

ESTTA Tracking number: **ESTTA658870**

Filing date: **03/03/2015**

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

Proceeding	92060328
Party	Defendant Souki Manufacturing Inc.
Correspondence Address	SOUKI MANUFACTURING INC 326-6 SAKAMOTO-CHO, HODOGAYA-KU, YOKOHAMA-SHI KANAGAWA, 240-0043 JAPAN mina-csj@nifty.com
Submission	Other Motions/Papers
Filer's Name	Nobuhiko Minaki
Filer's e-mail	mina-csj@nifty.com
Signature	/N.Minaki/
Date	03/03/2015
Attachments	CCF20150303.pdf(4882346 bytes)

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

Plaintiff Trademark: LOVE IS FOREVER
Serial Number: 86285762
Filing Date: May 19, 2014
Refusal Issue/Mailing Date: August 27, 2014

Defendant Trademark: LOVE IS FOREVER ®
Registration No.: 3811074
Filing Date: May 13, 2009
Registration Date: June 29, 2010

Plaintiff	L.A. Gem and Jewelry Design, Inc.
Assigned Attorney	MR. MILORD A. KESHISHIAN Cancellation No.: 92060328
Defendant	Souki Manufacturing Inc.
No Assigned Attorney	Nobuhiko Minaki (Mr.) Representative Director Trademark Creator, Owner, User

March 03, 2015

Ref number: Souki 150301

MADAM MARY CATHERINE FAINT
INTERLOCUTORY ATTORNEY

Dear Madam,

Amendments

In the ANSWER presented/mailed to the post office in Yokohama, Japan, February 13, 2015 for TTAB, if it could be allowed me to amend as follows I am very happy.

1) Amendment 1: Page 1/35, in front of the 2nd line from the 1st line, I would like to add the **space** as follows/attached:

Before amendment/adding:

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

After amendment/adding:

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

2) Amendment 2: Page 7/35, in the 14th line from the last line, I would like to add **of** as follows/attached:

Before amendment/adding:

refusal WHEN LOVE IS FOREVER....

After amendment/adding:

refusal of WHEN LOVE IS FOREVER....

3) Amendment 3: Page 16/35, in the 5th line from the last line, I would like to add **difficult** as follows/attached:

Before amendment/adding:

... him to say NO, too, I feel now

After amendment/adding:

... him difficult to say NO, too, I feel now.

4) Amendment 4: Page 29/35, after the 16th line from the top line, I would like to add as follows/attached:

**And I have never abandoned and will never abandon the
registered trademark, LOVE IS FOREVER ®, by all means.**

Before amendment/adding:

plaintiff or so. None/blank

After amendment/adding:

plaintiff or so. And I have never abandoned and will never
abandon the registered trademark, LOVE IS FOREVER ®
by all means.

5) Amendment 5: Page 34/35, between the 9th line and 8th line from the last line, I

would like to add as follows/attached:

**I have never abandoned and will never abandon LOVE IS FOREVER ® ,
the registered trademark, for the wonderful products for wonderful
customers.**

Before amendment/adding:

None/blank

After amendment/adding:

**I have never abandoned and will never abandon LOVE IS FOREVER ® ,
the registered trademark, for the wonderful products for wonderful
customers.**

Attached/enclosed:

Amendment 1:	After amendment by handwriting	1 page
	After amendment by typewriting	1 page
Amendment 2 ~ 5:	ditto	

Very truly sincerely yours,



Defendant

Souki Manufacturing Inc.

Nobuhiko Minaki (Mr.)

Representative Director

Trademark Creator, Owner, User

326-6 Sakamoto-cho, Hodogaya-ku, Yokohama-shi

Kanagawa, 240-0043, Japan

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FAX 81-45-515-0047 E-MAIL mina-csj@nifty.com

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

BEFORE 2/15.03.03 n. Minaki

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Serial Number: 86285762
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Plaintiff	L.A.Gem and Jewelry Design, Inc.
Assigned Attorney	MR. MILORD A. KESHISHIAN Cancellation No.: 92060328
Defendant	Souki Manufacturing Inc.
No Assigned Attorney	Nobuhiko Minaki (Mr.) Representative Director Trademark Creator, Owner, User

NB:

1. Content of this ANSWER for 92060328 and the ANSWER, the Complete Version of Amended ANSWER, for 92058656:

The contents of the 2 ANSWERs, that is, the content of this ANSWER for 92060328 and the content of the Complete Version of Amended ANSWER for 92058656 are almost same because both petitions are cancellation of my trademark, LOVE IS FOREVER ®, and the grounds to petition cancel of the 2 cases are abandonment of the trademark.

And the 2 contents are prepared according to truths and facts which are same each other, and proved by the the defendant pretrial disclosures for 92058656 with 27 Evidences etc .

And defendant/I have never abandoned and will never abandon the mark as explained/reported/proved in the Complete Version of Amended ANSWER for

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

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And defendant/I have never abandoned and will never abandon the mark as explained/reported/proved in the Complete Version of Amended ANSWER for

feel.

4. This case is one of the 2 petition to cancel cases:

This case, 92060328, is one of the 2 petition to cancel cases. Another is 92058656. The brief histories are as follows.

- 11/23&24/2008 I did a marketing research on street regarding image of LOVE IS FOREVER ® .
- 05/13/2009 LOVE IS FOREVER ® was applied by defendant/registrant.
- 06/29/2010 LOVE IS FOREVER ® was registered.
- ➔ So registrant/I having been continued to prepare business step by step although encountering Obstruction of Business etc.
- 2012 Many legal offices to use LOVE IS FOREVER ® appeared as follows on Internet in order to draw eyes of customers-to-be for their business without OK of Registrant.
- Inputting Souk Manufacturing Inc., my company name, on Google,
- | | |
|----------------------|----------------------------|
| (1) May 01, 2012 | 405,000 lists appeared, |
| (2) June 27, 2012 | 1, 540,000 lists appeared, |
| (3) October 18, 2012 | 2, 710,000 lists appeared. |
- 06/03/2013 Plaintiff of 92058656 applied WHEN LOVE IS FOREVER aiming at refusal of WHEN LOVE IS FOREVER due to similarity, hypothetically I have been feeling.
- 15.03.03 n. minshi
- 09/18/2013 92058656 plaintiff's WHEN LOVE IS FOREVER was refused. And being refused, not trying to overcome the refusal, the plaintiff filed petition to cancel LOVE IS FOREVER ®, it seems in order to receive chance to obtain LOVE IS FOREVER ® as follows.
- 12/21/2013 **Airticket to China booked/reserved to produce products of LOVE IS FOREVER ® in China by defendant.**
- ➔ **Business preparation continued.**
- 02/07/2014 Petition to cancel was applied by plaintiff of 92058656.
- OBSTRUCTION OF BUSINESS?**
- 03/14/2014 Airticket to China was cancelled due to the above petition to cancel.
- OBSTRUCTION OF BUSINESS.**
- 05/19/2014 LOVE IS FOREVER was applied by plaintiff of 92060328 aiming at

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OBSTRUCTION OF BUSINESS.
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And I do not know if they have known or not regarding I have been in the wretched situation to do responding etc as to the 92058656,

25) August 27, 2014:

The LOVE IS FOREVER applied by the plaintiff of 92060328 was refused in 3 months or so, after the application, which might have been too early for the plaintiff expectation.

The plaintiff might have expected my LOVE IS FOREVER ® cancellation before August 27, 2014 due to the petition to cancel my LOVE IS FOREVER ® has been filed since February 07, 2014 by another plaintiff of 92058656. If my LOVE IS FOREVER ® was cancelled before August 26 or so, LOVE IS FOREVER of plaintiff of 92060328 might have been registered, I think, if my supposition is in accordance with the law etc concerned.

26) November 05, 2014:

The petition of cancellation of the plaintiff, **92060328**, was applied. December 16, 2014 was the due date to answer regarding **92060328**.

27) December 04, 2014:

Regarding **92060328**, according to so many highly kind advice of highly efficient persons of TTAB including the lady's highly kind advice, I having contacted by telephone with the attorney, Mr. MILORD A. KESHISHIAN, of/for the plaintiff, I asked his consent for my request to extend the time to answer.

It might be that it was the request of me who know the facts, it might have been difficult for him to say NO or so. He was very kindly OKed for my request.

I explained to him as to misfortune of one of my family, I have to take care etc, and being busy, too, which might have made him to say NO, too, I feel now.

difficult

15.02.03
v. minski

28) December 05, 2014:

Regarding **92060328**, I filed consent motion to extend and it was highly kindly respectfully granted.

29) February 14, 2015:

And I do not know if they have known or not regarding I have been in the wretched situation to do responding etc as to the 92058656,

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28) December 05, 2014:

Regarding **92060328**, I filed consent motion to extend and it was highly kindly respectfully granted.

29) February 14, 2015:

In order to obtain the one seat/trademark registered for the firstcomer, defendant/registrant, abusing the trademark law should be strictly prohibited, too I think. This is another issue/merit of this case, I feel.

For selling and buying goods/property, for movement of right of ownership of goods/property, we should not abuse the trademark law, cancellation system, I feel. To obtain things etc of others/strangers/3rd parties without reporting/having the consent of others/strangers/3rd parties is no good and should be refrained, which even an infant knows, I think.

9. Regarding "9. Upon information and belief, by reason of the facts set forth above, and that the Registrant has failed to use the mark for at least three consecutive years, Registrant had abandoned the Registered Mark within the meaning of 15 U.S.C. § § 1064(3) 1127."

Response: Defendant/registrant/I have been continuing to prepare the business of the defendant step by step as a tortoise although being encountering the OBSTRUCTION OF BUSINESS by the parties including hypothetically the plaintiff or so. And I have never abandoned and will never abandon the registered trademark, LOVE IS FOREVER[®], by all means. 15.03.03 n. Minskei

The words of the attorney in the above are irrelevant to the issues/merits of this case. The one of the issues/merits of this case is the assigned attorney has been happy to obtain a seat in a train/theater/restaurant etc which has been used by a firstcomer, I feel hypothetically.

Getting rid of or pushing aside the firstcomer, registrant/defendant, from the seat the firstcomer has sat/used, he seems to be happy to push aside the firstcomer in order to occupy/obtain the seat, I feel hypothetically.

I have been only one work force in defendant since its foundation, February 05, 2008, so I have been doing every thing by myself such as regarding the preparation for the products with LOVE IS FOREVER[®] and etc etc. And now 92058656 from February 07, 2014 and 92060328 from November 05, 2014 having been filed by the two plaintiffs, my preparation of the products has been delayed and delayed.

In order to obtain the one seat/trademark registered for the firstcomer, defendant/registrant, abusing the trademark law should be strictly prohibited, too I think. This is another issue/merit of this case, I feel.

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February 07, 2014 and 92060328 from November 05, 2014 having been filed by the two plaintiffs, my preparation of the products has been delayed and delayed.

And the assigned attorney, is happily trying to obtain the trademark, pushing aside the firstcomer, the registrant, from the one seat, I feel hypothetically.

That is, the plaintiff has been doing OBSTRUCTION OF BUSINESS to defendant, I feel hypothetically.

But actually defendant is OBSTRUCTED, and I have been coping with the petition to cancel receiving highly thankful advice of so many respectful people.

Mr. Milord A. Keshishian, if you could kindly/respectfully refrain from doing OBSTRUCTION OF BUSINESS to defendant, I am highly thankful.

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*I have never abandoned and will never abandon LOVE IS FOREVER®,
the registered trademark, for the wonderful products for wonderful customers.*

Regarding this case, that is, the petition to cancel the registration of my trademark, *N. Minaki* LOVE IS FOREVER ®, by plaintiff, due to the facts/reasons etc being as petitioned and reported as in the above, I sincerely petition the high judgment of Trademark Trial and Appeal Board.

Very truly sincerely yours,
February 13, 2015



Defendant
Souki Manufacturing Inc.

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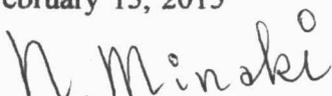
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