

ESTTA Tracking number: **ESTTA448266**

Filing date: **12/26/2011**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Fight Like A Girl, Inc.		
Entity	Corporation	Citizenship	Colorado
Address	P.O. Box 4691 Eagle, CO 81631 UNITED STATES		

Attorney information	David N. Schachter Sherman & Howard L.I.C. Suite 3000 633 17th St., Denver, CO 80202 UNITED STATES dschachter@sah.com Phone:303-299-8385
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**Registration Subject to Cancellation**

Registration No	3023953	Registration date	12/06/2005
Registrant	Ishibashi, Gerald P.O. Box 2362 Orange, CA 92859 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 041. First Use: 2004/04/09 First Use In Commerce: 2004/04/09 All goods and services in the class are cancelled, namely: EDUCATIONAL SEMINARS, NAMELY, seminars demonstrating self defense techniques particularly featuring females demonstrating Tae Kwon Do martial arts
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**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	Ishibashi Cancellation Petition.pdf ( 33 pages )(1022433 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	/David N. Schachter/
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Name	David N. Schachter
Date	12/26/2011

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

In the Matter of U.S. Trademark Registration No.: 3,023,953  
For the Mark: FIGHT LIKE A GIRL  
Date of Registration: December 06, 2005

FIGHT LIKE A GIRL, INC.

Petitioner

vs.

GERALD ISHIBASHI

Registrant.

Cancellation No. \_\_\_\_\_

Trademark Trial and Appeal Board  
Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313 -1451

**PETITION FOR CANCELLATION**

FIGHT LIKE A GIRL, INC., a Colorado corporation with a principal business address of PO Box 4691, Eagle, CO, 81631, United States (“Petitioner”) believes that it will be damaged by the continued maintenance and renewal of U.S. Registration No. 3,023,953 for the mark FIGHT LIKE A GIRL, issued December 6, 2005, to Gerald Ishibashi, an individual with a principal address of P.O. Box 2362, Orange, CA, 92859 (“Registrant”), and hereby petitions for a cancellation of Registrant’s mark on the grounds that: (a) the mark has been abandoned and (b) Registrant has fraudulently represented to the Patent and Trademark Office, in a Section 8 Declaration of Use filed on December 6, 2011, that the mark is still in use.

As grounds in support of its petition for cancellation, Petitioner asserts as follows:

1. Petitioner's founder, Kym Rock, is a world champion 6th degree black belt in Shorinjiryu karate and has, since 1997, conducted seminars, workshops, regularly scheduled classes and related educational services in the field of karate, self defense and women's empowerment under the name FIGHT LIKE A GIRL.

2. Petitioner is the owner of United States Trademark Application Serial No. 85278041, filed March 27, 2011, on the Principal Register for the trademark KYM ROCK'S FIGHT LIKE A GIRL covering the following services: "Conducting workshops and seminars in the field of marital arts, self defense and self defense training; Instruction in the field of martial arts and self defense; Martial arts instruction; On-line journals, namely, blogs featuring discussion and information in the field of martial arts and self defense; Providing on-line newsletters in the field of martial arts and self defense; Workshops and seminars in the field of martial arts and self defense in International Class 41." See Exhibit A, attached hereto ("Petitioner's Application").

3. Registrant owns U.S. Registration No. 3,023,953 for FIGHT LIKE A GIRL, issued December 6, 2005, covering "Educational seminars, namely, seminars demonstrating self defense techniques particularly featuring females demonstrating Tae Kwon Do martial arts in International Class 041" ("Registrant's Mark"). See Exhibit B, attached hereto.

4. On June 26, 2011, Petitioner's Application was issued a non-final refusal on the grounds that, inter alia, the mark KYM ROCK'S FIGHT LIKE A GIRL was likely to be confused with Registrant's mark, FIGHT LIKE A GIRL. See Exhibit C, attached hereto.

5. On December 6, 2011, Registrant filed a Declaration of Use under Section 8 with the Trademark Office, in which Registrant stated, under oath, that: (a) Registrant's Mark was in use in commerce on or in connection with all goods or services listed in the existing registration;

and (b) the “promotional flier” attached to Registrant’s Section 8 Declaration of Use was a true and bona fide specimen showing the mark as used in commerce on or in connection with any item in class 41, as of the date of the Declaration of Use. See Exhibit D, attached hereto.

6. Upon information and belief, the statements made in Registrant’s Section 8 Declaration of Use are false and fraudulent. In particular, without limitation: (a) Registrant is not currently engaging in any ongoing commercial use of Registrant’s Mark for any goods or services identified in Registrant’s registration; (b) Registrant has, for at least three continuous years prior to December 6, 2011, voluntarily, knowingly and intentionally abandoned Registrant’s mark; (c) the “promotional flier” attached to Registrant’s Section 8 Declaration of use is a bogus document, manufactured for the sole purpose of fraudulently representing to the Trademark Office that Registrant’s Mark is still in use, and such “promotional flier” neither actually represents a specimen of Registrant’s actual commercial use of Registrant’s Mark, nor is it valid evidence of Registrant’s actual use of Registrant’s Mark; (d) the website www.fightlikeagirl.com, identified on Registrant’s “promotional flier” as the website on which Registrant’s services are allegedly offered, is nonfunctional, See Exhibit E, attached hereto; and (e) Registrant submitted the statements and specimen constituting the Section 8 Declaration of Use for the sole purpose of fraudulently representing to the Trademark Office that the conditions required for ongoing renewal and maintenance of Registrant’s Mark had been met, in order to secure renewal of Registrant’s Mark.

7. On December 16, 2011, Petitioner communicated directly with Registrant concerning the above circumstances and demanded the Registrant voluntarily abandon the Registered Mark, See Exhibit F, attached hereto. Registrant has, as of the date of filing this Petition, failed to respond or to take the actions requested by Petitioner.

8. Registrant has failed to satisfy the requirements under Section 8 of the Trademark Act. Registrant's Mark is not entitled to renewal or ongoing maintenance, and Registrant's Section 8 Declaration of Use should be rejected on the grounds of abandonment [*Trademark Act §14; 15 U.S.C. § 1064(3)*] in that Registrant's Mark has been abandoned due to voluntary nonuse with the intent not to resume use; and fraud [*Trademark Act §14; 15 U.S.C. § 1064 (3)*] in that Registrant made false statements and submitted false evidence in connection with Registrant's Section 8 Declaration of Use.

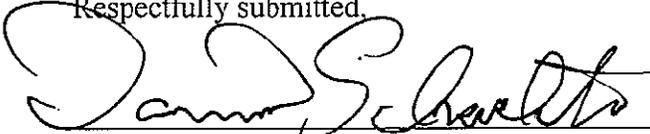
9. Petitioner is damaged and will continue to be damaged by the continued registration, maintenance and renewal of Registrant's Mark, in that such registration will prevent Petitioner from obtaining registration of the mark identified in Petitioner's Application.

WHEREFORE, Petitioner prays that this Petition for Cancellation of Registrant's Mark be granted, and that judgment be entered against Registrant.

Payment of the \$300.00 filing fee has been made through Petitioner's counsel's deposit account maintained with the Trademark Office. Please contact the undersigned attorney if any more fees are required.

Please direct all notices, pleadings, and process regarding this matter to:

David N. Schachter  
Sherman & Howard L.L.C.  
Suite 3000  
633 17<sup>th</sup> St.  
Denver, CO 80202  
303-299-8385  
Email: [dschachter@sah.com](mailto:dschachter@sah.com)

Respectfully submitted,  
  
David N. Schachter  
*Attorney for Petitioner*

Dated: December 23, 2011

**EXHIBIT A**  
**PETITIONER'S APPLICATION**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-12-23 11:48:14 ET

Serial Number: 85278041 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark  
Kym Rock's



(words only): KYM ROCK'S FIGHT LIKE A GIRL.

Standard Character claim: No

**Current Status:** A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Date of Status:** 2011-06-26

**Filing Date:** 2011-03-27

**Filed as TEAS Plus Application:** Yes

**Currently TEAS Plus Application:** Yes

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**Attorney Assigned:**  
COLEMAN NICHOLAS A

**Current Location:** M6X -TMO Law Office 115 - Examining Attorney Assigned

**Date In Location:** 2011-06-26

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Fight Like A Girl, Inc.

**Address:**

Fight Like A Girl, Inc.  
P.O. Box 4691  
Eagle, CO 81631  
United States

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Colorado  
**Phone Number:** 303-299-8385

**GOODS AND/OR SERVICES**

**International Class:** 041

**Class Status:** Active

Conducting workshops and seminars in the field of marital arts, self defense and self defense training; Instruction in the field of martial arts and self defense; Martial arts instruction; On-line journals, namely, blogs featuring discussion and information in the field of martial arts and self defense; Providing on-line newsletters in the field of martial arts and self defense; Workshops and seminars in the field of martial arts and self defense

**Basis:** 1(a)

**First Use Date:** 2004-04-01

**First Use in Commerce Date:** 2004-04-01

**ADDITIONAL INFORMATION**

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Description of Mark:** The mark consists of A ladies spiked high heel shoe hitting the ground with hard impact, to the left of which are the words Kym Rock's Fight Like A Girl.

**Design Search Code(s):**

01.15.04 - Explosions; Fireworks display; Sparks

09.07.08 - Arch supports; Heels, shoe; Supports, arch

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2011-06-26 - Notification Of Non-Final Action E-Mailed

2011-06-26 - Non-final action e-mailed

2011-06-26 - Non-Final Action Written

2011-06-23 - Assigned To Examiner

2011-03-31 - Notice Of Design Search Code Mailed

2011-03-30 - New Application Office Supplied Data Entered In Tram

2011-03-30 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

David N. Schachter

**Correspondent**

DAVID N. SCHACHTER  
SHERMAN & HOWARD L.L.C.  
633 17TH ST STE 3000  
DENVER, CO 80202-3622  
Phone Number: 303-299-8385

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**EXHIBIT B**  
**REGISTRANT'S MARK**

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,023,953

Registered Dec. 6, 2005

SERVICE MARK  
PRINCIPAL REGISTER

FIGHT LIKE A GIRL

ISHIBASHI, GERALD (UNITED STATES INDIVIDUAL)  
P.O. BOX 2362  
ORANGE, CA 92859

TIAL ARTS. IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-9-2004; IN COMMERCE 4-9-2004.

FOR: EDUCATIONAL SEMINARS, NAMELY, SEMINARS DEMONSTRATING SELF DEFENSE TECHNIQUES PARTICULARLY FEATURING FEMALES DEMONSTRATING TAE KWON DO MAR-

SN 75-898.907, FILED 1-20-2000.

JEFF DEFORD, EXAMINING ATTORNEY

**EXHIBIT C**

**OFFICE ACTION ON PETITIONER'S APPLICATION**

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**To:** Fight Like A Girl, Inc. ([dschachter@sah.com](mailto:dschachter@sah.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85278041 - KYM ROCK'S FIGHT LIKE A GIRL - 032851001  
**Sent:** 6/26/2011 2:09:47 PM  
**Sent As:** ECOM115@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85278041

MARK: KYM ROCK'S FIGHT LIKE A GIRL

**\*85278041\***

**CORRESPONDENT ADDRESS:**  
DAVID N. SCHACHTER  
SHERMAN & HOWARD L.L.C.  
633 17TH ST STE 3000  
DENVER, CO 80202-3622

**CLICK HERE TO RESPOND**  
<http://www.uspto.gov/trademarks/tt>

**APPLICANT:** Fight Like A Girl, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**  
032851001

**CORRESPONDENT E-MAIL ADDRESS:**  
[dschachter@sah.com](mailto:dschachter@sah.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:** 6/26/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

### Section 2(d) Refusal- Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3023953. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

#### Similarity of the Marks

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

The applicant's mark is KYM ROCK'S FIGHT LIKE A GIRL. The cited mark is FIGHT LIKE A GIRL.

The marks share the same phrase, "Fight like a girl." This phrase comprises the entirety of the cited mark. While applicant has added the name of its primary instructor, and a design element, the shared phrase is the largest portion of the mark, and thus dominates the commercial impression engendered by the mark. When one feature of a mark is more significant in creating a commercial impression greater weight is given to that dominant feature in determining whether the marks are confusingly similar. *See In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); TMEP §1207.01(b)(viii), (c)(ii).

In this case, the marks share the same dominant phrase, and the additional wording and design elements do not alter the commercial impression engendered by the shared phrase to obviate confusion. Therefore, the marks are highly similar and would lead to confusion when used on the same or similar services.

#### Comparison of the Services—Services Potentially Identical

The applicant seeks registration of its mark for use in connection with “Conducting workshops and seminars in the field of marital arts, self defense and self defense training; Instruction in the field of martial arts and self defense; Martial arts instruction; On-line journals, namely, blogs featuring discussion and information in the field of martial arts and self defense; Providing on-line newsletters in the field of martial arts and self defense; Workshops and seminars in the field of martial arts and self defense.”

The registrant’s identified services are “seminars demonstrating self defense techniques particularly featuring females demonstrating Tae Kwon Do martial arts.”

In the present case, the parties have each identified instructional services in the field of self defense and martial arts. As such, the service are presumed to be, at least in part, identical and the remainder of the identified services serve a similar function and are marketed to the same consumer through the same general trade channels.

In the present case, the marks share the same dominant phrase and are used in connection with identical services marketed to the same consumer through the same trade channels. Therefore, registration is refused under Section 2(d) of the Trademark Act.

Although applicant’s mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

Applicant must address the requirements set forth below.

### **1. Consent of Living Individual Required**

The applied-for mark contains the name “KYM ROCK” and appears to identify a particular living individual; however, the application does not include this named party’s written consent to registration of the name as a service mark. Written consent is required for registration of a mark containing a name, including a pseudonym, stage name or nickname, or signature, if the name or signature identifies a particular living individual. Trademark Act Section 2(c), 15 U.S.C. §1052(c); TMEP §§813, 1206.04(a). The attached screenshot of applicant’s website indicates that the name “KYM ROCK” identifies a particular living individual; therefore, applicant must submit the following:

- (1) A statement that the name “**KYM ROCK**” identifies a living individual whose consent is of record. If the name represents that of a pseudonym, stage name, or nickname, applicant must include a statement that “**KYM ROCK**” identifies the pseudonym of [Specify actual legal name], a living individual whose consent is of record; and
- (2) A written consent, personally signed by the individual whose name or signature appears in the mark, authorizing applicant to register the name, pseudonym, stage name, nickname, as a service mark with the USPTO (e.g., “I consent to the use and registration by Fight Like A Girl, Inc. of my name **KYM ROCK** as a trademark and service mark with the USPTO”).

TMEP §§813, 813.01(a), 1206.04(a); *see* 37 C.F.R. §2.61(b).

Failure to respond to this inquiry is a sufficient basis for refusing registration. *See In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701 (TTAB 2003); TMEP §814.

## 2. Mark Description Incomplete

The description of the mark is accurate but incomplete because it does not describe all the significant aspects of the applied-for mark. Applications for marks not in standard characters must include an accurate and concise description of the entire mark that identifies literal elements as well as any design elements. *See* 37 C.F.R. §2.37; TMEP §§808 *et seq.*

Specifically, the mark description submitted with the application does not reference the explosion design element beneath the heel.

Therefore, applicant must provide a more complete description of the applied-for mark. The following is suggested:

**The mark consists of a ladies spiked high heel shoe hitting the ground with hard impact causing an explosion, to the left of which are the words “KYM ROCK’S FIGHT LIKE A GIRL”.**

## 3. Additional Fees Required—TEAS Plus Requirement Not Met

Applicant must submit an additional application processing fee of \$50 per class because the application as filed did not meet the TEAS Plus application filing requirements. *See* 37 C.F.R. §§2.6(a)(1)(iv), 2.22(a), (b); TMEP §§819.01 *et seq.*, 819.04. Specifically, a consent to register the mark from the person identified in the mark (or conversely, if appropriate, a statement that the name or portrait in the mark does not identify a living individual) was not provided;

**Note:** The additional fee is required even if applicant later corrects these application requirements.

### Comments

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Nicholas A Coleman/  
Examining Attorney  
Law Office 115  
Phone: (571) 272-4917  
Email: nicholas.coleman@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT**

**FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

Print: Jun 26, 2011

75898907

**DESIGN MARK**

**Serial Number**

75898907

**Status**

REGISTERED

**Word Mark**

FIGHT LIKE A GIRL

**Standard Character Mark**

No

**Registration Number**

3023953

**Date Registered**

2005/12/06

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Ishibashi, Gerald INDIVIDUAL UNITED STATES P.O. Box 2362 Orange  
CALIFORNIA 92859

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: EDUCATIONAL  
SEMINARS, NAMELY, seminars demonstrating self defense techniques  
particularly featuring females demonstrating Tae Kwon Do martial arts.  
First Use: 2004/04/09. First Use In Commerce: 2004/04/09.

**Filing Date**

2000/01/20

**Examining Attorney**

DEFORD, JEFF

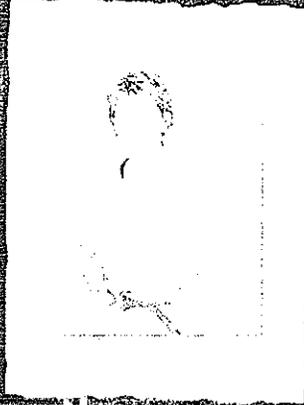
**Attorney of Record**

JOHN J CONNORS

**FIGHT LIKE A GIRL**

[Fight Like A Girl](#) [Fight Like A Girl Book](#) [A Proven Program](#)  
[Photos](#) [Videos](#) [FLAG Media](#) [Stop This Violence](#) [Radio](#)  
[Teach Fight Like A Girl Programs](#) [Sensel Kym Rock](#)  
[Testimonials](#) [Seminars](#) [Contact](#)

*Kym Rock is a former victim of domestic violence and cancer survivor who created the Fight Like A Girl program to change the statistics of violence in our world and teach women and kids personal violence prevention.*



## **SENSEI KYM ROCK**

Chinese World Karate Champion

World Karate Union Hall of Fame Member

United States Martial Arts Alliance Hall of Fame Member

World Karate Union Karate Instructor of the Year

World Karate Union Weapons Instructor of the Year

US Martial Arts Alliance Weapons Instructor of the Year

US Martial Arts Hall of Fame Instructor of the Year

Extensive Experience with Special Needs Children

Owner of Louie Alpha Karate Academy 2017-2018

Creator and President of Fight Like A Girl!

Author of *Black Belt Mommy* and *Empa*



**EXHIBIT D**  
**REGISTRANT'S SECTION 8 DECLARATION OF USE**

## Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3023953
REGISTRATION DATE	12/06/2005
SERIAL NUMBER	75898907
<b>MARK SECTION</b>	
MARK	FIGHT LIKE A GIRL
<b>CORRESPONDENCE SECTION (current)</b>	
NAME	JOHN J CONNORS
FIRM NAME	CONNORS & ASSOCIATES
STREET	1600 DOVE ST STE 220
CITY	NEWPORT BEACH
STATE	California
POSTAL CODE	92660-2427
COUNTRY	United States
<b>CORRESPONDENCE SECTION (proposed)</b>	
NAME	Ishibashi, Gerald
STREET	P.O. Box 2362
CITY	Orange
STATE	California
POSTAL CODE	92859
COUNTRY	United States
PHONE	949-690-4412

EMAIL	Givox@aol.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	041
GOODS OR SERVICES	EDUCATIONAL SEMINARS, NAMELY, seminars demonstrating self defense techniques particularly featuring females demonstrating Tae Kwon Do martial arts
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-7550111212-195724730 . FIGHT LIKE A GIRLtmFLYER.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\758\989\75898907\xml2\S080002.JPG
SPECIMEN DESCRIPTION	promotional flyer
<b>OWNER SECTION (current)</b>	
NAME	Ishibashi, Gerald
STREET	P.O. Box 2362
CITY	Orange
STATE	California
ZIP/POSTAL CODE	92859
COUNTRY	United States
<b>OWNER SECTION (proposed)</b>	
NAME	Ishibashi, Gerald
STREET	P.O. Box 2362
CITY	Orange
STATE	California
ZIP/POSTAL CODE	92859
COUNTRY	United States
PHONE	949-690-4412
EMAIL	Givox@aol.com
AUTHORIZED TO COMMUNICATE	Yes

VIA E-MAIL	
<b>LEGAL ENTITY SECTION (current)</b>	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	100
TOTAL FEE PAID	100
<b>SIGNATURE SECTION</b>	
SIGNATURE	/GI/
SIGNATORY'S NAME	Gerald Ishibashi
SIGNATORY'S POSITION	Owner
DATE SIGNED	12/06/2011
SIGNATORY'S PHONE NUMBER	949-690-4412
PAYMENT METHOD	CC
<b>FILING INFORMATION</b>	
SUBMIT DATE	Tue Dec 06 20:53:55 EST 2011
TEAS STAMP	USPTO/SECT08-75.50.111.21 2-20111206205355864853-30 23953-4908766986130adca92 ee577e12ee59fb9-CC-7379-2 0111206195724730646

**Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3023953

**REGISTRATION DATE:** 12/06/2005

**MARK:** FIGHT LIKE A GIRL

The owner, Gerald Ishibashi, a citizen of United States, having an address of  
P.O. Box 2362  
Orange, California 92859  
United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 041, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: EDUCATIONAL SEMINARS, NAMELY, seminars demonstrating self defense techniques particularly featuring females demonstrating Tae Kwon Do martial arts ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) promotional flyer.

**Original PDF file:**

SPN0-7550111212-195724730 . FIGHT LIKE A GIRLtmFLYER.pdf

**Converted PDF file(s)** (1 page)

Specimen File1

The registrant's current Correspondence Information: JOHN J CONNORS of CONNORS & ASSOCIATES

1600 DOVE ST STE 220  
NEWPORT BEACH, California (CA) 92660-2427  
United States

The registrant's proposed Correspondence Information: Ishibashi, Gerald

P.O. Box 2362  
Orange, California (CA) 92859  
United States

The phone number is 949-690-4412.

The email address is Givox@aol.com.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

#### **Declaration**

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /GI/    Date: 12/06/2011  
Signatory's Name: Gerald Ishibashi  
Signatory's Position: Owner  
Signatory's Phone Number: 949-690-4412

Serial Number: 75898907  
Internet Transmission Date: Tue Dec 06 20:53:55 EST 2011  
TEAS Stamp: USPTO/SECT08-75.50.111.212-2011120620535  
5864853-3023953-4908766986130adca92ee577  
e12ee59fb9-CC-7379-20111206195724730646

# **FIGHT LIKE A GIRL**<sup>tm</sup>

***Seven decisive self-defense techniques***  
***For our daughters, sisters, wives and mothers.***

*Our Purpose is to help empower females by providing them with timely information and instruction for self-defense and personal safety awareness.*

“Fight Like A Girl is a contemporary self-defense seminar and dvd designed to teach and empower females of different backgrounds, age and body-types to defend themselves in everyday situations.

These seven decisive self-defense techniques addressing the most common assault situations are demonstrated by experienced martial artists and self-defense experts with females from all walks of life.”

Individual and group sessions available.

For information please contact:

**FIGHT LIKE A GIRL**<sup>tm</sup>

P.O. Box 2362

Orange, Ca. 92859

949-690-4412

[www.FightLikeAGirl.com](http://www.FightLikeAGirl.com)

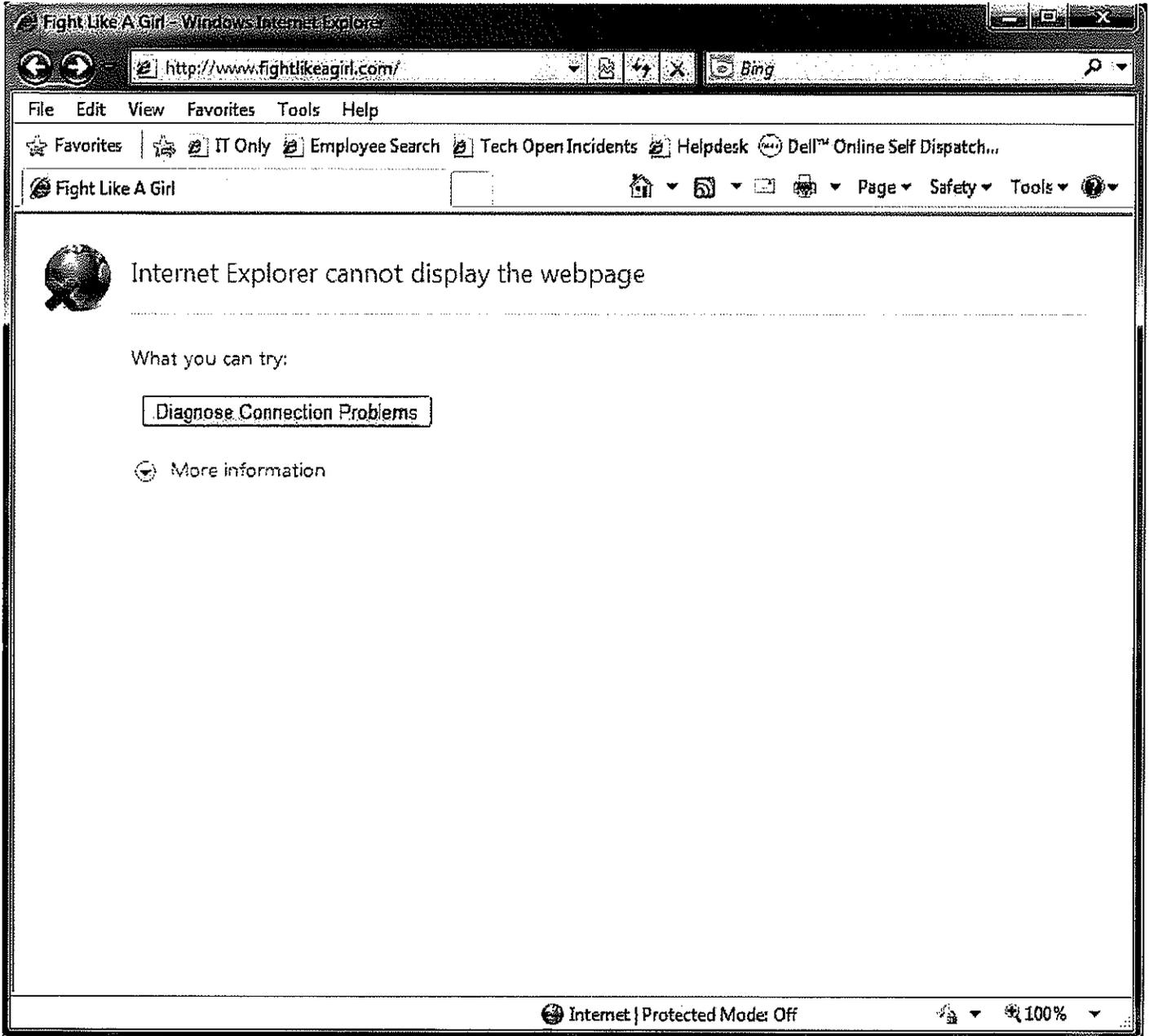
## Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	75898907
<b>MARK SECTION</b>	
<b>MARK</b>	FIGHT LIKE A GIRL
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NEW ADDRESS</b>	Ishibashi, Gerald P.O. Box 2362 Orange California United States 92859 949-690-4412 Givox@aol.com
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/GI/
<b>SIGNATORY NAME</b>	Gerald Ishibashi
<b>SIGNATORY DATE</b>	12/06/2011
<b>SIGNATORY POSITION</b>	Owner
<b>SIGNATORY PHONE NUMBER</b>	949-690-4412
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Dec 06 20:53:55 EST 2011
<b>TEAS STAMP</b>	USPTO/SECT08-75.50.111.21 2-20111206205355864853-30 23953-4908766986130adca92 ee577e12ee59fb9-CC-7379-2 0111206195724730646

**EXHIBIT E**

**INTERNET RESPONSE FOR REGISTRANT'S WEBSITE, DECEMBER 23, 2011**



**EXHIBIT F**

**PETITIONER'S LETTER TO REGISTRANT, DECEMBER 16, 2011**

**Sherman & Howard L.L.C.**

ATTORNEYS & COUNSELORS AT LAW  
633 SEVENTEENTH STREET, SUITE 3000  
DENVER, COLORADO 80202  
TELEPHONE: (303) 297-2900  
FAX: (303) 298-0940  
WWW.SHERMANHOWARD.COM

David N. Schachter  
Direct Dial Number: (303) 299-8385  
E-mail: DSchachter@ShermanHoward.com

December 16, 2011

**VIA U.S. POSTAL SERVICE EXPRESS MAIL**

**SIGNATURE REQUIRED**

Gerald Ishibashi  
P.O. Box 2362  
Orange, CA 92859

Re: FIGHT LIKE A GIRL

Dear Mr. Ishibashi:

This office represents Kym Rock, who is the founder and CEO of Fight Like a Girl, Inc. My client has, since as early as April, 2000, presented seminars and educational services to the general public, both in the United States and elsewhere, teaching self defense and martial arts skills under the name "Kym Rock's Fight Like A Girl."

We are aware that you previously were granted Federal Trademark registration No. 3023953 on December 6, 2005, for FIGHT LIKE A GIRL in connection with self-defense seminars. After having diligently investigated this matter, and made numerous unsuccessful attempts to reach you, it is apparent that, for at least the past three years, you have not engaged in any commercial use of your trademark to render, market or identify any services in connection with self-defense or martial arts, and therefore that this registration has been intentionally abandoned.

We note that, on December 6, 2011, you filed an Affidavit of Continued Use with the United States Patent and Trademark Office in which you stated, under oath, that you are continuing to use FIGHT LIKE A GIRL in commerce. In support of this statement, you have submitted a photocopy of a one-page "promotional flyer" that supposedly represents a specimen of your commercial promotion of martial arts and self defense services to the public. This is to advise you that, after reviewing all available information, we have determined that the statements made in your Affidavit are false, that you are not in fact continuing to use the trademark in any form or fashion in connection with any commercial services offered to the public, and that the "promotional flyer" which you attached in support of your Affidavit of Continued Use is a bogus document that was submitted to the Trademark Office under false pretenses, and does not actually represent evidence of your continued commercial use of the FIGHT LIKE A GIRL mark.

**Sherman & Howard L.L.C.**

Gerald Ishibashi  
December 16, 2011  
Page 2

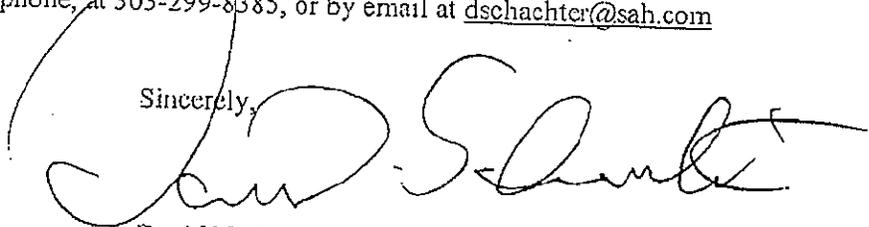
My client is aggressively pursuing her business under the "Kym Rock's Fight Like A Girl" mark, and your actions are interfering with this process. We would like to resolve this matter with you so that she can continue in these pursuits, and are hereby requesting that you agree to voluntarily abandon your current registration No. 3023953 for FIGHT LIKE A GIRL so that my client's commercial activities can continue.

If I do not receive confirmation from you that you have voluntarily abandoned this registration, by the close of business on Friday, December 23, 2011, my client has instructed this office to immediately initiate a formal cancellation proceeding with the United States Patent and Trademark Office in which we will have your registration cancelled on the grounds of fraud and abandonment.

My client is willing to discuss an amicable resolution of this matter with you, so that both parties can avoid the cost and expense of a cancellation proceeding. If you wish to discuss this, please contact me prior to the close of business on Friday, December 23, 2011. Otherwise, we will assume that you have no interest in such discussions and will proceed with formal proceedings and immediately demand that you produce all records and documents regarding your alleged commercial activity using the registered mark, as well as testimony concerning all of your business activities at any time since December 6, 2005. We will also seek to recover all attorney's fees and costs incurred in connection with this effort, if it becomes necessary to proceed with formal action.

I look forward to hearing from you shortly and hope that we can resolve this matter amicably. You can reach me by phone, at 303-299-8385, or by email at [dschachter@sah.com](mailto:dschachter@sah.com) should you wish to reach me.

Sincerely,



David N. Schachter

DNS:sp  
cc: Kym Rock