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

Proceeding	91221951
Party	Defendant Hair Are Us, Inc.
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Signature	/Harry Tapias/
Date	10/12/2015
Attachments	Response to Motion to Dismiss Counterclaim.pdf(313226 bytes)

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

Hair Are Us, Inc., a Georgia corporation <i>Counterclaim Plaintiff,</i>)	
)	
)	
)	OPPOSITION NO.91221951
)	
)	
v.)	SERIAL NO. 86222809
)	
)	
Geoffrey LLC a Delaware limited liability company,)	
)	
)	
<i>Counterclaim Defendant</i>)	
)	
)	
	/	

COUNTERCLAIM PLAINTIFF’S RESPONSE IN OPPOSITION TO COUNTERCLAIM
DEFENDANT’S MOTION TO DISMISS COUNTERCLAIM

COMES NOW, Counterclaim Plaintiff, Hair Are Us, Inc. (“Hair Are Us” or “Counterclaim Plaintiff” hereinafter), by and through their undersigned attorneys, submit this Response in Opposition to the Motion to Dismiss Counterclaim for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) filed by the Counterclaim Defendant, Geoffrey, LLC (“Counterclaim Defendant” hereinafter) on October 2nd, 2015. For the reasons set below, the Counterclaim Defendant’s Motion should be denied in its entirety.

I. INTRODUCTION

On August 28th, 2015, Counterclaim Plaintiff, Hair Are Us, Inc. filed a counterclaim complaint against Geoffrey, LLC seeking to cancel one of its marks Reg. No. 3,859,458. Thereafter, on October 2nd, 2015, Counterclaim Defendant filed a motion to dismiss the counterclaim alleging that Counterclaim Plaintiff had failed to provide any factual content, that if proved would allow the Board to conclude that a valid ground exists for canceling the aforementioned mark.

Specifically, the Counterclaim Defendant has alleged in their motion that the counterclaim is incorrectly and inappropriately plead, the claim has no substance and cannot withstand even a modicum of scrutiny, “R US” part of the mark is not generic, and the counterclaim is futile because U.S. Registration No. 3,859,458 is but one of more than 30 registrations pled in Geoffrey, LLC’s Opposition.

II. FACTUAL BACKGROUND

Counterclaim Plaintiff, Hair Are Us, Inc. is a very small business with a mark distinct from any of the marks owned by Geoffrey LLC. *See Counterclaim, Exhibit 1*. Hair Are Us, Inc. uses the “HAIR ARE US” mark in commerce to sells goods to consumers that are vastly different from those offered by Geoffrey, LLC under any of their owned marks. *See Id.* On the other hand, Geoffrey, LLC is a very large corporate entity; its erroneous intentions are overwhelmingly bearing upon a small business like Hair Are Us, Inc., the full might of its vast corporate influence and litigating power. Specifically, Geoffrey LLC’s is grossly assuming the futility of the counterclaim asserted by a very small business like Hair Are Us, Inc., and then implicitly ignoring the TTAB’s final authority of decision making in these matters by their boastful rhetoric, “the counterclaim, even if successful, would be futile because Geoffrey, LLC owns

more than thirty additional registrations incorporating the “RUS” element.” *Motion to Dismiss Counterclaim for Failure to State a Claim.* ¶ 4.

Notwithstanding, the facts continue to remain that the Counterclaim Plaintiff, Hair Are Us, Inc. pursuant to 37 CFR Section 2.106(b)(2) and Section 313 of the TTAB Manual of Procedure has filed a counterclaim to cancel the mark of Counterclaim Defendant, Geoffrey LLC. Furthermore, Counterclaim Plaintiff is the owner of record of U.S. Ser. No. 86,222,809 for the mark HAIR ARE US as illustrated below:



The aforementioned mark is used in connection with a commercial store, namely hair extensions; add-in and add-on hair accessories constructed primarily of synthetic and/or human hair in International Class 026 [emphasis added]. *Counterclaim, Exhibit 1.*

On the other hand, Counterclaim Defendant is the owner of record of U.S. Reg. No. 3,859,458 for the mark TOYSRUS used in connection with International Class (35) for a limited services offered therein. *See Counterclaim, Exhibit 2.* None of the services offered under their marks are related to human hair. *See Id.* In addition, the term “Я Us” is not a term coined by the Counterclaim Defendant. Rather, the term “Я Us” is simply a phonetic version of a generic term to denote a contextual relation with a subject matter immediately preceding it. The Counterclaim Defendant’s alleged “Я Us” portion of the trademark is in fact a generic reference to the limited services offered under the mark, i.e., toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, etc. *See Id.*

III. STANDARD OF REVIEW

In order to withstand a motion to dismiss for failure to state a claim upon which relief can be granted, a pleading need only allege such facts as would, if proved, establish that the plaintiff is entitled to the relief sought. That is, that (1) the plaintiff has standing to maintain the proceeding, and (2) a valid ground exists for cancellation of the registration. *See Lipton Industries, Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185 (CCPA 1982). For purposes of determining such a motion, all of the plaintiff's well-pleaded allegations must be accepted as true, and the complaint must be construed in the light most favorable to the plaintiff. *See Advanced Cardiovascular Systems Inc. v. SciMed Life Systems Inc.*, 988 F.2d 1157, 26 USPQ2d 1038 (Fed. Cir. 1993); Fed. R. Civ. P. 12(b)(6); and TBMP § 503.02 (2d. ed. rev. 2004). In countering the motion to dismiss, the pleading must be construed liberally by the Board, in the light most favorable to opposer of the motion. *See Fed.R.Civ.P. 8(f); Stanspec Co. v. American Chain & Cable Co., Inc.*, 531 F.2d 563, 189 USPQ 420 (CCPA1976); *Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216 (TTAB1990). The Board freely grants leave to amend pleadings found, upon challenge under Fed.R.Civ.P. 12(b)(6), to be insufficient, particularly where the challenged pleading is the initial pleading. In view thereof, the opposer is allowed until twenty (20) days from the mailing date of this order to file an amended pleading stating a claim upon which, if proved, would allow opposer to prevail herein. The purpose of a motion to dismiss is to test the sufficiency of a complaint, not to resolve disputed facts or decide the merits of the case. *See Syrrx, Inc. v. Oculus Pharmaceuticals, Inc.*, 64 U.S.P.Q.2d 1222, 1223, 2002 WL 1840917 (D. Del. 2002).

When examined in totality, the counterclaim is correctly and appropriately pled, the pled counterclaim(s) has substance and can sufficiently withstand scrutiny, “Я Us” part of the mark is

generic, and the counterclaim is not futile merely because U.S. Registration No. 3,859,458 is but one of more than thirty (30) registrations owned by Geoffrey, LLC. For the reasons set below, Hair Are Us, Inc.'s counterclaim stands valid as a matter of law.

IV. ARGUMENT

(A) COUNTERCLAIM PLAINTIFF HAIR ARE US HAS STANDING

Standing is assessed at the time the counterclaim is filed. *See Friends of the Earth, Inc. v. Laidlaw Envir. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000); *Wheaton College v. Sebelius*, 703 F.3d 551.

The general rule is that a counterclaimant, as a defendant in an opposition, has inherent standing to assert its counterclaims. *See Finanz St. Honore B.V. v. Johnson & Johnson*, 85 USPQ2d 478, 1479 (TTAB 2007); *Carefirst of Maryland, Inc. v. FirstHealth of the Carolinas Inc.*, 77 USPQ2d 1492, 1502 (TTAB 2005); TBMP § 309.03(b) (3d. ed. rev.2 2013) and authorities cited therein. Hair are Us, Inc. is the Defendant in the Opposition Case No. 91221951, and therefore, unequivocally, has inherent standing to pursue the counterclaim presented before the Board.

(B) COUNTERCLAIM PLAINTIFF HAIR ARE US SHOWS A VALID GROUND EXISTS FOR CANCELLING OF U.S. REG. NO. 3,859,458

According to TBMP Chapter 309.03(d), Under Trademark Act § 18, 15 U.S.C. § 1068, the Board has the authority to cancel registrations in whole or in part [emphasis added], to restrict the goods or services identified in an application or registration, or to “otherwise restrict or rectify...the registration of a registered mark.” Furthermore, TBMP Chapter 313.01 states as provided in Trademark Act § 18, 15 U.S.C. § 1068, a counterclaim may seek to cancel a registration in whole or in part [emphasis added], or to restrict or rectify with respect to the register the registration in some manner. Furthermore, a court may partially cancel or limit a

registered mark, if only one use of the trademarked term has become generic. For example, “a term that is [arbitrary or fanciful] for a particular product may be [generic] for another” and “[a] term may...be generic in one market and descriptive or suggestive or fanciful in another.” *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9-10 (2d Cir. 1976). Accordingly, Counterclaim Defendant’s allegations that genericness of a single component [part] of the mark cannot be pled is simply untrue. Moreover, Counterclaim Plaintiff has supported its counterclaim by incorporating numerous factual exhibits that highlight a multitude of generic uses of the trademarked term “R US” by various businesses across the United States. *See Counterclaim, Exhibits 4-47*. On the contrary, Counterclaim Plaintiff’s claims that the “Я Us” portion of the TOYS Я US mark that is subject of Reg. No. 3,859,458 is generic is clearly supported with merit.

(C) “Я US” PORTION OF THE MARK IS GENERIC’

1. Numerous business use “R US” part of the Counterclaim Defendant’s mark in commerce in a generic manner. Trademarks are classified "into four groups in an ascending order of strength or distinctiveness: 1. generic; 2. descriptive; 3. suggestive; and 4. arbitrary or fanciful." *Pizzeria Uno Corp. v. Temple*, 747 F.2d 1522, 1527 (4th Cir. 1984) (citing *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2nd Cir.1976)). Businesses across the United States utilize versions of “R Us” in connection with their goods and services for their consumers. As of August 2015, a Google search for “R Us” (parenthesis included in search term) returned over 5,910,000 hits with pages upon pages of search results listing businesses and commercial entities using the “R Us” phrase in commerce. Counterclaim Plaintiff has clearly shown that the “R Us” phrase is generically used as evidenced by numerous exhibits

that accord probative value of businesses after businesses across the United States containing the terms “R Us” in commercial use. *See Counterclaim Exhibits 4-47*; [(*See Also Int'l Order of Job's Daughters v. Lindeburg & Co.*, 727 F.2d 1087 (Fed. Cir. 1984)(concluding widespread use of [a term] by others rendered it incapable of indicating origin with organization, and was sufficient to call for cancellation of registration)]. Moreover, the Board has taken exhibits as supporting evidence, when determining whether or not a term or part of a term is used in a generic manner in commerce. [(*See Delaware Quarries, Inc. v. PlayCore IP Sub, Inc.*)(Defendant submitted evidence showing dozens of websites in connection with landscaping with rocks, stones, etc. The Board concluded that these uses "clearly establish" that the mark in question would be understood by relevant consumers as a generic term.))]

2. Determining whether or not a mark or part of mark is generic is an issue of fact. The courts have deemed the question of whether or not a term is generic, and thus, completely unprotected under the trademark laws to be an issue of fact. [(*See Bayer Co. v. United Drug Co.*, 272 F. 505, 509 (S.D.N.Y.1921)(Judge Learned Hand noting in his oft-quoted opinion in, that "[t]he single question, as I view it, in all these cases, is merely one of fact: What do the buyers understand by the word for whose use the parties are contending?"); *See Also Dan Robbins*, supra, 599 F.2d at 1014; *In Re Northland Aluminum Products*, 777 F.2d 1556, 1559 (Fed.Cir.1985); Callman § 18:25 at 228.)] There are a plurality of businesses using the mark “R Us” commercially in a generic manner. *See Counterclaim, Exhibits 4-17*. As such, the buyers clearly understand the word “R Us” to be nothing more than a phonetic version of a generic term to denote a contextual relation with a subject matter immediately preceding it. Accordingly, the question posed by Judge Hand in *Bayer* as to what buyers understand by the word can be easily

answered in this context: Boxes R Us means nothing more than we a business that sells boxes, or alternatively, a box selling store, Cakes R Us means nothing more than we a business related to making and/or selling cakes, or alternatively, a cake store, Phones R Us is a company in the business of phones, or alternatively, a phone servicing company, and “TOYS Я US” is a company in the business of selling toys, or alternatively, a “TOY STORE”, a generic reference to the limited services offered under the mark, i.e., toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, etc.” and so on. *See Amended Answer and Counterclaim, Exhibit 18, 36, and 41 respectively. Similarly, mark’s description of goods and services, Exhibit 2.*

Additionally, Counterclaim Defendant’s allegations in the *Motion to Dismiss For Failure to State a Claim* ¶ 6, “the relevant term would instead explicitly identify Geoffrey, LLC’s retail store services, e.g., TOY STORE” or GAME SHOP” are in fact expressly referenced by “TOYS Я US.” TOYS Я US is the retail business of selling toys, or alternatively, a TOY STORE and nothing more. Further, in accordance to Judge Hand’s question in *Bayer*, the buyers understand the terms “Я US” in “TOYS Я US” to mean a business that sells toys, or alternatively, a TOY STORE, for whose use the parties are contending. As such, Counterclaim Defendant’s allegations in their *Motion to Dismiss* ¶ 6 that “this ЯUs component...is an incongruous term that does not “say” anything about retail store services, let alone explicitly identify the nature of such services” is not supported by evidence, without merit and simply untrue.

3. “R US” generically means “being us” and nothing more. When factually taken, the terms “Я Us” as referenced in the Counterclaim Defendant’s mark in question mean nothing more than

the generic terms, “being us.” [(See *Counterclaim, Exhibit 3*, Collins English Dictionary, 5th Edition, defines “ARE” as an intransitive verb meaning “BE” and defines “US” as a pronoun of “WE.”)]. Dictionary definitions of a word are significant evidence of genericness, for purposes of determining if a trademark should be cancelled as generic, because they usually reflect the public's perception of a word's meaning and its contemporary usage. See *Lanham Trade–Mark Act, § 14(3), 15 U.S.C.A. § 1064(3)*; See Also *Retail Servs., Inc. v. Freebies Pub.*, 247 F. Supp. 2d 822 (E.D. Va. 2003). The Court can rely upon grammatical logic and other commonly available factual evidence such as dictionary definitions [emphasis added] and media usage. *Id.* Cf. *Liquid Controls, supra*, 802 F.2d at 936; *Gimix, Inc. v. JS & A Group, Inc.*, 699 F.2d 901, 905 (7th Cir.1983) (“dictionary ... especially appropriate”); *S.S. Kresge Co. v. United Factory Outlet, Inc.*, 598 F.2d 694, 696 (1st Cir.1979) (relying upon a “survey of well-known dictionaries”); *Miller Brewing Co. v. G. Heileman Brewing Co.*, 561 F.2d 75 (7th Cir.1977), *cert. denied*, 434 U.S. 1025, 98 S. Ct. 751, 54 L. Ed. 2d 772 (1978). Based on the dictionary definition and a plurality of evidence gathered via multiple sites online of businesses across the United States that are using “R Us” in a generic manner, the terms “Я Us”, when used in the mark “TOYS Я Us” explicitly identifies Geoffrey, LLC’s retail store services as a “TOY STORE” and nothing more. Allowing Geoffrey, LLC to have exclusivity over generic terms “Я Us” to mean something more than its true generic meaning would immensely shock the conscious of the very essence of trademark protection afforded under our federal law.

4. Use of phonetic or rearranged term such as “Я US” cannot transform a generic term

into a protected term. It is clear that a mere misspelling [or rearrangement of alphabet] cannot transform a generic term into a protected term, *American Aloe Corp. v. Aloe Creme*

Laboratories, Inc., 420 F.2d 1248 (7th Cir.), *cert. denied*, 398 U.S. 929, 90 S. Ct. 1820, 26 L. Ed. 2d 91 (1970), nor can use of a phonetic equivalent, *Miller Brewing, supra*, or simple addition of a suffix change the generic nature of a term. McCarthy § 12.12 at 556. First, simply changing “R Us” to “Я Us” does not necessarily transform a generic term into a protected term. Simply put, irrespective of the disposition of the letter “R” to appear “Я” does not transform it into a protected term. Counterclaim Defendant’s mark phonetically means “R Us” or “being us” and nothing more irrespective of the position of the terms. Furthermore, contrary to Counterclaim Defendant’s allegations in the *Motion to Dismiss*, “the literal element of this “ЯUS” component...is an incongruous term that does not “say” anything about retail store services, let alone explicitly identify the nature of such services”, the mere misspelling, disposition, or rearrangement of certain alphabet(s) cannot transform a generic term “being us” into a protected term. *See Id.* Therefore, based on the totality of the arguments, evidence and facts provided, it is clear that “Я Us” portion of the mark is generic and warrants immediate cancellation.

(D) HAIR R US, INC.’S COUNTERCLAIM IS NOT FUTILE

Counterclaim Defendant’s allegation that the result of Hair Are Us’s counterclaim against only one of more than thirty registrations incorporating “R Us” or “Я Us” pled by Geoffrey, LLC in its notice of opposition against U.S. Application No. 86/222,809 makes Hair Are Us. Inc.’s counterclaim for cancellation futile is baseless and without merit. First, there is no precise case law or federal statute that mandates that all thirty (30) marks arbitrarily incorporated in an opposition motion be confronted by an equivalent cancellation of said marks in one pleading. Additionally, Hair Are Us, Inc. is not a big conglomerate like Geoffrey, LLC comprising of unimaginable resources. The limited resources of a small business entity like Hair Are Us, Inc.

demands its pleadings be prudently filed. It is not required nor can it afford applying a “shotgun approach” in the manner Counterclaim Defendant has allegedly pled in its motion for opposition, by arbitrarily using more than thirty (30) registrations. As a result, contrary to Geoffrey, LLC’s incorporation of apparently every trademark owned “under the sun” approach in the opposition, a small business entity like Hair Are Us, Inc.’s prayer for cancellation against one (1) of more than the thirty (30) registrations in the pleading is both reasonable and not futile.

Moreover, for marks which have not yet become incontestable, any grounds which would have barred registration in the first instance qualifies as valid grounds for cancellation of a registered mark. *See Patsy's Italian Rest. v. Banas*, 658 F.3d 254, 266 (2d Cir.2011) (“[T]he principles applicable to the initial registrability of a mark should also be applied to a claim seeking the cancellation of a registration that has not yet become incontestable pursuant to Section 1065.”); *Aerogroup Int'l, Inc. v. Marlboro Footworks, Ltd.*, 977 F.Supp. 264, 267 (S.D.N.Y.1997) (“Under the Lanham Act, registrations less than five years old may be cancelled ‘for any reason which would have been sufficient to deny registration in the first instance.’”) (citing *Mech. Publ'g Corp. v. Titan Techs., Inc.*, 823 F.Supp. 1137, 1150 (S.D.N.Y.1993)); 3 *J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition* § 20:52 (4th ed. 2014) (“McCarthy on Trademarks”). Counterclaim Defendant is the owner of record of U.S. Reg. No. 3,859,458 for the mark “TOYS R US” used in connection with International Class (35) for limited services. *See Counterclaim, Exhibit 2*. The mark is not incontestable, and therefore, principles applicable to the initial registrability of a mark should be applied to a counterclaim seeking the cancellation of its registration.

V. CONCLUSION

Geoffrey LLC’s counsel had thirty (30) days to respond to Hair Are Us, Inc.’s counterclaim and/or suggest an open dialogue regarding the issue at hand with a deadline of October 2nd, 2015. Despite the abundance of time afforded, the opposing counsel waited until October 1st, 2015, demanding that the meeting be held only by 12 noon the following day, a time period, when the counsel for Hair Are Us, Inc. had prior engagements scheduled. *See attached email correspondence* as **Exhibit 1**. Unlike Geoffrey, LLC counsel’s abundant resources, the limited resources of this firm constraints Hair Are Us, Inc.’s counsel to re-schedule on last minute demands. Even further, the counsel for Hair Are Us, Inc. took efforts to reasonably request an open dialogue at a later time of 3pm on the same day. Despite the efforts, the counsel for Geoffrey, LLC vehemently demanded 12 noon time as the only availability for any further discussions. Common courtesy dictates that counsel for each side provide in good-faith at least two (2) business days for potential open dialogues. While the efforts are now moot, contrary to Geoffrey, LLC counsel’s blatantly false allegations that the undersigned did not make himself available, the counsel for Hair Are Us, Inc. entertained open dialogue only to be confronted with unreasonable and impolite demands and non-responsiveness. Certainly the counsel for Geoffrey, LLC could have obtained the desired dialogue by not waiting until the 11th hour to communicate.

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For all the foregoing reasons, Hair Are Us, Inc., by and through its undersigned counsel, respectfully prays that the Board deny Geoffrey LLC's motion to dismiss Hair Are Us, Inc.'s counterclaim.

Respectfully submitted,
Hair Are Us, Inc.

Dated: 08/25/2015

By: /Harry Tapias/
Harry Tapias
Loigica & Attorneys

2 S Biscayne Blvd Ste 3760
Miami, Florida

CERTIFICATE OF SERVICE

I hereby certify that this correspondence has been electronically delivered to the Trademark Trial and Appeal Board via their Electronic Filing System on this 12th day of October, 2015 addressed to the following:

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3514
United States

/Harry Tapias/
Harry Tapias

CERTIFICATE OF SERVICE

I hereby certify that I have on this 12th day of October, 2015, emailed the foregoing RESPONSE IN OPPOSITION TO COUNTERCLAIM DEFENDANT'S MOTION TO DISMISS COUNTERCLAIM to the following:

Matthew A. Homyk
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998
MHomyk@BlankRome.com
Spitz@BlankRome.com
Pecsenye@BlankRome.com
HPMartin@blankrome.com

/Harry Tapias/
Harry Tapias

EXHIBIT 1

Subject: FW: HAIR ARE US: Amended Answer and Counterclaim
Date: Monday, October 12, 2015 at 3:21:35 PM Eastern Daylight Time
From: Harry Tapias
To: Kaustubh Nadkarni

From: Tiffany Disney
Date: Friday, October 2, 2015 at 11:38 AM
To: "Spitz, Megan E.", Harry Tapias
Cc: "Pecsenye, Timothy", "Martin, Haley P.", Camilo Espinosa, "Homyk, Matthew A."
Subject: Re: HAIR ARE US: Amended Answer and Counterclaim

Dear Megan,

Mr. Tapias is not available right now, he is in back to back meetings and will not be available to this afternoon.

--

Regards,
Tiffany A. Disney
Legal Clerk
p 305.390.0450
www.LOIGICA.com

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Please consider the environment before printing this email.

From: "Spitz, Megan E."
Date: Friday, October 2, 2015 at 11:33 AM
To: Harry Tapias
Cc: Tiffany Disney, "Pecsenye, Timothy", "Martin, Haley P.", Camilo Espinosa, "Homyk, Matthew A."
Subject: RE: HAIR ARE US: Amended Answer and Counterclaim

Dear Harry: Thanks for your email. We are only available to talk until noon EST today. Please let us know if you would like to discuss. Best Regards, Megan

Megan E. Spitz | Blank Rome LLP
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998
Phone: 215.569.5745 | Fax: 215.832.5745 | Email: Spitz@BlankRome.com

From: Harry Tapias [<mailto:harry.tapias@loigica.com>]
Sent: Friday, October 2, 2015 10:51 AM
To: Homyk, Matthew A.
Cc: Tiffany Disney; Spitz, Megan E.; Pecsenye, Timothy; Martin, Haley P.; Camilo Espinosa
Subject: Re: HAIR ARE US: Amended Answer and Counterclaim

Hi Matt,

Thanks for the message. We can call Megan at 3pm EST if she is available at that time.

Regards,
Harry Tapias, Esq.
Attorney | Director | Co-Founder
p 305.390.0450 | m 312.933.5909
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Please consider the environment before printing this email.

From: "Homyk, Matthew A."
Date: Thursday, October 1, 2015 at 10:09 AM
To: Harry Tapias
Cc: Tiffany Disney, "Spitz, Megan E.", "Pecsenye, Timothy", "Martin, Haley P.", Camilo Espinosa
Subject: RE: HAIR ARE US: Amended Answer and Counterclaim

Dear Harry,

Please review the attached letter regarding the counterclaim filed on behalf of Hair Are Us, Inc. against one of Geoffrey, LLC's TOYSRUS and Design service mark registrations. Considering that Geoffrey, LLC faces a deadline of tomorrow to file either an answer or a motion to dismiss, we encourage you to contact us before tomorrow at 12 noon regarding your client's voluntary withdrawal of its misguided counterclaim.

Please note that I will be out of the office tomorrow, so please contact either Megan Spitz or Tim Pecsenye regarding this matter.

Sincerely yours,
Matt

Matthew A. Homyk | Blank Rome LLP
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