ESTTA Tracking number: **ESTTA1151548**

Filing date: **08/05/2021**

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

Proceeding	91268629
Party	Plaintiff Starbuzz Tobacco, Inc.
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Submission	Response to Board Order/Inquiry
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Signature	/Daniel Ngai/
Date	08/05/2021
Attachments	Response to Applicants Withdrawal 080521.pdf(118596 bytes)

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

In the Matter of Application Serial No. 90/109,558
Mark: ***PINK NO. 1***
Filed: ***August 12, 2020***
Published: ***December 8, 2020***

STARBUZZ TOBACCO, INC., Opposer, v. EJUICE EMPIRE, LLC Applicant.	**OPPOSITION NO: 91268629** **RESPONSE TO APPLICANT'S MOTION TO WITHDRAW TRADEMARK APPLICATION SERIAL NUMBER 90/109,558**

On July 30, 2021, Applicant, Ejuice Empire, LLC ("Applicant"), filed a Motion to Withdraw trademark application serial number 90/109,558 ("Application") ***with prejudice***. In the motion, Applicant ***erroneously*** claimed that Opposer Starbuzz Tobacco, Inc. ("Starbuzz") consented to the withdrawal.

On August 5, 2021, the Board issued an order allowing Applicant thirty (30) days to provide proof of Starbuzz's written consent. As such, Starbuzz hereby submits this response to address Applicant's Motion to Withdraw and further respond to the Board's August 5, 2021 Order.

Starbuzz did not, and does not, consent to Applicant's withdrawal of the Application. Since Starbuzz does not consent to Applicant's withdrawal of the Application, Starbuzz

respectfully requests the Board to enter judgment against Applicant. TBMP 602.01; Trademark Rule 2.135.

Dated: August 5, 2021

Respectfully Submitted,
THE PATEL LAW FIRM, P.C.

/s/ *Daniel H. Ngai*
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CERTIFICATE OF SERVICE

I certify that a copy of this **RESPONSE TO APPLICANT'S MOTION TO WITHDRAW TRADEMARK APPLICATION SERIAL NUMBER 90/109,558** is being served via electronic mail, on this 5th day of August, 2021, to the following:

Ejuice Empire, LLC's Attorney/Representative:

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/s/ *Daniel H. Ngai*
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