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

Proceeding	92075385
Party	Defendant The Bubble, LLC
Correspondence Address	BRITTANY MATANI THE BUBBLE LLC 697 SUGAR LEAF LN SODDY DAISY, TN 37379 UNITED STATES Primary Email: littlebutterfly84@yahoo.com 662-386-6217
Submission	Other Motions/Submissions
Filer's Name	Brittany Matani
Filer's email	littlebutterfly84@yahoo.com
Signature	/Brittany Matani/
Date	04/21/2021
Attachments	Formal Response to 23 Mark issues.pdf(392520 bytes)

To Whom it may concern:

I was contacted by Paralegal Nicole Their at 9:57 a.m. on April 21, 2021. I was told that I had not answered the 23 notations against my trademark and that I needed to individually answer them. Also I thought all I had to do was to upload my response to the estta.uspto.gov portal. I did not realize I was also supposed to email a copy to HC Brand Holdings Attorney. So in response I am going to list all 23 actions against my trademark and respond to each one as per compliance with Trademark Rule 2.119. I will also be attaching and emailing all documents, letters and proof that I have submitted previously to the portal to HC Brand Holdings Attorney for the record.

1. Petitioner HC Salon Brand Holdings, LLC, a Delaware limited liability company with a principal place of business at 12333 Sowden Road, Suite B, Houston, Texas 77080 (“Petitioner”), believes that it has been damaged by Registration No. 5,249,788 for the mark THE BUBBLE and Design and hereby petitions to cancel said registration pursuant to Section 14 of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C.§1064.

Response: I applied for my Trademark Legally and paid the fees and waited the time period to receive the trademark, in doing so and having been in business prior until now I feel like this trademark was fairly obtained. HC Holdings should have registered before I did.

2. To the best of Petitioner’s knowledge, the name and address of the current registrant of the THE BUBBLE registration is The Bubble, LLC, a Mississippi limited liability company with an address of 447 Montana Court, Seymour, Tennessee 37865 (“Respondent”).

Response: I made the address change to 697 Sugar Leaf Ln, Soddy Daisy, TN 37379 . It was noted on the portal’s website.

3. On November 29, 2016, Respondent filed application Serial No. 87/250,511 to register the mark THE BUBBLE and Design for use with “physical location and online retail store services featuring different various unique bath products with the store” in International Class 35 this was later amended to “physical location and online retail store services featuring bath products” (“THE BUBBLE Mark”). Respondent’s application, which ultimately matured into Registration No. 5,249,788, included a declaration that Respondent’s THE BUBBLE Mark was first used in commerce by Respondent as early as April 4, 2015.

Response: These statements are true as I openend my business at that time.

4. Petitioner is the owner of a family of BUBBLES marks for hair salon services, retail stores and online retail stores featuring hair salon services and hair and bath products, including the following: Trademark / Reg. No./App. No. Status / Registration Date / Application Date Goods / Services BUBBLES SALON and Design Reg. No. 2831134 Registered April 13, 2004 (International Class 042) Hair salon services, hair styling services and spa services BUBBLES Reg. No. 2975066 Registered July 26, 2005 (International Class 044) Hair cutting and styling services WEAR NOTHING BUT BUBBLES Reg. No. 3769000 Registered March 30, 2010 (International Class 44) Hair salon services; hair salons; beauty salons; hairdressing salons; health spa services, namely, cosmetic body care services and hair care services BUBBLES KERATIN MAX Reg. No. 4660182 Registered December 23, 2014 (International Class 044) Beauty salons; hairdressing salons; hair salons services; hair salon services, namely, hair cutting, styling, coloring, and hair extension services; day spa services, namely, nail care, manicures, pedicures and nail enhancements; manicure services; pedicure services; salon services, namely, nail care, 3 Trademark / Reg. No./App. No. Status / Registration Date / Application Date Goods / Services manicures, pedicures, facials, body treatment services, cosmetic body care services and massages; personal shaving in the nature of personal hair removal services; personal hair removal services; body waxing services for facial and body hair removal in humans; provision of hygienic and beauty care services for men, women and children; beauty treatment services in the nature of beauty salon services; beauty salon services; body and facial treatment services, namely, cleansing and massage; hairdressing services; consultancy, advisory and information services relating to hairdressing styles, beauty care techniques, hygienic care techniques, diet as it relates to healthy nutrition, healthy lifestyle, and lifestyle wellness BUBBLES and Design Reg. No. 4754928 Registered June 16, 2015. Application Date October 2, 2014. Date of first use April 17, 1978. (International Class 035) Retail store services featuring hair care products, hair care preparations and permanent waving and curling preparations, soaps, gels and salts for the bath and shower, toilet water, perfume, deodorants for personal use, skin, face, hand and body oils, creams, milks, lotions, gels and powders, after sun lotions, sun block and sun screen preparations, cosmetics, and makeup; online retail stores featuring hair care products, hair care preparations and permanent waving and curling preparations, soaps, gels and salts for the bath and shower, toilet water, perfume, deodorants for personal use, skin, face, hand and body oils, creams, milks, lotions, gels and powders, after sun lotions, sun block and sun screen preparations, cosmetics, and makeup; online retail store services featuring hair care products, hair care preparations and permanent waving and curling preparations, soaps, gels and salts for the bath and shower, toilet water, perfume, deodorants for personal use, skin, face, hand and body oils, creams, milks, lotions, gels and powders, after sun lotions, sun block and sun screen preparations, cosmetics, and makeup; mail order catalog services in the field of hair care products, hair

4 Trademark / Reg. No./App. No. Status / Registration Date / Application Date Goods / Services care preparations and permanent waving and curling preparations, soaps, gels and salts for the bath and shower, toilet water, perfume, deodorants for personal use, skin, face, hand and body oils, creams, milks, lotions, gels and powders, after sun lotions, sun block and sun screen preparations, cosmetics, and makeup; mail order services in the field of hair care products, hair care preparations and permanent waving and curling preparations, soaps, gels and salts for the bath and shower, toilet water, perfume, deodorants for personal use, skin,

face, hand and body oils, creams, milks, lotions, gels and powders, after sun lotions, sun block and sun screen preparations, cosmetics, and makeup; retail stores featuring hair care products, hair care preparations and permanent waving and curling preparations, soaps, gels and salts for the bath and shower, toilet water, perfume, deodorants for personal use, skin, face, hand and body oils, creams, milks, lotions, gels and powders, after sun lotions, sun block and sun screen preparations, cosmetics, and makeup (International Class 044) Beauty salons; hairdressing salons; hair salons services; hair salon services, namely, hair cutting, styling, coloring, and hair extension services; day spa services, namely, nail care, manicures, pedicures and nail enhancements; manicure services; pedicure services; salon services, namely, nail care, manicures, pedicures, facials, body treatment services, cosmetic body care services and massages; personal shaving in the nature of personal hair removal services; personal hair removal services; body waxing services for facial and body hair removal in humans; provision of hygienic and beauty care services for men, women and children; beauty treatment services in the nature of beauty salon services; beauty salon services; body and facial treatment services, namely, cleansing and massage; hairdressing services; consultancy, 5 Trademark / Reg. No./App. No. Status / Registration Date / Application Date Goods / Services advisory and information services relating to hairdressing styles, beauty care techniques, hygienic care techniques, diet as it relates to healthy nutrition, healthy lifestyle, and lifestyle wellness BUBBLES Ser. No. 88517215 Filed July 16, 2019 (International Class 035) On-line retail store services featuring hair and skin care products, namely, shampoos, conditioners, styling preparations, soaps, skin creams, toilet water, and body lotions; Retail store services featuring hair and skin care products, namely, shampoos, conditioners, styling preparations, soaps, skin creams, toilet water, and body lotions The foregoing marks are hereinafter referred to as the BUBBLES Marks. Copies of the registrations for the BUBBLES Marks are attached hereto as Exhibit A.

Response: Ok, information noted. Good for them, I make and sell products as well, but I was smart enough to apply for the trademark first. Besides my whole issue is that I am “The Bubble” they are “Bubbles”.

5. Petitioner and its predecessors have continuously used the mark BUBBLES on and in connection with hair salon services, retail stores and online retail stores featuring hair salon services and hair and bath products since as early as 1978.

Response: Information understood. I do not provide hair services I am a bath boutique and provide different hand-made bath products, such as scrubs, soaps, etc. So what I have to offer has nothing even to do with hair.

6. At the time Respondent filed its application to register THE BUBBLE Mark, Respondent was on notice of Petitioner’s registrations for the BUBBLES Marks.

Response: If HC Brand Holdings was on notice when I filed for “The Bubble” mark then why did they not come out against my filings in a timely manner before the allotted time of publishing the mark was out?

7. Petitioner has expended substantial time, money, and resources marketing, advertising, and prompting the services offered under the BUBBLES Marks, including through marketing, advertising, promotional efforts, and sales channels for retail store and online retail store services under the BUBBLES Marks.

Response: I have also spent much time, money and advertisement over the years. Mine may not be as much in cost, but again the effort was no less and my store is just as important as your company(s).

8. On July 16, 2019, Petitioner filed an application, Ser. No. 88/517,215, to register the mark BUBBLES for use with “on-line retail store services featuring hair and skin care products, namely, shampoos, conditioners, styling preparations, soaps, skin creams, toilet 6 water, and body lotions; Retail store services featuring hair and skin care products, namely, shampoos, conditioners, styling preparations, soaps, skin creams, toilet water, and body lotions” in International Class 35.

Response: and The Bubble’s services include, but are not limited to, Hand-made soaps, Sugar Scrubs, Shower steamers, lip balms, bath bombs, and several different gift items.

9. On September 11, 2019, Petitioner’s application, Ser. No. 88/517,215, was issued an Office Action in which the Examining Attorney refused registration of Petitioner’s application on the grounds that it was likely to cause confusion with Respondent’s THE BUBBLE Mark.

Response: That is the opinion of HC Holdings. I was perfectly fine for them to be “Bubbles”. I could have said that they were too close to my trademark. But I am not petty like that. I want everyone to have a chance at business and to do well for themselves. Besides my business was only in the State of Mississippi and then only expanded to one area of Tennessee. So I was not even in the same states.

10. Petitioner’s BUBBLES Marks have priority over Respondent’s Mark because Petitioner has used Petitioner’s BUBBLES Marks prior to both the November 29, 2016 filing date of Respondent’s application and Respondent’s April 4, 2015 claimed date of first use of Respondent’s Mark.

Response: That is merely just an opinion. Again they are BUBBLES not The Bubble. So I was never using their name. And again, why did they not file before I did?

11. Respondent's THE BUBBLE Mark is confusingly similar to Petitioner's BUBBLES Marks due to the identical and dominant element "BUBBLE".

Response: I do not find it confusing at all. And like I said before I would have never complained about their name. Mr. Bubbles could have told all of us our names were too close, but that company did not even say anything. In my opinion HC Brand Holdings is being greedy and just finding something to complain about. None of my customers have ever asked if I was their name. My customers came to The Bubble because it was The Bubble. No confusion!

12. The services covered under the registration for Respondent's THE BUBBLE Mark are identical or closely related to those covered under Petitioner's registrations for its BUBBLES Marks.

Response: so what! Again my name is still different! There are so many bath/hair product companies. If they want HC Brand Holdings products they would go to "BUBBLES" If they want mine they would shop at "The Bubble".

13. The services sold by Respondent under THE BUBBLE Mark move in the same channels of trade and are purchased and consumed by the same general class of consumers as are Petitioner's services sold by Petitioner under Petitioner's BUBBLES Mark.

Response: Okay again the USA is plenty big for multiple retailers of all types and names. That again in my opinion is getting greedy. We were not the first and we definitely won't be the last.

14. Upon information and belief, Respondent has ceased offering physical and online store services featuring bath products under the mark THE BUBBLE.

Response: I deny this and that is not true. Even though I do not have a website at the moment I still offer my products and advertise via social media as well as wholesale my products to other stores. It is true that my physical location is closed at the moment because of a personal move I had to make to another location as well as COVID affecting everything.

7 COUNT I LIKELIHOOD OF CONFUSION

15. Petitioner hereby incorporates by reference and re-alleges each and every allegation set forth in Paragraphs 1 through 14.

Response: Do not agree with.

16. Respondent's THE BUBBLE Mark is confusingly similar to Petitioner's BUBBLES Marks because both marks feature "BUBBLE" as the dominant element of the mark.

Response: I also have a bubble image that goes with my logo with specific colors. This also makes the trademark stand out differently to avoid confusion. Note Below



I also have a tag line that I use with this sometimes that also is different. "a unique bath boutique".

17. Respondent's services claimed on its registration for THE BUBBLE, "physical location and online retail store services featuring bath products" in Class 35 are closely related or identical to Petitioner's services covered by Petitioner's BUBBLES Marks.

Response: I personally make most of the bath products by hand not in a factory so my products are not the same. Even I package my own products.

18. Respondent's services offered under THE BUBBLE Mark travel in the same channels of trade and are purchased and consumed by the same class of consumers as are Petitioner's services sold by Petitioner under the BUBBLES Marks.

Response: Again there are thousands of entities that are similar. But they are still different.

19. Respondent's registration of THE BUBBLE Mark should be cancelled because it consists of or comprises a mark which so resembles Petitioner's previously used and registered BUBBLE Marks as to be likely, when used in connection with Respondent's services, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d), and to cause damage to Petitioner thereby.

Response: I am sorry but they are just not the same. HC Brand Holdings is not the same in anyway especially compared to my trademark referenced above!



COUNT II ABANDONMENT

20. Petitioner hereby incorporates by reference and re-alleges each and every allegation set forth in Paragraphs 1 through 14. 8

Response: Do Not agree.

21. On information and belief, on or about October 27, 2019, Respondent closed its physical retail store location. See Exhibit B, a printout from Respondent's Facebook page announcing the store closing.

Response: I closed that physical store because my family was moving. That does not mean that I am still not in business. That would be my business anyways.

22. On information and belief, Respondent has since, or prior to October 27, 2019, ceased operating both its physical and online retail stores under Respondent's THE BUBBLE Mark.

Response: I deny this. I had my products in other stores which even featured me. While I am still in the process of finding a new location and re-vamping my business amidst this Covid Pandemic.

23. Respondent's registration for the mark THE BUBBLE should be canceled because Respondent has abandoned its use of THE BUBBLE on or in connection with physical location and online retail store services featuring bath products. WHEREFORE, The Bubble, LLC's THE BUBBLE mark, Registration No. 5,249,788, is damaging to HC Salon Brand Holdings, LLC and it, accordingly, requests that the instant Petition to Cancel be granted and that the aforesaid registration be canceled.

Response: I deny this as well. I make the products myself and wholesale them. It is my trademark to do as I like and maybe I am trying to find a new location, or maybe I removed my online store because I want to re-vamp it as well. It is not for your company to question that or to assume anything. My business has been struggling due to Covid, but I am still here.

Brittany Matani, Owner

(662)386-6217

I am uploading this to the portal and also noting that I am also attaching to the Attorney of HC Brand Holdings all of the other letters that I submitted to the Portal that they may or may not have received.

CC: [BRIAN P GREGG](#)

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