

ESTTA Tracking number: **ESTTA825399**

Filing date: **06/07/2017**

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

Proceeding	91223575
Party	Plaintiff Pinkette Clothing, Inc.
Correspondence Address	KELLY W CUNNINGHAM CISLO & THOMAS LLP 12100 WILSHIRE BOULEVARD, SUITE 1700 LOS ANGELES, CA 90025-7103 UNITED STATES tmk@cislo.com,kcunningham@cislo.com,trichen@cislo.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Kelly W. Cunningham
Filer's e-mail	kelly@cislo.com, ttab@cislo.com
Signature	/Kelly W. Cunningham/
Date	06/07/2017
Attachments	TTAB Notice of Reliance.pdf(44451 bytes) Exhs 1-9.pdf(594461 bytes) Exh 10 pt 1.pdf(1527590 bytes) Exh 10 pt 2.pdf(5791314 bytes) Exhs 11-13.pdf(64268 bytes)

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING, INC.,)	
)	
Opposer,)	
)	
v.	)	OPPOSITION NO. 91223575
)	
LAWRENCE MALLARD,)	
)	
Applicant.)	
)	
)	

OPPOSER PINKETTE CLOTHING, INC.'S NOTICE OF RELIANCE

Opposer Pinkette Clothing, Inc. ("Pinkette") pursuant to Trademark Rules 2.120(k) and 2.122(d) and (g) of the Trademark Rules of Practice, 37 C.F.R. §§ 2.120 and 2.122, hereby introduces into evidence the following:

1. Pinkette's Federal Trademark Registration, together with a copy of the current status and assignment record of the same;
2. Pinkette's Requests for Admission, together with a statement that Applicant never served any response to these Requests for Admissions;
3. Certificates of Non-Appearance for Pinkette's noticed Discovery Deposition testimony of Applicant and Applicant's principal, together with the Notices of Deposition; and
4. The official transcript of the Testimony Deposition of Pinkette Clothing, Inc., together with the Notice of Testimony Deposition, the Amended Notice of Testimony Deposition (forwarding the court reporter's call-in number in case

Applicant wished to attend and participate by telephone); and a copy of the email to the Applicant before the Testimony Deposition, which delivered Pinkette's intended Exhibits 1-7 (in case Applicant wished to attend and participate by telephone).

I. Pinkette's Pleaded Registration

Pinkette hereby introduces into evidence, as Exhibit 1, a copy of Pinkette's pleaded Registration No. 3,816,441 taken from the United States Patent and Trademark Office's Trademark Status & Document Retrieval (TSDR) database, together with a copy of its current status (Exhibit 2) and assignment record (Exhibit 3).

II. The Applicant's Failure to Respond to Requests for Admissions

Pinkette hereby enters into evidence, as Exhibit 4, its First Set of Requests for Admissions, originally served on Applicant on June 10, 2016, together with, as Exhibit 5, a Statement that Pinkette served these Requests for Admissions on Applicant and that Applicant failed to respond to any of these Requests for Admissions.

III. The Applicant's Failure to Appear at Its Noticed Discovery Deposition

Pinkette hereby enters into evidence, as Exhibit 6, Pinkette's Notice of Deposition of Applicant for the taking of discovery deposition testimony, originally served on Applicant on February 1, 2017; as Exhibit 7, a Certificate of Non-Appearance of Applicant; as Exhibit 8, Pinkette's Notice of Deposition of Applicant's principal for the taking of discovery deposition testimony originally served on Applicant's principal on February 1, 2017; and, as Exhibit 9, a Certificate of Non-Appearance of Applicant's principal.

IV. The Opposer's Testimony Deposition

Pinkette hereby enters into evidence, as Exhibit 10, the official transcript of Pinkette's Testimony Deposition of Pinkette Clothing Inc., conducted on June 1, 2017 (during Pinkette's Testimony Period), together with Deposition Exhibits 1 - 7 attached thereto; as Exhibit 11, the Notice of Testimony Deposition of Opposer Pinkette Clothing, Inc. originally served on Applicant on May 19, 2017; as Exhibit 12, an Amended Notice of Testimony Deposition of Opposer Pinkette Clothing, Inc. originally served on Applicant on May 31, 2017 (forwarding the court reporter's call-in number in case Applicant wished to attend and participate by telephone); and, as Exhibit 13, an email Pinkette originally sent to Applicant on May 31, 2017 (before the Testimony Deposition), attached to which Pinkette served a copy of its intended Deposition Exhibits 1-7 (in case Applicant wished to attend and participate by telephone).

Respectfully submitted,

CISLO & THOMAS LLP

Dated: June 7, 2017

/Kelly W. Cunningham/
Kelly W. Cunningham, Esq.
CISLO & THOMAS LLP
12100 Wilshire Boulevard, Suite 1700
Los Angeles, California 90025
Tel: (310) 451-0647
Fax: (310) 394-4477

Attorneys for Opposer
Pinkette Clothing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposer Pinkette Clothing, Inc.'s Notice of Reliance was served upon the Applicant below, by email and by first class mail, postage prepaid, to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com;
Leonastefanos@yahoo.com

Dated: June 7, 2017

/Kelly W. Cunningham/
Kelly W. Cunningham, Esq.

United States of America

United States Patent and Trademark Office

LUSH

Reg. No. 3,816,441

Registered July 13, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

PINKETTE CLOTHING, INC. (CALIFORNIA CORPORATION)
1100 S. SAN PEDRO ST., #A-12
LOS ANGELES, CA 90015

FOR: CLOTHING, NAMELY, TOPS, BOTTOMS AND DRESSES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-0-2003; IN COMMERCE 9-29-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-733,582, FILED 5-11-2009.

SKYE YOUNG, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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LUSH

Word Mark	LUSH
Goods and Services	IC 025. US 022 039. G & S: clothing, namely, tops, bottoms and dresses. FIRST USE: 20030700. FIRST USE IN COMMERCE: 20030929
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77733582
Filing Date	May 11, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 27, 2010
Registration Number	3816441
Registration Date	July 13, 2010
Owner	(REGISTRANT) PINKETTE CLOTHING, INC. CORPORATION CALIFORNIA 1100 S. SAN PEDRO ST., #A-12 LOS ANGELES CALIFORNIA 90015
Attorney of Record	Amanda V. Dwight
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Mark: LUSH

LUSH

US Serial Number: 77733582

Application Filing Date: May 11, 2009

US Registration Number: 3816441

Registration Date: Jul. 13, 2010

Register: Principal

Mark Type: Trademark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 11, 2015

Publication Date: Apr. 27, 2010

Mark Information

Mark Literal Elements: LUSH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: clothing, namely, tops, bottoms and dresses

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2003

Use in Commerce: Sep. 29, 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: PINKETTE CLOTHING, INC.

Owner Address: 1100 S. SAN PEDRO ST., #A-12
LOS ANGELES, CALIFORNIA 90015
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda V. Dwight
Attorney Primary Email Address: adwight@dwightlawgroup.com
Docket Number: 1323200LUSH2
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMANDA V DWIGHT
DWIGHT LAW GROUP
2020 MAIN STREET
SUITE 600
IRVINE, CALIFORNIA 92614
UNITED STATES
Phone: 9495150003
Fax: 9492668680
Correspondent e-mail: adwight@dwightlawgroup.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 05, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 05, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 08, 2017	NOTICE OF SUIT	
Mar. 08, 2017	NOTICE OF SUIT	
Jul. 11, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - MAILED	
Jul. 11, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED	70132
Jul. 09, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Jun. 28, 2016	TEAS SECTION 8 RECEIVED	
Jun. 28, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 28, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 11, 2015	CANCELLATION INSTITUTED NO. 999999	61660
Jul. 13, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 27, 2010	PUBLISHED FOR OPPOSITION	
Apr. 07, 2010	NOTICE OF PUBLICATION	
Mar. 22, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Mar. 22, 2010	ASSIGNED TO LIE	68171
Mar. 05, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 16, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 16, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 16, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 05, 2010	ASSIGNED TO EXAMINER	77764
Aug. 18, 2009	NON-FINAL ACTION MAILED	
Aug. 17, 2009	NON-FINAL ACTION WRITTEN	76927
Aug. 07, 2009	ASSIGNED TO EXAMINER	76927
May 14, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 14, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None
File Location

Proceedings

Summary

Number of
Proceedings: 3

Type of Proceeding: Opposition

Proceeding
Number: [91233600](#)

Filing Date: Mar 22, 2017

Status: Pending

Status Date: Mar 22, 2017

Interlocutory
Attorney: ELIZABETH WINTER

Defendant

Name: Drew Cole Innovations

Correspondent
Address: TIMOTHY J MAIER
MAIER & MAIER PLLC
345 SOUTH PATRICK ST
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-
mail: trademark@maierandmaier.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TWIRLUSH	Opposition Pending	87090879	

Plaintiff(s)

Name: Pinkette Clothing, Inc.

Correspondent
Address: AMANDA V DWIGHT
DWIGHT LAW GROUP
2020 MAIN ST STE 600
IRVINE CA , 92614
UNITED STATES

Correspondent e-
mail: adwight@dwightlawgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUSH	Cancellation Pending	77733582	3816441

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 22, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2017	May 06, 2017
3	PENDING, INSTITUTED	Mar 27, 2017	
4	P APPEARANCE / POWER OF ATTORNEY	May 05, 2017	
5	NOTICE OF DEFAULT	May 23, 2017	

Type of Proceeding: Opposition

Proceeding
Number: [91223575](#)

Filing Date: Aug 31, 2015

Status: Pending

Status Date: Aug 31, 2015

Interlocutory
Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Lawrence Mallard

Correspondent
Address: LAWRENCE MALLARD
19410 NW 27TH AVE
MIAMI GARDENS FL , 33056-2554
UNITED STATES

Correspondent e-
mail: Lavishcouture@yahoo.com , Leonastefanos@yahoo.com

mail: _____

Associated marks

Mark	Application Status	Serial Number	Registration Number
LASH CLOTHING & CO.	Opposition Pending	86310344	

Plaintiff(s)

Name: Pinkette Clothing, Inc.

Correspondent Address: KELLY W CUNNINGHAM
CISLO & THOMAS LLP
12100 WILSHIRE BOULEVARD, SUITE 1700
LOS ANGELES CA , 90025-7103
UNITED STATES

Correspondent e-mail: tmk@cislo.com, kcunningham@cislo.com, trichen@cislo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUSH	Cancellation Pending	77733582	3816441

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 31, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 31, 2015	Oct 10, 2015
3	PENDING, INSTITUTED	Aug 31, 2015	
4	D MOT FOR EXT W/O CONSENT	Oct 13, 2015	
5	EXTENSION OF TIME GRANTED	Nov 16, 2015	
6	NOTICE OF DEFAULT	Jan 04, 2016	
7	D RESP TO BD ORDER/INQUIRY	Jan 31, 2016	
8	RESPONSE DUE	Mar 25, 2016	
9	D RESP TO BD ORDER/INQUIRY	Apr 11, 2016	
10	TRIAL DATES RESET	Apr 21, 2016	
11	P MOT FOR DEFAULT JUDGMENT	Feb 02, 2017	
12	P COMMUNICATION	Feb 20, 2017	
13	P COMMUNICATION	Mar 08, 2017	
14	TRIAL DATES RESET	May 13, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92061660](#)

Filing Date: Jun 10, 2015

Status: Pending

Status Date: Jun 10, 2015

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Pinkette Clothing, Inc.

Correspondent Address: AMANDA V DWIGHT
DWIGHT LAW GROUP
2020 MAIN STREET, SUITE 600
IRVINE CA , 92614
UNITED STATES

Correspondent e-mail: adwight@dwightlawgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUSH	Cancellation Pending	77733582	3816441

Plaintiff(s)

Name: Cosmetic Warriors Limited

Correspondent Address: JOHN A CLIFFORD
MERCHANT & GOULD PC
PO BOX 2910

MINNEAPOLIS MN , 55402
UNITED STATES

Correspondent e-mail: jclifford@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
LUSH	Renewed	78188564	2853483
LUSH	Renewed	78408741	3001303
LUSH	Renewed	75247408	2282428
LUSH FRESH HANDMADE COSMETICS	Renewed	76627078	3102767
LUSH	Renewed	78408752	3008685
LUSH	Registered	78747180	3987808
LUSH	Section 8 and 15 - Accepted and Acknowledged	85393077	4118438
LUSH TIMES	Registered	85958039	4532289
LUSH	Report Completed Suspension Check - Case Still Suspended	86475096	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 10, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 11, 2015	Jul 21, 2015
3	PENDING, INSTITUTED	Jun 11, 2015	
4	P MOT TO SUSP PEND DISP CIV ACTION	Jul 20, 2015	
5	ANSWER	Jul 21, 2015	
6	P MOT TO SUSP PEND DISP CIV ACTION	Jul 24, 2015	
7	SUSP PEND DISP OF CIVIL ACTION	Aug 29, 2015	
8	RESPONSE DUE 30 DAYS (DUE DATE)	Aug 30, 2016	Sep 29, 2016
9	P RESP TO BD ORDER/INQUIRY	Sep 07, 2016	
10	SUSP PEND DISP OF CIVIL ACTION	Sep 08, 2016	
11	D APPEARANCE / POWER OF ATTORNEY	May 05, 2017	



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No assignment has been recorded at the USPTO

For Serial Number: 77733582

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v2.5
Web interface last modified: July 25, 2014 v2.5

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

**IN THE MATTER OF TRADEMARK SERIAL NO. 86/310,344
PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 5, 2015**

Pinkette Clothing, Inc., a California corporation,	)	Opposition No.: 91223575
)	
Opposer,	)	OPPOSER’S FIRST SET OF
	)	ADMISSIONS TO APPLICANT
v.	)	LAWRENCE MALLARD
)	
Lawrence Mallard, a Florida corporation,)	
)	
Applicant.)	
)	
)	
)	

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure, Opposer Pinkette Clothing, Inc. (“Pinkette” or “Opposer”) hereby requests that Applicant Lawrence Mallard (“Mallard” or “Applicant”) admit to the following requests for admissions fully and separately in writing and under oath within thirty (30) days of service hereof.

I. INSTRUCTIONS AND DEFINITIONS

The instructions and definitions contained in Pinkette’s first set of interrogatories and document requests served on Applicant are incorporated herein by reference.

II. REQUESTS FOR ADMISSIONS

Request No. 1.

Admit that Mallard did not use Mallard's Mark before June 10, 2014.

Request No. 2.

Admit that Mallard did not use Mallard's Mark in interstate commerce before June 15, 2014.

Request No. 3.

Admit that Mallard did not use Mallard's mark on belts before June 15, 2014.

Request No. 4.

Admit that Mallard did not use Mallard's mark on bottoms before June 15, 2014.

Request No. 5.

Admit that Mallard did not use Mallard's mark on bottoms for clothing, namely men, women, kids before June 15, 2014.

Request No. 6.

Admit that Mallard did not use Mallard's mark on capri pants before June 15, 2014.

Request No. 7.

Admit that Mallard did not use Mallard's mark on cargo pants before June 15, 2014.

Request No. 8.

Admit that Mallard did not use Mallard's mark on clothing, namely crop pants before June 15, 2014.

Request No. 9.

Admit that Mallard did not use Mallard's mark on crop pants before June 15, 2014.

Request No. 10.

Admit that Mallard did not use Mallard's mark on denims before June 15, 2014.

Request No. 11.

Admit that Mallard did not use Mallard's mark on dress pants before June 15, 2014.

Request No. 12.

Admit that Mallard did not use Mallard's mark on footwear for men and women before June 15, 2014.

Request No. 13.

Admit that Mallard did not use Mallard's mark on hats before June 15, 2014.

Request No. 14.

Admit that Mallard did not use Mallard's mark on jackets before June 15, 2014.

Request No. 15.

Admit that Mallard did not use Mallard's mark on jackets and socks before June 15, 2014.

Request No. 16.

Admit that Mallard did not use Mallard's mark on jeans before June 15, 2014.

Request No. 17.

Admit that Mallard did not use Mallard's mark on jogging pants before June 15, 2014.

Request No. 18.

Admit that Mallard did not use Mallard's mark on leather pants before June 15, 2014.

Request No. 19.

Admit that Mallard did not use Mallard's mark on men's and women's jackets, coats, trousers, vests before June 15, 2014.

Request No. 20.

Admit that Mallard did not use Mallard's mark on pants before June 15, 2014.

Request No. 21.

Admit that Mallard did not use Mallard's mark on socks before June 15, 2014.

Request No. 22.

Admit that Mallard did not use Mallard's mark on sports caps and hats before June 15, 2014.

Request No. 23.

Admit that Mallard did not use Mallard's mark on T-shirts before June 15, 2014.

Request No. 24.

Admit that Mallard did not use Mallard's mark on tops before June 15, 2014.

Request No. 25.

Admit that Mallard did not use Mallard's mark on tops for clothing, namely men, women, kids before June 15, 2014.

Request No. 26.

Admit that Mallard did not use Mallard's mark on women's clothing, namely shirts, dresses, skirts, blouses before June 15, 2014.

Request No. 27.

Admit that Opposer used Opposer's Mark before Mallard's first use of Mallard's Mark.

Request No. 28.

Admit that Mallard's Goods and Opposer's Goods are related.

Request No. 29.

Admit that Mallard's goods are offered and/or sold in brick and mortar stores.

Request No. 30.

Admit that Mallard's goods are offered and/or sold over the Internet.

Request No. 31.

Admit that Mallard was aware of Opposer's goods before applying for registration of Mallard's Mark.

Request No. 32.

Admit that Mallard's use of Mallard's Mark is likely to confuse or mislead consumers into believing that Mallard and Opposer are connected, affiliated, or related.

Respectfully submitted,

CISLO & THOMAS LLP

Dated: June 10, 2016

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.
CISLO & THOMAS LLP
12100 Wilshire Boulevard, Suite 1700
Los Angeles, California 90025-7103
Tel: (310) 451-0647
Fax: (310) 394-4477

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposer's First Set of Admissions to Applicant Lawrence Mallard was served upon the Applicant below, by email and by first class mail, postage prepaid, to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com;
Leonastefanos@yahoo.com

Dated: June 10, 2016

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.

CISLO & THOMAS LLP
12100 Wilshire Boulevard, Suite 1700
Los Angeles, California 90025-7103
Tel: (310) 451-0647
Fax: (310) 394-4477
www.cislo.com

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

IN THE MATTER OF TRADEMARK SERIAL NO. 86/310,344
PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 5, 2015

Pinkette Clothing, Inc., a California corporation,)	
)	
Opposer,)	
)	
v.	)	Opposition No. 91223575
)	
Lawrence Mallard, a Florida corporation,)	
)	
Applicant.)	
)	
)	
)	

STATEMENT OF KELLY W. CUNNINGHAM REGARDING
APPLICANT’S FAILURE TO RESPOND TO ANY OF
PINKETTE’S FIRST SET OF REQUESTS FOR ADMISSIONS

I, Kelly W. Cunningham, declare as follows:

1. I am an attorney admitted to practice in the State of California, partner in the law firm of Cislo & Thomas LLP, and lead counsel representing Pinkette Clothing, Inc. (“Pinkette” or “Opposer”) in the present opposition proceeding. This statement is based on my own personal knowledge. If called as a witness, I could and would competently testify to the truth of the matters asserted herein.

2. I have been lead counsel for Pinkette in this matter since the very beginning and each step along the way. I am the only point of contact on behalf of Pinkette to which any correspondence or communication should have ever been directed by Applicant or on Applicant’s behalf.

3. On June 10, 2016, Pinkette served its First Set of Requests for Admissions on Applicant. Pursuant to Federal Rule of Civil Procedure 36(a)(3), Applicant's response was due on July 13, 2016. To date, Pinkette has not received from Applicant any response to any of these requests, nor has Pinkette received any correspondence from Applicant explaining its failure to respond.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California, on Wednesday, June 7, 2017.

/s/Kelly W. Cunningham

Kelly W. Cunningham

KWC:lb:ce

CISLO & THOMAS LLP
12100 Wilshire Blvd., Suite 1700
Los Angeles, CA 90025
Tel: (310) 451-0647
Fax: (310) 394-4477

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING INC.,)	
)	
Opposer,)	
)	
v.	)	OPPOSITION NO. 91223575
)	
LAWRENCE MALLARD,)	
)	
Applicant.)	
)	
)	

NOTICE OF DEPOSITION OF APPLICANT LAWRENCE MALLARD

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6) and 37 C.F.R. § 123, Opposer Pinkette Clothing, Inc. will take the deposition upon oral examination of Applicant Lawrence Mallard.

The deposition shall commence at 12:00 p.m. Eastern on Monday, February 13, 2017, in the offices of First Choice Reporting & Video Services, 401 E. Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida 33301.

The deposition may be conducted by telephone and recorded by stenographic, audio, and video or other means. The categories Pinkette intends to inquire about in such deposition includes the following:

1. Applicant's selection of the LASH and Design trademark
2. Applicant's first commercial use of the LASH and Design trademark
3. connotation and commercial impression of the LASH and Design trademark.
4. goods sold under the LASH and Design trademark
5. established trade-channels for the LASH and Design trademark
6. sophistication of the purchaser.
7. knowledge of other similar marks at the time of first commercial use
8. knowledge of Pinkette's mark
9. nature and extent of any actual confusion.
10. any prior mark that Applicant seeks to use for tacking purposes

Respectfully submitted,

CISLO & THOMAS LLP

Dated: February 1, 2017

/s/Kelly W. Cunningham
Kelly W. Cunningham, Esq.
CISLO & THOMAS LLP
12100 Wilshire Boulevard, Suite 1700
Los Angeles, California 90025
Tel: (310) 451-0647
Fax: (310) 394-4477

Attorneys for Opposer
Pinkette Clothing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Deposition to Applicant Lawrence Mallard was served upon the Applicant below, by email and by first class mail, postage prepaid, to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com;
Leonastefanos@yahoo.com

Dated: February 1, 2017

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.

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

3 IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344
4

5
6 PINKETTE CLOTHING INC., OPPOSITION NO. 91223575

7 Opposer,

8 v.

9 LAWRENCE MALLARD,

10 Applicant.
11 _____/

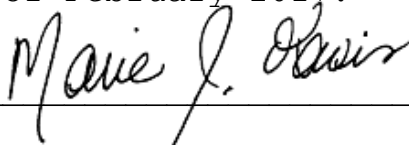
12
13 CERTIFICATE OF NON-APPEARANCE

14 STATE OF FLORIDA
15 COUNTY OF MIAMI-DADE

16 I, MARIE J. DAVIS, COURT REPORTER, hereby certify
17 that KELLY W. CUNNINGHAM, ESQUIRE, and I did appear at 401
18 E. Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida
19 33301 from 12:00 P.M. until 12:20 P.M. February 13, 2017,
for purpose of taking the Deposition of LAWRENCE MALLARD.
Said Deponent failed to appear.

20 Under penalties of perjury, I declare that I have
21 read the foregoing certificate and that the facts stated
in it are true.

22 DATED this 17th Day of February 2017.

23 
24 _____
MARIE J. DAVIS, COURT REPORTER

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING INC.,)	
)	
Opposer,)	
)	
v.	)	OPPOSITION NO. 91223575
)	
LAWRENCE MALLARD,)	
)	
Applicant.)	
)	
)	

NOTICE OF DEPOSITION OF MR. LAWRENCE MALLARD

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 30 and 37 C.F.R. § 123, Opposer Pinkette Clothing, Inc. will take the deposition upon oral examination of Mr. Lawrence Mallard.

The deposition shall commence at 12:00 p.m. on Tuesday, February 14, 2017, in the offices of First Choice Reporting & Video Services, 401 E. Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida, 33301.

///

///

The deposition may be conducted by telephone and recorded by stenographic, audio, and video or other means.

Respectfully submitted,

CISLO & THOMAS LLP

Dated: February 1, 2017

/s/Kelly W. Cunningham
Kelly W. Cunningham, Esq.
CISLO & THOMAS LLP
12100 Wilshire Boulevard, Suite 1700
Los Angeles, California 90025
Tel: (310) 451-0647
Fax: (310) 394-4477

Attorneys for Opposer
Pinkette Clothing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Deposition to Mr. Lawrence Mallard was served upon the Applicant below, by email and by first class mail, postage prepaid, to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com;
Leonastefanos@yahoo.com

Dated: February 1, 2017

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING, INC.,

Opposer,

VS.

LAWRENCE MALLARD,

Applicant.

* * * * *

CERTIFICATE OF NON-APPEARANCE
In Re: Lawrence Mallard

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, LORA LEE KNORR, FPR, RPR and Notary Public
in and for the State of Florida at Large, do hereby
certify that I did appear at 401 East Las Olas
Boulevard, Suite 1400, Florida, 33301 on Tuesday,
February 14th, 2017 at 12:00 p.m. for the purpose of
taking the deposition of Lawrence Mallard. Said
deponent failed to appear.

Under penalties of perjury, I declare that I
have read the foregoing certificate and that the
facts stated in it are true.

DATED this 14th day of February, 2017.



LORA LEE KNORR, FPR, RPR AND
NOTARY PUBLIC IN AND FOR THE
STATE OF FLORIDA, AT LARGE
COMMISSION NO. FF198698
MY COMMISSION EXPIRES: 4/30/19

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING, INC.,	)	Opposition No. 91223575
)	
Opposer,)	
)	
vs.)	
)	
LAWRENCE MALLARD,)	
)	
)	
Applicant.)	
_____)	

Deposition OF EDUARDO KIM

Taken on Thursday, June 1, 2017

10:15 a.m. - 10:28 a.m.

Reported by: ALLISON RAE ADAMS, CSR 13743

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING, INC.,	)	Opposition No. 91223575
)	
Opposer,)	
)	
vs.)	
)	
LAWRENCE MALLARD,)	
)	
)	
Applicant.)	
_____)	

Deposition of EDUARDO KIM, taken on behalf of
the Opposer, at 4550 Alcoa Avenue, Vernon, California,
commencing at 10:15 a.m. and ending at 10:28 a.m.,
Thursday, June 1, 2017, before Allison Rae Adams, CSR No.
13743.

1 APPEARANCES:

2 FOR OPPOSER:

3 CISLO & THOMAS LLP
4 BY: KELLY W. CUNNINGHAM, ESQ.
(Appearing telephonically)
12100 Wilshire Boulevard
5 Suite 1700
Los Angeles, California 90025
6 (310) 451-0647
E-mail: kcunningham@cislo.com
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I N D E X

WITNESS: EDUARDO KIM

EXAMINATION	PAGE
By Mr. Cunningham:	5

EXHIBITS

OPPOSER'S

NUMBER	DESCRIPTION	PAGE
Exhibit 1	United States of America, United States Patent and Trademark Office, Lush, Register No. 3,816,441, Pinkette Clothing, Inc. (California Corporation)	6
Exhibit 2	Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8	7
Exhibit 3	Nordstrom Lush products, PNK04708	9
Exhibit 4	Magazine images, PNK04488-4498, PNK04500-4515	10
Exhibit 5	Internet Archive Wayback Machine, PNK04423, PNK04428, PNK04433	10
Exhibit 6	Nordstrom BP article "Lush Life," April 2, 2015, EXHIBIT 0219-1 - EXHIBIT 0219-11	11
Exhibit 7	Trademark/Service Mark Application, Principal Register, TEAS Plus Application, Filing Date: 6-16-2014	12

1 VERNON, CALIFORNIA; THURSDAY, JUNE 1, 2017

2 10:15 A.M. - 10:28 A.M.

3
4 EDUARDO KIM,

5 called as a witness, having been first duly sworn, was
6 examined and testified as follows:

7
8 EXAMINATION

9 BY MR. CUNNINGHAM:

10 Q Would the witness like to announce his name for
11 the record?

12 A Yes, my name is Eduardo Kim, but I go by Edward.

13 Q All right. And you spell Edward E-D-W-A-R-D?

14 A Yes.

15 Q Very good. And Kim is K-I-M; right?

16 A Yes, that is correct.

17 Q All right. Very good.

18 And all right. So as you may know, this
19 deposition is being conducted for the matter Pinkette
20 versus Lawrence Mallard; that's a trademark opposition
21 proceeding before the Trademark Trial and Appeal Board in
22 Washington DC, but also, as you may know, the Trademark
23 Trial and Appeal Board does not hold in-person trials;
24 instead, they have the parties conduct depositions like
25 this one in its place.

1 So you are under oath here today. Do you
2 understand that?

3 A Yes.

4 Q And your testimony is given under the penalty of
5 perjury.

6 Do you understand that?

7 A Yes, I do.

8 Q Okay. What is your title at Pinkette?

9 A I am the president.

10 Q And how long have you been the president of
11 Pinkette?

12 A Since the inception of the company in 2003.

13 Q All right. Are you familiar with Pinkette's
14 Lush-branded clothing?

15 A Yes.

16 Q And Pinkette's Lush-branded clothing, does
17 Pinkette sell clothing in the United States under this
18 Lush brand?

19 A Yes, it does.

20 Q All right. So I'd like the court reporter to
21 hand you Exhibit 1.

22 A Okay.

23 (Exhibit 1 was marked for
24 identification by the court reporter
25 and is attached hereto.)

1 BY MR. CUNNINGHAM:

2 Q Do you recognize this exhibit?

3 A Yes, I do.

4 Q What is it?

5 A This is the -- Pinkette's federal registration
6 with the US Patent and Trademark Office for Lush under
7 clothing.

8 Q All right. How long has Pinkette been selling
9 Lush-branded clothing in the United States?

10 A Since August or September of 2003.

11 Q And has Pinkette sold Lush-branded clothing
12 continuously since then?

13 A Yes.

14 Q And what type of clothing items does Pinkette
15 sell under the Lush trademark?

16 A We sell mainly women's clothing: tops, dresses,
17 bottoms, shirts, pants, skirts, just to name a few.

18 Q Okay. Then, I guess I'd like to refer you to
19 Exhibit 2. Could the court reporter hand him Exhibit 2.

20 (Exhibit 2 was marked for
21 identification by the court reporter
22 and is attached hereto.)

23 BY MR. CUNNINGHAM:

24 Q And do you recognize this document?

25 A Yes.

1 Q And what is it, in your understanding?

2 A So this is the declaration of use that we had to
3 file in June of last year, and basically, this is just
4 stating that Pinkette is using the Lush mark in commerce
5 in connection with the goods that are listed on our
6 trademark registration.

7 Q I didn't hear the end. Did you finish that
8 sentence?

9 A Yes. Basically, I said that we're -- we declare
10 that we're using the Lush mark in commerce in connection
11 with the goods listed on our trademark registration.

12 Q All right. Very good.

13 And does the photograph at the end of Exhibit 2
14 show one of Pinkette's Lush-branded clothing items?

15 A Yes, yes, it does.

16 Q Is this clothing item fairly representative of
17 the Lush clothing that Pinkette sells under the Lush
18 trademark?

19 A Yes.

20 Q And do you see the Lush trademark on the label
21 on one of those photographs?

22 A Yes, I do.

23 Q And is this a fairly representative
24 representation of the Lush trademark on labels that
25 Pinkette uses for its Lush-branded clothing items?

1 A Yes.

2 Q So where in the United States are these
3 Lush-branded clothing items sold?

4 A So we sell all over the Continental United
5 States as well as in Hawaii and Alaska and some other
6 countries also.

7 Q Okay. And through which trade channels do you
8 sell these clothing items?

9 A We sell through a number of large retail stores
10 and through hundreds of smaller boutiques across the
11 United States.

12 Q Okay. So I'd like to refer you to Exhibit 3.
13 Could the court reporter hand him Exhibit 3.

14 (Exhibit 3 was marked for
15 identification by the court reporter
16 and is attached hereto.)

17 BY MR. CUNNINGHAM:

18 Q And do you, Mr. Kim, recognize this exhibit?

19 A Yes.

20 Q And what does this exhibit show?

21 A So this is the printout of the Nordstrom web
22 page. And it shows Pinkette's Lush-branded items being
23 marketed on its website.

24 Q Okay. And, then, let me just go ahead and have
25 the court reporter hand you Exhibit 4.

1 (Exhibit 4 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. CUNNINGHAM:

5 Q And ask if you recognize what this exhibit is?

6 A So these are various clippings of magazine
7 features of Pinkette's Lush clothing across numerous
8 magazines.

9 Q Okay. And I'll just ask the court reporter to
10 hand you Exhibit 5.

11 (Exhibit 5 was marked for
12 identification by the court reporter
13 and is attached hereto.)

14 BY MR. CUNNINGHAM:

15 Q And ask you if you recognize what Exhibit 5 is?

16 A So these are -- these are some screenshots of
17 the -- taken from the Wayback Machine that has these
18 archived in archive.org and they're pages of
19 LAsShowroom.com which features Pinkette's Lush clothing
20 for sale, and these are taken from 2003, 2005 and 2007.

21 Q Okay. And those dates are there on the pages;
22 correct?

23 A Yes, they are.

24 Q Okay. So could I have the court reporter now
25 hand you Exhibit 6.

1 (Exhibit 6 was marked for
2 identification by the court reporter
3 and is attached hereto.)

4 BY MR. CUNNINGHAM:

5 Q And ask you if you recognize Exhibit 6?

6 A Yes, I do.

7 Q Okay. What is Exhibit 6, in your understanding?

8 A So this is a blog posted on Nordstrom's website,
9 and a blogger had the opportunity to visit Pinkette's
10 headquarters and she got a tour of our headquarters, and
11 she was able to see how our Lush-branded clothing was
12 created and she took some pictures and posted about it on
13 this website.

14 Q Very good.

15 Okay. So let me go to our next set of
16 questions, then: About how much clothing did Pinkette
17 sell last year under the Lush trademark in the
18 United States?

19 A We sold millions and millions of dollars' worth
20 of clothing last year under the Lush mark.

21 Q In the United States?

22 A Yes.

23 Q Okay. About how much of those sales were
24 Lush-branded dresses?

25 A About 40 percent.

1 Q And how much of those sales were Lush-branded
2 tops?

3 A Yes, about 50 percent.

4 Q Okay. And about how much of those sales were
5 Lush-branded shirts?

6 A About 20 percent.

7 Q And how much of those sales in the United States
8 were Lush-branded bottoms?

9 A About 10 percent.

10 Q And how about how much of those sales last year
11 were Lush-branded pants?

12 A I'd say about 5 percent.

13 Q Okay. So I'd like to refer you to Exhibit 7.
14 Could the court reporter hand the witness Exhibit 7.

15 (Exhibit 7 was marked for
16 identification by the court reporter
17 and is attached hereto.)

18 BY MR. CUNNINGHAM:

19 Q And I'd like to ask you: Do you recognize this
20 exhibit?

21 A Yes, I do.

22 Q What, in your understanding, is this exhibit?

23 A This is Lawrence Mallard's application for a
24 trademark for Lash in clothing.

25 Q Okay. And is Pinkette's business likely to be

1 harmed if Lawrence Mallard is allowed to obtain a federal
2 trademark registration for the Lash and design trademark
3 for clothing shown in this Exhibit 7?

4 A Yes, in my opinion, I think it would be harmed.

5 Q Okay. And I have just one last question: Does
6 the Lash and design trademark for clothing shown in this
7 Exhibit 7 create a likelihood of confusion with
8 Pinkette's existing federal trademark registration for
9 Lush for clothing?

10 A Yes. Lash is too similar to Lush and they would
11 both be in clothing, so I think it would be confusingly
12 similar.

13 Q All right. And that's the series of questions I
14 have.

15 I just want to ask for the record if anyone in
16 this room has not been recognized already?

17 My understanding is the court reporter is in the
18 room, I'm attending by telephone, and the witness is
19 Edward Kim and he's there in the room.

20 Is there anybody else in the room at this
21 moment? And number two, is there anybody on the
22 telephone line other than me at this moment?

23 Do either of you know that?

24 THE REPORTER: I'm going to answer no.

25 MR. CUNNINGHAM: I'd like to state for the

1 record that it appears that Lawrence Mallard did not take
2 the opportunity afforded him by the notice of deposition
3 to have a representative attend this deposition or
4 participate in this deposition on behalf of Lawrence
5 Mallard, and we -- in my opinion, as it will show in the
6 record, that I've given him every opportunity to do so
7 and every notice possible to do so, including telephone
8 numbers to call in on, and the actual location of the
9 deposition, the time of the deposition, gave him nearly
10 two weeks' worth of notice of the deposition; and I have
11 not had any communication from him requesting any
12 alteration of the deposition date or any accommodations
13 for attending the deposition date, but we did give him
14 that opportunity.

15 And with that, I think we can close out the
16 deposition.

17 (Whereupon, at the hour of 10:28 a.m., the
18 proceedings were concluded.)
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PENALTY OF PERJURY CERTIFICATE

I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this 2nd day of June,
2017, at Vernon, California.
(City) (State)

21 C

EDUARDO KIM

REPORTER'S CERTIFICATE

I, Allison Rae Adams, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That a recording of the proceedings was made by me stenographically which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [x] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated this June 1, 2017.



ALLISON RAE ADAMS, CSR No. 13743



(Dismantling of transcript voids certification.)

<p>A</p> <p>a.m 1:16, 16 2:15, 15 5:2 5:2 14:17 able 11:11 accommodat... 14:12 action 16:16 16:17 actual 14:8 Adams 1:17 2:16 16:2, 22 additions 15:5 afforded 14:2 ahead 9:24 Alaska 9:5 Alcoa 2:14 Allison 1:17 2:16 16:2, 22 allowed 13:1 alteration 14:12 America 4:10 and/or 4:12 Angeles 3:5 announce 5:10 answer 13:24 anybody 13:20 13:21 Appeal 1:2 2:2 5:21, 23 APPEARANCES 3:1 Appearing 3:4 appears 14:1 Applicant 1:10 2:10 application 1:4 2:4 4:20 4:21 12:23 April 4:19 Archive 4:17 archive.org 10:18 archived 10:18 article 4:18 attached 6:25 7:22 9:16 10:3, 13 11:3 12:17 attend 14:3</p>	<p>attending 13:18 14:13 attorney 16:17 August 7:10 Avenue 2:14</p> <p>B</p> <p>basically 8:3 8:9 behalf 2:13 14:4 blog 11:8 blogger 11:9 Board 1:2 2:2 5:21, 23 bottoms 7:17 12:8 Boulevard 3:4 boutiques 9:10 BP 4:18 brand 6:18 business 12:25</p> <p>C</p> <p>California 2:14 3:5 4:11 5:1 16:3 call 14:8 called 5:5 Case 16:12 CERTIFICATE 15:1 16:1 certification 16:25 Certified 16:2 certify 16:3 16:15 channels 9:7 CISLO 3:3 City 15:9 clippings 10:6 close 14:15 clothing 1:6 2:6 4:11 6:14, 16, 17 7:7, 9, 11, 14 7:16 8:14, 16 8:17, 25 9:3 9:8 10:7, 19 11:11, 16, 20</p>	<p>12:24 13:3, 6 13:9, 11 commencing 2:15 commerce 4:13 8:4, 10 communication 14:11 company 6:12 completion 16:13 concluded 14:18 conduct 5:24 conducted 5:19 confusingly 13:11 confusion 13:7 connection 8:5 8:10 contained 15:7 Continental 9:4 continuously 7:12 Corporation 4:11 correct 5:16 10:22 15:7 corrections 15:5 countries 9:6 court 6:20, 24 7:19, 21 9:13 9:15, 25 10:2 10:9, 12, 24 11:2 12:14 12:16 13:17 create 13:7 created 11:12 CSR 1:17 2:16 16:22 Cunningham 3:3 4:4 5:9 7:1 7:23 9:17 10:4, 14 11:4 12:18 13:25</p> <p>D</p> <p>D 4:1 date 4:21</p>	<p>14:12, 13 16:18 Dated 16:20 dates 10:21 day 15:8 DC 5:22 declaration 4:12 8:2 declare 8:9 15:3 deletions 15:5 deposition 1:14 2:13 5:19 14:2, 3 14:4, 9, 9, 10 14:12, 13, 16 16:12 depositions 5:24 DESCRIPTION 4:9 design 13:2, 6 desirous 15:6 direction 16:9 Dismantling 16:25 document 7:24 dollars' 11:19 dresses 7:16 11:24 duly 5:5</p> <p>E</p> <p>E 4:1 E-D-W-A-R-D 5:13 E-mail 3:6 Eduardo 1:14 2:13 4:2 5:4 5:12 15:14 Edward 5:12, 13 13:19 either 13:23 employee 16:16 ESQ 3:3 EXAMINATION 4:3 5:8 examined 5:6 Excusable 4:12 EXECUTED 15:8 exhibit 4:10</p>	<p>4:12, 14, 15 4:17, 18, 19 4:19, 20 6:21 6:23 7:2, 19 7:19, 20 8:13 9:12, 13, 14 9:18, 20, 25 10:1, 5, 10, 11 10:15, 25 11:1, 5, 7 12:13, 14, 15 12:20, 22 13:3, 7 EXHIBITS 4:7 existing 13:8</p> <p>F</p> <p>fairly 8:16, 23 familiar 6:13 features 10:7 10:19 federal 7:5 13:1, 8 16:12 file 8:3 Filing 4:21 financially 16:15 finish 8:7 first 5:5 follows 5:6 foregoing 15:4 15:6 16:4, 9 16:11 forth 16:5 further 16:11 16:15</p> <p>G</p> <p>give 14:13 given 6:4 14:6 16:10 go 5:12 9:24 11:15 going 13:24 good 5:15, 17 8:12 11:14 goods 8:5, 11 guess 7:18</p> <p>H</p> <p>hand 6:21 7:19</p>
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United States of America

United States Patent and Trademark Office

LUSH

Reg. No. 3,816,441

Registered July 13, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

PINKETTE CLOTHING, INC. (CALIFORNIA CORPORATION)
1100 S. SAN PEDRO ST., #A-12
LOS ANGELES, CA 90015

FOR: CLOTHING, NAMELY, TOPS, BOTTOMS AND DRESSES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-0-2003; IN COMMERCE 9-29-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-733,582, FILED 5-11-2009.

SKYE YOUNG, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

$\Delta \pi$ EXHIBIT <u>1</u>	
Deponent	<u>E. Kim</u>
Date	<u>6.1.17</u> Rptr. <u>AA</u>
WWW.DEPOBOOK.COM	

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

Handwritten Signature

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 3816441

REGISTRATION DATE: 07/13/2010

MARK: LUSH

The owner, PINKETTE CLOTHING, INC., a corporation of California, having an address of
1100 S. SAN PEDRO ST., #A-12
LOS ANGELES, California 90015
United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 025, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: clothing, namely, tops, bottoms and dresses ; or, the owner is making the listed excusable nonuse claim.

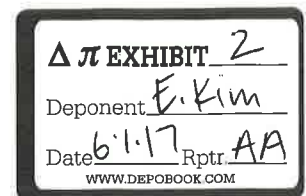
The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Article of clothing and label thereon.

Specimen-1

[SPN0-1921681168-20160628153828590302_._Specimens_in_support_of_Section_8_declaration.PDF]

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The docket/reference number is T73308.



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The docket/reference number is 16-31504.

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United States

The docket/reference number is 16-31504.

The phone number is 310-451-0647.

The fax number is 310-394-4477.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Signature Section

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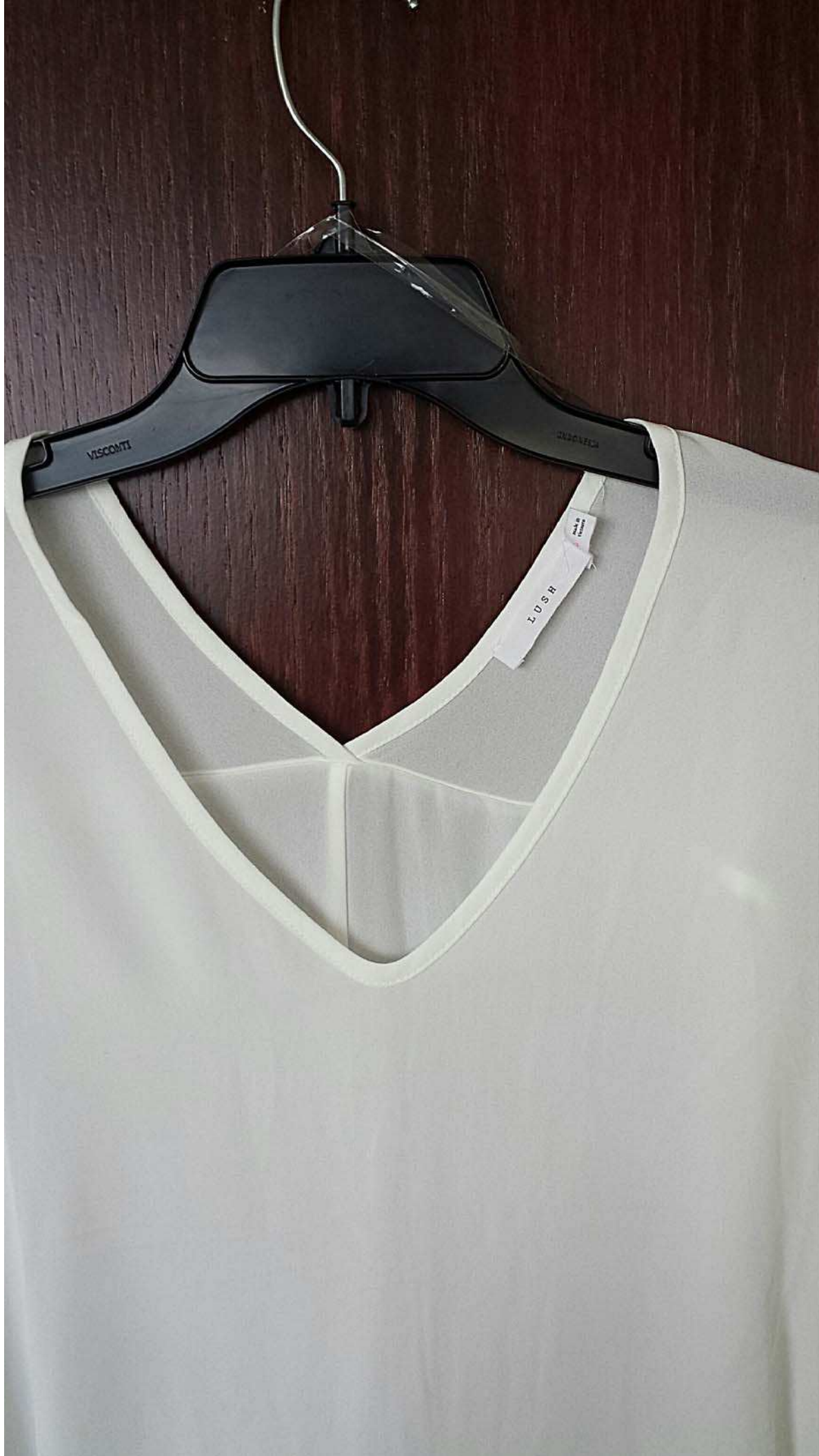
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For CURVY HIPS

WRAP STYLES CAMOUFLAGE HIPS, AND SLEEVES HIDE ARMS
"Full hips are diminished in a wrap style," says Rizzo, "because the eye is drawn to the belted waist first." She adds that the V-neck of Rachel's JJ Sander dress "elongates her neck so she looks taller," while the three-quarter sleeves mask jiggy arms.

FLAUNTS 3- COLLARBONES

An adjustable lace and shirred lace collar blocking bad eye-meat patterns that lie the hips.
Sleeve: \$120, dancingclothing.com

HIGHLIGHTS A WAIST

Sleeves are fun, giving it more checked on arm with, and the buttons create a slimming vertical line.
Lace: \$120, dancingclothing.com
\$175, 877-FORCLOTHES for more

For A PETITE FRAME

A BRIGHT, BOLD PATTERN PUMPS UP A TINY SHAPE
"The large polka-dot print works on the petite frame's tiny," says Rizzo of her red and white Armani Exchange dress. The bold pattern adds depth to her small frame, while the solid band pulls the look together and **showcases** her tiny waist, she explains.

PERFECT LENGTH

Show the knee to the knee, you know. Any extra inch will look awkward.
Lace: \$120, dancingclothing.com

Wow! Buy it!

BOLD COLOR

Long-sleeved dress highlights shoulders, while a ruffled hem adds volume to button hips.
A.E.S. by Armani Exchange: \$120, dancingclothing.com



Eva Longoria



100% A STYLE WEEKLY 25

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the
best
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undiscovered
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secretly sexy
work clothes

Evangeline Lilly
of TV's *Lost*—all dressed up
PAGE 112



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"I absolutely adore the sneakers. They have a unique style that adds to an outfit. I get tons of compliments on them."





★ THE BOYS OF TWILIGHT—SEE PAGE 62

COSMO *girl*

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Why she's the black sheep of her family

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1 Blue button-down jacket with high-waist skirt. \$225. dailystreet.com

2 Olive green quilt dress with high-waist skirt. \$225. kennethcole.com

3 Olive green quilt dress with high-waist skirt. \$225. kennethcole.com

4 Gray slinky cropped pants. \$145. qualitativ.com

5 Camouflage cargo bag. \$125. sears.com

6 Brown leather boots with gold buckles. \$145. sears.com

7 Green belt with gold buckles. \$145. sears.com

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PRETTY TOUGH
The top and bottom trends make a powerful statement. Get the look by combining a perfect boyfriend top with a perfect boyfriend skirt.

Pink and white and buttons. Lush, \$132. lush.com. **ARMED & DANGEROUS**. \$25. armedanddangerous.com. **ARMED & DANGEROUS**. \$25. armedanddangerous.com.

TRENDS

Combining two opposite trends is the secret recipe for sexy style. Check out the pairings above for inspiration—then get out there and create your own unique look.



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SEPTEMBER 2011



ORANGE CRUSH

Fashion's color of the year is Tangerine Tango, a playful, innovative take on traditional orange. Whether we're styling it head-to-toe or giving an outfit a pop of life with bright accessories, this fall we're seeing fashion through tangerine-colored glasses. PHOTOGRAPHY BY JESSICA WHELAN





Inside *InStyle* | READER POLL

YOUR Swimsuit

SECRETS REVEALED



When trying on a bathing suit, you are most confident about your ...

44% CHEST
21% LEGS
19% STOMACH
16% BUTT

MARIA MENOUNOS

Your MO for getting beach body-ready?

71% A healthy diet and extra exercise



41% Pretty sundress

YOUR IDEAL COVER-UP IS A ...

31% Ducky tunic
20% Pair of denim shorts
8% Sarong



WILL YOU EMBRACE THE HIGH-WAIST TWO-PIECE TREND THIS SUMMER?

67% NO



YEA OR NAY? Wearing heels with your bathing suit 87% NO WAY!

TO FEEL YOUR SEXIEST, YOU GRAB A ...
80% BIKINI
20% ONE-PIECE

"Bikini with a Brazilian bottom and flats always flatters a little chick like me." — via Twitter

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Enamel and gold-plated bangles, Skinny by Jessica Elliot, \$25 each; skinnystyle.com

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Raffia fedora with grosgrain band, David & Young, \$40; shopdavidandyoung.com.

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Nylon-Lycra bikini, Gap; \$39 (top) and \$37 (bottom); gap.com.

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Polyester dress, Lulule's, \$40; lululemon.com.

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Straw tote with patent leather handles, Rebecca Minkoff, \$95; at Henri Bendel.

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Resin bangles, R.J. Graziano, \$30 (top) and \$35; 212-685-1737.

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—SHEILA PRASHAKAR, assistant fashion editor

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Highlight your lean frame
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30 **Get shorter! It's look chic**
without adding length.

31 **Get shorter! It's look chic**
without adding length.

32 **Get shorter! It's look chic**
without adding length.

33 **Get shorter! It's look chic**
without adding length.

34 **Get shorter! It's look chic**
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without adding length.

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without adding length.

39 **Get shorter! It's look chic**
without adding length.

40 **Get shorter! It's look chic**
without adding length.

042

HOW I GO GREEN: "I love earth, my hair, and I spend time being green."

TURN for more looks! →

NEXT

FREE MUSIC! 170,000 Songs To Download See P. 85

seventeen

OVER
459
PRETTY
LOOKS
YOU'LL
LOVE!
(FOR LESS)

PLUS: New Spring
Fashion—Under \$20

America's Next Top Model
WINNER!

McKey
Check Out
Her Pics!

Your 2009
ULTIMATE
BODY
PLAN!
Get Healthy & Hot

free
MAKEOVER
turn to p. 49!

Get
AMAZING
Hair
Make It Soft, Shiny,
And Full!

NEXT

JEWELLED NECKLACE

Pile on pearls and chains,
then pin them in bunches
with a brooch. (Look
for a vintage one in your
mom's jewelry box.)

Shirts
Stone Is-L, Lark, \$21,
Lark.com.
Accessories
Boutique necklace,
\$12; neck and large pearl
necklace, \$12; all Groupon.
all Groupon.com; gold link
necklace, \$11; and gold chain
necklace, \$11; both
Hugoboss.com.
Brooch
Groupon, \$12; neck,
all Groupon.com.

seventeen.com

[illegible]



FLUORESCENT DREAMS

To make your dream come true, a ray of light with its brighter shades of blue, purple, and orange. Keep the attention to yourself and your friends. You'll be the one who's not just a dreamer, but a doer. www.teen.com



THAT 90s SHOW

Remember the 90s? Well, it's back! The 90s are back, and they're bringing with them a lot of style. From grunge to glam, the 90s are back, and they're bringing with them a lot of style. www.teen.com



SPICE GIRL

Little Miss Spice Girl is back, and she's bringing with her a lot of style. From grunge to glam, the 90s are back, and they're bringing with them a lot of style. www.teen.com

SAUSPHEE THREADS



GREEK HOLIDAY

Remember the 90s? Well, it's back! The 90s are back, and they're bringing with them a lot of style. From grunge to glam, the 90s are back, and they're bringing with them a lot of style. www.teen.com



MY FAVORITE THINGS

Remember the 90s? Well, it's back! The 90s are back, and they're bringing with them a lot of style. From grunge to glam, the 90s are back, and they're bringing with them a lot of style. www.teen.com

People
Style Watch
 APRIL 2013

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Pants!


Heels!


JENNIFER LAWRENCE'S Fresh & Flirty Style!

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Hot Jeans, Pretty Dresses, Cute Tops & More!

PLUS! 50 No-Cost Styling Tricks

SPRING SHOES At Every Price!


EASY SEXY HAIR!

 20 Almost-Free Ideas!

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WORTH THE MONEY
 This handy eye shadow palette comes with both brights and neutrals plus two brushes.

845
Make Up For Ever Technicolor Palette, Sephora, 877-757-8672, sephora.com **SW TECHNI**

868
ASOS "Leather Whipstitch Cross Body Bag" with metal detail, 6.5"H x 8"W x 1.5"D, asos.com **SW WHIP**

JUST FOR FUN
 With electric pink stitching, grommets and more, this little bag has major impact.

20% off
JUST FOR FUN

844.50
Lush "Shine On Skirt" in faux leather, neccardclothing.com **SW LUSH**

Let the code next to the icon to "6" at 7:15 AM PT to get buying info sent to your phone and e-mail. Standard message and data rates apply. To see our privacy policy and terms of service visit People.StyleWatch.com.

Look! From March 8 to April 12, enter "LOVE557" at checkout for a discount on full-price merchandise. Discount does not apply to shoes.

STYLING: ANTHONY TROSE, STYLIST: CHANEL KENNEDY, HAIR: BARBARA EDELMAN, BEAUTY REPRESENTS

People **Style Watch** AUGUST 2015

GREAT BUYS UNDER \$99!

Shoes

Bags

Dresses

Jewelry

LOVE YOUR BODY!

PLAY UP YOUR SHAPE!

387 Looks to Flatter Every Figure!

PLUS: FALL SNEAK PEEK

Get Jen's Simply Sexy Style!

BEAUTY MUST-HAVES

Under \$10!

try a fun new lip color!

Perfect Jeans for Your #1 Body & Budget!

Hilary Duff

TAP THE IMAGE OR ANY HEADLINE TO GO DIRECTLY TO THE STORY.

FASHION **WORKSHOP**

How to...
GET AN INSTANT OUTFIT!

Work Brooklyn Decker's bold, stylish look with just three key pieces

TAP BUTTONS FOR OUTFIT DETAILS



PRINTED BLOUSE

LEATHER TRUMPET SKIRT

ANKLE STRAP HEELS

Brooklyn Decker in a Kira Zabête at Target top and Glossier by heels.

STYLING: ANTHONY VERDE. STYLING: SYLVIA NAGVISU. JENNETT REPRESENTS: BROOKLYN DECKER. JUSTIN CAMPBELL/GETTY IMAGES

Save Big \$\$\$ on Your Fave Brands! FEBRUARY 2012

People

STYLE WATCH

Amazing Finds UNDER \$99!

Currie's Fun & Flirty Style! p. 20

BEAUTY BARGAINS Under \$10!

SHOP CELEB LOOKS FOR LESS!

WHAT'S HOT IN 2012!
Your Go-To Guide: The Newest in Fashion, Beauty & More!

Plus! 267 Easy Updates For Every Body & Budget!

Sexy Heels

Stylish Bags

GET GORGEOUS! Your Head-to-Toe Plan!

DISPLAY UNTIL FEBRUARY 16, 2012

ANKLE STRAP HEELS—FEMININE & VERSATILE!

Whether your look is edgy or girly, this trendy style adds instant sexiness. Thin straps are easier to wear, but you'll see cool wider versions, too.

NEW WEST "LiftEye"
Black patent leather heels, \$89, newyest.com

VINCE CAMUTO "Mavis"
Black leather sandals, \$129, vincecamuto.com

TALbots "Lilac Ankle Strap"
Purple patent leather and wood, \$119, talbots.com

perfect with cropped pants or a skirt!

HIGH/LOW HEMS—A NEW WAY TO SHOW OFF YOUR LEGS!

Get two lengths in one with this trendsetting silhouette! On a flowy maxi, flirty mini or something in between, the effect is playful and easy.

High/Low Hem: *Kyleita Cavallari* in a functional skirt and *Giuseppe Zanotti* Design shoes with an *Alexander Wang* bag.

High/Low Hem: *Justin Cheng* in an *Urban Outfitters* skirt.

High/Low Hem: *Frank Candy* "Lilac & Black" in a skirt, \$45, frankcandy.com

High/Low Hem: *The ruffled hem is supergirly!*

3 FUN BUZZWORDS!
Brush up on the latest lingo.

Successory "This is that accessory that makes any outfit in your closet a success. It's a statement necklace or amazing inspired bracelet. It's the one piece that you know you can count on."
—*Melissa Meyers, founder of Papadaily.com and lifestyle expert*

Infatuation "It's a word that refers to being infatuated with another Twitter user! You always reply directly to that person and retweet every one of their posts."
—*Justin Gelfand, of the Intelligence Group, which publishes Trendcentral.com*

Quasima Intelle "It's an Alpha Male who 'grew up' and became socially cloud-in. Now he's more of a team player—and he's also more aware of the needs of women!"
—*Jennifer Ganshine, cofounder of What's Frank About Women marketing firm*

People StyleWatch

JULY 2012

SEXY SUMMER NIGHTS

GREAT BUYS UNDER \$50!



Cute Tops



Sassy Sandals



Fun Jewelry



Colorful Bags

276 HOT SUMMER LOOKS!

Clothes You'll Live In All Season! Tees, Dresses, Shorts, Cover-Ups & More

BEAUTY STEALS Under \$10!



Beauty Steals Under \$10!

YOUR BEAT-THE-HEAT BEAUTY GUIDE!



Get Maria's glow!

Jessica's Effortless Style Secret!



Jordana Brewster
wears
black Alice + Olivia top and pants.

Cropped BUSTIERS

Work what you've got in this showstopping trend! Try a bold top with a maxi or pants that come up higher on the waist for a combo that reveals just enough skin.



Lyndell NYC "Gold Bangles" in metal, \$18 for seven, lyndellnyc.com



Reiss "Astra" rayon-polyester bag, 5'H x 5'W x 2.5'D, \$270, reissonline.com



Reiss "Astra" rayon-polyester bag, 5'H x 5'W x 2.5'D, \$270, reissonline.com



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Reiss "Astra" rayon-polyester bag, 5'H x 5'W x 2.5'D, \$270, reissonline.com

florals are a pretty touch

Topshop "Boat" in cotton-elastane, \$16, topshop.com

Lyndell NYC "Gold Bangles" in metal, \$18 for seven, lyndellnyc.com

Lyndell NYC "Gold Bangles" in metal, \$18 for seven, lyndellnyc.com

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Lyndell NYC "Gold Bangles" in metal, \$18 for seven, lyndellnyc.com

Lyndell NYC "Gold Bangles" in metal, \$18 for seven, lyndellnyc.com



H&M "Leopard Bustier" in cotton, \$17.95, hnm.com for stores



Under by Gabby Bonano "The Bustier" in silk jersey, \$347, shop.tuckerbygabby.com



20% off! Mactac "Bright Blood Bustier" in polyester-cotton, \$34.99, mactacdohing.com



Julie "Concert Bra Corset" in nylon-spandex, \$34.50, ac.com

Banana Republic "Tanya" T-strap leather sandals, \$69, bananarepublic.com

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People **StyleWatch** JULY 2013

GREAT BUYS UNDER \$50!

Jewelry!

FREE! Download an exclusive remix of Selena's hit single **TAP HERE**

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BEAUTY STEALS Under \$10! fun nail colors

SEXY SUMMER HAIR

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\$19

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\$40.60

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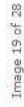
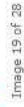
20% off!

NEX

Jessica Alba in a God top and jeans with a Y.C. signature tank

Test the code sent to the @ icon to 76-4-3-7 (5-N4-4-8) to get buying info sent to your phone and e-mail. Standard message and data rates apply. To see our privacy policy and terms of service visit PeopleStyleWatch.com

STYLING: MICHELLE KRAUS, STYLING: DYANA HADYKJ BENNETT REPRESENTS: JESSICA ALBA: GUDUNEM-GU



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At Amazing Prices!

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Bags!

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PLUS! Tops & Dresses for Every Body, Budget & Style

LAUREN CONRAD'S
Pretty Summer Style!

CUTE SANDALS
You'll Love!

SUMMER BEAUTY GUIDE!

20
Quick Tricks for Beachy Hair, Glowing Skin & More

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UNDER \$100 \$50 \$25

5 FLIPPY MINIS

A swingy printed skirt is instantly girly and so easy to wear



\$79.⁹⁰

Celeb Cheap Chic!

Emmy Rossum in Express: "Striped Ponte Fit and Flare Dress" in polyester-rayon blend, \$79.90; express.com



\$ NEXT

Everly "Dotty Chambray Skirt" in cotton; shopssse.com



\$60

J.R.A. "Amy Butterfly Skirt" in polyester; draclothing.com



\$40

Lulu's "Sunshine State Floral Print Skirt" in cotton; lulus.com



\$15.⁸⁰

Forever 21 "Creepe Woven Batik Print Skirt" in cotton; forever21.com



\$32.⁹⁵

2b "Stretch Floral Skirt" in rayon-polyester blend; 2bstores.com

*Lulu's from May 10 to June 14, enter "PS100" at checkout for a site-wide discount. Offer valid only in the U.S. and Canada.

STILL LIVES: ALEX CAD; STYLIST: CHANEL KENNEDY; EMMA ROSSUM: RANNEY

People StyleWatch

PREV

FEBRUARY 2013

147 GREAT BUYS Under \$100!



Cute Bows



Fan Jewelry



Pretty Tops



Sexy Shoes

Nashville star Hayden Panettiere!

WHAT'S HOT IN 2013!

Your Style Sneak Peek

Must-Try Fashion Trends For Every Body & Budget!

8 PERFECT OUTFITS ALREADY IN YOUR CLOSET!

GET YOUR BEST HAIR EVER!

Fresh Ideas For Every Length!



Ashley Greene



Zoe Saldana

TAP THE IMAGE CRANKY HEADLINE TO GO DIRECTLY TO THE STORY.

LOOK SEXY TONIGHT



JEANS!

Tie-Dye Skinnies

Work a subtly sexy look in a flowy top with standout jeans and eye-catching accessories



Lulu's "V-neckline" top in polyester. \$36. 866-918-5858. lulus.com

20% off

Sequin "Athens Crystal Horn Necklace" in metal and crystal. \$158. 212-588-7565

Kaiti Workshop "Coral" cotton-polyester-blend jeans. \$224. 310-275-1930

rock a notice-me print!



ShoeGazelle "Lion" lace-up boots with stud detail. \$49.95 (available Feb. 1). shoegazelle.com

Zara "Cowboy Messenger Bag" in leather. 6 7/8 x 10 7/8 x 2 1/2. \$59. zara.com

Lulu's from Jan. 11 to Feb. 8: mention "STYLEWATCH" over the phone or enter code SW13 on the website for a discount on Lulu's apparel and sale merchandise. Only valid in the U.S. and Canada.

"I go for cigarette jeans that make my butt look good or a laid-back boyfriend pair. I always wear them with hot shoes!"

—Kelly Rowland

STYLING: JESSICA ALEXANDER; HAIR: JESSICA ALEXANDER; MAKEUP: JESSICA ALEXANDER; GROOMING: JESSICA ALEXANDER; JEWELRY: JESSICA ALEXANDER; SHOES: JESSICA ALEXANDER; BAG: JESSICA ALEXANDER; TOP: JESSICA ALEXANDER; JEANS: JESSICA ALEXANDER

U.S. WEEKLY

10 PAGE PHOTO SPECIAL!
The Hottest Olympians

BEHIND JEFF'S BACK
Emily's Secret
Night With Arie

KATY PERRY
Hooking Up With
John Mayer!

ONLY IN L.A.
Molly Sims' Baby Boy

EXCLUSIVE PHOTOS

KRISTEN CHEATS ON ROB!

A heartbreaking discovery for Rob as Kristen's steamy affair with a married man is caught on camera.

CHANDLER EARRINGS
Emerald danglers work for any elegant affair. (Kate Spade earrings, \$78; nordstrom.com)

6

LACE BLOUSE
Looks sweet with or without a racy cardigan on top. (Lush top, \$58; Nordstrom.com)

7

MILITARY JACKET
Magnet Come Fall, just throw a scarf over the utilitarian toggle. (Gap jacket, \$60; gap.com)

8

ASHLEY GREENE
penned white can be worn year-round in Michael Kors' slouchy from the designer's fall collection. (\$1,295; select Michael Kors stores)

9

DOCTOR BAG
A structured satchel is always office appropriate. (Diane von Furstenberg bag, \$140; bloomingdale.com)

10

BOYFRIEND DRESS
Flaunt a fit figure any time of year. (Tulle by Romeo & Juliet, \$188; romeyojuliet.com)

BY NINA MARCUS, JILLIAN MARCHELLE & MONICA HENRY

USMAGAZINE.COM | 79

US WEEKLY

BEYONCÉ SHOWS OFF HER NEW MOM BODY!

SUPER DIETS

Hollywood's new tips and tricks that will work for you too!

MILA & ASHTON
Shocking New Couple!

Teresa's Plot Against Melissa

J. LO & CASPER
Rushing to the Altar!

Kate Winslet 50 Lbs In 4 Months!

Justin's Fat Abs Secret!

ALL PHOTOS BY [unreadable]

US WEEKLY

style STARS' TRENDY OBSESSIONS

The fashion forecast for spring: Heating up with frills, graphic fabrics and studs!

LACE



ZOE SALDANA
The *Mean Girls* star ruled an *Elle* Models CoutureShow March 14.

• YouthPunkie.com
\$65, youthpunkie.com

• Elbowless lace dress, \$225, @victoriaalex

• Elbowless lace dress, \$225, @victoriaalex

• Elbowless lace dress, \$225, @victoriaalex

SOUTH OF THE BORDER



• A hot 'n' spicy Black & Blue South Seas, \$65, @happytribes.com

• A hot 'n' spicy Black & Blue South Seas, \$65, @happytribes.com

• A hot 'n' spicy Black & Blue South Seas, \$65, @happytribes.com

GEOMETRIC PRINTS



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TOPS



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• A hot 'n' spicy Black & Blue South Seas, \$65, @happytribes.com



FALL STYLE SPECIAL

<p>2</p> <p>Crystal chandelier earring, \$45, bonnyspublic.com</p>	<p>3</p> <p>Levi's geometric-print faux-leather dress, \$52, shopaholic.com</p>	<p>4</p> <p>Rhinestone metal-link necklace, \$48, shopluxexpressions.com</p>
<p>8</p> <p>Jack by BB Dakota pleated Prairie dress, \$60, modcloth.com</p>	<p>9</p> <p>Bongo faux-leather shoulder bag with buckle, \$25, kmart.com</p>	<p>10</p> <p>Rachel Rachel Roy Bennett dress in Maroon, \$65, rochetay.com</p>
<p>14</p> <p>Engine Head Vintage Denim collar with snap closure, \$32, echeads.com</p>	<p>15</p> <p>Black faux-leather pencil skirt, \$30, amckidwear.com</p>	<p>16</p> <p>Pym logo-vintage-inspired sunglasses in Floral/Lavender, \$2, 80spurple.com</p>

128 | SEPTEMBER 17, 2012

Internet Archive

C:\Users\MKA\Desktop\Intern... LA Showroom - The Ultima... x

http://www.lashowroom.com/main_store.htm?store_id=97

Go


DEC 2004 FEB 2005 NOV 2006 3

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12 captures
11 Apr 04 - 25 Nov 08

> LA Showroom > Lush > Home

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Menswear

- Junior
- Better Junior
- Better Knitwear
- Children
- Clubwear
- Contemporary
- Denim
- Intimate *NEW*
- Junior Plus
- Knitwear
- Maternity
- Missy
- Missy Plus
- Party Dresses
- Seamless
- Young Contemporary
- Accessories
- Footwear
- Handbags
- Labels & Tags

Latest Updates:
02/02/05: Tops (1), Pants (1)

Tops (24)	Skirts (5)	Pants (3)
#P5053 NEW	#T1670 NEW	#S7111 NEW
		#T1643 NEW

Lush, a new label specializing in the Clubwear and Better Junior segments of the Fashion Industry, brings you a fresh take on what a fashion-conscious girls' wardrobe should look like.

Lush's collections are updated frequently and feature all the essential items and one-of-a-kind pieces that your clients are constantly looking for.

Lush firm sews fashion forward

Contact: Daniel Kim,
Edward Kim
Tel: 213.748.8555
Fax: 213.748.8556
[Email Us](#)

Lush
726 E. 12th Street #108
Los Angeles, CA 90021
USA

For Buyers

- > Become A Member
- > My LAS Account

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LA Showroom - The Ultimate...

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LA SHOW ROOM

Welcome to LASHOWROOM.COM

Log In

New Buyers: Register

My LAS Account

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Feedback

Lush

You have 0 open carts

WOMEN | MEN & CHILDREN | PARTY DRESSES | ACCESSORIES & OTHERS | ON SALE

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More Women Stores

More Better Junior Stores

LAS > Better Junior > Lush

New Arrivals

Browse by Category

Browse by Collection

Current Stores

17 miles

A-Ja

Aban

ABC Kids

Ahoy!

Allie B'loo

American One

American Twist

Bagel

Bazar

Beatrice

Beleza

Biki USA

Bisou D Eve Paris

Bliz

Bliss

by DEEP

C.O.C.

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Garmin

Charles Shoes

Cherry Knit

Childrens Concepts

Cinderella Couture

Cinderella Design

TOPS

DRESSES

Lush

1100 S. San Pedro St. A-12

Los Angeles, CA, 90015

Contact: Daniel Kim, Edward Kim

Internet Orders

Tel: 323.232.3377

Fax: 323.232.8444

Showroom

Tel: 213.748.8555

Fax: 213.748.8556

info @lushclothing.com

> Order Status

CART

Vote

Give Feedback For This Store

LAS Member Since: Oct 2003

Estimated Numbers are based on a one month period (Between May 29 2007 to Jun 28 2007)

Avg. Delivery Rate

Login For Stats

Minimum Purchase : \$100

Total New Styles

Login For Stats

Handling Fee : \$10 (on orders less than \$200)

Avg. Processing Time

Login For Stats

Discount Program : YES (\$ 0.25 off per item on 38 items or more per style)

Image Downloads

Login For Stats

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BP.

Lush Life

on APRIL 2, 2015

By  Amber

Recently, Bella and I had the opportunity to tour Lush Headquarters in Los Angeles. It was such an incredible experience (as well as eye opening) to learn about Lush Clothing. We spent a sunny day touring Lush Headquarters and experiencing an exciting work day at Lush.

$\Delta \pi$ EXHIBIT <u>6</u>	
Deponent	<u>E. Kim</u>
Date	<u>6.1.17</u> Rptr. <u>AA</u>
WWW.DEPOBOOK.COM	



It was so exciting seeing Bella after only meeting once in Seattle! After a delicious lunch with Bella and some of the girls from Lush, we headed over to Lush HQ.



Bella and I were feeling quite glamorous in front of this Hollywood-style vanity as we snapped a quick photo.



What I love most about Lush is their collection of beautiful, unique prints.



Although the solids are nice, too. 😊



A rainbow of spools!



The coolest part: We got to hear everything straight from Erica Kim herself, the creator of Lush. She gave Bella and I a tour, and generously shared the story of the brand, as well as insights about how she achieved her success. How cool is her office?! I love the minimal black-and-white look with pop-of-green plants.



Thank you again, Erica, for this amazing experience!

xo ॐ – Amber

Topics: [Amber](#), [fashion careers](#), [lifestyle](#), [Travel](#)

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Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86310344

Filing Date: 06/16/2014

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT16\IMAGEOUT 16\863\103\86310344\xml\1\ FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Lash Clothing & Company
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of 3 Slanted lines followed by the word "Lash" and the words "Clothing & Co." directly under the word "Lash".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	915 x 392
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Mallard, Lawrence
*STREET	19410 NW 27th AVE
*CITY	Miami Gardens
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	33056
PHONE	3053459287
EMAIL ADDRESS	Lavishcouture@yahoo.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	



*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	025
*IDENTIFICATION	Belts; Bottoms; Bottoms for clothing namely men, women, kids
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/10/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/15/2014
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\863\103\86310344\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	This is the clothing patch that is sewed on the clothing produced.
* INTERNATIONAL CLASS	025
*IDENTIFICATION	Capri pants; Cargo pants; Denims; Leather pants; Socks; Tops; Tops for clothing namely men, women, kids ; Women's clothing, namely, shirts, dresses, skirts, blouses
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/10/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/15/2014
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\863\103\86310344\xml1\ FTK0004.JPG
SPECIMEN DESCRIPTION	This is the clothing patch that is sewed on the clothing produced.
* INTERNATIONAL CLASS	025
*IDENTIFICATION	Clothing, namely, crops; Crop pants; Dress pants; Footwear for men and women; Hats; Jackets; Jackets and socks; Jeans; Jogging pants; Men's and women's jackets, coats, trousers, vests; Pants; Sports caps and hats; T-shirts
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/10/2014
FIRST USE IN COMMERCE DATE	At least as early as 06/15/2014
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\863\103\86310344\xml1\ FTK0005.JPG
SPECIMEN DESCRIPTION	This is the clothing patch that is sewed on the clothing produced.
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS)	

(if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
* NAME	Mallard, Lawrence
FIRM NAME	Mallard, Lawrence
* STREET	19410 NW 27th AVE
* CITY	Miami Gardens
* STATE (Required for U.S. applicants)	Florida
* COUNTRY	United States
* ZIP/POSTAL CODE	33056
PHONE	3053459287
* EMAIL ADDRESS	Lavishcouture@yahoo.com;Leonastefanos@yahoo.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
* TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Mallard Lawrence/
* SIGNATORY'S NAME	Lawrence Mallard
* SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	3053459287
* DATE SIGNED	06/16/2014

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86310344

Filing Date: 06/16/2014

To the Commissioner for Trademarks:

MARK: Lash Clothing & Company (stylized and/or with design, see [mark](#))

The literal element of the mark consists of Lash Clothing & Company.

The applicant is not claiming color as a feature of the mark. The mark consists of 3 Slanted lines followed by the word "Lash" and the words "Clothing & Co." directly under the word "Lash".

The applicant, Mallard, Lawrence, a corporation of Florida, having an address of
19410 NW 27th AVE
Miami Gardens, Florida 33056
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Belts; Bottoms; Bottoms for clothing namely men, women, kids; Capri pants; Cargo pants; Clothing, namely, crops; Crop pants; Denims; Dress pants; Footwear for men and women; Hats; Jackets; Jackets and socks; Jeans; Jogging pants; Leather pants; Men's and women's jackets, coats, trousers, vests; Pants; Socks; Sports caps and hats; T-shirts; Tops; Tops for clothing namely men, women, kids; Women's clothing, namely, shirts, dresses, skirts, blouses

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 06/10/2014, and first used in commerce at least as early as 06/15/2014, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) This is the clothing patch that is sewed on the clothing produced..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

The applicant's current Correspondence Information:

Mallard, Lawrence
Mallard, Lawrence
19410 NW 27th AVE
Miami Gardens, Florida 33056
3053459287(phone)
Lavishcouture@yahoo.com;Leonastefanos@yahoo.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the

trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Mallard Lawrence/ Date Signed: 06/16/2014

Signatory's Name: Lawrence Mallard

Signatory's Position: Owner

RAM Sale Number: 86310344

RAM Accounting Date: 06/16/2014

Serial Number: 86310344

Internet Transmission Date: Mon Jun 16 10:58:53 EDT 2014

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XX-2014061610585363

3255-86310344-500b3d96f3e9a9c5fe19ce637a

21715b746c869d767eac2c7bd29556973b74319d

-CC-8748-20140616091927967775





LASH
CLOTHING & CO.



LASH
CLOTHING & CO.



LASH
CLOTHING & CO.

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

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

PINKETTE CLOTHING INC.,)	
)	
Opposer,)	
)	
v.	)	OPPOSITION NO. 91223575
)	
LAWRENCE MALLARD,)	
)	
Applicant.)	
)	
)	

OPPOSER'S NOTICE OF TESTIMONY DEPOSITION

PLEASE TAKE NOTICE that pursuant to Trademark Rule 37 C.F.R. 2.123(c), on Thursday, June 1, 2017 at 10:00 am at the offices of Opposer Pinkette Clothing, Inc., ("Pinkette") 4550 Alcoa Avenue, Vernon, California 90058, Pinkette's counsel will take the testimony deposition upon oral examination of Pinkette through its designee and president, Edward Kim.

The categories upon which testimony will be taken is

1. The ownership of Pinkette's LUSH trademark for clothing.
2. The federal registration of Pinkette's LUSH trademark for clothing.
3. Sales of Pinkette's LUSH-branded clothing in the United States.

4. The likelihood of confusion between Pinkette's federal registered LUSH trademark for clothing and Applicant's LASH trademark for clothing, including the factors to consider in making this determination.
5. The likelihood of harm to Pinkette's business should Applicant be granted a federal registration for its applied for mark.

The deposition shall take place before a certified court reporter and shall continue from day to day, if necessary, until completed. The deposition may be conducted by telephone and will be recorded by stenographic means.

Applicant is invited to attend the deposition in person or by telephonic, or other electronic means, and to cross-examine the witness. Alternatively, Applicant is invited to propose other dates for such deposition, provided (1) Applicant and Pinkette can arrive at a mutually agreeable date that leaves enough time afterwards in Pinkette's testimony period for Pinkette to complete its testimony submissions, or (2) Applicant agrees to jointly seek from the Board sufficient additional time to Pinkette's testimony period for Pinkette to complete the deposition and its testimony submissions.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: May 19, 2017

/s/Kelly W. Cunningham
Kelly W. Cunningham, Esq.
CISLO & THOMAS LLP
12100 Wilshire Boulevard, Suite 1700
Los Angeles, California 90025
Tel: (310) 451-0647
Fax: (310) 394-4477

Attorneys for Opposer
Pinkette Clothing, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposer's Notice of Testimony Deposition was served upon the parties below, by email and by first class mail, postage prepaid, to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com;
Leonastefanos@yahoo.com

Dated: May 19, 2017

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposer's Notice of Testimony Deposition was served upon the parties below, by overnight mail, to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com;
Leonastefanos@yahoo.com

Dated: May 19, 2017

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.

IN THE MATTER OF TRADEMARK APPLICATION NO. 86/310,344

Applicant.

$$\begin{pmatrix}) \\) \\) \\) \\) \\) \\) \\) \end{pmatrix}$$

OPPOSITION NO. 91223575

T:\15-30408\Pinkette's testimony deposition - amended notice.docx

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Opposer's Amended Notice of Testimony Deposition was served upon the parties below by email to the address listed on the date given below.

Lawrence Mallard
19410 NW 27th Avenue
Miami Gardens, Florida 33056
Email: Lavishcouture@yahoo.com; Leonastefanos@yahoo.com

Dated: May 31, 2017

/s/ Kelly W. Cunningham
Kelly W. Cunningham, Esq.

Chris Eckart

From: Chris Eckart
Sent: Wednesday, May 31, 2017 3:51 PM
To: Lavishcouture@yahoo.com; Leonastefanos@yahoo.com
Cc: Kelly Cunningham; lit
Subject: Pinkette Clothing, Inc. v. Lawrence Mallard (Our Ref.: 15-30408)
Attachments: Exhibit 1.PDF; Exhibit 2.PDF; Exhibit 3.pdf; Exhibit 4.pdf; Exhibit 5.pdf; Exhibit 6.pdf; Exhibit 7.pdf

Dear Mr. Mallard:

We attach the seven exhibits that will be referenced in the testimony deposition of Pinkette Clothing tomorrow morning beginning at 10:00 am Pacific Time.

Sincerely,

*Christopher Eckart, assistant to:
Kelly W. Cunningham, Esq. (ext. 240)
CISLO & THOMAS LLP
12100 Wilshire Blvd., Suite 1700
Los Angeles, California 90025-7103
(310) 979-9190 -- ext. 237
www.cislo.com*

CISLO & THOMAS LLP

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IP Litigation, Enforcement, Defense, and Appeals; IP Infringement,*

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