

**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
Application Date of Japan Patent Office: July 01, 2008
Registration Date of WIPO: May 13, 2009
Registration Date of Japan Patent Office: May 15, 2009

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 (Family Name) (Mr.) Representative Director Trademark Creator, Owner, User

October 01, 2016 JST
Ref No.: Souki 161002

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

Dear Madam,

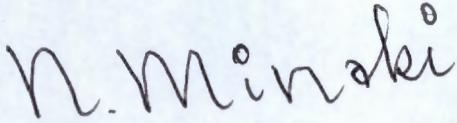
I would like to present documents as follows, which if you could treat accordingly, I am highly happy.



10-04-2016

- 1) Ref No.: Souki 161001 9 pages
- 2) Certificate of Service 1 page

Very truly sincerely yours,

A handwritten signature in black ink that reads "N. Minaki". The signature is written in a cursive, slightly slanted style.

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

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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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 (Family Name) (Mr.) Representative Director Trademark Creator, Owner, User

October 01, 2016 JST
Ref No: Souki 161001

Trademark Trial and Appeal Board
United States Patent and Trademark Office

Dear Mesdames/Sirs,

Petitionary Motion to Request Respectful Judgment to Dismiss This Case, 92060328, filed by
Plaintiff 11/05/2014, and

Petitionary Motion to Petition Permission for me Not to Respond to the Request of
Plaintiff's Motion arrived to me 09/24/2016 JST by E-mail

I would like to respectfully present Petitionary Motion to petition Respectful Judgment to dismiss this Case 92060328 filed by Plaintiff 11/05/2014, and Petitionary Motion to petition Respectful Permission for me not to respond to the Request of Plaintiff's Motion filed 09/23/2016 which is EST I think.

The Motion of Plaintiff is attached on page 6/9 to 9/9 as follows.

The reasons etc of the Petitionary Motions are as follows:

Regarding my Motions etc, receiving highly respectful advice of the Customer Service Representative of Trademark Trial and Appeal Board 09/29/2016 JST, I have been presenting herein. The tracking number is 1-427470541.

The following Reason 1, Reason 2, Reason 3 are reasons of the Petitionary Motions:

Reason 1: Because there have been 6 points which are opposite to truth in **Petition for Cancellation** of Plaintiff filed by, I think, Assigned Attorney, Mr. Milord A. Keshishian on **11/05/2014** as follows, and for certainty I would like to do CORRECTION by using slanting letter style as ***Bold Times New Roman*** as follows:

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA637242**

Filing date: **11/05/2014**

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	L.A. Gem and Jewelry Design, Inc.		
Entity	Corporation	Citizenship	California
Address	659 South Broadway, 7th Floor Los Angeles, CA 90014 UNITED STATES		

Attorney information	Milord A. Keshishian Milord & Associates, PC 2049 Century Park East, Suite 3850 Los Angeles, CA 90067 UNITED STATES uspto@milordlaw.com Phone:3102267878
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Registration Subject to Cancellation

Registration No	3811074	Registration date	06/29/2010
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International Registration No.	NONE <i>The above is Opposite to truth.</i> <u>CORRECTION (1):</u> <i>The Registration No. is 1006266.</i>	International Registration Date	NONE <i>The above is Opposite to truth.</i> <u>CORRECTION (2):</u> <i>The registration Date is 05/13/2009.</i>
Registrant	Souki Manufacturing Inc. 326-6 Sakamoto-cho Kanagawa 240-0043, JAPAN		

Goods/Services Subject to Cancellation

<p>Class 014. First Use: 0 <i>The above is Opposite to truth.</i> <u>CORRECTION (3):</u> <i>Selling on Internet Shop of Defendant from a bit before 06/16/2016.</i></p> <p>First Use In Commerce: 0 <i>The above is Opposite to truth.</i> <u>CORRECTION (4):</u> <i>Selling on Internet Shop of Defendant from a bit before 06/16/2016.</i></p> <p>All goods and services in the class are cancelled, namely: Key rings of precious metal; ornaments, namely, earrings, precious metal insignias, precious metal badges, precious metal medals, tie-pins, necklaces, bracelets, pendants, jewelry brooches, medals, rings to wear on finger, medallions; cuff links; clocks and watches, namely, wristwatches, table clocks, watches for carrying in pockets, clocks for vehicles, stop watches, wall clocks, alarm clocks <i>The above is Opposite to truth.</i> <u>CORRECTION (5):</u> <i>All goods and services in the class have not been cancelled and should not be cancelled. But if it means cancellation of all goods and services of Plaintiff, it is no problem to Defendant.</i></p>

Grounds for Cancellation

<p>Abandonment <i>The above is Opposite to truth.</i> <u>CORRECTION (6):</u> <i>Having started selling on Internet Shop of Defendant from a bit before 06/16/2016 in spite of the heavy obstructions of business and privacy by Plaintiff since this case</i></p>	Trademark Act section 14
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filing on 11/05/2014, and I have continually kept intention to use the trademark including in USA since I have applied the trademark at Japan Patent Office 07/01/2008 initially.

Attachments

LAR08-061T Petition to Cancel.pdf(18868 bytes)

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	Abbreviated to avoid illegality etc because Defendant prepared this document.
Name	Milord A. Keshishian
Date	11/05/2014

NB: The purpose of this Reason 1 is for to report *Opposite to truth* of (1) to (6) in actions etc of Plaintiff in this case, not for forgery etc of the **Petition for Cancellation** of Plaintiff.

Reason 2: And because I feel hypothetically this troublesome situation and nuisance to Defendant done by the Assigned Attorney of Plaintiff, Mr. Milord A. Keshishian, including Obstruction of Business etc might become criminal case.

If so, we should not do helpful actions etc for Plaintiff by supporting and cooperating for this time of Motion filed by Plaintiff on September 23, 2016, etc, I feel hypothetically.

Reason 3: And because actions of the Assigned Attorney of Plaintiff, Mr. Milord A. Keshishian, including this time Motion etc have possibility to become **Terrifying and Horrifying** for people from overseas who want to start business in USA and for people who have been doing business currently in USA, too, hypothetically I feel.

If so, it will have possibility to diminish prosperity, to diminish economical development to become rich, and to diminish tranquility of USA, and if diminishing, other countries etc will be affected to diminish prosperity, to diminish economical development to become rich, and to diminish tranquility, too.

We should prevent this kind of unwelcome situation.

So in order to prevent this kind of unwelcome situation, I, Defendant, respectfully present Petitionary Motion to request respectful Judgment to dismiss this Case, 92060328, filed by Plaintiff 11/05/2014, and respectfully present Petitionary Motion to request Permission for me not to respond

to the Request of Plaintiff's Motion filed 09/23/2016.

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

Attached: **PETITIONER'S REPLY MEMORANDUM IN SUPPORT
OF MOTION TO COMPEL DISCOVERY RESPONSES
AND TEST THE SUFFICIENCY OF RESPONSES
TO REQUESTS FOR ADMISSION**

4 pages (page 6/9 ~ 9/9)

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

In re Trademark Registration No.: 3,811,074
Filed: May 13, 2009
Mark: LOVE IS FOREVER (stylized)

L.A. GEM AND JEWELRY DESIGN, INC.,

Petitioner,

v.

SOUKI MANUFACTURING, INC.

Respondent.

Cancellation No. 92060328

PETITIONER'S REPLY
MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL DISCOVERY
RESPONSES AND TEST THE
SUFFICIENCY OF RESPONSES TO
REQUESTS FOR ADMISSION

REPLY MEMORANDUM

**A. RESPONDENT SHOULD BE COMPELLED TO SUPPLEMENT ITS
DISCOVERY RESPONSES**

Respondent has submitted a baseless and incomprehensible opposition, which fails to address any arguments or case law presented in Petitioner's Motion to Compel. It is clear that Respondent does not take this matter seriously as it has failed to engage legal counsel despite this Board's multiple requests.

As previously stated, Petitioner cannot reasonably prepare for trial until Respondent has completely complied with its discovery obligations. Petitioner's interrogatories and requests for production are relevant and are directly implicated by the allegations in the Petition for Cancellation and Respondent's purported Answer, however, Respondent provided no substantive

answers to any of Petitioner's 61 interrogatories and failed to produce *any* documents.

Just like the Opposition, Respondent's responses to Petitioner's First Set of Interrogatories and First Set of Requests for Production are incomprehensible and unintelligible. Rather than identifying any information sought by Petitioner, Respondent treats the matter as a game, improperly, conclusively and repeatedly stating that it has not abandoned the LOVE IS FOREVER mark – when he in fact has never used the mark in commerce, let alone abandon it.

Respondent has further failed to properly object to any of Petitioner's requests. Thus, Respondent has waived all objections. Fed. R. Civ. P. 33(b)(4) ("The grounds for objecting to an interrogatory must be stated with specificity."); *see also Burns v. Imagine Films Entertainment, Inc.*, 164 F.R.D. 589, 593 (W.D.N.Y. 1996) ("[O]bjections to interrogatories must be specific and supported by detailed explanation of why the interrogatories are objectionable."). Respondent has not asserted any objections or provided any explanation for why Petitioner's Interrogatories are objectionable.

Thus, Petitioner seeks an order compelling Respondent to provide supplemental and complete responses to Petitioner's special interrogatories and requests for production, along with responsive documents.

B. RESPONDENT SHOULD BE COMPELLED TO SUPPLEMENT ITS RESPONSES TO PETITIONER'S REQUESTS FOR ADMISSION

Respondent does not deny in its Opposition that its answers to Petitioner's Requests for Admission violate Rule 36(a)(4). In fact, in similar fashion to the above discussed discovery, Respondent merely copied and pasted the same nonsensical response to each request. Thus, the responses do not "fairly respond to the substance of the matter" and must be amended.

Respondent's Opposition admits that it is – for the very first time – attempting to sell products in Japan as of June of 2016. Thus, its refusal to properly respond to Petitioner's

Requests for Admissions is a blatant attempt to evade straight forward requests to admit that it lacked the *bona fide* intent to use the mark in commerce, as mandated by 15 U.S.C. § 1126.

C. CONCLUSION

Based on the foregoing, the Board should grant Petitioner's motion to compel and order the Respondent to (1) provide substantive responses to Petitioner's First Set of Interrogatories, Nos. 1 through 61; (2) provide supplemental responses to Petitioner's First Set of Requests for Production, Nos. 1 through 45; (3) provide all relevant documents and things in response to Petitioner's First Set of Requests for Production; and (4) provide amended responses to the Petitioner's First Set of Requests for Admission.

Dated: September 23, 2016

Respectfully submitted,

MILORD & ASSOCIATES, PC

Milord A. Keshishian/
Milord A. Keshishian, Esq.
Attorneys for Petitioner
L.A. GEM AND JEWELRY DESIGN, INC.
10517 West Pico Boulevard
Los Angeles, CA 90064
Telephone: (310) 226-7878
Facsimile: (310) 226-7879

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 23, 2016, I caused a true and correct copy of the foregoing PETITIONER'S REPLY MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DISCOVERY RESPONSES AND TEST THE SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION to be sent via email, to Registrant's Correspondence of Record as follows:

Souki Manufacturing, Inc.
326-6 Sakamoto-cho
Hodogaya-ku, Yokohama-shi
Kanagawa 240-0043
Japan
Email: mina-csj@nifty.com

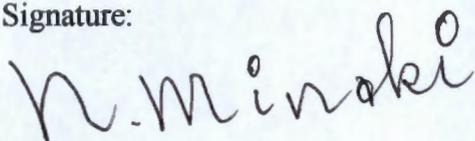
/Milord A. Keshishian/
Milord A. Keshishian
10517 West Pico Boulevard
Los Angeles, CA 90064
Telephone: (310) 226-7878
Facsimile: (310) 226-7879

Certificate of Service

I hereby certify that on 10/01/2016 JST I have served a true and complete copy of the document, Ref No.: Souki 161001 via First Class Mail, EMS (service of Japan Post), tracking number EG383292829JP, postage prepaid to Mr. Milord A. Keshishian, Assigned Attorney, MILORD & ASSOCIATES, P.C. 10517 West Pico Boulevard, LOS ANGELES, CA 90064, USA.

Date: October 01, 2016 JST

Signature:

A handwritten signature in black ink that reads "N. Minaki". The signature is written in a cursive, flowing style.

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

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