

ESTTA Tracking number: **ESTTA733998**

Filing date: **03/16/2016**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Makin International, LLC
Granted to Date of previous extension	03/16/2016
Address	21291 Andalucia Lane Huntington Beach, CA 92648 UNITED STATES
Party who filed Extension of time to oppose	Trademark Lawyer Law Firm
Relationship to party who filed Extension of time to oppose	Extension of time to oppose was filed by Makin International, LLC, through its counsel of record, Trademark Lawyer Law Firm, PLLC

Attorney information	JUNGJIN LEE, ERIN C BRAY, HEATHER M DENT Trademark Lawyer Law Firm 455 E EISENHOWER STE 360 ANN ARBOR, MI 48108 UNITED STATES DOCKET@TRADEMARKLAWYERFIRM.COM, ERINB@TRADEMARKLAWYERFIRM.COM, JJ@TRADEMARKLAWYERFIRM.COM, HEATH- ER@TRADEMARKLAWYERFIRM.COM Phone:800-529-2218
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Applicant Information

Application No	86677884	Publication date	11/17/2015
Opposition Filing Date	03/16/2016	Opposition Period Ends	03/16/2016
Applicant	Ashleigh Mason, LLC 31755 South Coast Highway, #302 Laguna Beach, CA 92651 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86815742	Application Date	11/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ASHLEY MASON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2015/10/01 First Use In Commerce: 2015/10/15 Denims; Dresses; Pants; Shirts; Slacks;Tops		

Attachments	86815742#TMSN.png(bytes) Notice of Opposition - ASHLEY MASON 86677884.pdf(338823 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Erin C. Bray/
Name	ERIN C BRAY
Date	03/16/2016

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

Makin International, LLC.,)	
Opposer,)	Opposition No.
)	In the Matter of
v.)	Serial No. 86/677884
)	Filed: March 16, 2016
Ashleigh Mason, LLC)	Mark: ASHLEIGH MASON
Applicant.)	

NOTICE OF OPPOSITION

Makin International, LLC (“Opposer”), a limited liability company organized in the state of California, with offices at 21291 Andalucia Lane, Huntington Beach, California, believes that it will be damaged by the registration of the trademark ASHLEIGH MASON by Ashleigh Mason, LLC (“Applicant”) as applied for in Application Serial Number 86677884 (“Applicant’s Application”), for use in connection with “*Jewelry*” in International Class 014, (“Applicant’s Goods”).

As grounds for opposition it is alleged that:

1. Opposer is the applicant of United States Trademark Serial No. 86815742 for the mark “Ashley Mason.” As indicated in this application, since at least as early as October 15,

2015, Opposer has been, and is now, using in interstate commerce, the mark “Ashley Mason” in connection with the sale of “*Denims; Dresses; Pants; Shirts; Slacks; Tops.*”

2. Upon information and belief and according to the Patent and Trademark Office’s (“PTO”) records, Applicant is a limited liability company organized in California, with an address of 31755 South Coast Highway, #302 Laguna Beach California.
3. Upon information and belief, Applicant is the owner of Applicant’s Application.
4. Upon information and belief, Applicant filed its application under Section 1(b), and is not currently using the mark ASHLEIGH MASON in commerce. Applicant has not filed a Statement of Use according to PTO records, and applicant’s website does not have any content or information about its purported goods.
5. Opposer’s “Ashley Mason” mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in establishing trade contracts and licensed distributor agreements.
6. Since at least November, 2012, Opposer has maintained a bona fide intent to use its “ASHLEY MASON” mark in connection with the cited goods.
7. Opposer has been in regular contact with its overseas manufacturers, actively sought distributors and buyers for its goods and secured hang tags and the like for attachment to the goods.
8. Opposer has used its “Ashley Mason” mark in a manner at least analogous to trademark use, and as such, has established priority in its “Ashley Mason” mark since November 2012.

9. The mark proposed for registration by Applicant, ASHLEIGH MASON, is confusingly similar and equivalent to Opposer's "Ashley Mason" mark.
10. Registration of the mark ASHLEIGH MASON by the Applicant for "*Jewelry*" in International Class 014, is likely to cause confusion with Opposer's "Ashley Mason" mark for "*Denims; Dresses; Pants; Shirts; Slacks; Tops*" in International Class 025. The marks ASHLEIGH MASON and "Ashley Mason", as applied to the goods of Applicant and Opposer, are advertised, marketed, and sold through the same source of trade to similar consumers. Thus, the Opposer's mark "Ashley Mason" is used in the same channels of trade for the same goods as the Applicant's mark.
11. If Applicant is granted the registration herein opposed, it would therefore obtain at least a *prima facie* exclusive right to use of the alleged mark. Such registration would be a source of further damage and injury to Opposer.
12. For the reasons set forth in the foregoing paragraphs, Applicant is not entitled to register its alleged mark and the application should be denied in accordance with Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d).

WHEREFORE, Opposer requests that the Opposition be sustained, and that registration of Application Serial No. 86677884 to Applicant for the mark ASHLEIGH MASON not be registered.

Opposer submits herewith the required fee for filing the Notice of Opposition in the amount of \$300.00.

Respectfully Submitted,

Makin International, LLC,

By: /JungJin Lee/_____

JungJin Lee, Esq.

Erin C. Bray, Esq.

Heather M. Dent, Esq.

Attorneys for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2016, a true and correct copy of the foregoing Notice of Opposition was served upon:

Ms. Candice E. Kim
Greenberg Traurig LLP
1840 Century Park E Ste 1900
Los Angeles, California 90067-2121

By US Mail.

I further certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).

Date: March 16, 2016

/ Erin C. Bray /
Erin C. Bray, Esq.