

2.146 Petition to the Director

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86677899
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86677899/large
LITERAL ELEMENT	ASHLEIGH MASON
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ATTACHMENT(S)	
ORIGINAL PDF FILE	Petition_to_Director_201623151722113.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\866\778\86677899\xml7\PDR0002.jpg
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PAYMENT SECTION	
NUMBER OF CLASSES	1
FEE PER CLASS	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/cek/
SIGNATORY'S NAME	Candice E. Kim
SIGNATORY'S POSITION	Attorney of Record, California bar member
SIGNATORY'S PHONE NUMBER	3105863867
DATE SIGNED	03/31/2016
SUBMISSION SIGNATURE	/cek/
SIGNATORY'S NAME	Candice E. Kim
SIGNATORY'S POSITION	Attorney of Record, California bar member
SIGNATORY'S PHONE NUMBER	3105863867
DATE SIGNED	03/31/2016
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Mar 31 17:23:25 EDT 2016
	USPTO/PDR-XX.XXX.XXX.XXX-

TEAS STAMP

20160331172325244567-8667
7899-20160331170813897316
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OMB No. 0651-0054 (Exp 10/31/2017)

2.146 Petition to the Director

To the Commissioner for Trademarks:

The following is submitted for application serial number. **86677899**

FORM INFORMATION

Original PDF file:

[Petition to Director 201623151722113.pdf](#)

Converted PDF file(s) (2 pages)

[Attachments-1](#)

[Attachments-2](#)

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application, submission, or any registration resulting therefrom, declares that the facts set forth above are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature: /cek/ Date: 03/31/2016

Signatory's Name: Candice E. Kim

Signatory's Position: Attorney of Record, California bar member

Signatory's Phone Number: 3105863867

Submission Signature

Signature: /cek/ Date: 03/31/2016

Signatory's Name: Candice E. Kim

Signatory's Position: Attorney of Record, California bar member

Signatory's Phone Number: 3105863867

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the petitioner's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the petitioner in this matter: (1) the petitioner has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the petitioner has filed a power of attorney appointing him/her in this matter; or (4) the petitioner's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 4467

RAM Accounting Date: 04/01/2016

Serial Number: 86677899

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March 31, 2016

VIA ELECTRONIC SUBMISSION

Commissioner for Trademarks
U.S. Patent and Trademark Office - Office of Petitions
600 Dulany Street
Alexandria, VA 22314

Re: Petition to Director Under Trademark Rule 2.146
Ser. No. 86/677,899
Opp. No. 91-226,968
Date Opposition Instituted: March 19, 2016

Dear Commissioner:

Pursuant to Trademark Rule 2.146, undersigned counsel, on behalf of Applicant Ashleigh Mason, LLC, respectfully petitions the Commissioner to direct the Trademark Trial and Appeal Board not to institute an opposition against Applicant’s Application Ser. No. 86/677,899 for the mark ASHLEIGH MASON. The opposition proceedings should not be instituted because the potential opposer was not identified in the Request for an Extension of Time and the opposition subsequently filed during the extension of time was not in the name of the entity to whom the extension was granted. Therefore, the filed Notice of Opposition is untimely. Below are the pertinent facts.

- On November 17, 2015, Applicant’s Application Ser. No. 86/677,899 for the mark ASHLEIGH MASON (the “Application”) was published.
- On December 11, 2015, a 90-day Request for Extension of Time to oppose the Application was filed by Jungjin Lee, Erin C. Bray, and Heather M. Dent of the firm Trademark Lawyer Law Firm. The Request for Extension of Time identified “Trademark Lawyer Law Firm” as the potential opposer. No other party was identified as requesting the extension. An extension was granted to March 16, 2016. See TTABVUE Record for Ser. No. 86/677,899.
- On March 16, 2016, a Notice of Opposition was filed by “Makin International, LLC.” See Opposition No. 91-226,968.

Trademark Rule 2.102(b) provides, in pertinent part, that “[t]he written request to extend the time for filing an opposition must identify the potential opposer with reasonable certainty. Any opposition filed during an extension of time should be in the name of the person to whom the extension was granted.” Because the potential opposer was not identified, the Request for Extension of Time failed to comply with Rule 2.102(b).

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March 31, 2016
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Moreover, Makin International, LLC, who filed the Notice of Opposition, cannot be considered to be in privity with its attorneys, Trademark Lawyer Law Firm, who filed the Request for Extension of Time. *In re Spang Industries, Inc.*, 225 U.S.P.Q. 888 (Comm'r Pat. 1985) (“An attorney/client relationship does not invest the attorney with the same right or interest as his client; while he may act on behalf of his client, he is not considered a party to an action. Proper practice for the Board would be to refuse to accept any requests for extensions of time to oppose in which the potential opposer is not identified with reasonable certainty, and not allow this defect to be remedied after the opposition period has expired.”); *see also*, TBMP § 206.02 at Note 3.

As the Request for Extension of Time to oppose failed to comply with Trademark Rule 2.102(b), the subsequently filed Notice of Opposition is untimely or otherwise improper. Accordingly, Applicant respectfully requests that this Petition be granted.

Very truly yours,



Candice E. Kim