

ESTTA Tracking number: **ESTTA739362**

Filing date: **04/11/2016**

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

Proceeding	91223575
Party	Defendant Lawrence Mallard
Correspondence Address	LAWRENCE MALLARD 19410 NW 27TH AVE MIAMI GARDENS, FL 33056-2554 UNITED STATES Lavishcouture@yahoo.com, Leonastefanos@yahoo.com
Submission	Opposition/Response to Motion
Filer's Name	Lawrence Malalrd
Filer's e-mail	lavishcouture@yahoo.com
Signature	/Lawrence Mallard/
Date	04/11/2016
Attachments	Pinkette Response to Oppostion_Default.pdf(103576 bytes)

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

In the Matter of Serial No. 86/310,344
Mark: LASH CLOTHING & CO. and Design

Pinkette Clothing, Inc., a California corporation,

Opposers,

Opposition No: 91223575

V.S

Lawrence Mallard
Applicant

ANSWER TO NOTICE OF OPPOSITION AND REPOSE TO DEFAULT

Applicant already responded to default on 1/31/16. Lawrence Mallard (“Applicant”) answers Pinkette Clothing, Inc., (“Opposer”) Notice of Opposition as follows:

1. Applicant admits to paragraph 1.
2. Applicant admits to paragraph 2.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Applicant admits to paragraph 6.
7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
8. Applicant denies paragraph 8. Lash Clothing Co. is in no way similar to Opposers trademark. The sound of Lash Clothing CO. in no way conflicts with the sound of LUSH due to the use of two different vowels "A & U" which are pronounced different.
9. Applicant denies paragraph 9. The public will in no way associate Lash Clothing Co with the Opposer trademark. Lash Clothing Co was derived from the founder history, which defines the story and creation of the brand Lash Clothing Co and adds significant value to the brand. Lash Clothing Co. does not violate Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) because Lash Clothing & Co. and the Opposer Mark are different in pronunciation. The public will not be confused into believing that Lash Clothing & Co is associated in any form to Opposer Mark by the name.
10. Applicant denies paragraph 10. The Opposer Opposition shall be denied because the public will in no way associate Lash Clothing Co with the Opposer trademark. Lash Clothing Co was derived from the founder history, which defines the story and creation of the brand Lash Clothing Co and adds significant value to the brand. Lash Clothing Co. does not violate Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) because Lash Clothing & Co. and

the Opposer Mark are different in pronunciation. The public will not be confused into believing that Lash Clothing & Co is associated in any form to Opposer Mark by the name. Lash Clothing & Co has worked hard to advertise there brand and invested time and money for the name Lash Clothing & Co and the use for 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.

WHEREFORE, Applicant request that the notice of opposition be dismissed.

Respectfully submitted,

/Lawrence Mallard/

4/11/2016

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

In the Matter of Serial No. 86/310,344
Mark: LASH CLOTHING & CO. and Design

Pinkette Clothing, Inc., a California corporation,

Opposers,

Opposition No: 91223575

V.S

Lawrence Mallard
Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing matter above, have been served on the Opposer (Plaintiff) by mail on April 11, 2016, via USPS Priority Mail, postage prepaid, to Opposer (Plaintiff) and Correspondent of Record, addressed as follows:

Kelly W. Cunningham Cislo & Thomas LLP

12100 Wilshire Boulevard, Suite 1700

Los Angeles, CA 90025-7103

UNITED STATES

Respectfully submitted,

/Lawrence Mallard/

4/11/2016