

TTAB

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. KESIHSHIAN Cancellation No.: 92060328
Defendant	Souki Manufacturing Inc.
No Assigned Attorney	Nobuhiko Minaki (Mr.) Representative Director Entrepreneur, Trademark Creator, Owner, User

September 26, 2015
Ref. No.: Souki 150910

Madam M. Catherine Faint
Interlocutory Attorney
Trademark Trial and Appeal Board
United States Patent and Trademark Office

Dear Madam,

I would like to present Petitionay Requests with the Certificate of Service which certifies the Petitionay Requests have been served on the assigned attorney, Mr. Milord A. Keshishian.

Attached: 1) Petitionay Requests 18 pages
2) Certificate of Service 1 page

Very truly sincerely yours,

N. Minaki

1/2



09-28-2015

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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

TEL 81-45-333-4525 81-45-332-7890 direct

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

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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 Entrepreneur, Trademark Creator, Owner, User

September 26, 2015
Ref No.: Souki 150909

- 1) PETITIONARY REQUEST FOR HIGHLY RESPECTFUL TTAB TO SUPPORT TO IGNORE MOTION FOR DEFAULT JUDGMENT AND MOTION TO STRIKE FILLED BY PLAINTIFF**

- 2) PETITIONARY REQUEST FOR HIGHLY RESPECTFUL TTAB TO SUPPORT MOTION FOR PLAINTIFF TO RESPECT SCHEDULE SET BY HIGHLY RESPECTFUL TTAB**

Defendant has raised/filed/mailed August 23, 2015 by Ref No.: Souki 150801: PETITIONARY MOTION FOR HIGHLY RESPECTFUL TTAB TO IGNORE MOTION FOR DEFAULT JUDGMENT AND MOTION TO STRIKE FILED BY PLAINTIFF and PETITIONARY MOTION FOR HIGHLY RESPECTFUL TTAB TO GIVE ORDER FOR PLAINTIFF TO RESPECT SCHEDULE SET BY HIGHLY RESPECTFUL TTAB, to which plaintiff has filed Other Motions/Papers 09/11/2015, ESTTA Tracking number

So, defendant will have been responding by this document.

And regarding the Petitionary Requests of the above 1) 2), if the high judgment could be given, defendant/I will be highly happy.

In the 1st part of the following, the <back ground etc of this case> are reported, and in the latter part of the following, <defendant's responses to/for plaintiff's assertions> are reported/mentioned.

NB: Single quotation, ' _____ ':

It will be used to mention the word (s) inside the mark is/are slightly different from usual meaning.

<back ground etc of this case>

I. Creation of Love is Forever ® etc:

1. 1986:

I had used for the first time LOVE IS FOREVER at my friend, Mr. T, wedding announcement party.

I wrote LOVE IS FOREVER on a Japanese traditional decorative paper which is for writing happy encouraging words, cartoons etc at a farewell party, wedding party, etc. Often many people getting together will write various messages etc on the paper and give it to a couple to marry or person to leave a company, or move to a new section etc.

The words, LOVE IS FOREVER, came to my mind spontaneously at the party.

February 14, 2014, knowing about the filing of 92058656, as to the writing on the traditional decorative paper, I made a telephone call to Mr. T. His wife taking up my call and she said he died 7 years ago and said she remembers the decorative paper but it was lost away together with his/her house by the big earthquake happened 1995 in Kobe and the vicinity. 6,434 people died 3 people missing, 43,792 people injured by the earthquake according to Wikipedia of March 18, 2014 on Internet.

2. Regarding using ® as LOVE IS FOREVER ®:

Regarding using ® as LOVE IS FOREVER ® as in the above etc, I had started to use it according to the so highly kind advice of an attorney of USA. His advice was given to me at a

place in a sightseeing place of the vicinity of Yokohama Japan and it was of on a day of a weekend or on a holiday of 2010 or so.

After applying for the mark to Japan Patent Office July 1, 2008, for class 14, it was registered May 15, 2009. Being registered by WIPO, World Intellectual Property Organization, May 13, 2009, on the same day application to USPTO was done and registered June 29, 2010. And the highly kind advice of the attorney was given to me at the sightseeing place 2010 or so.

I had started intercept survey by myself regarding LOVE IS FOREVER ® etc from 2008, and from 2009 at the sightseeing place almost every Saturday and Sunday, and holiday if possible.

My survey being of a short time one of 1 minute or so with 1 or a few questions without asking individual information as personal name etc of answerer. Answerers are welcome for the short time one but unwelcome for the long one. So, I have to do almost every weekend or so in order to ask various kinds of questions. 50 to more than 100 answerers or so a day. At the early stage as 2009, 2010 around the number a day was small, but through experience becoming skilled, it has become many as 50 to 100 answerers a day etc, and in the summer season the number will be bigger than in cold winter season.

But I have been **obstructed** to do the survey including the start of production of my products, preparation of Internet shop etc from the end of February of 2014 due to the petition to cancel case, 92058656, and in addition by this case 92060328.

A result of the survey from December 2009 to 2010 Spring showed no ® mark, **LOVE IS FOREVER**, was more acceptable than with ® mark, **LOVE IS FOREVER ®**. With ® mark 275 (female 154 male 121) 44.6%, no ® mark 342 (female 188 male 154) 55.4%. So my mind had been made up for using no ® mark, **LOVE IS FOREVER**.

On or around one of the days at the place, I met the attorney.

Receiving OK of him for my survey, starting conversation, he advised me to attach ® mark **firmly with friend like attitude** confirming my eyes if they showing positive understanding or not.

Noticing my eyes were not positive to attach ® mark, he said he was an attorney and he seemed to want to say, "My words are of truth and reliable because I am an attorney."

His attitude and words gave me the strong impact to my mind that had been tended for no ® mark.

Nodding of a Japanese lady made the impact firm. The nodding was of a modest lady of business lady atmosphere, and I recognized she had escorted him to the place for his job, not for sightseeing.

I have felt she looked like an employee of the Japanese branch or so of a well-established famous etc company of USA, of which USA headquarters asked him to visit Japan to investigate regarding LOVE IS FOREVER ® or so.

His and her high attitude, way of talking, and atmosphere had made me feel in this way. They were friendly, calm and composed.

According to his so highly kind advice, having started to study regarding ® mark, I decided to attach ® mark as **LOVE IS FOREVER ®**.

Regarding their names etc I do not know due to my survey being of 1 minute or so with 1 or a few questions not asking individual information as personal name etc of answerer.

The highly thankful matter regarding the attorney and the lady is to remain in and beyond my memory.

3. Regarding Certificate of Mailing and Certificate of Service:

In my ANSWER of 92058656 dated and mailed from Japan March 23, 2014 for TTAB, I have used the word, **Mailing**, as Certificate of Mailing.

I would like to keep it as it is due to the word was given by a highly kind lady of TTAB when I made a telephone call for advice for preparing my ANSWER.

Regarding the word, **Service**, as Certificate of Service I have been using since May 03, 2014 according to the words of another highly kind lady of TTAB, and I would like to keep it as it is.

4. Print Design etc for Package:

January 2011, I have finished to prepare the draft of the print design including package sample for my products.

After creating some ideas for print designs, having the draft in my hands, I having visited in the evening the busiest place of Shinjuku of Tokyo, I did a pilot intercept survey there.

At the survey receiving highly kind advice of the ladies, having a small confidence as to my ideas, I have prepared the print design sample/testee for the real survey to do at the same place mentioned in the above paragraph 2.

But for certainty, in front of the real intercept survey, I had done a pre-survey in Yokohama.

In the pre-survey, the first answerer, a lady, seeing my design sample, abruptly said, "I would like to buy it..." "???!!"

Being astounded, highly politely thankfully I mentioned, "I couldn't...."

She showed the intention to buy the sample for intercept survey.

And I changed to stop my schedule to do the real intercept survey.

The words of her then decided the print design. Since then regarding print design for package for my products, I have done nothing until now.

And drafts of the print design and package etc have been quietly waiting for debut for 4 years and some now in a narrow bookshelf like place of my tiny living house like office.

5. Preparation of Internet Shop:

1) January 11, 2009:

I purchased ADOBE Illustrator CS4 for making top page etc of my Internet shop and have started to learn how to use it by myself.

2) December 17, 2010:

I purchased Homepage Builder 15, an easy to build homepage kit.

3) January 17, 2013:

I purchased "da Vinci Cart," an easy to set shopping cart kit for the Internet shop.

4) February 22, 2014:

According to schedule I purchased a camera, OLYMPUS, for taking photos for the top page etc. February 22, I have changed OLYMPUS to Canon's at the store I purchased OLYMPUS having the kindness of the store.

II. Regarding This Case 92060328:

1. Outline of this case, 92060328:

- 1) Grounds of this case is abandonment of the trademark but it is lie/untrue as defendant/I have responding right after filing of another case, 92058656, on 02/07/2015.
- 2) This petition to cancel case, 92060328, is one of the 2 cases. Another is 92058656.
- 3) WHEN LOVE IS FOREVER is the mark of plaintiff of 92058656 refused to register due to similarity to defendant trademark LOVE IS FOREVER ®.
- 4) LOVE IS FOREVER is the mark of plaintiff of 92060328 refused 08/27/2014 to register due to similarity to defendant trademark LOVE IS FOREVER ®.
- 5) 92058656 was raised 02/07/2014 and 92060328 was raised 11/05/2015.
- 6) **Plaintiff of 92058656 has withdrawn the petition as of 09/23/2015, which is according to so highly respectful self-judgment etc, I think.**

2. The issues/merits and Groundlessness of plaintiff of this case, 92060328:

I think the issues/merits of this case are (1) to (10) etc as follows, and according to the issues/merits in the following, groundlessness of plaintiff seems to be revealed accordingly.

I think, also, groundlessness of plaintiff has been revealed in ANSWER/RESPONSE of defendant mailed/presented 02/13/2015 at the post office in Yokohama, Japan for TTAB and in AMENDED ANSWER mailed/presented 07/11/2015 at the post office in Yokohama, Japan for TTAB.

(1) Too Fascinating Power of LOVE IS FOREVER ®:

LOVE IS FOREVER ® has fascination but sometimes makes people out of control in morality etc. So, sometimes it makes people lose power of justice, proper/sane judgment in mind and be mad and/or insane in front of **LOVE IS FOREVER ®**.

For people who run accessory items business such as engage rings, earrings, bracelets, necklaces, or the like etc, it seems that the brand **LOVE IS FOREVER ®** is too fascinating, I feel. And in rare case, some people who run such business might lose the power to control to be mad and insane in front of the brand of **LOVE IS FOREVER ®**, hypothetically I feel.

And this case might be a case being invited by the power of the fascination to make people mad and/or insane, hypothetically I feel. And the following are for the explanations.

(2) Neglecting Ownership of Other People/Person:

The petition to cancel **LOVE IS FOREVER ®**, 92060328, the Motion to Strike, the Motion for Default Judgment etc might be the examples for plaintiff to neglect ownership of defendant due to the fascinating power of **LOVE IS FOREVER ®**, or it might be the result strongly influenced by it, hypothetically I feel.

(3) Abusing Law:

This cancellation case, 92060328, might be the example of abusing the laws by plaintiff due to the fascinating power of the trademark, **LOVE IS FOREVER ®**, hypothetically I feel.

(4) Lying to Cheat Authority/TTAB:

This cancellation case, 92060328, might be the example of stating not true things, lying, trying to cheat etc the Authority, TTAB, such as stating that the trademark has been abandoned or so due to the fascinating power of **LOVE IS FOREVER ®**, I feel hypothetically.

(5) Attempt to Obtain Ownership of LOVE IS FOREVER ®:

Petition for cancellation, 92060328, might be the example for plaintiff has been trying to obtain the ownership of the trademark, **LOVE IS FOREVER ®**, strongly influenced by the fascinating power of **LOVE IS FOREVER ®**, I feel hypothetically.

(6) Obstruction of Business:

And petition for cancellation, 92060328, is the Obstruction of Business/Privacy etc of

defendant, that is, plaintiff has been attacking continuously in order to obtain the ownership using various methods such as petition for cancellation etc and the victim/defendant is forced to use time to cope with, which might be due to the fascinating power of **LOVE IS FOREVER ®**, I feel hypothetically.

(7) No Production, No Sales, No Income to pay to ask Counsel's help due to the Obstruction of Business etc:

Due to the Obstruction of Business/Privacy by plaintiff, no production in China, no sales, no income etc etc.

But when/if the unwelcome, Obstructions of Business/Privacy, are ceased, I am happy to start again the production of my products in China, and shipping from Shanghai to Yokohama, Japan, there doing some processing as inspection by my eyes, packaging, and re-starting to prepare Internet shop, delivery system for/of customers-to-be step by step like a tortoise.

I have to become ready enough for GOOD QUALITY etc.

(8) Recognition of Plaintiff as to 27 evidences, Strong 'Mirrors', to Nullify Unwelcome:

01/26/2015 defendant has submitted 27 evidences for defendant's pretrial disclosures for 92058656 after the filing of petition for cancellation of plaintiff of 92060328 **11/05/2014**.

Due to noticing the 27 strong 'Mirrors' appearance, it might be that plaintiff of 92060328 has been now so astounded to be confused/despaired, I feel hypothetically.

(9) Plaintiff Noticing Strong 'Mirrors', Abusing Law Again and Camouflaging/Disguising etc:

Noticing the 27 evidences, 'Mirrors', to show true facts, it might be plaintiff has started to camouflage/flee/run/disguise away from the strong 27 evidences.

The Motion to Strike and Motion for Default Judgment etc of plaintiff might be for the disguising etc for plaintiff to conceal etc the confusion of plaintiff, and they might be Obstruction of Prosecution Proceeding to this case/lawsuit proceeding, hypothetically I feel.

And due to the Motion to Strike and Motion for Default Judgment of plaintiff, this prosecution has been delaying now I feel.

(10) Plaintiff's 'Abandonment' of 92060328 Escaping from Strong 'Mirrors':

It might be that plaintiff actually throwing/abandoning away now at the bottom of the heart ① Petition for Cancellation ② Motion to Strike, ③ Motion for Default Judgment etc, because in front of the 'Mirrors' to show true facts, the 27 evidences, plaintiff has been now powerless, and has been in situation that what plaintiff is able to solve the confusion is to be 'abandoning' only or so this case, 92060328, I feel hypothetically.

3. Brief History of This Case, 92060328, etc:

- 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.
- 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 follow.
- 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. The ticket was for leaving Tokyo March 16 coming back to Japan March 29, 2014.
- 05/19/2014 LOVE IS FOREVER was applied by plaintiff of **92060328** aiming at to receive a chance to register after cancellation of LOVE IS FOREVER ®? **OBSTRUCTION OF BUSINESS?**
- 08/27/2014 But LOVE IS FOREVER was refused in 3 months or so after the application.
- 11/05/2014 Petition to Cancel LOVE IS FOREVER ® was applied by plaintiff of **92060328**. **OBSTRUCTION OF BUSINESS?**
- 12/05/2014 According to the high spirit of so many highly respectful persons of TTAB, defendant requesting the due date extension, it was granted from 12/16/2014, the original due date, to **02/14/2015**.
- 01/26/2015 **27 Evidences, Defendant's Pretrial Disclosures, for 92058656 were mailed to TTAB** including the assigned attorney of **92058656**.
- 02/14/2015 Time to answer of defendant after motion for an Extension of Answer.
So, I had to present my ANSWER on or before 02/14/2015 to a post office in Japan.
- 02/13/2015 I presented my ANSWER to the post office in Yokohama, Japan for TTAB.
➔ **Never stop business preparation.**
- 03/05 or 06/2015 Motion to Strike by plaintiff of **92060328** mailed on **03/05 or 06/2015**.
I have confirmed the arrival of the mail in my mail box 03/14 (Saturday)/2015.
If the actual mailing date that the post office received is 03/05/2015, I am happy to accord with the date/fact.
- 06/12/2015 **Order to amend the ANSWER for this case was mailed by TTAB.**
- 07/12/2015 **Due date to present the AMENDED ANSWER.**

07/11/2015 the **AMENDED ANSWER** was presented to the post office in Yokohama, Japan.

07/31/2015 Motion for Default Judgment of plaintiff was filed.

08/23/2015 Defendant's Responsive Motions to the Motion for Default Judgment of plaintiff Motion to Strike of plaintiff.

09/11/2015 Plaintiff's requests that the Board to consider to support plaintiff's Motion to Strike and to Enter Default Judgment ("Motion").

09/23/2015 **Withdrawal of plaintiff of 92058656 was formally completed with highly proudly respectful self-judgment, I think.**

4. Defendant/I Respect Direction, Rule of USPTO etc:

(1) Due date for defendant who are in outside USA such as in Japan:

According to the highly respectful advice of Trademark Information Specialists, Representatives of USPTO, it is the date a post office in Japan has received a letter/document of/from sender/defendant, not the date TTAB has received.

Regarding the above advice, I have been advised by the highly respectful Representatives, Trademark Information Specialists, of USPTO through the Contact Number 571-272-8500. Being deeply thankful, I have received the highly important advice.

(2) 02/15/2014 05:05 Japan Time I had made the telephone call to USPTO and the highly kindly respectful gentleman having responded to my telephone call. He had advised me as mentioning, "It is not necessary for you to visit USA, USPTO, all through out this Trial." The tracking number is 1-298426804.

(3) 04:00 03/01/2014 Japan time I made the telephone call to the assigned attorney for 92058656, too. The attorney had so astounded to my call, which has made a good mutual confirmation of no abandonment of my trademark, LOVE IS FOREVER ®, too.

(4) Regarding this case, 92060328, I had responded/answered/presented my ANSWER 02/13/2015 for TTAB to the post office in Yokohama, Japan lawfully in the schedule receiving the time extension to answer etc.

(5) 22:55 03/09/2015 Japan Time, regarding my method/style/form of ANSWER/ AMENDMENTS for 92060328, I had telephoned to 571-272-8500 for highly respectful advice.

The highly respectful gentleman kindly gave words, "No problem."
The tracking number is 1-323083957.

- (6) 12/04/2014 of USA western time, I had made the telephone call to the assigned attorney, Mr. Milord A. Keshishian, regarding extension of time to answer for this 92060328.
- (7) 00:54 12/05/2014 Japan time I had faxed to him, Mr. Milord A. Keshishian, regarding my many deep thanks for his OK to extend time to answer until 02/15/2015.

5. 09/11/2015 plaintiff filed assertions:

The assigned attorney filed the assertions as follows, for which I would like to respond etc as follows:

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**PETITIONER'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO STRIKE  
RESPONDENT'S ANSWER AND AMENDED ANSWER AND ENTER  
DEFAULT JUDGMENT**

Commissioner for Trademarks  
BOX TTAB  
P.O. Box 1451  
Arlington, VA 22313-1451

Petitioner respectfully requests the Board to consider this reply brief in support of its Motion to Strike and Enter Default Judgment ("Motion").

**I. ARGUMENT**

**A. RESPONDENT DID NOT ADDRESS ANY OF THE ISSUES RAISED IN  
THE UNDERLYING MOTION AND THE PURPORTED ANSWERS ARE  
DEFECTIVE**

Respondent's "Opposition" did not respond to the substantive argument advanced by Petitioner in its Motion, namely that, Respondent's purported "Answers" consist entirely of immaterial matter that fail to conform to the requirements of Rule 8(b) of the Federal Rules of Civil Procedure. Without enumerating the particulars and lengthy detailed assertions found in Respondent's "Opposition," both the "Answers" and "Opposition" fall far short of what is required under the rules of Court. For example, paragraph 6 of the Petition states, "Petitioner has been damaged and will continue to be damaged if the Registered Mark is permitted to remain on the Principal Register because the Registered Mark stands as a bar to Petitioner's ability to federally register and protect its LOVE IS FOREVER mark for the goods identified above." Respondent's response is as follows:

I have noted the allegations mentioned by plaintiff in the above paragraph 6. But I will deny the above paragraph 6 alleged by plaintiff as follows. Because regarding the allegations of the assigned attorney etc [sic] in the paragraph 6 in the above, it seems to be the consequent of the blunder/mistake of the assigned attorney etc [sic] And the above words of the assigned attorney in paragraph 6 are irrelevant to the merits/issues of this case. One of the issues/merits etc [sic] of the case is to be OBSTRUCTION OF BUSINESS and PRIVACY etc [sic], I think. And mentioning irrelevant things, approaching and accessing to me and filing of this case by the assigned attorney, Mr. Milord A. Keshishian, are heavy OBSTRUCTION OF BUSINESS and PRIVACY etc. And I have never abandoned and will never abandon the registered trademark LOVE IS FOREVER®, by all means, and will continue to prepare/bring up the business of the trademark step by step as a tortoise for wonderful-customers-to-be although being delayed and delayed due to the heavy OBSTRUCTION OF BUSINESS and PRIVACY etc. Mr. Milord A. Keshishian, it is highly recommendable for you to respectfully withdraw from this petition to cancel, OBSTRUCTION OF BUSINESS etc.”

Courts have held that, “[p]leading deficiencies that warrant dismissal include (1) “confused and rambling narrative of charges and conclusions,” (2) “untidy assortment of claims that are neither plainly nor concisely stated, nor meaningfully distinguished from bold conclusions, sharp harangues and personal comments...”” *Poblete v. Goldberg*, 680 F. Supp. 2d 18 (D.D.C. Dec. 29, 2009) (dismissing with prejudice the complaint where the complaint was comprised of confusing legal theories and insufficient factual pleadings). Here, Respondent filed two “Answers,” which do not meet the standard under Rule 8(b). The July 11, 2015 34 page “Answer” again presents substantial argument regarding the merits of the case and is not in proper format because it does not simply admit or deny the allegations in the Petition for Cancellation; and the July 12, 2015 “Amended Answer” is defective for the same reasons, and is also incomplete because it contains only amended pages of the Answer and not a full version of the document incorporating the amendment. Petitioner appreciates Respondent’s time and care in drafting his response, but finds it challenging to untangle and decipher Respondent’s documents, which are long-winded, repetitive, and convoluted, and fail to simply answer or deny the allegations.

A Respondent who is proceeds on a pro se basis is held to the same legal standard as a party who is represented by counsel, which means that he must follow court rules and regulations, and are subject to the same sanctions or dismissal as a party represented by counsel. Petitioner again notes that on April 29, 2014, in Cancellation No. 92058656, Respondent was advised in the Order Setting Trial Dates to either retain counsel or become “familiar with the authorities governing this proceeding...” *Samuel Aaron, Inc. v. Souki Manufacturing Inc.*, Cancellation No. 92058656, ECF No. 8. Almost one year later, Respondent has not retained counsel, nor has he become familiar with the authorities which govern this proceeding.

Further, Interlocutory Attorney, Benjamin U. Okeke, provided Respondent with guidance

as to the format for Respondent's Second Amended Answer, the text of an appropriate answer, and directed to him to the TBMP for additional information. See ECF No. 23, pages 3-5. Mr. Okeke further warned Respondent that failure to file and serve an acceptable answer may result in the entry of default judgment against Respondent.

While entry of default judgment is a harsh remedy, such remedy is appropriate in situations like this where a party has repeatedly ignored the TTAB rules and recommendations. Respondent's improper Answers should be stricken and default entered for failing to file and serve an acceptable answer.

**B. RESPONDENT'S "OPPOSITION" SHOULD BE STRICKEN**

Under Rule 2.127(a), a brief on a motion may not exceed 25 pages in length, including table of contents, index of cases, description of record, statement of the issues, recitation of the facts, argument, and summary. Here, Petitioner further objects to Respondent's "opposition" brief because it is excessive at 39 pages in length. Even if Petitioner did not object to the length, the page limitation on a brief cannot be waived by action, inaction, or consent of the parties. *Saint-Gobain v. Minnesota Mining and Manufacturing Company*, 66 USPQ2d 1220 (TTAB 2005). Since Respondent's "Opposition" violates the Board's rule regarding page limitations for a brief on motion, it should not be considered.

**II. CONCLUSION**

For the reasons set forth above and in Petitioner's Motion, Petitioner respectfully requests that this Court strike Respondent's "Answers," give no consideration to its "Opposition" brief, and enter default judgment against Respondent for failure to file and serve an acceptable answer.

Dated: September 11, 2015

Respectfully submitted,  
MILORD & ASSOCIATES, PC  
/Milord A. Keshishian/  
Milord A. Keshishian, Esq.  
Attorneys for Petitioner  
L.A. GEM AND JEWELRY DESIGN, INC.  
2049 Century Park East, Suite 3850  
Los Angeles, CA 90067  
Telephone: (310) 226-7878  
Facsimile: (310) 226-7879

~~~~~

<defendant's responses to/for plaintiff's assertions>

III. Defendant's responses to the above plaintiff assertions filed 09/11/2015:

Because regarding the above assertions of plaintiff, are not itemized, if it could be allowed, dividing it into 8 paragraphs, I would like to respond as follows.

Paragraph 1:

I. ARGUMENT

A. RESPONDENT DID NOT ADDRESS ANY OF THE ISSUES RAISED IN THE UNDERLYING MOTION AND THE PURPORTED ANSWERS ARE DEFECTIVE

Response to paragraph 1:

As I reported in the above " 2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

So, defendant/I will **DENY** the words of plaintiff and the assigned attorney in the paragraph 1.

Defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Regarding my method/style/form of ANSWER/AMENDMENTS, I had telephoned to 571-272-8500 for highly respectful advice.

The highly respectful gentleman kindly gave words, "No problem."

The above my telephone call has been of 22:55 03/09/2015 Japan time.

The tracking number is 1-323083957.

I mailed by post my ANSWER for 92060328 02/13/2015.

I submitted the Amendments 03/03/2015 on ESTTA, the tracking number: ESTTA658870.

03/05/2015 the assigned attorney has filed Motion to Strike including regarding my documents' method/style/form etc, I think.

So, I have made the above telephone call on 22:55 03/09/2015 Japan time for highly respectful advice of the highly respectful Trademark Information Specialist, Representative of USPTO.

Paragraph 2:

Respondent's "Opposition" did not respond to the substantive argument advanced by Petitioner in its Motion, namely that, Respondent's purported "Answers" consist entirely of immaterial matter that fail to conform to the requirements of Rule 8(b) of the Federal Rules of Civil Procedure. Without enumerating the particulars and lengthy detailed assertions found in Respondent's "Opposition," both the "Answers" and "Opposition" fall far short of what is required under the rules of Court. For example, paragraph 6 of the Petition states, "Petitioner has been damaged and will continue to be damaged if the Registered Mark is permitted to

remain on the Principal Register because the Registered Mark stands as a bar to Petitioner's ability to federally register and protect its LOVE IS FOREVER mark for the goods identified above." Respondent's response is as follows:

I have noted the allegations mentioned by plaintiff in the above paragraph 6. But I will deny the above paragraph 6 alleged by plaintiff as follows. Because regarding the allegations of the assigned attorney etc [sic] in the paragraph 6 in the above, it seems to be the consequent of the blunder/mistake of the assigned attorney etc [sic] And the above words of the assigned attorney in paragraph 6 are irrelevant to the merits/issues of this case. One of the issues/merits etc [sic] of the case is to be OBSTRUCTION OF BUSINESS and PRIVACY etc [sic], I think. And mentioning irrelevant things, approaching and accessing to me and filing of this case by the assigned attorney, Mr. Milord A. Keshishian, are heavy OBSTRUCTION OF BUSINESS and PRIVACY etc. And I have never abandoned and will never abandon the registered trademark LOVE IS FOREVER®, by all means, and will continue to prepare/bring up the business of the trademark step by step as a tortoise for wonderful-customers-to-be although being delayed and delayed due to the heavy OBSTRUCTION OF BUSINESS and PRIVACY etc. Mr. Milord A. Keshishian, it is highly recommendable for you to respectfully withdraw from this petition to cancel, OBSTRUCTION OF BUSINESS etc."

Response to paragraph 2:

As I reported in the above "2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

So, defendant/I will **DENY** the words of plaintiff and the assigned attorney in the paragraph 2.

Defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Paragraph 3:

Courts have held that, "[p]leading deficiencies that warrant dismissal include (1) "confused and rambling narrative of charges and conclusions," (2) "untidy assortment of claims that are neither plainly nor concisely stated, nor meaningfully distinguished from bold conclusions, sharp harangues and personal comments..." *Poblete v. Goldberg*, 680 F. Supp. 2d 18 (D.D.C. Dec. 29, 2009) (dismissing with prejudice the complaint where the complaint was comprised of confusing legal theories and insufficient factual pleadings). Here, Respondent filed two "Answers," which do not meet the standard under Rule 8(b). The July 11, 2015 34 page "Answer" again presents substantial argument regarding the merits of the case and is not in proper format because it does not simply admit or deny the allegations in the Petition for Cancellation; and the July 12, 2015 "Amended Answer" is defective for the same reasons, and is also incomplete because it contains only amended pages of the Answer and not a full version of

the document incorporating the amendment. Petitioner appreciates Respondent's time and care in drafting his response, but finds it challenging to untangle and decipher Respondent's documents, which are long-winded, repetitive, and convoluted, and fail to simply answer or deny the allegations.

Response to paragraph 3:

As I reported in the above "2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

And July 12, 2015 should be July 21, 2015, I think.

So, defendant/I will **DENY** the words of plaintiff and the assigned attorney in the paragraph 3.

Defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Paragraph 4:

A Respondent who is proceeds on a pro se basis is held to the same legal standard as a party who is represented by counsel, which means that he must follow court rules and regulations, and are subject to the same sanctions or dismissal as a party represented by counsel. Petitioner again notes that on April 29, 2014, in Cancellation No. 92058656, Respondent was advised in the Order Setting Trial Dates to either retain counsel or become "familiar with the authorities governing this proceeding..." *Samuel Aaron, Inc. v. Souki Manufacturing Inc.*, Cancellation No. 92058656, ECF No. 8. Almost one year later, Respondent has not retained counsel, nor has he become familiar with the authorities which govern this proceeding.

Response to paragraph 4:

As I reported in the above "2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

Defendant/I must keep money to produce products etc in China etc.

So, defendant/I will **DENY** the words of plaintiff and the assigned attorney in the paragraph 4.

Defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Paragraph 5:

Further, Interlocutory Attorney, Benjamin U. Okeke, provided Respondent with guidance as to the format for Respondent's Second Amended Answer, the text of an appropriate answer,

and directed to him to the TBMP for additional information. *See* ECF No. 23, pages 3-5. Mr. Okeke further warned Respondent that failure to file and serve an acceptable answer may result in the entry of default judgment against Respondent.

Response to paragraph 5:

For the highly respectful guidance of Mr. Benjamin Okeke, Interlocutory Attorney, I have been so deeply thankful.

Paragraph 6:

While entry of default judgment is a harsh remedy, such remedy is appropriate in situations like this where a party has repeatedly ignored the TTAB rules and recommendations. Respondent's improper Answers should be stricken and default entered for failing to file and serve an acceptable answer.

Response to paragraph 6:

As I reported in the above "2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

So, defendant/I will **DENY** the words of plaintiff and the assigned attorney in the paragraph 6.

Defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Paragraph 7:

B. RESPONDENT'S "OPPOSITION" SHOULD BE STRICKEN

Under Rule 2.127(a), a brief on a motion may not exceed 25 pages in length, including table of contents, index of cases, description of record, statement of the issues, recitation of the facts, argument, and summary. Here, Petitioner further objects to Respondent's "opposition" brief because it is excessive at 39 pages in length. Even if Petitioner did not object to the length, the page limitation on a brief cannot be waived by action, inaction, or consent of the parties. *Saint-Gobain v. Minnesota Mining and Manufacturing Company*, 66 USPQ2d 1220 (TTAB 2005). Since Respondent's "Opposition" violates the Board's rule regarding page limitations for a brief on motion, it should not be considered.

Response to paragraph 7:

Regarding the excessive pages matter, which is not intentional, but I have no words.

But I do not have sufficient knowledge/information to form a belief as to the intentions that the assigned attorney has intended by the words in the above paragraph 7, therefore I will **DENY** the intentions and words in the paragraph 7.

As I reported in the above "2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

Therefore I will **DENY** the intentions and words in the paragraph 7, too.

And defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Paragraph 8:

II. CONCLUSION

For the reasons set forth above and in Petitioner's Motion, Petitioner respectfully requests that this Court strike Respondent's "Answers," give no consideration to its "Opposition" brief, and enter default judgment against Respondent for failure to file and serve an acceptable answer.

Dated: September 11, 2015

Respectfully submitted,
MILORD & ASSOCIATES, PC
/Milord A. Keshishian/
Milord A. Keshishian, Esq.
Attorneys for Petitioner
L.A. GEM AND JEWELRY DESIGN, INC.
2049 Century Park East, Suite 3850
Los Angeles, CA 90067
Telephone: (310) 226-7878
Facsimile: (310) 226-7879

Response to paragraph 8:

As I reported in the above "2. The issues/merits" of this document's page 2 to 4, this case is the result of the loss of sanity in morality etc in plaintiff and the assigned attorney side, I think hypothetically.

So, defendant/I will **DENY** the words of plaintiff and the assigned attorney in the paragraph 8.

Defendant/I would like to recommend for plaintiff and the assigned attorney to withdraw from this case.

Regarding this case, 92060328, the petition to cancel the registration of my trademark, 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,

N. Minaki

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

TEL 81-45-333-4525 81-45-332-7890 direct

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

Certificate of Service

I hereby certify that:

1) true and complete copies of:

Petitionary Requests for Trademark Trial and Appeal Board 18 pages

have been served on MR. MILORD A. KESHISHIAN, Assigned Attorney for plaintiff,
MILORD & ASSOCIATES, PC

2) by mailing on September 26, 2015 via First Class Mail, EMS (Tracking No.:EG393098572
JP), Service of Japan Post, postage prepaid to:

3) MR. MILORD A. KESHISHIAN
MILORD & ASSOCIATES, PC 2049 CENTURY PARK EAST, SUITE 3850
LOS ANGELES, CA 90067, USA

Date: September 26, 2015

Signature:



Nobuhiko Minaki

Defendant

Souki Manufacturing Inc.

Nobuhiko Minaki

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 mina-csj@nifry.com