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

Proceeding no.	91273187
Party	Plaintiff Pacific Sunwear of California, LLC
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Date	07/20/2022
Attachments	2022.07.20 Opposer's Reply Brief.pdf(140285 bytes )

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

In the Matter of Trademark Application Serial No. 90/503,209  
Filed on February 1, 2021  
For the mark "PASHUN LIFESTYLE"  
Published in the *Official Gazette* on October 5, 2021

Pacific Sunwear of California, LLC	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91273187
	)	
Pashun Products Ltd.	)	
	)	
Applicant.	)	
	)	

**OPPOSER’S REPLY BRIEF**

Opposer Pacific Sunwear of California, LLC (“Opposer”) hereby responds to Applicant Pashun Products, Ltd.’s (“Applicant”) brief in response to Opposer’s Motion to Dismiss. Applicant has failed to appoint U.S. counsel as required by the Board order dated March 21, 2022, and therefore, the Board should enter default judgment in favor of Opposer. (ttabvue-91273187-OPP-11).

As stated in the Board order dated March 21, 2022 requiring that Applicant appoint U.S. counsel and as cited in TMBP § 513.01, “foreign-domiciled parties must be represented by U.S. counsel.” (ttabvue-91273187-OPP-11). Applicant, who is domiciled in the United Kingdom, has had since at least as early as January 28, 2022 to obtain U.S. counsel, when Applicant first alerted its former counsel of Applicant’s intent to find new counsel and engage U.S. counsel. (ttabvue-91273187-OPP-9). Since the April 20, 2022 deadline to obtain U.S. counsel as set forth in the Board’s order dated March 21, 2022, Applicant has filed, and the Board granted, Applicant’s two

motions to extend the deadline for Applicant to obtain U.S. counsel. (ttabvue-91273187-OPP-12 - 16). On the date of filing this Reply Brief, Applicant still has not appointed U.S. counsel.

According to C.F.R. § 2.120(h)(1), if a party fails to comply with an order of the Board, “the Board may make any appropriate order, including any of the orders provided in Rule 37(b)(2) of the Federal Rules of Civil Procedure” including rendering a default judgment against the party not complying with the order. In this case, Applicant has not obtained U.S. counsel in the present proceeding and therefore Applicant is in default of the Board’s March 21, 2022 order to appoint U.S. counsel. (ttabvue-91273187-OPP-11).

WHEREFORE, Opposer respectfully requests that the Board enter judgment by default against Applicant for failure to appoint U.S. counsel in the present proceeding, thereby sustaining the Opposition and refusing registration of U.S. Trademark Application Serial No. 90/503,209.

Respectfully submitted,

Date: July 20, 2022

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this July 20, 2022, a true and correct copy of the foregoing OPPOSER'S REPLY BRIEF was emailed to the address below:

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