

ESTTA Tracking number: **ESTTA154757**

Filing date: **08/03/2007**

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

Proceeding	91177871
Party	Defendant Angel Pictures International LLC
Correspondence Address	Angel Pictures International LLC 9909 Topanga Canyon Blvd. , Suite 118 Chatsworth, CA 91311-3602 UNITED STATES
Submission	Opposition/Response to Motion
Filer's Name	Dr. Oliver Schaper
Filer's e-mail	os@theschapercompany.com
Signature	/os/
Date	08/03/2007
Attachments	AngelPix Motion TTAB.pdf (7 pages)(373585 bytes)

1 THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK AND APPEAL BOARD

3
4 Mr. David A Lancaster) Mark: PINK MAFIA
(Plaintiff))
5) Opposition No. 91177871
) Serial No. 78963256
6 vs.)
)
7)
8 Angel Pictures International LLC) **RESPONSE TO NOTICE OF OPPOSITION**
) **AND MOTION TO DISMISS OPPOSITION**
9 (Defendant))
10)

11 The Defendant in the matter stated above is hereby submitting her response to the opposition
12 by the Plaintiff and motions the TTAB to dismiss the opposition based on, what is believed as “false”
13 statements made in the opposition pleading.

14 The Plaintiff opposed the Defendants requested Trademark for “Pink Mafia” (filing date:
15 08/29/2006) via the TTAP website on 6/13/2007. The Defendant received the notice of opposition from
16 the TTAB (Letter issued 6/15/2007; mailed according Postmark on 6/25/2007 and received on
17 6/29/2007). The claims made by the Plaintiff in his opposition could not been independently verified
18 which includes the Plaintiff claim to have used the mark since 09/2001 and that the mark had been used in
19 several music videos and print publications along with in-store sales in 25 states; Non of which could be
20 independently verified from people within the music and fashion industry. The only “Sales Outlet” which
21 could be found was the website <http://www.smoothpinkandnasty.com> which was registered by the
22 Plaintiff on 01/10/2007 through Tucows. Inc., an Internet domain registration service. The website also
23 displays two products along with several products labeled as “coming soon” (See Exhibit A –
24 Registration; Exhibit B – Website screenshots).

25 The Defendant has created products with the name “Pink Mafia” in 1996 while living in Canada

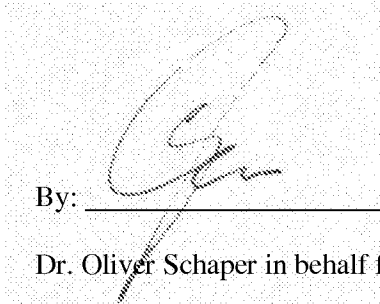
1 and has sold prior to the Plaintiffs claimed first in commerce date products to retail outlets in Canada and
2 the United States and her product have been featured in film productions which can be verified at any
3 time by the producers and distributors involved with the product. The Defendant has also registered
4 several web domains for Pink Mafia between 1996 and 2006.

5 The Plaintiff has not been able to show any activity on or prior to 08/29/2006, the date the
6 Defendant filed the trademark application. Even extensive research could not produce any findings which
7 would have been successful if the claims made by the Plaintiff had been true and correct.

8 The Defendant therefore moves the Court to dismiss the opposition to the trademark application and to
9 grant trademark due to priority and non likelihood of confusion according to Trademark Act section 2(d)
10 and first use in commerce.

11 Dated: July 3rd, 2007

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By: _____

Dr. Oliver Schaper in behalf for Josie Snyder

Representation for the Defendant

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EXHIBIT A

WHOIS Search Results

WHOIS Record For



smoothpinkandnasty.com

Services from Network Solutions:

- [Certified Offer Service](#) - Let us help you get this domain name!
- [Backorder](#) - Try to get this name when it becomes available.
- [SSL Certificates](#) - Get peace of mind with a secure certificate.

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: SMOOTHPINKANDNASTY.COM

Registrar: TUCOWS INC.

Whois Server: whois.tucows.com

Referral URL: <http://domainhelp.opensrs.net>

Name Server: NS1.LUNARSERVERS.COM

Name Server: NS2.LUNARSERVERS.COM

Status: ok

Updated Date: 10-jan-2007

Creation Date: 10-jan-2007

Expiration Date: 10-jan-2008

>>> Last update of whois database: Fri, 03 Aug 2007 18:07:38 UTC <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to

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EXHIBIT B

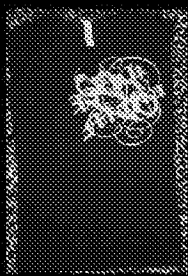
<http://smoothpinkandmasty.com/>
 Pink Mafia
 Smooth, Pink, and Masty
 shvedendes@hotmail.com

Clothing and Accessories

[View Cart](#)

Shirts

Old Brass
 Price: \$29.99
 Sizes: S,M,L,XL
 Color: Black



[Small](#)
[Add to Cart](#)

Pink Mafia
 Price: \$29.99
 Sizes: S,M,L,XL
 Color: Pink

Coming Soon...

[Small](#)
[Add to Cart](#)

Recent News:

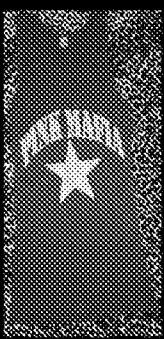
1.21.2007
 Welcome to the rebanch of the Pink Mafia Web site.

Pink Mafia
 Price: \$29.99
 Sizes: S,M,L,XL
 Color: Pink

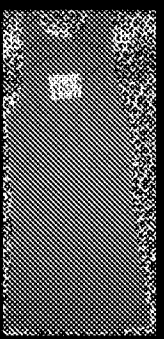
Coming Soon...

[Small](#)
[Add to Cart](#)

Pink Army
 Price: \$29.99
 Sizes: S,M,L,XL
 Color: Military



[Small](#)
[Add to Cart](#)



Broches Get Stitches
 Price: \$29.99
 Sizes: S,M,L,XL
 Color: Black

Coming Soon...

[Small](#)
[Add to Cart](#)

Drink Fight Fuck
 Price: \$29.99
 Sizes: S,M,L,XL
 Color: Black

Coming Soon...

[Small](#)
[Add to Cart](#)

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10) **PROOF OF SERVICE BY MAIL**

11 I, Holger Meier declare that:

12 I am employed in the County of Orange, California. My business address is:
13 1600 East First Street, Suite 905, Santa Ana, California 92705. I am over the age of eighteen
14 years and not a party to this case.

15 On 07-05-2005, I served the **RESPONSE TO NOTICE OF OPPOSITION**
16 **AND MOTION TO DISMISS OPPOSITION** in said cause by placing true and correct copies
17 Thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States
18 Mail at Santa Ana, California, addressed as follows: Mr. David A Lancaster
19 8456 Baker Avenue
20 Rancho Cucamonga, CA 91730

21 I declare under penalty of perjury that the foregoing is true and correct and that this
22 declaration was executed on 07-05-2005, at Tustin, California.

23
24 
25 Holger Meier