

ESTTA Tracking number: **ESTTA495034**

Filing date: **09/18/2012**

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

Proceeding	91183857
Party	Defendant Paige Hamilton
Correspondence Address	MICHAEL A DINARDO KELLY & KELLEY LLP 6320 CANOGA AVE , SUITE 1650 WOODLAND HILLS, CA 91367-7704 UNITED STATES mike@kelly-kelleylaw.com, Mike@KLKPatentLaw.com, scott@KLKPatentLaw.com
Submission	Reply in Support of Motion
Filer's Name	Michael A. DiNardo
Filer's e-mail	Mike@Kelly-KelleyLaw.com
Signature	/Michael A. DiNardo/
Date	09/18/2012
Attachments	51199_ReplyMxSanctions.pdf ( 3 pages )(30128 bytes )

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

In the matter of  
Trademark Application Serial Nos. 77/159,559  
and 77/977,668

Opposition No. 91183857

For the mark: PAIGE HAMILTON DESIGN  
Published in Official Gazette on April 1, 2008

PREMIUM DENIM, LLC, Opposer  
v.  
PAIGE HAMILTON, Applicant

**REPLY IN SUPPORT OF MOTION FOR SANCTIONS  
IN THE FORM OF JUDGMENT AGAINST OPPOSER**

Pursuant to Fed. R. Civ. P. 37 and 37 C.F.R. §§ 2.116 and 2.120(e), Applicant **Paige Hamilton** (“Applicant”), by her attorney, submits the following reply in support of her motion for sanctions in the form of judgment against Opposer **Premium Denim, LLC** (“Opposer”).

Applicant maintains the facts and positions set forth in her moving papers. By this reply, Applicant notes that as of today’s date, Applicant has not received an opposition to the motion by the Opposer. Neither has Applicant seen that an opposition to the motion has been filed with the TTAB. By Applicant’s calculation, an opposition was due by September 12, 2012.

Applicant submits that the lack of an opposition to this motion – let alone any filing or communication in connection with this proceeding since June 8, 2012 – is evidence of Opposer’s total disregard for this Board’s orders, and Applicant’s legal rights at issue in this proceeding. Considering Opposer’s past lack of opposition in the motion to compel and its lack of responsiveness to Applicant’s communications in general, Applicant submits that the harshest sanction available should be levied against Opposer.

Based upon the lack of an opposition to the motion by Opposer and pursuant to 37 C.F.R. §2.127(a), Applicant requests that the Board treat the motion for sanctions in the form of judgment against Opposer as conceded.

Dated: September 18, 2012

*/Michael A. DiNardo/*

---

Michael A. DiNardo  
KELLY & KELLEY, LLP  
Attorneys for Applicant, Paige Hamilton

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2012, I caused a copy of the attached **REPLY IN SUPPORT OF MOTION FOR SANCTIONS IN THE FORM OF JUDGMENT AGAINST OPPOSER** to be served on counsel for Opposer, via U.S. first class mail, postage prepaid, as follows:

Rod S. Berman, Esq.  
Jessica Bromal, Esq.  
Jeffer Mangels et al., LLP  
1900 Avenue of the Stars, 7th Floor  
Los Angeles, CA 90067

Dated: September 18, 2012

*/Nancy Hoover/*

---

Nancy Hoover  
For Kelly & Kelley, LLP