

ESTTA Tracking number: **ESTTA1277180**

Filing date: **04/07/2023**

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

Proceeding no.	92079337
Party	Plaintiff Mija Clean, LLC
Correspondence address	JOSEPH T NABOR FITCH EVEN TABIN & FLANNERY LLP 120 S. LASALLE STREET SUITE 2100 CHICAGO, IL 60603 UNITED STATES Primary email: trademark@fitcheven.com Secondary email(s): jtnabo@fitcheven.com 312-577-7000
Submission	Motion to Amend Pleading/Amended Pleading
Filer's name	Kerianne A. Strachan
Filer's email	trademark@fitcheven.com, jtnabo@fitcheven.com, kstrachan@fitcheven.com
Signature	/Kerianne A. Strachan/
Date	04/07/2023
Attachments	21345-150426 - Amended Petition for Cancellation - MIJA.pdf(1308260 bytes)

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

Mija Clean, LLC)	
)	
Petitioner,)	Cancellation No.: 92079337
)	
v.)	
)	
Mija, LLC)	
)	
Respondent.)	
)	
)	

AMENDED PETITION FOR CANCELLATION

Petitioner, Mija Clean, LLC., an Illinois Limited Liability Company conducting business at 221 North Madison Street, Hinsdale, Illinois 60521 (hereinafter, “Petitioner”), believes that it is and will continue to be damaged by Registration No. 6532271 for the mark MIJA specifying “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” in International Class 03.

Pursuant to the Trademark Trial and Appeal Board's (the "Board") Order dated March 23, 2023, Petitioner hereby submits this Amended Petition for Cancellation that amends Petitioner's pleading filed on November 23, 2022 and respectfully requests cancellation of Registration No. 6532271, issued October 19, 2021, based on the following grounds:

1. Petitioner, on January 7, 2021, filed a trademark application identified as Application No. 90452598 to register the mark MIJA on the Principal Register for "shampoos" in International Class 03.

2. During the examination of Petitioner's Application No. 90452598, the U.S. Patent and Trademark Office (the "Office") cited Registration No. 6532271 for the MIJA mark as a likely potential source of confusion and, therefore, Application No. 90452598 has been refused registration which refusal is currently pending.

3. According to the publicly available records of the U.S. Patent and Trademark Office, Respondent, on October 19, 2020, filed an application under Section 1(b) for Registration of the mark MIJA and on June 15, 2021, the U.S. Patent and Trademark Office issued a Notice of Allowance of that application for the following goods: "Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams" in International Class 03.

4. According to the publicly available records of the U.S. Patent and Trademark Office, on July 28, 2021, Respondent filed a Statement of Use in which it declared under oath that the mark was in use on all the goods identified in the Notice of Allowance. That then-pending Application was granted registration to the Principal Register on October 19, 2021 for all the goods specified in the Notice of Allowance. A copy of Registration No. 6532271 is attached to this Petition. See *Exhibit A*. The records of the U.S. Patent and Trademark Office report the owner of Registration No. 6532271 as being Mija LLC, a Delaware Limited Liability Company with an address 2979 23rd Street, San Francisco, California 941110 (“Respondent”).

5. The subject Registration was issued in the U.S. less than five (5) years prior to the filing of Petitioner’s original Petition for Cancellation, as well as this Amended Petition.

6. Petitioner notified Respondent’s then-attorney of record, Mr. Vivek Vaidya of the Bend Law Group, of its concerns in a letter emailed to Mr. Vaidya on March 17, 2022. Mr. Vaidya acknowledged receipt of that letter but did not otherwise respond to the undersigned in substance.

7. Petitioner has been using its MIJA mark in U.S. commerce for shampoos and has a continued bona fide intent to obtain registration of its Application No. 90452598 which efforts are being prevented by the continued registration of Registration No. 6532271.

8. Following the issuance of the Office action identified in Paragraph 2 above, Petitioner initiated an investigation of the use of the MIJA mark by Respondent using publicly available resources, including *inter alia* Respondent’s website. The result of the investigation could determine no use of the MIJA mark beyond certain oils and fairly not all the goods specified in the Notice of Allowance. As a result, Petitioner wrote to Respondent’s then-attorney of record, as identified in Paragraph 6 above.

9. Respondent had not used the mark MIJA on all the goods specified in the Notice of

Allowance issued in connection with its Application No. 90263714 as of the time of filing its Statement of Use.

10. In its Response to Request No. 6 of Petitioner's First Set of Requests for Admissions, Respondent admitted that its mark was not in use in connection with "perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams" at the time that its Statement of Use was filed on July 28, 2021. *See Exhibit B.*

11. Respondent filed a false declaration with the U.S. Patent and Trademark Office with its Statement of Use in which it declared under oath that it had used the MIJA mark on all the goods identified in the Notice of Allowance. More specifically, Respondent's Statement of Use, filed on July 28, 2021, included the following statement: "The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class." *See Exhibit C.*

12. On information and belief, Respondent's declaration in the Statement of Use was undeniably false as Respondent's MIJA mark was never in use in commerce on or in connection with all the goods specified in the Notice of Allowance and has never been used on all those goods by the Respondent.

13. On information and belief, Respondent's false attestation as to its use of the goods specified in the Notice of Allowance is further confirmed by the Respondent's request to amend the Registration in the Section 7 Request Form of record. Respondent filed its Section 7 Request Form on March 23, 2022, well after Respondent received notice of its fraud from Petitioner and Petitioner's intent to file this Petition, to delete certain items from the description of goods in the

registration. In particular, Respondent amended its identification of goods as it had never used the mark in connection with the following goods: “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” at the time of filing its Statement of Use. *See Exhibit D.*

14. On information and belief, Respondent’s registration is *void ab initio* as it was obtained without the requisite use in interstate commerce for all of the goods identified in Registration No. 6532271.

15. According to the publicly available records of the U.S. Patent and Trademark Office, Respondent’s then-attorney of record, Mr. Vivek Vaidya, filed the Statement of Use on behalf of the Respondent.

16. Although Respondent’s then-attorney of record filed the Statement of Use, Respondent knew or should have known it was not using the MIJA mark in connection with the goods specified therein.

17. In *Hachette Filipacchi Presse v. Elle Belle LLC*, the Board held that when an applicant is represented by counsel, both the applicant and its counsel share the same duty to ensure the accuracy of the trademark application and the truth of the statements contained therein. 85 U.S.P.Q.2d 1090, 1094 (T.T.A.B. 2007). Thus, Respondent must be held accountable for any false or misleading statements made to the U.S. Patent and Trademark Office.

18. Mr. Vaidya was authorized by Respondent to execute and file the Statement of Use.

19. Respondent stated in its Response to Request No. 19 of Petitioner’s First Set of Requests for Admissions, that it authorized Mr. Vaidya to file a Statement of Use with its application. *See*

Exhibit E.

20. Furthermore, on September 16, 2021, Respondent received an acknowledgement from the U.S. Patent and Trademark Office confirming acceptance of the Statement of Use and made no further immediate amendments to the Statement of Use upon such acceptance by the Office. *See Exhibit F.*

21. Without filing a Statement of Use, the U.S. Patent and Trademark Office would not have issued Registration No. 6532271. Therefore, Respondent's filing of a Statement of Use was material to the U.S. Patent and Trademark Office's issuance of Registration No. 6532271.

22. Therefore, based on the foregoing specific facts, including Respondent's admitted authorization of Mr. Vivek Vaidya's filing of the Statement of Use, as well as the confirmation of the acceptance of the Statement of Use received from the U.S. Patent and Trademark Office, Respondent knew or should have known that it was not using the MIJA mark in connection with all the goods specified in the Notice of Allowance and thus knowingly misrepresented facts to the U.S. Patent and Trademark Office in order to obtain a registration.

23. By filing the Statement of Use in which Respondent declared under oath that it had used the mark on all the goods identified in the Notice of Allowance, Respondent made a material misrepresentation of fact to the U.S. Patent and Trademark Office with regard to its use of the MIJA mark on the specified goods.

24. The false Statement of Use in connection with "perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams" was reflected in the Statement of Use, even though Respondent never used the mark in connection

with such goods.

25. Respondent knew that it had not used the MIJA mark in connection with “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” at the time its Statement of Use was filed with the U.S. Patent and Trademark Office.

26. By filing its Statement of Use claiming use in connection with “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams,” Respondent intended for the U.S. Patent and Trademark Office to issue a registration that included “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.”

27. The filing of the Statement of Use was intended to deceive the U.S. Patent and Trademark Office to issue the registration for all the goods in the Notice of Allowance, including “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face

creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” for which there had never been any use by Respondent.

28. Respondent knew at that time that the MIJA mark was not entitled to registrability for “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.”

29. Respondent knew or should have known the U.S. Patent and Trademark Office would issue the registration to include “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; makeup, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.”

30. “Statements regarding the use of the mark on goods and services are certainly material to issuance of a registration covering such goods and services.” *Hachette Filipacchi Presse v. Elle Belle LLC*, 85 U.S.P.Q.2d at 1093. Based on Respondent’s declaration under oath, the U.S. Patent and Trademark Office relied on Respondent’s material misrepresentation in the issuance of its registration for the goods specified therein.

31. According to the publicly available records of the U.S. Patent and Trademark Office, Respondent filed a Section 7 Request on March 23, 2022, subsequent to the U.S. Patent and Trademark Office’s reliance on its false statements and issuance of a certificate of registration for its MIJA mark on October 19, 2021. *See Exhibit D*.

32. Fraud cannot be cured by an amendment filed after an application has been published or

challenged. *Grand Canyon West Ranch LLC v. Hualapai Tribe*, 88 U.S.P.Q.2d 1501 (T.T.A.B. 2008). Respondent's Section 7 Request was filed on March 23, 2022, which is nearly a week after the Petitioner wrote to the Respondent on March 12, 2022 notifying of the fraud and the intent to file the original Petition for Cancellation. *See Exhibit D*. Respondent's post-registration attempt to amend its identification of goods cannot cure its false statements regarding its use of the MIJA mark in connection with the goods specified in its Statement of Use.

33. Based on the foregoing, Petitioner asserts that it is and will continue to be damaged by the continued registration of Registration No. 6532271 on the Principal Register. Therefore, Mija Clean, LLC. petitions to cancel the registration of Respondent's MIJA mark.

REQUEST FOR RELIEF

WHEREFORE, based on the foregoing causes of action and supporting statement of facts required under Fed. R. Civ. P. 9(b), Petitioner, Mija Clean, LLC., respectfully requests that Registration No. 6532271 for the mark MIJA be cancelled in its entirety, and that Petitioner be awarded such further relief as the Board deems just and proper.

Respectfully submitted,

April 7, 2023

/Joseph T. Nabor/

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Kerianne A. Strachan
FITCH, EVEN, TABIN & FLANNERY LLP
120 South LaSalle, Suite 2100
Chicago, Illinois 60603
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Joseph T. Nabor, Attorney for the Petitioner, hereby certify that a copy of the foregoing Amended Petition for Cancellation has been served via email upon:

Jamie Shelden
Law Office of Jamie Shelden
1760-F Airline Highway, PMB 220
Hollister, CA 95023
Telephone: 831.261.5444
jamie@justtrademarks.com

Attorney for Respondent

Dated: April 7, 2023

/Kerianne A. Strachan/
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Attorneys for Petitioner

Exhibit A

Generated on: This page was generated by TSDR on 2023-04-07 15:57:50 EDT

Mark: MIJA

MIJA

US Serial Number: 90263714

Application Filing Date: Oct. 19, 2020

US Registration Number: 6532271

Registration Date: Oct. 19, 2021

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

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: Mar. 28, 2022

Publication Date: Apr. 20, 2021 Notice of Allowance Date: Jun. 15, 2021

Mark Information

Mark Literal Elements: MIJA

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

Related Properties Information

International Registration Number: 1594504

International Application(s) / Registration(s) Based on this Property: A0107844/1594504

Claimed Ownership of US Registrations: 5933706

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: Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams;

body creams

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 09, 2019

Use in Commerce: Sep. 09, 2019

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mija, LLC

Owner Address: 2979 23rd St.
San Francisco, CALIFORNIA UNITED STATES 94110

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JAMIE R SHELDEN

Attorney Primary Email Address: jamie@justtrademarks.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JAMIE R SHELDEN
LAW OFFICE OF JAMIE SHELDEN
1760 -F AIRLINE HIGHWAY PMB 220
HOLLISTER, CALIFORNIA UNITED STATES 95023

Phone: 831-261-5444

Correspondent e-mail: jamie@justtrademarks.com sarah@skoszyk.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 02, 2022	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2022	CANCELLATION INSTITUTED NO. 999999	79337
Mar. 23, 2022	TEAS SECTION 7 REQUEST RECEIVED	
Oct. 19, 2021	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2021	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 15, 2021	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 13, 2021	STATEMENT OF USE PROCESSING COMPLETE	76538
Jul. 28, 2021	USE AMENDMENT FILED	76538
Aug. 09, 2021	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 28, 2021	TEAS STATEMENT OF USE RECEIVED	
Jul. 26, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 26, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 26, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 15, 2021	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Apr. 20, 2021	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 20, 2021	PUBLISHED FOR OPPOSITION	
Mar. 31, 2021	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2021	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 18, 2021	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 18, 2021	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 18, 2021	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 18, 2021	EXAMINERS AMENDMENT -WRITTEN	73703
Mar. 18, 2021	ASSIGNED TO EXAMINER	73703
Dec. 07, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 22, 2020	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 15, 2021

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Mija, LLC

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [7834/0751](#)

Pages: 2

Date Recorded: Aug. 29, 2022

Supporting Documents: [assignment-tm-7834-0751.pdf](#)

Assignor

Name: [MIJA, LLC](#)

Execution Date: Aug. 14, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [MIJA LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: TEXAS

Address: 1539 S. MASON ROAD, SUITE 46
KATY, TEXAS 77450

Correspondent

Correspondent Name: JAMIE R SHELDEN

Correspondent Address: 1760-F AIRLINE HIGHWAY
PMB 220
HOLLISTER, CA 95023

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92079337](#)

Filing Date: Mar 28, 2022

Status: Suspended

Status Date: Nov 23, 2022

Interlocutory: TASHIA A BUNCH

Attorney:

Defendant

Name: Mija, LLC

Correspondent Address: JAMIE R SHELDEN
LAW OFFICE OF JAMIE SHELDEN
1760 -F AIRLINE HIGHWAY PMB 220
HOLLISTER CA UNITED STATES , 95023

Correspondent e-mail: jamie@justrademarks.com , sarah@skoszyk.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MIJA	Cancellation Pending	90263714	6532271

Plaintiff(s)

Name: Mija Clean, LLC

Correspondent Address: JOSEPH T NABOR
FITCH EVEN TABIN & FLANNERY LLP
120 S. LASALLE STREET, SUITE 2100
CHICAGO IL UNITED STATES , 60603

Correspondent e-mail: trademark@fitcheven.com , jtnabo@fitcheven.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MIJA	Report Completed Suspension Check - Case Still Suspended	90452598	

Prosecution History

Entry Number	History Text	Date	Due Date
11	P MOT FOR SJ DENIED AS MOOT/RESPONSE DUE	Mar 23, 2023	
10	P REPLY IN SUPPORT OF MOTION	Jan 12, 2023	
9	D OPP/RESP TO MOTION	Dec 23, 2022	
8	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 01, 2022	
7	P MOT FOR SUMMARY JUDGMENT	Nov 23, 2022	
6	D CHANGE OF CORRESP ADDRESS	Apr 11, 2022	
5	RESPONSE DUE	Apr 06, 2022	
4	ANSWER	Apr 05, 2022	
3	INSTITUTED	Mar 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 28, 2022	May 07, 2022
1	FILED AND FEE	Mar 28, 2022	

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Exhibit B

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

In the Matter of
Trademark Registration No. 6532271
Mark: MIJA

Mija Clean, LLC,

Petitioner,

v.

Mija, LLC

Registrant.

Cancellation No.: 92079337

**ANSWERS TO PETITIONER'S FIRST SET OF
REQUESTS FOR ADMISSIONS**

Pursuant to Rule 34 of the Federal rules of Civil Procedure, Registrant, Mija, LLC responds to Petitioner, Mija Clean, LLC's First Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Registrant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Registrant's right to rely on other facts or documents at trial.
2. By making the accompanying responses and objections to Petitioner's Requests for Admissions, Registrant does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Registrant makes the responses and objections herein without in any way implying that it considers the requests for admission, and responses to the requests for admission, to be relevant or material to the subject matter of this action.

3. Registrant incorporates by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request. Moreover, Registrant does not waive its right to amend its responses.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1: Admit that the word “MIJA” is Spanish for “daughter.”.

ANSWER: Admit

REQUEST NO. 2: Admit that Respondent has not used the mark MIJA for all of the following products: “Face oils; perfumery; essential oils, hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” in connection with the Respondent’s Mark in United States commerce.

ANSWER: Registrant denies that it has not used Registrant’s mark in United States commerce for “Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface

irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers.”

Registrant admits that it has not yet commenced use of Registrant’s Mark in United States commerce in connection with “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin lotions; beauty care products, namely, make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams”

REQUEST NO. 3: Admit that Respondent filed a Statement of Use with the U.S. Patent and Trademark Office (the “USPTO”) on July 28, 2021 in connection with its Application No. 90263714, clarifying use on the following: “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non- medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non- medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.”

ANSWER: Registrant admits that its previous counsel mistakenly filed a Statement of Use with the U.S. Patent and Trademark Office (the “USPTO”) on July 28, 2021 in connection with its Application No. 90263714, clarifying use on the following: “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations,

namely, non- medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non- medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.” Upon learning of the mistake, on March 23, 2022, Registrant filed a Section 7 Request with the U.S. Patent and Trademark Office to delete the goods that were not in use at the time of filing of the Statement of Use.

REQUEST NO. 4: Admit that, on March 23, 2022, Respondent filed a Section 7 Request Form with the USPTO to delete items, including “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” from its description of goods.

ANSWER: Notwithstanding the General Objections, and without waiver of same, please see responsive documents attached as REG/PROD 1 – REG/PROD 24.

REQUEST NO. 5: Admit that, on March 23, 2022, Respondent filed a Section 7 Request Form with the USPTO to delete items, including “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” from its description of goods.

ANSWER: Admit.

REQUEST NO. 6: Admit that the Respondent's Mark was not in use in connection with "perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams" at the time Respondent filed its Statement of Use on July 28, 2021.

ANSWER: Admit.

REQUEST NO. 7: Admit that Respondent uses the Respondent's Mark in connection with "Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers," as proposed in the Section 7 Request Form dated March 23, 2022.

ANSWER: Admit. Registrant uses Registrant's Mark in connection with these and other goods.

REQUEST NO. 8: Admit that dietary and nutritional supplements are not related products to shampoo.

ANSWER: Deny.

REQUEST NO. 9: Admit that the proposed goods identified in the Respondent's Section 7 Request Form are not related to the goods and/or services identified in the Petitioner's Application No. 90452598.

ANSWER: Deny.

REQUEST NO. 10: Admit that customers encountering Petitioner's Mark are not likely to believe that such mark is associated with Respondent.

ANSWER: Deny.

REQUEST NO. 11: Admit that prospective customers encountering Petitioner's Mark are not likely to believe that such mark is associated with Respondent.

ANSWER: Deny.

REQUEST NO. 12: Admit that customers and prospective customers encountering Petitioner's Mark are not likely to believe that such mark is affiliated with Respondent.

ANSWER: Deny.

REQUEST NO. 13: Admit that customers and prospective customers encountering Petitioner's Mark are not likely to believe that such mark is sponsored by Respondent.

ANSWER: Deny.

REQUEST NO. 14: Admit that customers encountering goods and/or services offered in connection with Petitioner's Mark are not likely to believe that such goods are associated with Respondent.

ANSWER: Deny.

REQUEST NO. 15: Admit that customers encountering goods and/or services offered in connection with Petitioner's Mark are not likely to believe that such goods are affiliated with Respondent.

ANSWER: Deny.

REQUEST NO. 16: Admit that customers encountering goods and/or services offered in connection with Petitioner's Mark are not likely to believe that such goods and/or services are sponsored by Respondent.

ANSWER: Deny.

REQUEST NO. 17: Admit that prospective customers encountering shampoos offered in connection with Petitioner's Mark are not likely to believe that such products are associated with Respondent.

ANSWER: Deny.

REQUEST NO. 18: Admit that Respondent is not aware of instances of actual confusion between Petitioner's Mark and Respondent's Mark.

ANSWER: Deny.

REQUEST NO. 19: Admit that Respondent authorized its then attorney of record to execute the Statement of Use that was filed in connection with its Application No. 90263714.

ANSWER: Registrant admits that it authorized its then attorney of record to file a Statement of Use with its Application No. 90263714. However, Registrant did not represent to that attorney that the Registrant's Mark was in use for all of the goods listed in the application, nor did Registrant specifically authorize its then attorney of record to file the Statement of Use covering all of the listed goods.

REQUEST NO. 20: Admit that each of the documents that Respondent has produced in this proceeding is authentic.

ANSWER: Admit.

Signed,



Date: July 29, 2022

By:

Sarah Koszyk

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **ANSWERS TO PETITIONER'S FIRST SET OF INTERROGATORIES** is being served upon Petitioner by email to Kerianne Strachan at KStrachan@fitcheven.com this 29th day of July 2022.

Jamie Shelden

Jamie R. Shelden

Exhibit C

Generated on: This page was generated by TSDR on 2023-04-07 16:00:02 EDT

Mark: MIJA

MIJA

US Serial Number: 90263714

Application Filing Date: Oct. 19, 2020

US Registration Number: 6532271

Registration Date: Oct. 19, 2021

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

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: Mar. 28, 2022

Publication Date: Apr. 20, 2021 Notice of Allowance Date: Jun. 15, 2021

Mark Information

Mark Literal Elements: MIJA

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

Related Properties Information

International Registration Number: 1594504

International Application(s) / Registration(s) Based on this Property: A0107844/1594504

Claimed Ownership of US Registrations: 5933706

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: Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams;

body creams

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 09, 2019

Use in Commerce: Sep. 09, 2019

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mija, LLC

Owner Address: 2979 23rd St.
San Francisco, CALIFORNIA UNITED STATES 94110

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JAMIE R SHELDEN

Attorney Primary Email Address: jamie@justtrademarks.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JAMIE R SHELDEN
LAW OFFICE OF JAMIE SHELDEN
1760 -F AIRLINE HIGHWAY PMB 220
HOLLISTER, CALIFORNIA UNITED STATES 95023

Phone: 831-261-5444

Correspondent e-mail: jamie@justtrademarks.com sarah@skoszyk.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 02, 2022	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2022	CANCELLATION INSTITUTED NO. 999999	79337
Mar. 23, 2022	TEAS SECTION 7 REQUEST RECEIVED	
Oct. 19, 2021	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2021	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 15, 2021	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 13, 2021	STATEMENT OF USE PROCESSING COMPLETE	76538
Jul. 28, 2021	USE AMENDMENT FILED	76538
Aug. 09, 2021	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 28, 2021	TEAS STATEMENT OF USE RECEIVED	
Jul. 26, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 26, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 26, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 15, 2021	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Apr. 20, 2021	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 20, 2021	PUBLISHED FOR OPPOSITION	
Mar. 31, 2021	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2021	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 18, 2021	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 18, 2021	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 18, 2021	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 18, 2021	EXAMINERS AMENDMENT -WRITTEN	73703
Mar. 18, 2021	ASSIGNED TO EXAMINER	73703
Dec. 07, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 22, 2020	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 15, 2021

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Mija, LLC

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [7834/0751](#)

Pages: 2

Date Recorded: Aug. 29, 2022

Supporting Documents: [assignment-tm-7834-0751.pdf](#)

Assignor

Name: [MIJA, LLC](#)

Execution Date: Aug. 14, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [MIJA LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: TEXAS

Address: 1539 S. MASON ROAD, SUITE 46
KATY, TEXAS 77450

Correspondent

Correspondent Name: JAMIE R SHELDEN

Correspondent Address: 1760-F AIRLINE HIGHWAY
PMB 220
HOLLISTER, CA 95023

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92079337](#)

Filing Date: Mar 28, 2022

Status: Suspended

Status Date: Nov 23, 2022

Interlocutory: TASHIA A BUNCH

Attorney:

Defendant

Name: Mija, LLC

Correspondent Address: JAMIE R SHELDEN
LAW OFFICE OF JAMIE SHELDEN
1760 -F AIRLINE HIGHWAY PMB 220
HOLLISTER CA UNITED STATES , 95023

Correspondent e-mail: jamie@justrademarks.com , sarah@skoszyk.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MIJA	Cancellation Pending	90263714	6532271

Plaintiff(s)

Name: Mija Clean, LLC

Correspondent Address: JOSEPH T NABOR
FITCH EVEN TABIN & FLANNERY LLP
120 S. LASALLE STREET, SUITE 2100
CHICAGO IL UNITED STATES , 60603

Correspondent e-mail: trademark@fitcheven.com , jtnabo@fitcheven.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MIJA	Report Completed Suspension Check - Case Still Suspended	90452598	

Prosecution History

Entry Number	History Text	Date	Due Date
11	P MOT FOR SJ DENIED AS MOOT/RESPONSE DUE	Mar 23, 2023	
10	P REPLY IN SUPPORT OF MOTION	Jan 12, 2023	
9	D OPP/RESP TO MOTION	Dec 23, 2022	
8	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 01, 2022	
7	P MOT FOR SUMMARY JUDGMENT	Nov 23, 2022	
6	D CHANGE OF CORRESP ADDRESS	Apr 11, 2022	
5	RESPONSE DUE	Apr 06, 2022	
4	ANSWER	Apr 05, 2022	
3	INSTITUTED	Mar 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 28, 2022	May 07, 2022
1	FILED AND FEE	Mar 28, 2022	



The Face Oil

\$80.00

- 1 + Add to cart

A special edition face oil with the skin nourishing ingredients found in our Superstar. Silky, greaseless, and easily absorbed, and naturally rich in beneficial vitamins, and Omegas 3, 6, and 9. For skin nourishment, glow and luminosity.

Size 1 oz / 30 ml

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Description Reviews (0)

How to use:

Warm a few drops of oil in the palms of your hands, lightly press into cleansed skin, and blend in an upwards motion up to two times daily (morning and evening, preferably).

Ingredients

Camellia Oleifera (Camellia) Seed Oil*, Squalane, Adansonia Digitata (Baobab) Seed Oil*, Emblica Officinalis (Amla) Fruit Extract and Sesamum Indicum (Sesame) Seed Oil, Sclerocarya Birrea (Marula) Oil**, Vaccinium Macrocarpon (Cranberry) Seed Oil*, Plukenetia Volubilis (Sacha Inchi) Seed Oil*, Tocopherol (Non-GMO Vitamin E from Helianthus Annuus [Sunflower] Seed Oil), Boswellia Carterii (Frankincense) Gum Oil**, Tanacetum Annuum (Blue Tansy) Oil**, Anthemis Nobilis (Chamomile) Flower Oil*, Limonene+.



The Face Oil \$80.00

- 1 + Add to cart

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* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90263714
LAW OFFICE ASSIGNED	LAW OFFICE 116
EXTENSION OF USE	NO
MARK SECTION	
MARK	mark
LITERAL ELEMENT	MIJA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	Mija, LLC
MAILING ADDRESS	2979 23rd St.
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94110
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	Mija, LLC
MAILING ADDRESS	2979 23rd St.
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94110
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
CORRESPONDENCE INFORMATION (current)	
NAME	Vivek Vaidya
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	vivek@blgtrademarks.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
CORRESPONDENCE INFORMATION (proposed)	
NAME	Vivek Vaidya
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	vivek@blgtrademarks.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
CURRENT IDENTIFICATION	Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	09/09/2019
FIRST USE IN COMMERCE DATE	09/09/2019
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-26016471012d80758050 8e7a82a651-20210728160259057144 . MIJA_SOU_Specime n.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT18\IMAGEOUT 18\902\637\90263714\xml11\SOU0002.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\902\637\90263714\xml11\SOU0003.JPG
SPECIMEN DESCRIPTION	Photograph of website showing mark in association with class 003 goods
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Vivek Vaidya/
SIGNATORY'S NAME	Vivek Vaidya
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	07/28/2021

SIGNATORY'S PHONE NUMBER	(415) 439-0153
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION	
SUBMIT DATE	Wed Jul 28 16:08:29 ET 2021
TEAS STAMP	USPTO/SOU-XXXX:XXX:XXX:XX XX:XXXX:XXXX:XXXX:XXXX-20 210728160829885502-902637 14-7807fb247b1c15d558bbb4 9a458d83f2cbff360f6308d69 7babec73fb58dfe1021-CC-08 263962-202107281602590571 44

Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: MIJA(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/90263714/large>)

SERIAL NUMBER: 90263714

OWNER AND/OR ENTITY INFORMATION

The owner proposes to amend the following:

Current: Mija, LLC, having an address of

2979 23rd St.

San Francisco, California 94110

United States

Email: XXXX

Proposed: Mija, LLC, having an address of

2979 23rd St.

San Francisco, California 94110

United States

Phone:

Email: XXXX

The owner is submitting the following allegation of use information:

For International Class 003:

Current identification: Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 09/09/2019, and first used in commerce at least as early as 09/09/2019, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Photograph of website showing mark in association with class 003 goods.

Original PDF file:

[SPN0-26016471012d80758050 8e7a82a651-20210728160259 057144 . MIJA_SOU_Specime n.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

The applicant is not filing a Request to Divide with this Allegation of Use form.

Correspondence Information (current):

Vivek Vaidya

PRIMARY EMAIL FOR CORRESPONDENCE: vivek@blgtrademarks.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Correspondence Information (proposed):

Vivek Vaidya

PRIMARY EMAIL FOR CORRESPONDENCE: vivek@blgtrademarks.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

- The signatory believes that the applicant is the owner of the mark sought to be registered.
For a trademark or service mark application, the mark is in use in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified.
For a collective trademark, collective service mark, collective membership mark application, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified.
For a certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.
- The specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have 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/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission 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: /Vivek Vaidya/ Date Signed: 07/28/2021

Signatory's Name: Vivek Vaidya

Signatory's Position: Attorney of record

Signatory's Phone: (415) 439-0153

Signature method: Signed directly within the form

PAYMENT: 90263714

PAYMENT DATE: 07/28/2021

Serial Number: 90263714

Internet Transmission Date: Wed Jul 28 16:08:29 ET 2021

TEAS Stamp: USPTO/SOU-XXXX:XXX:XXX:XXXX:XXXX:XXXX:XX

XX:XXXX-20210728160829885502-90263714-78

07fb247b1c15d558bbb49a458d83f2cbff360f63

08d697babc73fb58dfe1021-CC-08263962-202

10728160259057144



The Face Oil

\$80.00

- 1 + Add to cart

A special edition face oil with the skin nourishing ingredients found in our Superstar. Silky, greaseless, and easily absorbed, and naturally rich in beneficial vitamins, and Omegas 3, 6, and 9. For skin nourishment, glow and luminosity.

Size 1 oz / 30 ml

Share [f](#) [t](#) [p](#)

Description Reviews (0)

How to use:

Warm a few drops of oil in the palms of your hands, lightly press into cleansed skin, and blend in an upwards motion up to two times daily (morning and evening, preferably).

Ingredients

Camellia Oleifera (Camellia) Seed Oil*, Squalane, Adansonia Digitata (Baobab) Seed Oil*, Emblica Officinalis (Amla) Fruit Extract and Sesamum Indicum (Sesame) Seed Oil, Sclerocarya Birrea (Marula) Oil**, Vaccinium Macrocarpon (Cranberry) Seed Oil*, Plukenetia Volubilis (Sacha Inchi) Seed Oil*, Tocopherol (Non-GMO Vitamin E from Helianthus Annuus [Sunflower] Seed Oil), Boswellia Carterii (Frankincense) Gum Oil**, Tanacetum Annuum (Blue Tansy) Oil**, Anthemis Nobilis (Chamomile) Flower Oil*, Limonene+.



The Face Oil \$80.00

- 1 + Add to cart

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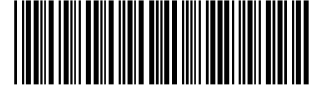


* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

©2021 MIJA LLC. ALL RIGHTS RESERVED

FEE RECORD SHEET

Serial Number: 90263714



RAM Sale Number: 90263714

Total Fees: \$100

RAM Accounting Date: 20210728

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20210728	\$100	1	\$100

Transaction Date: 20210728



Exhibit D

Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	6532271
LAW OFFICE ASSIGNED	LAW OFFICE 116
SERIAL NUMBER	90263714
MARK SECTION	
MARK	mark
LITERAL ELEMENT	MIJA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION (current)	
NAME	Mija, LLC
MAILING ADDRESS	2979 23rd St.
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94110
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
OWNER SECTION (proposed)	
NAME	Mija, LLC
MAILING ADDRESS	2979 23rd St.
CITY	San Francisco
STATE	California
ZIP/POSTAL CODE	94110
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	XXXX
EXPLANATION OF FILING	
<p>Owner wishes to delete certain items from the description of goods in the registration. Owner, through its previous trademark counsel, filed a Statement of Use incorrectly stating that the mark was in use in connection with all of the listed goods. However, the mark was not, in fact, in use in connection with all of the goods. Through this request, Owner wishes to permanently delete those goods that were not in use at the time of filing of the Statement of Use. The goods to be deleted are: perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip</p>	

sticks, body washes, body scrubs, skin toners, beauty creams; body creams The following goods will remain in the registration: Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers Owner acknowledges that this mistake was made in good faith as Owner's attorney of record, when signing the Statement of Use mistakenly believed the mark was in use with all of the goods when it was in fact not.

GOODS AND/OR SERVICES SECTION (current)

U.S. CLASS 003

IDENTIFICATION

Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams

FILING BASIS Section 1(a)

FIRST USE ANYWHERE DATE At least as early as 09/09/2019

FIRST USE IN COMMERCE DATE At least as early as 09/09/2019

GOODS AND/OR SERVICES SECTION (proposed)

U.S. CLASS 003

IDENTIFICATION

Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers

FILING BASIS Section 1(a)

FIRST USE ANYWHERE DATE At least as early as 09/09/2019

FIRST USE IN COMMERCE DATE At least as early as 09/09/2019

ATTORNEY INFORMATION (current)

NAME Vivek Vaidya

ATTORNEY BAR MEMBERSHIP NUMBER XXX

YEAR OF ADMISSION XXXX

U.S. STATE/ COMMONWEALTH/ TERRITORY XX

FIRM NAME Bend Law Group, PC

STREET 2181 Greenwich St.

CITY San Francisco

STATE California

POSTAL CODE 94123

COUNTRY/REGION/JURISDICTION/U.S. TERRITORY United States

PHONE (415) 439-0153

EMAIL vivek@blgtrademarks.com

ATTORNEY INFORMATION (proposed)

NAME Jamie Shelden

ATTORNEY BAR MEMBERSHIP NUMBER XXX

YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Law Office of Jamie Shelden
STREET	1760-F Airline Highway, PMB 220
CITY	Hollister
STATE	California
POSTAL CODE	95023
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
PHONE	8312615444
EMAIL	jamie@justtrademarks.com
CORRESPONDENCE INFORMATION (current)	
NAME	Vivek Vaidya
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	vivek@blgtrademarks.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
CORRESPONDENCE INFORMATION (proposed)	
NAME	Jamie Shelden
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	jamie@justtrademarks.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	natalie@justtrademarks.com
PAYMENT SECTION	
TOTAL FEES DUE	The undersigned believes no fee is required because the only change to the registration is the deletion of goods, services, and/or classes prior to submission of a Section 8 or 71 declaration. The USPTO may, upon later review, require a fee payment.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jamie Shelden/
SIGNATORY'S NAME	Jamie Shelden
SIGNATORY'S POSITION	Attorney of record, California Bar member
DATE SIGNED	03/23/2022
SIGNATURE METHOD	Signed directly within the form
REQUEST SIGNATURE	/Jamie Shelden/
SIGNATORY'S NAME	Jamie Shelden
SIGNATORY'S POSITION	Attorney of record, California Bar member
DATE SIGNED	03/23/2022
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
CONCURRENT § 8, 8 &15, OR 8 &9 FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 23 23:51:18 ET 2022

TEAS STAMP

USPTO/S7R-XXXX:XXXX:XXXX:
XXXX:XXXX:XXXX:XXXX:XXXX-
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A-20220323231155928940

PTO- 1597

Approved for use through 01/31/2025. OMB 0651-0055

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Section 7 Request Form

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **6532271** MIJA(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/90263714/large>) has been amended as follows:

EXPLANATION OF FILING

Owner wishes to delete certain items from the description of goods in the registration. Owner, through its previous trademark counsel, filed a Statement of Use incorrectly stating that the mark was in use in connection with all of the listed goods. However, the mark was not, in fact, in use in connection with all of the goods. Through this request, Owner wishes to permanently delete those goods that were not in use at the time of filing of the Statement of Use. The goods to be deleted are: perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams The following goods will remain in the registration: Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers Owner acknowledges that this mistake was made in good faith as Owner's attorney of record, when signing the Statement of Use mistakenly believed the mark was in use with all of the goods when it was in fact not.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Registrant proposes to amend the following class of goods/services in the application:

Current: Class 003 for Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams

Proposed: Class 003 for Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers

OWNER AND/OR ENTITY INFORMATION

Registrant proposes to amend the following:

Current: Mija, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
2979 23rd St.
San Francisco, California 94110
United States
XXXX

Proposed: Mija, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
2979 23rd St.
San Francisco, California 94110
United States
XXXX

The owner's/holder's current attorney information: Vivek Vaidya. Vivek Vaidya of Bend Law Group, PC, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

2181 Greenwich St.
San Francisco, California 94123
United States

The phone number is (415) 439-0153.

The email address is vivek@blgtrademarks.com

The owner's/holder's proposed attorney information: Jamie Shelden. Jamie Shelden of Law Office of Jamie Shelden, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

1760-F Airline Highway, PMB 220
Hollister, California 95023
United States

The phone number is 8312615444.

The email address is jamie@justtrademarks.com

Jamie Shelden submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Information (current):

Vivek Vaidya
PRIMARY EMAIL FOR CORRESPONDENCE: vivek@blgtrademarks.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Correspondence Information (proposed):

Jamie Shelden
PRIMARY EMAIL FOR CORRESPONDENCE: jamie@justtrademarks.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): natalie@justtrademarks.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

The undersigned believes no fee is required because the only change to the registration is the deletion of goods, services, and/or classes prior to submission of a Section 8 or 71 declaration. The USPTO may, upon later review, require a fee payment.

SIGNATURE(S)

Declaration Signature

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, 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: /Jamie Shelden/ Date: 03/23/2022
Signatory's Name: Jamie Shelden
Signatory's Position: Attorney of record, California Bar member
Signatory's Phone: 831-261-5444
Signature method: Signed directly within the form

Request Signature

Signature: /Jamie Shelden/ Date: 03/23/2022
Signatory's Name: Jamie Shelden
Signatory's Position: Attorney of record, California Bar member
Signatory's Phone: 831-261-5444

Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if filed in conjunction with a pending post-registration filing, and if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: Vivek Vaidya
Bend Law Group, PC

2181 Greenwich St.
San Francisco, California 94123

Mailing Address: Jamie Shelden
Law Office of Jamie Shelden
1760-F Airline Highway, PMB 220
Hollister, California 95023

Serial Number: 90263714

Internet Transmission Date: Wed Mar 23 23:51:18 ET 2022

TEAS Stamp: USPTO/S7R-XXXX:XXXX:XXXX:XXXX:XXXX:XXXX:

XXXX:XXXX-20220323235118046724-6532271-8

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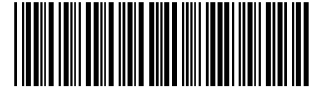
231155928940

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 6532271



Serial Number: 90263714



RAM Sale# NOT FOUND

Total Fees: \$0

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
\$7 request		20220323	\$0	0	0	\$0

Physical Location: MADCD- NO PHYSICAL FILE

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20220323



Exhibit E

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

In the Matter of
Trademark Registration No. 6532271
Mark: MIJA

Mija Clean, LLC,

Petitioner,

v.

Mija, LLC

Registrant.

Cancellation No.: 92079337

**ANSWERS TO PETITIONER'S FIRST SET OF
REQUESTS FOR ADMISSIONS**

Pursuant to Rule 34 of the Federal rules of Civil Procedure, Registrant, Mija, LLC responds to Petitioner, Mija Clean, LLC's First Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Registrant's investigation and development of all facts and circumstances relating to this action is ongoing. These responses and objections are made without prejudice to, and are not a waiver of, Registrant's right to rely on other facts or documents at trial.
2. By making the accompanying responses and objections to Petitioner's Requests for Admissions, Registrant does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such responses into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and privilege. Further, Registrant makes the responses and objections herein without in any way implying that it considers the requests for admission, and responses to the requests for admission, to be relevant or material to the subject matter of this action.

3. Registrant incorporates by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request. Moreover, Registrant does not waive its right to amend its responses.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1: Admit that the word “MIJA” is Spanish for “daughter.”.

ANSWER: Admit

REQUEST NO. 2: Admit that Respondent has not used the mark MIJA for all of the following products: “Face oils; perfumery; essential oils, hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” in connection with the Respondent’s Mark in United States commerce.

ANSWER: Registrant denies that it has not used Registrant’s mark in United States commerce for “Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface

irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers.”

Registrant admits that it has not yet commenced use of Registrant’s Mark in United States commerce in connection with “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin lotions; beauty care products, namely, make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams”

REQUEST NO. 3: Admit that Respondent filed a Statement of Use with the U.S. Patent and Trademark Office (the “USPTO”) on July 28, 2021 in connection with its Application No. 90263714, clarifying use on the following: “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non- medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non- medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.”

ANSWER: Registrant admits that its previous counsel mistakenly filed a Statement of Use with the U.S. Patent and Trademark Office (the “USPTO”) on July 28, 2021 in connection with its Application No. 90263714, clarifying use on the following: “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations,

namely, non- medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non- medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams.” Upon learning of the mistake, on March 23, 2022, Registrant filed a Section 7 Request with the U.S. Patent and Trademark Office to delete the goods that were not in use at the time of filing of the Statement of Use.

REQUEST NO. 4: Admit that, on March 23, 2022, Respondent filed a Section 7 Request Form with the USPTO to delete items, including “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” from its description of goods.

ANSWER: Notwithstanding the General Objections, and without waiver of same, please see responsive documents attached as REG/PROD 1 – REG/PROD 24.

REQUEST NO. 5: Admit that, on March 23, 2022, Respondent filed a Section 7 Request Form with the USPTO to delete items, including “perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” from its description of goods.

ANSWER: Admit.

REQUEST NO. 6: Admit that the Respondent's Mark was not in use in connection with "perfumery; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; face gels, face creams, face mist, skin lotions; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams" at the time Respondent filed its Statement of Use on July 28, 2021.

ANSWER: Admit.

REQUEST NO. 7: Admit that Respondent uses the Respondent's Mark in connection with "Face oils; essential oils; non-medicated skin care preparations and serums, namely, skin oils; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, skin moisturizers," as proposed in the Section 7 Request Form dated March 23, 2022.

ANSWER: Admit. Registrant uses Registrant's Mark in connection with these and other goods.

REQUEST NO. 8: Admit that dietary and nutritional supplements are not related products to shampoo.

ANSWER: Deny.

REQUEST NO. 9: Admit that the proposed goods identified in the Respondent's Section 7 Request Form are not related to the goods and/or services identified in the Petitioner's Application No. 90452598.

ANSWER: Deny.

REQUEST NO. 10: Admit that customers encountering Petitioner's Mark are not likely to believe that such mark is associated with Respondent.

ANSWER: Deny.

REQUEST NO. 11: Admit that prospective customers encountering Petitioner's Mark are not likely to believe that such mark is associated with Respondent.

ANSWER: Deny.

REQUEST NO. 12: Admit that customers and prospective customers encountering Petitioner's Mark are not likely to believe that such mark is affiliated with Respondent.

ANSWER: Deny.

REQUEST NO. 13: Admit that customers and prospective customers encountering Petitioner's Mark are not likely to believe that such mark is sponsored by Respondent.

ANSWER: Deny.

REQUEST NO. 14: Admit that customers encountering goods and/or services offered in connection with Petitioner's Mark are not likely to believe that such goods are associated with Respondent.

ANSWER: Deny.

REQUEST NO. 15: Admit that customers encountering goods and/or services offered in connection with Petitioner's Mark are not likely to believe that such goods are affiliated with Respondent.

ANSWER: Deny.

REQUEST NO. 16: Admit that customers encountering goods and/or services offered in connection with Petitioner's Mark are not likely to believe that such goods and/or services are sponsored by Respondent.

ANSWER: Deny.

REQUEST NO. 17: Admit that prospective customers encountering shampoos offered in connection with Petitioner's Mark are not likely to believe that such products are associated with Respondent.

ANSWER: Deny.

REQUEST NO. 18: Admit that Respondent is not aware of instances of actual confusion between Petitioner's Mark and Respondent's Mark.

ANSWER: Deny.

REQUEST NO. 19: Admit that Respondent authorized its then attorney of record to execute the Statement of Use that was filed in connection with its Application No. 90263714.

ANSWER: Registrant admits that it authorized its then attorney of record to file a Statement of Use with its Application No. 90263714. However, Registrant did not represent to that attorney that the Registrant's Mark was in use for all of the goods listed in the application, nor did Registrant specifically authorize its then attorney of record to file the Statement of Use covering all of the listed goods.

REQUEST NO. 20: Admit that each of the documents that Respondent has produced in this proceeding is authentic.

ANSWER: Admit.

Signed,



Date: July 29, 2022

By:

Sarah Koszyk

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the **ANSWERS TO PETITIONER'S FIRST SET OF INTERROGATORIES** is being served upon Petitioner by email to Kerianne Strachan at KStrachan@fitcheven.com this 29th day of July 2022.

Jamie Shelden

Jamie R. Shelden

Exhibit F

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Mark: MIJA

MIJA

US Serial Number: 90263714

Application Filing Date: Oct. 19, 2020

US Registration Number: 6532271

Registration Date: Oct. 19, 2021

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office of Trademark and is currently undergoing a challenge which may result in its removal from the register.

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

Status Date: Mar. 28, 2022

Publication Date: Apr. 20, 2021

Notice of Allowance Date: Jun. 15, 2021

Mark Information

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

Date	Description	Proceeding Number
Nov. 02, 2022	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2022	CANCELLATION INSTITUTED NO. 999999	79337
Mar. 23, 2022	TEAS SECTION 7 REQUEST RECEIVED	
Oct. 19, 2021	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2021	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 15, 2021	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 13, 2021	STATEMENT OF USE PROCESSING COMPLETE	76538
Jul. 28, 2021	USE AMENDMENT FILED	76538

Aug. 09, 2021	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 28, 2021	TEAS STATEMENT OF USE RECEIVED	
Jul. 26, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 26, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 26, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 15, 2021	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 20, 2021	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 20, 2021	PUBLISHED FOR OPPOSITION	
Mar. 31, 2021	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 18, 2021	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 18, 2021	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 18, 2021	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 18, 2021	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 18, 2021	EXAMINERS AMENDMENT -WRITTEN	73703
Mar. 18, 2021	ASSIGNED TO EXAMINER	73703
Dec. 07, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 22, 2020	NEW APPLICATION ENTERED IN TRAM	

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