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Filing date: **11/23/2022**

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 for Summary Judgment Yes , the Filer previously made its initial disclosures pursuant to Trademark Rule 2.120(a); OR the motion for summary judgment is based on claim or issue preclusion, or lack of jurisdiction. The deadline for pretrial disclosures for the first testimony period as originally set or reset: 01/17/2023
Filer's name	Kerianne A. Strachan
Filer's email	trademark@fitcheven.com, jtnabo@fitcheven.com, kstrachan@fitcheven.com
Signature	/Kerianne A. Strachan/
Date	11/23/2022
Attachments	21345-150426 - Motion for Summary Judgment - MIJA.pdf(1375327 bytes)

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

Mija Clean, LLC)	
)	
Petitioner,)	Cancellation No.: 92079337
)	
v.)	Serial Nos. 90263714 and 90452598
)	
Mija, LLC)	Filed: March 28, 2022
)	
Registrant.)	Marks: MIJA and MIJA
)	
)	

Petitioner’s Motion for Summary Judgment and Memorandum in Support

INTRODUCTION

Petitioner, Mija Clean, LLC (“Petitioner”), by and through its attorneys, hereby requests that the Trademark Trial and Appeal Board (the “Board”) grant Petitioner’s Motion for Summary Judgment and cancel Registration No. 6532271 (the “Registration”) for the mark MIJA, owned by MIJA, LLC (“Registrant”), based on Registrant’s fraud upon the U.S. Patent and Trademark Office (the “Office”).

Petitioner asserts that there are no genuine issues of material fact in dispute that Registrant committed fraud upon the Office. As a result, Petitioner is entitled to judgment as a matter of law. Registrant filed its application for the MIJA mark based on Section 1(b) on October 19, 2020 and then filed a Statement of Use on June 28, 2021. These are facts beyond dispute and are clearly shown in the records of the Office. Similarly, there can be no dispute and the records of the Office clearly establish that Registrant never used the mark in connection with all of the goods identified in the Notice of Allowance at the time the Statement of Use was filed and upon which the Office subsequently relied in issuing the certificate of registration on

October 19, 2021. Registrant knew or should have known that it was not using the MIJA mark for all of the goods identified in its application and that filing such a false statement was material to the issuance by the Office in the subject Registration. Thus, Registrant's false use statements amount to fraud on the Office. Registrant's arguments of record and Section 7 Request Form subsequently filed on March 23, 2022, well after Registrant 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 do not cure its fraud. Consequently, the Board should grant this Motion and cancel Registrant's registration for the MIJA mark.

STATEMENT OF FACTS

A. The Parties

Petitioner Mija Clean, LLC is an Illinois limited liability company in the business of manufacturing, distributing, and marketing salon-quality hair products, namely, shampoos customized with botanical extracts and natural ingredients. Since at least as early as 2019, Petitioner has continuously and extensively used its MIJA mark in interstate commerce in connection with its shampoos. Petitioner filed its application to register the mark MIJA on January 27, 2021, Application No. 90452598. The goods specified in that application are shampoos and the Office has cited the Registration as a potential bar to registration of the Petitioner's application. That refusal remains current.

Registrant Mija, LLC is a Delaware limited liability company in the business of manufacturing, distributing, and marketing wellness products.

B. The MIJA Application

Registrant, on October 19, 2020, filed a Section 1(b) intent-to-use application seeking to register MIJA as a trademark and on June 15, 2021, the 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 mists, 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, moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” in Class 3. MIJA Application, Exhibit A.

On July 28, 2021, Registrant 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 in spite of evidence to the contrary. The Office then issued Registration No. 6532271 on October 19, 2021 for all the goods specified in the Notice of Allowance. MIJA Certificate of Registration, Exhibit B.

On March 23, 2022, Registrant filed a Section 7 Request with the Office to amend 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. Registrant’s Section 7 Request, Exhibit C.

ARGUMENT

Summary judgment is proper when there is no genuine issue of material fact, and the movant is entitled to judgment as a matter of law. FED.R.CIV.P. 56(c); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247, 106 S.Ct. 2505, 2509-10 (1986); *Continental Can Co. USA, Inc. v. Monsanto, Co.*, 948 F.2d 1264, 1265 (Fed. Cir. 1991). A factual issue is genuine only if the evidence is such that a reasonable fact finder could return a verdict for the non-moving party under the applicable substantive evidentiary standard, *Anderson*, supra, at 254. Accordingly, it is the obligation of the non-moving party to “set forth specific facts showing that there is a genuine issue for trial.” FED.R.CIV.P. 56(e). The mere identification of a dispute of fact will not necessarily defeat a motion for summary judgment if the fact disputed is not essential to the determination sought by the summary judgment motion; a factual dispute is material only if resolution of the dispute would affect the decision on the legal issue. *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 636 (Fed. Cir. 1984). Moreover, summary judgment should not be denied “merely to satisfy a litigant's speculative hope of finding some evidence that might tend to support a complaint.” *Pure Gold*, 739 F.2d at 627. (Citing *First National Bank v. Cities Services Co.*, 391 U.S. 253, 290 (1968)).

The Board should grant Petitioner’s Motion for Summary Judgment because the Registrant committed fraud upon the Office. “Fraud in obtaining a trademark registration occurs ‘when an applicant knowingly makes false, material representations of fact in connection with his application.’” *Standard Knitting, Ltd. v. Toyota Jidosha*, 2006 TTAB Lexis 9 (T.T.A.B. 2006). While a party making a fraud claim is under a heavy burden because fraud must be proved by clear and convincing evidence with any doubts

resolved against the party making the claim, the Board has nonetheless granted summary judgement in appropriate cases. *See Medinol Ltd. v. Neuro Vasx Inc.*, 67 U.S.P.Q.2d 1205 (T.T.A.B. 2003) (summary judgment granted on fraud grounds: registration cancelled where registrant admitted it had not used the mark in connection with all the goods identified in its statement of use). If fraud can be shown in the procurement of a registration, the application or resulting registration is void in the class or classes for which fraud is found. *G&W Laboratories Inc. v. G W Pharma Ltd.*, 89 U.S.P.Q.2d 1571, 1573 (T.T.A.B. 2009).

Here, there is no doubt that Registrant committed fraud upon the Office when it filed its Statement of Use falsely attesting to use of 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; make-up, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” in Class 3.

In fact, Registrant admitted that it has not used the MIJA mark with the foregoing goods. Registrant’s Section 7 Request, Exhibit C. As Registrant never used the mark in connection with the deleted goods at the time the Statement of Use was filed, it knew or should have known it was not using the mark in connection with those goods. Since Registrant’s false statements of use were material to the MIJA application and were relied upon by the Office in the issuance of Registration No. 6532271, Registrant has committed fraud on the Office. Therefore, Petitioner respectfully requests that the Board

grant this Motion and cancel the subject registration of Registrant's MIJA mark based on the following considerations.

A. Registrant Falsely Attested to Use of the MIJA Mark in Connection with the Goods Specified in the Application and Statement of Use

Under 37 C.F.R. §2.34(a)(1)(i), an applicant filing an intent-to-use based application under Section 1(b) “must verify that the applicant has a bona fide intention to use the mark in commerce. If the verified statement is not filed with the initial application, the verified statement must also allege that the applicant had a bona fide intention to use the mark in commerce as of the application filing date.” Furthermore, in an application under Section 1(b), a statement of use is also required under Section 1(d) of the Trademark Act. 37 C.F.R. §2.88(a)(1). A complete statement of use must include, but is not limited to, a verified statement alleging “[t]he goods, services, and/or nature of the collective membership organization specified in the notice of allowance.” 37 C.F.R. §2.88(b)(1)(iv). Moreover, “[t]he goods or services specified in a statement of use must conform to those goods or services specified in the notice of allowance for trademark . . . applications.” *Id.*

Here, Registrant's Statement of Use 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.” Registrant's Statement of Use, Ex. D. However, such a statement was undeniably false as Registrant's MIJA mark was never in use in commerce on or in connection with all the specified goods and has never been used on those goods by the Registrant.

In Registrant's Answers to Petitioner's First Set of Requests for Admissions,

Registrant 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. Response to Request No. 6, Registrant’s Answers to Petitioner’s First Set of Requests for Admissions, Ex. E. This is further confirmed by the Registrant’s request to amend the Registration in the Section 7 Request Form.

Therefore, based on Registrant’s own admission and assertions as clearly shown in the evidence of record, there is no dispute and no genuine issue of material fact that when filing its Statement of Use, Registrant falsely attested to using the MIJA mark in connection with all its goods.

B. At the Time It Filed the MIJA Statement of Use, Registrant Knew or Should Have Known It Was Not Using the MIJA Mark in Connection Its Specified Goods

The Lanham Act imposes an obligation on the applicant not to make knowingly inaccurate or misleading statements in the verified declaration forming part of the application. See *Fuji Medical Instruments v. American Crocodile Int'l*, 2021 USPQ2d (BNA) 831 (TTAB 2021). To succeed on a claim of fraud, the challenging party must prove by clear and convincing evidence that the applicant made false statements with the intent to deceive the Office. *In re Bose*, 91 USPQ2d at 1940 (quoting *Meineke Discount Muffler v. Jaynes*, 999 F.2d 120, 126 (5th Cir. 1993)).

According to the Office' records, Registrant's then-attorney of record, Mr. Vivek Vaidya, filed the Statement of Use on behalf of the Registrant. Registrant may argue that it did not specifically authorize Mr. Vaidya to file the Statement of Use in connection with all the listed goods. However, 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. *Hachette Filipacchi Presse v. Elle Belle LLC*, 85 U.S.P.Q.2d 1090, 1094 (T.T.A.B. 2007).

Here, Registrant admitted that it authorized Mr. Vaidya to file a Statement of Use with its application. Response to Request No. 19, Registrant's Answers to Petitioner's First Set of Requests for Admissions, Ex. E. Although Registrant's attorney of record at the time signed the declaration which accompanied the Statement of Use, Registrant is not relieved of its duty to state the truth. See *Smith Int'l v. Olin Corp.*, 209 USPQ (BNA) 1033, 1047 (TTAB 1981). ("Even if the affidavit was prepared by its attorney, Smith must be held accountable for any false or misleading statements made therein."). To hold otherwise is to provide every applicant with a universal escape from the obligations imposed by the Rules of the Office.

Additionally, on September 16, 2021, Registrant received an acknowledgement from the Office confirming acceptance of the Statement of Use. Prosecution History, U.S. Patent and Trademark Office Record, Exhibit F. Such an acknowledgement put Registrant on notice that the affidavit in question had been accepted for all of the goods identified in the Notice of Allowance. Thus, based on the foregoing facts, Registrant knew or should have known that it was not using the MIJA mark in connection with all the goods specified in the Statement of Use.

C. **Registrant's Statements Regarding Its Use of the MIJA Mark in Connection with Its Goods Are Material to the Application**

"[I]nformation is material when a reasonable examiner would consider it important in

deciding whether to allow the application to issue[.]” *Fuji Medical Instruments*, 2021 USPQ2d (BNA) 831 (quoting *Symantec Corp. v. Comput. Assocs. Int’l, Inc.*, 522 F.3d 1279, 86 USPQ2d 1449, 1460 (Fed. Cir. 2008)). Statements regarding the use of a mark on goods are certainly material to issuance of a registration. *See Sinclair Oil Corp. v. Kendrick*, 85 U.S.P.Q.2d 1032 (T.T.A.B. 2007) (fraud found based on applicant's allegation of use of its mark in connection with retail store services when mark had only been used on a small number of product samples); *Standard Knitting Ltd. v. Toyota Jidosha Kabushiki Kaisha*, 77 U.S.P.Q.2d 1917 (T.T.A.B. 2006) (counterclaim petition for cancellation of petitioner's pleaded registrations granted when fraud found based on misrepresentation regarding use of the mark on most of the goods identified in the filed applications).

In *Hachette Filipacchi Presse v. Elle Belle LLC*, the Board recognized that “[s]tatements regarding the use of the mark on goods and services are certainly material to issuance of a registration covering such goods and services.” 85 U.S.P.Q.2d at 1093. Therefore, by filing a Section 1(a) use in commerce application when the applicant had not used the mark in connection with all the goods identified in its application, the applicant certainly made “a material misrepresentation of fact with regard to use of the mark on particular goods... and that statement was relied upon by the [PTO] in determining [the applicant's] rights to the registration.” *Id.* at 1093.

Additionally, in *Medinol Ltd. v. Neuro Vasx, Inc.*, the Board granted summary judgment in favor of the petitioner on the issue of fraud as it found that the respondent made material misrepresentations in connection with its statement of use. 67 U.S.P.Q.2d (BNA) 1205, 1210 (T.T.A.B. 2003). The respondent in *Medinol* indicated in its identification of goods two items: stents and catheters. *Id.* at 1209. The respondent also stated in its statement of use that the mark

was in use on “those goods identified in the Notice of Allowance in this Application.” *Id.*

However, the respondent’s mark was not in use on stent, thus resulting in fraud. *Id.* at 1210.

Similar to the *Hachette* and *Medinol* cases, there is no question that Registrant’s application for the MIJA mark would have been refused but for Registrant’s misrepresentation regarding its use of the mark on all of the goods identified in the Statement of Use at the time of filing. The false statements 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” were reflected in the Statement of Use, even though Registrant never used the mark in connection with such goods. As a result of Registrant’s filing of the Statement of Use which included such false statements, the Office issued the certificate of registration. Therefore, Registrant’s false use statements of use were material to the application.

D. Registrant’s Section 7 Request to Amend the Identification of Goods Cannot Cure its Fraud

Lastly, Petitioner asserts that Registrant’s amendments provided in its Section 7 Request do not and cannot cure its fraud on the Office. 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). Here, Registrant’s Section 7 Request was filed after the Office relied on its false statements and issued a certificate of registration for its MIJA mark. Consequently, Registrant’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. It is further noted that the Registrant’s effort to correct

its fraud by the Section 7 Request was filed on March 23, 2022, which is nearly a week after the Petitioner wrote to the Registrant on March 12, 2022 notifying of the fraud and the intent to file this Petition to Cancel the Registration.

CONCLUSION

In conclusion, summary judgment is appropriate here as there are no genuine issues of material fact in dispute that Registrant committed fraud upon the Office. Therefore, Petitioner is entitled to judgment as a matter of law. Registrant knew or should have known that it was not using the MIJA mark for all the goods identified in its Statement of Use, as such statements were material to its application. Registrant's arguments in regard to its false statements and its post-registration Section 7 Request to amend the description of goods do not and cannot cure its fraud. For these reasons, the Board should grant Petitioner's Petition for Cancellation and cancel Registration No. 6532271 for the mark MIJA.

Petitioner, therefore, respectfully requests that its Motion for Summary Judgment be GRANTED.

Dated: November 23, 2022

/Kerianne A. Strachan/
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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
Petitioner's Motion for Summary Judgment has been served via email upon:

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Attorney for Registrant

Dated: November 23, 2022

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Attorneys for Petitioner

Exhibit A

Generated on: This page was generated by TSDR on 2022-11-23 19:16:44 EST

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
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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 IN TRAM	
Oct. 22, 2020	NEW APPLICATION ENTERED IN TRAM	

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: Pending

Status Date: Mar 28, 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	Suspension Letter - Mailed	90452598	

Prosecution History

Entry Number	History Text	Date	Due Date
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	

Trademark/Service Mark Application, Principal Register

Serial Number: 90263714

Filing Date: 10/19/2020

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90263714
MARK INFORMATION	
*MARK	MIJA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MIJA
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Mija, LLC
*MAILING ADDRESS	2979 23rd St.
*CITY	San Francisco
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	94110
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL 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 misters, 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, moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 5933706.
ATTORNEY INFORMATION	
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
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	95023
PHONE	831-261-5444
FAX	858-777-5545
EMAIL ADDRESS	jamie@justtrademarks.com
CORRESPONDENCE INFORMATION	
NAME	Jamie Shelden
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	jamie@justtrademarks.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	natalie@justtrademarks.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEES DUE	275
*TOTAL FEES PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/Sarah Koszyk/
SIGNATORY'S NAME	Sarah Koszyk
SIGNATORY'S POSITION	Principal
SIGNATORY'S PHONE NUMBER	4155315148
DATE SIGNED	10/16/2020

Trademark/Service Mark Application, Principal Register

Serial Number: 90263714

Filing Date: 10/19/2020

To the Commissioner for Trademarks:

MARK: MIJA (Standard Characters, see [mark](#))

The literal element of the mark consists of MIJA. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, 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

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: 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 mists, 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, moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 5933706.

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
831-261-5444(phone)
858-777-5545(fax)
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.

The applicant's current Correspondence Information:

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 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 \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 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.

Declaration Signature

Signature: /Sarah Koszyk/ Date: 10/16/2020

Signatory's Name: Sarah Koszyk

Signatory's Position: Principal

Payment Sale Number: 90263714

Payment Accounting Date: 10/19/2020

Serial Number: 90263714

Internet Transmission Date: Mon Oct 19 16:44:43 ET 2020

TEAS Stamp: USPTO/BAS-XXXX:XXXX:XXXX:XXX:XXXX:XXXX:X

XXX:XXXX-20201019164443141922-90263714-7

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e7b36af2271c4f284cc609bbd-CC-44421849-20

201016140541180999

MIJA

Exhibit B

United States of America

United States Patent and Trademark Office

MIJA

Reg. No. 6,532,271

Registered Oct. 19, 2021

Int. Cl.: 3

Trademark

Principal Register

Mija, LLC (DELAWARE LIMITED LIABILITY COMPANY)
2979 23rd St.
San Francisco, CALIFORNIA 94110

CLASS 3: 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

FIRST USE 9-9-2019; IN COMMERCE 9-9-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 5933706

SER. NO. 90-263,714, FILED 10-19-2020



A handwritten signature in black ink, appearing to read "Dennis Hanford".

Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



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 C

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-
20220323235118046724-6532
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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 D

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

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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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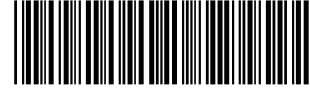


* These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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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 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

Generated on: This page was generated by TSDR on 2022-11-23 19:37:23 EST

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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[Proceedings - Click to Load](#)