40 has a shape, preferably circular, that conforms to the shape of the neck 16 of the bottle 12 and has a diameter sufficiently larger than that of the neck 16 so that the stem 30 can be operatively mounted onto the bottle 12 by merely placing the stem base 40 over the neck 16 so that the lower end 43 of the stem base 40 is seated on the collar 14 of the bottle 12. Preferably, a sealing element, such as o-ring 44 or other suitable gasket material, is placed over the neck 16 between the neck 16 and the inner surface of the stem base 40 to provide a generally airtight seal between the stem base 40 and the neck 16.

A passage 34 extends from the burner cup 38 through the neck 32. A down tube 46 is secured into the neck 32, preferably by a threaded end 48, in alignment with the passage 34. The down tube 46 extends from the interior plenum 42 into the bottle 12 such that its lower-most end is beneath the surface of the liquid 18.

A hose fitting 50 extends into the stem base 40 and is preferably threaded thereto. A smoking hose 54 has a hose nipple 52 secured at an end thereof, and the nipple 52 is secured to the hose fitting 50 by forcing its tapered end into the tapered opening of the hose fitting as shown in FIG. 1.

The pipe 10 is smoked by a user drawing smoke through a mouthpiece (not shown) at an opposite end of the hose 54, thereby drawing air through the burner cup 38, through the passage 34 and down tube 46, through the liquid 18, up into the interior plenum 42, and through the hose fitting 50 and hose 54. Although not shown, the pipe 10 may include more than one hose fitting and attached hoses to permit multiple users.

Because the stem 30 is coupled to the bottle 12 by merely placing the stem base 40 over the neck 16 with o-ring 44 in place to provide a suitable seal, manufacturing tolerances of the neck 16 need not be so stringent. In addition, should the bottle 12 be broken, the stem 30 can easily be placed onto a second bottle having a neck of generally similar proportions.

A pressure release 56 extends into the stem base 40 and is preferably secured thereto by threading. The pressure release comprises a generally enclosed tab with an interior plenum including a tapered portion and a rounded end portion. A ball 58 is disposed within the interior of the pressure release 56 and a relief opening 60 is formed in the pressure release 56 into the interior portion thereof. During use of the pipe while a user is drawing smoke through the tube 54, the relative vacuum formed in the interior plenum 42 draws the ball 58 into the tapered portion of the interior plenum of the pressure release 56, thereby blocking any air passage through the pressure release 56. To equalize the pressure within the interior plenum 42 of the stem 30, the user need only blow slightly

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into the tube 54. The increased pressure created within the interior plenum 42 will cause the ball 58 to dislodge from the tapered portion thereby permitting airflow into the pressure release 56, around the ball 58, and out of the relief opening 60.

While various embodiments of the present invention have been described above, they should be understood to have been presented by way of examples only, and not limitation. Thus, the breadth and scope of the present invention should not be limited by the above described embodiments.

Modifications and variations of the present invention are possible in light of the above teachings. It is therefore to be understood that the invention may be practiced otherwise than as specifically described herein.

What is claimed is:

1. A hookah system comprising:

a hookah bottle having an upper neck with a substantially flush exterior, peripheral side surface and a hookah bottle opening;

a flexible seal disposed about said substantially flush exterior, peripheral side surface; and

a hookah stem with a stem base defining an interior plenum comprising:

an interior sidewall having a substantially flush sidewall surface dimensioned to sealingly accept said flexible seal by compressing said flexible seal upon said substantially flush exterior, peripheral side surface of said neck upon placement of said stem onto said bottle neck;

an elevated wet smoke cavern above said hookah bottle opening and defined by said interior sidewall positioned above said compressed flexible seal for the direct accumulation of wet smoke from said bottle; and

a wet smoke aperture defined by said interior plenum sidewall that directly accesses said wet smoke cavern and is adapted to accept a hose fitting.

2. The system of claim 1 wherein said flexible seal is removably disposed about the periphery of said neck.

3. The system of claim 1 wherein said wet smoke cavern includes a perimeter diminishing upwardly with respect to said bottle.

4. The system of claim 3 wherein said stem further comprises multiple wet smoke outlets, and multiple hose fittings in fluid communication with said multiple wet smoke outlet such that each wet smoke outlet allows the passage of wet smoke to a single hose fitting.

5. The system of claim 4 wherein said multiple hose fittings are removable hose fittings with a threaded portion.

6. The system of claim 1 wherein said bottle further defines a peripheral shoulder dimensioned to support said hookah stem.

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7. The system of claim 1 further comprising a down tube, connected to said interior sidewall, passing through said wet smoke cavern and descending into said bottle.

8. The system of claim 7 wherein said down tube is releasably connected to said interior sidewall.

9. A hookah system comprising:

a hookah bottle having an upper neck with a substantially flush exterior, peripheral side surface, an interior side surface, and a hookah bottle opening;

a flexible seal disposed about said substantially flush exterior, peripheral side surface; and

a hookah stem with a stem base defining an interior plenum comprising:

an interior plenum sidewall having a substantially flush sidewall surface dimensioned to sealingly accept said flexible seal by compressing said flexible seal upon said substantially flush exterior, peripheral side surface of said neck upon placement of said stem onto said bottle neck;

an elevated wet smoke cavern above said hookah bottle opening and defined by said interior plenum sidewall positioned above said compressed flexible seal for the direct accumulation of wet smoke from said bottle; and

a wet smoke aperture defined by said interior plenum sidewall that directly accesses said wet smoke cavern and is adapted to accept a hose fitting; and

a down tube, connected to said interior plenum sidewall, with a down tube exterior and passing through said wet smoke cavern and descending into said bottle,

wherein space between said down tube and said interior plenum sidewall and space between said down tube and said inside neck surface define a substantially annular wet smoke ascension void, extending continuously from said bottle into said wet smoke cavern, positioned to allow the uniform, direct ascension of wet smoke from said bottle to said wet smoke cavern.

10. The system of claim 9 wherein said flexible seal is removably disposed about the periphery of said neck.

11. The system of claim 9 wherein said wet smoke cavern includes a perimeter diminishing upwardly with respect to said bottle.

12. The system of claim 11 wherein said stem further comprises multiple wet smoke outlets, and multiple hose fittings in fluid communication with said multiple wet smoke outlet such that each wet smoke outlet allows the passage of wet smoke to a single hose fitting.

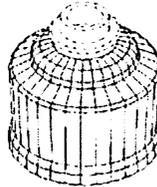
13. The system of claim 12 wherein said multiple hose fittings are removable hose fittings with a threaded portion.

14. The system of claim 9 wherein said bottle further defines a peripheral shoulder dimensioned to support said hookah stem.

\* \* \* \* \*

**Exhibit E**

**United States of America**  
United States Patent and Trademark Office



**Reg. No. 3,845,276**

**Registered Sep. 7, 2010**

**Int. Cl.: 34**

**TRADEMARK**

**PRINCIPAL REGISTER**

MYA SARAY, LLC (VIRGINIA LIMITED LIABILITY COMPANY)  
UNIT 114  
43671 TRADE CENTER PLACE  
STERLING, VA 20166

FOR: HOOKAHS, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 11-7-2005, IN COMMERCE 11-7-2005.

THE MARK CONSISTS OF A THREE-DIMENSIONAL CONFIGURATION OF A HOOKAH BASE THAT IS GENERALLY CIRCULAR IN DESIGN AND HAS SEVERAL GRADUATED LEVELS. THE MATERIAL SHOWN IN BROKEN LINES IS NOT PART OF THE MARK.

SEC. 2(F).

SER. NO. 77-959,010, FILED 3-15-2010.

SHARON MEIER, EXAMINING ATTORNEY



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The '276 Registration

The MYA QT Hookah



## Exhibit F

Name: \_\_\_\_\_  
 Anschrift: \_\_\_\_\_  
 Telefon: \_\_\_\_\_  
 Datum: \_\_\_\_\_

Dabes Egyptian Imports  
 Neuburgerstr. 109  
 86167 Augsburg  
 Tel: +49 821 5439446



### Preisliste / Bestellformular

- gilt für Intertabac 2011 -

#### Wasserpfeifen

DABES HOOKAH

Jinn		Bestellnr. qt-0003	Preis/ ab 1 Kart.	Preis /3 Kart.
	rot	schwarz	13,50 €	12,00 €
	grün	amber		
	violett	blau		
Crazy Dots <th>Bestellnr. id760-1</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr. id760-1	Preis/ ab 1 Kart.	Preis /3 Kart.
	blau		15,00 €	12,50 €
	auch mit Koffer	schwarz	20,00 €	19,50 €
		grün	(mit Koffer)	(mit Koffer)
		amber		
Crazy Dots Special Art <th>Bestellnr. id760a-1</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr. id760a-1	Preis/ ab 1 Kart.	Preis /3 Kart.
	amber	red white	16,00 €	14,00 €
	blue white	green blue		
Memory <th>Bestellnr. id580-1</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr. id580-1	Preis/ ab 1 Kart.	Preis /3 Kart.
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	red white	black green		
	red line			
	black blue			
Margite <th>Bestellnr. id950/950-2</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr. id950/950-2	Preis/ ab 1 Kart.	Preis /3 Kart.
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	gelb			
	grün			
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		blau		
		rot		
Jamie <th>Bestellnr. id990</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr. id990	Preis/ ab 1 Kart.	Preis /3 Kart.
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		braun		
		schwarz		
Walsh <th>Bestellnr. egs-0058_n</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr. egs-0058_n	Preis/ ab 1 Kart.	Preis /3 Kart.
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	schwarz	amber		
	rot			
Baghira <th>Bestellnr</th> <th>Preis/ ab 1 Kart.</th> <th>Preis /3 Kart.</th>		Bestellnr	Preis/ ab 1 Kart.	Preis /3 Kart.
	auch mit Koffer			
	silber-blau	kupfer-rot	wp100-1	34,50 €
	silber-grün	kupfer-transparent	wp100-2	34,00 €

Dabes Catalogue Picture