

ESTTA Tracking number: **ESTTA560086**

Filing date: **09/18/2013**

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

Proceeding	92057379
Party	Defendant My Shade of Brown
Correspondence Address	MY SHADE OF BROWN APT 2, 651 VANDERBILT AVENUE BROOKLYN, NY 11238 UNITED STATES m@myshadeofbrown.com
Submission	Answer
Filer's Name	Eliot Yaxley
Filer's e-mail	support@myshadeofbrown.com
Signature	/eliotyaxley/
Date	09/18/2013
Attachments	Trademark Trial and Appeal Board Sept 18 response.pdf(181892 bytes) CERTIFICATE OF SERVICE.pdf(264976 bytes)

Trademark Trial and Appeal Board – Response – 9/18/2013

Cancellation No: 92057379

Defendant – My Shade of Brown

Registration No: 4256137 Serial: 85420243

Plaintiff – Asarte Cosmetics, Inc

Registration: 3290469 Serial: 78759316

Dear Sir or Madam:

I wanted to follow up to you notice mailed on August 19,2013 and confirm that we both mailed copies to Asarte and Louis C Paul on July 30, 2013 and also uploaded these online.

As per the content of these letters:

“After careful review of the petition for cancellation, My Shade of Brown would respectfully like to settle with the Plaintiff.

Although we disagree with certain motions filed i.e. that we run the same business, we do acknowledge that there is the potential to confuse, based on the use of “MY” and “SHADE” being used concurrently as “MY SHADE”.

We are in process right now of re-branding and will soon not use the mark My Shade of Brown.

The website, www.myshadeofbrown.com will no longer work and we will be changing all email, social media mentions of My Shade of Brown.

I am more than happy to discuss this with Plaintiff and let them know of a suitable time period to stop using this mark.

Thanks,

Eliot Yaxley

917-543-0646

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2013. Copies of My Shade of Brown's answer regarding Asarte Cosmetics Petition for cancellation (92057379) are being served upon (i) Louis C. Paul attorney for Plaintiff and (ii) J T Leshar, Chief Operating Officer of Asarte Cosmetics, by:

- a. Depositing one copy of our answering United States Mail, using overnight delivery prepaid to each address below; and
- b. Sending a copy thereof by e-mail to each of the addresses listed below.

Louis C Paul

Louis C Paul & Associates PLLC

150 East 58th Street, 34th Floor

New York, NY 10155

United States

lpaul@cosmeticslaw.com

J T Leshar

PO Box 8530

FDR Station

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