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

Proceeding	91227062
Party	Plaintiff Makin International, LLC
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Date	05/04/2016
Attachments	05042016 response to show cause.pdf(330316 bytes)

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

Makin International, LLC.,)	
Opposer,)	Opposition Nos. 91227062, 91226968
)	In the Matter of
v.)	Serial Nos. 86/677884, 86/677899,
)	Filed: March 16, 2016
Ashleigh Mason, LLC)	Mark: ASHLEIGH MASON
Applicant.)	

Opposer's Response to Show Cause Order

Recitation of Facts

1. Makin International, LLC ("Opposer"), is a limited liability company organized in the state of California, with offices at 21291 Andalucia Lane, Huntington Beach, California.
2. 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.*"
3. Since at least November, 2012, Opposer has maintained a bona fide intent to use its "ASHLEY MASON" mark in connection with the cited goods.
4. On June 29, 2015, Applicant filed Application Serial Nos. 86/677884, 86/677899, and 86677905 for the mark "ASHLEIGH MASON" citing intent to use the mark in commerce in connection with jewelry, clothing, and wholesale and retail store services for clothing.
5. On November 12, 2015, Opposer sent correspondence by and through its attorneys at Trademark Lawyer Law Firm to Applicant to assert its trademark rights in the Ashley Mason mark. At least as early as November, 2015, Applicant was, therefore, on notice that Opposer believed it had

superior rights to the Ashley Mason mark. Further, Opposer informed Applicant that it was prepared to file an opposition against registration of Applicant's above-listed marks.

6. In a letter dated November 25, 2015, Applicant, by and through her attorney, acknowledged receipt Opposer's correspondence, and therefore, of Opposer's intent to file oppositions against Applicant's pending marks.
7. On December 12, 2016, Opposer sent further correspondence, again through its attorneys, informing Applicant that it had sought extension of the time to oppose Applicant's pending applications, and that it intended to oppose the application if alternate resolution could not be reached.
8. On March 16, 2016, Opposer, again by and through its attorneys, filed its Notices of Opposition against Applicant's pending marks, Serial Nos. 86677893, 86677884, 86677899, and 86677905. At that time, Opposer discovered that a clerical error in the requests for extension resulted in the appearance that Opposer's legal counsel was the party in interest, and not merely representatives of the Opposer's interests in the matter.
9. In an effort to remedy the clerical error, Opposer's legal counsel filed the Notices of Opposition on Opposer's behalf and listed Opposer as the party in interest.
10. At no time from November 2015 to March 16, 2016 did Applicant indicate confusion, prejudice, or undue delay with regard to the interested party in the pending matters. In fact, Applicant's correspondence dated November 25, 2015 made clear that it was aware of Opposer, Opposer's interest, and the name of Opposer's representative legal counsel.
11. Unlike the cases cited by the Show Cause Order, and notwithstanding Trademark Rule 2.102(b), the mistake in identification which occurred in this matter did not misidentify the party in interest to such an extent as to make Applicant unaware of the potential conflict between the parties' marks.
12. In addition to the above-entitled Opposition proceedings, Opposition No. 91226919 is currently pending before the Trademark Trial and Appeal Board. Applicant filed its Answer to the Notice of Opposition on April 26, 2016.

13. Traditionally, the show cause order notwithstanding, the Board recognizes the prudence and efficacy of joining related matters in one proceeding to resolve outstanding issues in accordance with notions of judicial economy.

WHEREFORE, Opposer requests this Board to consider the matter in its entirety, including factors not present in other cases relating to Rule 2.102, notions of judicial economy, the extensive financial ramifications to both parties in prosecuting multiple related matters in separate Opposition and Cancellation proceedings before the Board, and the impact this could have on the parties' respective businesses and find that Opposer's clerical error should not serve as a bar to the above listed proceedings, and respectfully requests these matters be consolidated.

Respectfully Submitted,

Makin International, LLC,

By: Heather M. Dent_____

JungJin Lee, Esq.

Erin C. Bray, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2016, a true and correct copy of the foregoing Response to Show

Cause Order 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: May 4, 2016

/ Heather M. Dent /
Heather M. Dent, Esq.