

ESTTA Tracking number: **ESTTA551242**

Filing date: **07/30/2013**

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	Voluntary Surrender Of Registration
Filer's Name	Eliot Yaxley
Filer's e-mail	support@myshadeofbrown.com
Signature	/Eliot Yaxley/
Date	07/30/2013
Attachments	Trademark Trial and Appeal Board Response.pdf(186337 bytes) CERTIFICATE OF SERVICE.pdf(264976 bytes)

Trademark Trial and Appeal Board – Response – 7/30/2013

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:

As the Chief Operating Officer of My Shade of Brown, I would like to reply to the petition of cancellation that Asarte Cosmetics filed on June 21st, 2013.

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 would now like a small period of time (30 days) to be able to change our company name, logo, url etc.

From that point, Aug 30th, 2013 we would no longer use the mark “My Shade of Brown”.

I hope that this is acceptable to both the board and plaintiff and we look forward to your response on this matter.

Yours sincerely,

Eliot Yaxley

COO, My Shade of Brown

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 Leshler, 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

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United States

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J T Leshler

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