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

Proceeding	91208866
Party	Defendant Alex S. Lee
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IMAGEWEAR APPAREL CORP. :
Opposer :
v. : PROCEEDING #: 91208866
:
ALEX S. LEE :
Applicant :

DEFAULT EXPLANATION & ANSWER

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. BOX 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

I, Alex S. Lee, would first like to excuse myself for not being able to submit the counterclaim of the "Notice of Opposition" from Imagewear Apparel Corp. prior to the due date which has led to the current "default". I was waiting for Imagewear Apparel to submit their claim, however they issued couple "extensions" and when they finally did complete their submission and when it was my turn to respond, I was traveling on business overseas and could not properly submit the counterclaim prior to the deadline of 02/25/2013.

And so, I would like to take this opportunity to counterclaim and provide why this "Notice of Opposition" does not provide any relevant substance or valid allegations whereby our approved trademark name "NGH NEW GENERATION HEADGEAR & DESIGN" does not "damage" Imagewear Apparel Corp., a Delaware corporation with offices at 3411 Silverside Road, Wilmington, Delaware 19810 ("Opposer")

As grounds for the counterclaim, Applicant response to Opposers that:

1. Applicant has received approval from the USPTO under the following Trademark image and name: **NGH New Generation Headgear & Design.** Under International Class 25 for the purposes of marketing and selling Hats, Caps and headgear apparel. We have already submitted both trade name and mark to USPTO and both have been approved under serial # 85565794 dated March 9, 2012.
2. Applicant was and is entitled to register the **“NGH New Generation Headgear & Design”** on March 9, 2012, the date of Applicant’s filing of the intent-to-use based application, and on September 11, 2012, the date of publication in the Official Gazette, because our tradename/mark is completely different from the tradename of just “New Generation” that is owned by Imagewear Apparel.
3. Opposer is the owner of the registered trademark “NEW GENERATION” however, Image Apparel has not marketed their trademark in any of their product lines. Also, when Image Apparel submitted their trademark it was classified under Uniform Trousers, shirts, coats and jackets. I, Alex S. Lee, created our trademark for sole purpose to market and sell hats, caps and headgear products.
4. Opposer does not have any marketing materials, brand labels or items under their trademark “New Generation”. Infact, I checked their website (www.imagewear.ca/) as of April 12, 2013 and there is no image, mark or name category under “NEW GENERATION”.
5. Our application is not a “stand alone” name of “NEW GENERATION”... Again, our trademark and name is **“NGH NEW GENERATION HEADGEAR & DESIGN”**. Also my trademark is specific for Head wear products; caps,

hats, beanie, etc.. And so, the full trademark name that was registered states "NGH NEW GENERATION HEADGEAR & DESIGNS", therefore we do not infringe or damage or have any relations with the Opposer's mark under "New Generation".

Accordingly, Applicant requests that registration of the "NGH NEW GENERATION HEADGEAR & DESIGN mark (Serial #85565794) be accepted to Applicant and this opposition be denied.

DATE: April 12, 2013



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