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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92085366
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Attachments	FINAL - Motion to Dismiss.pdf(76606 bytes)

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

NEW WAVE ENTERPRISE LLC,

Cancellation No.: 92085366

Petitioner,

Mark: BREEZE PLUS

Mark: BREEZE SMOKE

v.

Mark: BREEZE PRO

BREEZE SMOKE LLC

Reg. No.: 6976563

Reg. No.: 6770534

Respondent.

Reg. No.: 6992438

**RESPONDENT BREEZE SMOKE LLC'S
MOTION TO DISMISS PETITION FOR CANCELLATION**

This is New Wave Enterprise LLC's second attempt at interfering in Breeze Smoke's superior rights in electronic cigarettes under the mark BREEZE. In January 2024, Breeze Smoke won an opposition to New Wave Enterprise's Application Serial No. 90/306,932 for the mark C-BREEZE on summary judgment, in which the Board deleted "tobacco" and "hookah tobacco" from the recitation of goods for New Wave Enterprise's failure to sell those goods in connection with the C-BREEZE mark at the time the application was filed. *See* 1 TTABVUE 3 ¶ 4, Ex. 4 page 3. Now, New Wave Enterprise seeks to cancel Breeze Smoke's registrations, but has no leg to stand on.

Accordingly, Respondent, Breeze Smoke LLC ("Respondent"), by and through its attorneys, Honigman LLP, hereby moves to dismiss the Petition for Cancellation of New Wave Enterprise LLC ("Petitioner") in accordance with Fed. R. Civ. P. 12(b)(6) and TBMP § 503, *et seq.*, because Petitioner's fraud claim fails to state a claim upon which relief can be granted. As set forth herein, Petitioner has not adequately (and cannot) plead fraud, likelihood of confusion under Section 2(d) of the Trademark Act, priority or likelihood of confusion based on common

law trademark rights, or non-ownership. Petitioner's allegations in its Petition for Cancellation are false, vague, illogical, without merit, and unsupported by sufficient facts. The Board should dismiss the claims with prejudice.

I. INTRODUCTION

At the outset, Petitioner seems confused by what allegations it raises and has identified claims in its Petition for Cancellation that differ from those identified in its ESTTA cover sheet. Petitioner claims in its ESTTA cover sheet that it is alleging: (1) "priority and likelihood of confusion" under Section 2(d) of the Trademark Act; (2) that "registrant is not the rightful owner of the mark for identified goods or services," i.e., non-ownership, under Section 1 of the Trademark Act; and (3) "priority and likelihood of confusion based on common law trademark" under "other" as the grounds for the cancellation.

In the Petition itself, however, Petitioner pleads two grounds for cancellation: (1) Likelihood of Confusion and (2) Fraud on the USPTO, a claim that Petitioner did not identify on its ESTTA cover sheet. The discrepancies between the grounds identified in the ESTTA cover sheet and the counts pleaded in the Petition create a set of confusing allegations that are inconsistent, insufficiently pleaded, vague, difficult to follow, and, most importantly, do not provide Respondent with sufficient notice of Petitioner's claims.

Focusing on the claims raised in the Petition, Petitioner's claim of fraud is entirely fabricated and lacks any supporting evidence. Petitioner also fails to meet the basic requirements for a claim of likelihood of confusion under Section 2(d) of the Trademark Act. To the extent other claims apply, Petitioner also fails to plead facts that support common law priority of use and likelihood of confusion for the goods outside of the C-BREEZE registration. Specifically, Petitioner's pre-sale business activities with its manufacturer in China concerning its purported "e-

hoses,” “electronic cigarettes,” and/or “e-cigarettes” do not constitute use in U.S. commerce under any legal theory. Petitioner also fails to adequately plead that Respondent is not the rightful owner of the registrations Petitioner seeks to cancel. Therefore, the Petitioner’s Petition for Cancellation must be dismissed in its entirety.

II. BACKGROUND

Respondent is the owner of the immensely popular BREEZE brand, which is among the most successful brands in the vaping industry in the United States and beyond. Because of its renown and success, Respondent finds itself, at times, the subject of unwarranted attacks by third parties, some of whom try to extort Respondent for a monetary settlement. Respondent owns, *inter alia*, the U.S. federal trademark registrations in the table below comprising its BREEZE name, including BREEZE SMOKE U.S. Reg. No. 6,976,563 (class 34); BREEZE PLUS U.S. Reg. No. 6,770,534 (class 34); and BREEZE PRO U.S. Reg. No. 6,992,438 (class 34).

Mark	Reg. No.	Reg. Date / App. Date	Goods
BREEZE SMOKE	6,976,563	Registered, February 14, 2023 Filed: June 20, 2020 First Use: March 1, 2020	Disposable Electronic Cigarettes (Class 34)
BREEZE PRO	6,992,438	Registered: February 28, 2023 Filed: March 2, 2021 First Use: August 18, 2021	Disposable Electronic Cigarettes (Class 34)
BREEZE PLUS	6,770,534	Registered: June 28, 2022 Filed: October 10, 2020 First Use: March 1, 2020	Disposable Electronic Cigarettes (Class 34)

(The aforementioned registrations are collectively referred to as (the “BREEZE

Registrations”).

Petitioner asserts in its Petition for Cancellation that it filed the application that matured to U.S. Registration No. 7,301,764 for the mark C-BREEZE in connection with “hookah parts, namely, mouthpieces and hoses,” in class 34 (the “C-BREEZE Registration”). 1 TTABVUE 3 ¶ 4. After the Board resolved Breeze Smoke’s Opposition No. 91284181 to the C-BREEZE mark in January 2024, the C-BREEZE Registration registered on February 13, 2024. *Id.* On June 6, 2024, Petitioner, acting in bad faith, filed this vague and confusing Petition for Cancellation seeking to cancel the BREEZE Registrations.

III. ARGUMENT

A. Motion to Dismiss Standard

A petitioner seeking to cancel a registered trademark must make a plain, concise statement of the grounds for cancellation. 15 U.S.C. § 1064; 37 C.F.R. § 2.112. The petition must contain enough detail to give the respondent fair notice of the basis of each claim. Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 309.03(a)(2). “[B]ald allegations in the language of the statute neither give respondent fair notice of the basis for petitioner’s claim nor set forth sufficient facts to establish the elements necessary for recovery, if proven.” *McDonnell Douglas Corporation v. National Data Corporation*, 228 USPQ 45, 47 (TTAB 1985).

The Board should grant a motion to dismiss if the stated claims are not “supported by showing any set of facts consistent with the allegations in the complaint.” *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1969 (2007). The Board must only take as true all *well-pled facts* alleged in the Notice of Opposition; however, the Board should not assume that legal conclusions unsupported by well-pled facts are true. *Pure Gold, Inc. v. Syntex (U.S.A.) Inc.*, 221 USPQ 151, 154 (TTAB 1983) (dismissing opposer’s claim as a pleading of a legal conclusion without alleging

any underlying facts to support the conclusions). In particular, the claimant must allege well-pleaded factual matter and more than merely “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

B. Petitioner Has Failed to Adequately Plead Respondent has Committed Fraud on the USPTO.

Petitioner brought its allegation of fraud in bad faith. Petitioner’s fraud claim is entirely false and unsupported by any facts asserted by Petitioner in its Petition for Cancellation. Fraud in procuring a trademark registration occurs “only if the applicant or registrant knowingly makes a false, material representation with the intent to deceive the PTO.” *In re Bose Corp.*, 580 F3d 1240, 91 USPQ2d 1938, 1939 (Fed. Cir. 2009); *Torres v. Cantine Torresella S.r.l.*, 808 F2d 46, 1 USPQ2d 1483, 1484 (Fed. Cir. 1986); *Swiss Watch Int’l Inc. v. Fed’n of the Swiss Watch Indus.*, 101 USPQ2d 1731, 1745 (TTAB 2012). Allegations of fraud must be stated with particularity. Fed. R. Civ. P. 9(b); *see also King Automotive, Inc. v. Speedy Muffler King, Inc.*, 667 F2d 1008, 212 USPQ 801, 803 (CCPA 1981) (“the pleadings [must] contain explicit rather than implied expressions of the circumstances constituting fraud”). Indeed, “the very nature of the charge of fraud requires that it be proven ‘to the hilt’ with clear and convincing evidence. There is no room for speculation, inference or surmise and, obviously, any doubt must be resolved against the charging party.” *Smith Int’l, Inc. v. Olin Corp.*, 209 USPQ 1033, 1044 (TTAB1981). Moreover, the Board disfavors claims of fraud in the procurement of registration, and such claims should not be taken lightly. *Aveda Corp. v. Evita Marketing, Inc.*, 12 USPQ2d 1091, 1096 (D. Minn. 1989).

The sole basis for Petitioner’s fraud claim seems is an accusation that Respondent alleged to the USPTO that it began using the BREEZE Registrations in commerce in the United States at least as early as April 2014. 1 TTABVUE 5 ¶ 23. Petitioner goes on to allege that to the extent Respondent got this date from transferred marks, the transfer is allegedly invalid. 1 TTABVUE 5

¶ 24.

Despite these bald assertions, the Petition fails to demonstrate that Respondent made any statements in procuring registration of the BREEZE Registrations as to a first use date in 2014 or that it obtained its BREEZE Registrations through a transfer of rights from a third party. In fact, it cannot support these claims because none of Respondent's BREEZE Registrations asserts a date of first use in April 2014. 1 TTABVUE 2 ¶¶ 1-3, Exs. 1-3. Further, Respondent made no such statement during the prosecution of the BREEZE Registrations. *Id.* Likewise, Respondent made no statements in the procurement of the BREEZE Registrations as to receipt of the registration through any transfer. *Id.* Breeze Smoke is the sole owner and has always been the sole owner of the BREEZE Registrations. *Id.* Petitioner cannot rewrite history or fabricate facts, have the Board read them into Respondent's BREEZE Registrations, and then allege that Respondent has committed fraud on the USPTO. *See, e.g., Torres*, 808 F.2d 46, 48 ("Fraud in procuring a trademark registration or renewal occurs when an applicant knowingly makes false, material representations of fact **in connection with his application.**"); 15 U.S.C. § 1064(3). Petitioner's fraud claim fails and must be dismissed with prejudice.

Finally, Petitioner alleges that the BREEZE Registrations are void *ab initio* because it asserts that Respondent was not using the marks that are the subject of the BREEZE Registrations in 2014. 1 TTABVUE 6 ¶ 26. These allegations also have no support in the prosecution files for the BREEZE Registrations, which allege first use dates in 2020 and 2021. 1 TTABVUE 2 ¶ 1-3, Exs. 1-3.

Petitioner's fraud claim fails from all angles because—as the record shows—Respondent never made any of the purported false statements regarding its BREEZE Registrations as Petitioner asserts. Petitioner fails to plead any facts or otherwise explain or provide any evidence to the

Board otherwise to identify precisely where Respondent's alleged fraudulent statements originate, as they do not originate from the BREEZE Registrations. Petitioner also cannot extract statements made by Respondent outside of the four corners of the BREEZE Registrations or prosecution thereof and make bad-faith assertions that Respondent has committed fraud on the USPTO. *See Torres*, 808 F.2d 46, 48; *see also Le Cordon Bleu, S.A. v. BPC Publishing Ltd.*, 451 F.Supp. at 72 n. 14, 202 USPQ at 154 n. 14; *Bart Schwartz International Textiles, Ltd. v. Federal Trade Commission*, 289 F.2d 665, 669, 129 USPQ 258, 260 (CCPA 1961) (“[T]he obligation which the Lanham Act imposes on an applicant is that he will not make knowingly inaccurate or knowingly misleading statements **in the verified declaration forming a part of the application for registration.**”). Petitioner's conduct in raising baseless claims of fraud against Respondent is reprehensible and should not be tolerated. The fraud claim must be dismissed with prejudice.

C. Petitioner Has Failed to State A Claim Against Respondent Under Section 2(d) of the Trademark Act.

To succeed in a claim of likelihood of confusion under Section 2(d) of the Trademark Act, a petitioner must prove that it a) owns a valid mark with priority over the applicant and b) that there is a likelihood of confusion between the marks. *Otto Roth & Co. v. Universal Foods Corp.*, 209 USPQ 40 (CCPA 1980), on remand, 215 USPQ 1140 (TTAB 1982); *see also In re E.I. DuPont de Nemours & Co.*, 177 USPQ 563 (CCPA 1973). In this case, Petitioner did not plead or allege facts sufficient to plausibly identify the purported goods that are the source of the alleged confusion or support valid rights in the C-BREEZE Registration. Therefore, Petitioner cannot maintain an action against Respondent under Section 2(d) of the Trademark Act, and the claim must be dismissed.

1) *Petitioner did not plead or allege facts with sufficient particularity to plausibly identify Petitioner's rights in its asserted goods.*

Petitioner has failed to allege with particularity which of its purported C-BREEZE goods are likely to be confused with the goods identified in the BREEZE Registrations. “The similarity of the goods or services for which the respective marks are used is an important factor in the likelihood of confusion analysis. *In re E.I. Du Pont De Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563 (CCPA 1973). Petitioner’s asserted “First Ground for Cancellation Likelihood of Confusion” is utterly devoid of any reference to any of Petitioner’s asserted goods. 1 TTABVUE 5 ¶ 22. Petitioner’s references to its various goods throughout the remainder of its claims in its Petition for Cancellation are confusing, inconsistent, and do not follow logic.

Petitioner insinuates that the goods covered by the C-BREEZE Registration are “e-cigarettes,” but that is not the case. *See* 1 TTABVUE 4 ¶ 19. The goods identified in the C-BREEZE Registration are “hookah parts, namely, mouthpieces and hoses.” 1 TTABVUE 3 ¶ 4, Ex. 4. To reach the conclusion that “hookah parts, namely, mouthpieces and hoses,” are “e-cigarettes,” the Board must follow a series of implied steps. First, the Board must equate the meaning of “hookah parts, namely, mouthpieces and hoses” with “e-hoses.” Then, the Board must interpret “e-hoses” to mean “electronic cigarettes” and/or “e-cigarettes.” Petitioner’s implication that all of these different and distinguishable terms are interchangeable is nonsensical. Petitioner’s statement that “manufacturers referred to the product as an ‘e-hose’” does not offer any explanation or clear path as to why this confusing interpretation that “e-cigarettes” or “electronic cigarettes” are the same goods as “hookah parts, namely, mouthpieces and hoses.” 1 TTABVUE 3 ¶ 7. Moreover, nothing in the C-BREEZE Registration suggests that Petitioner used the mark for “e-hoses.” 1 TTABVUE 3 ¶ 4, Ex. 4.

Simply put, Petitioner has failed to adequately plead exactly which of its various purported

goods are at issue in this proceeding. Respondent and the Board should not be left to guess what Petitioner asserts. Therefore, the claim fails and must be dismissed.

2) *Petitioner did not plead or allege facts sufficient to plausibly support valid rights in the C-BREEZE Registration.*

Petitioner fails to allege ownership of the C-BREEZE Registration at all. *Sun Hee Jung v. Magic Snow, LLC*, 124 USPQ2d 1041, 1043 (TTAB 2017). A petitioner claiming likelihood of confusion under Lanham Act Section 2(d) must show it has prior rights in a protected mark. *See, e.g., Fossil, Inc. v. Fossil Group*, 49 USPQ2d 1451, 1454 (TTAB 1998). In the Petition for Cancellation, Petitioner states that it filed a trademark application Serial No. 90306932 for C-BREEZE that it used since 2014 for “hookah parts, namely, mouthpieces and hoses.” 1 TTABVUE 3 ¶ 4. Petitioner goes on to state that the C-BREEZE application registered under Reg. No. 7301764, but fails to assert ownership of the resulting C-BREEZE registration. 1 TTABVUE 3 ¶ 5. Petitioner cannot require the Board or Respondent to guess or assume that Petitioner owns the registration upon which Petitioner attempts to rely. Without properly claiming ownership of the C-BREEZE registration, Petitioner has failed to show standing to cancel the BREEZE Registrations, and the claim fails.

D. To the extent applicable, Petitioner Has Failed to State A Claim Against Respondent of Priority or Likelihood of Confusion based on Common Law.

Though not raised in the Petition itself, because Petitioner has failed to plead common law priority and trademark infringement for the asserted goods “e-hoses,” “e-cigarettes,” and “electronic cigarettes” that are outside of the C-BREEZE Registration. In order for a plaintiff to prevail on a claim of likelihood of confusion based on its ownership of common-law rights in a mark, plaintiff must show priority of use in U.S. commerce. *See Benjamin J. Giersch v. Scripps Networks, Inc.*, 90 USPQ2d 1020 (TTAB 2009) (*citing Otto Roth & Co. v. Universal Foods Corp.*,

640 F.2d 1317, 209 USPQ 40 (CCPA 1981). Petitioner has pleaded contradicting and confusing facts that prove the mark C-BREEZE was not in use in U.S. commerce in February 2014. At best, Petitioner's statements as to alleged use suggest that Petitioner was preparing to commence use of the C-BREEZE mark at that time.

In deciding this motion to dismiss, the Board should consider facts alleged by Petitioner that undermine Petitioner's priority claim. *See Sweet v. City of Chicago*, 953 F. Supp. 225, 227 (N.D. Ill. 1996); *Arazie v. Mullane*, 2 F.3d 1456, 1465 (7th Cir. 1993). “[T]o the extent opposer wishes to rely on its common law rights, it must establish priority with respect to such rights.” *Embarcadero Techs., Inc. v. RStudio, Inc.*, 105 USPQ2d 1825, 1834(TTAB 2013) (citing *Hydro-Dynamics Inc. v. George Putnam & Co. Inc.*, 811 F.2d 1470, 1 USPQ2d 1772, 1773 (Fed. Cir. 1987). To establish valid common law rights in the C-BREEZE mark, Petitioner “must actually use the designation as a mark in the sale of goods or services.” 3 J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION 4ed §§16:11 and 16:1.

Petitioner alleges that it has common law trademark rights in the C-BREEZE mark in connection with “electronic cigarettes.” 1 TTABVUE 3 ¶ 6. However, Petitioner goes on to contradict its assertion that the C-BREEZE mark was ever used in U.S. commerce on “electronic cigarettes” by stating it “placed orders with China manufacturers of e-hoses” branded with the C-BREEZE mark and then “imported the C-BREEZE e-hoses, or e-cigarettes, [the] first week of February 2014 thereby qualifying as Use In Commerce [since] at least as early as February 2014.” 1 TTABVUE 3 ¶¶ 8-9. Such use does not constitute use in U.S. commerce by Petitioner under any legal theory. Petitioner's claim fails on its face without actual use in U.S. commerce.

Petitioner's factual allegations of purchasing goods branded as C-BREEZE from an overseas manufacturer and then importing them, at best, show Petitioner was preparing to do

business under the C-BREEZE mark for those goods. Pre-sales use of a mark in preparation to do business is generally not sufficient to establish “use” for priority purposes. *Heinemann v. General Motors Corp.*, 174 USPQ 296 (N.D. Ill. 1972), *aff’d without op.*, 478 F.2d 1405 (7th Cir. 1973). Moreover, while in some instances, presale activities may constitute use in U.S. Commerce, “pre-sales publicity must be directed at potential purchasers . . .” 2 *McCarthy on Trademarks and Unfair Competition* § 16:14 (5th ed.). The use “must have been of such a nature and extent as to create an association in the mind of the consuming public between the mark and the services to be rendered.” *Id.* (citing *Selfway, Inc. v. Travelers Petroleum, Inc.*, 579 F.2d 75, 198 U.S.P.Q. 271 (CCPA 1978)); see *Herbko Intern., Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1162, 64 U.S.P.Q.2d 1375 (Fed. Cir. 2002) (“Before a prior use becomes an analogous use sufficient to create proprietary rights, the petitioner must show prior use sufficient to create an association in the minds of the purchasing public between the mark and the petitioner's goods.”).

Petitioner also cannot rely on its asserted business activities involving its Chinese manufacturer to support a claim of priority or common law trademark rights in the goods identified under the C-BREEZE Registration. Moreover, if the Petitioner applied this incorrect logic during the procurement of the C-BREEZE Registration, the validity of the Petitioner’s allegations of the date of first use when filing Application Serial No. 90/306,932 for the mark C-BREEZE is also called into question. The C-BREEZE Registration covers “hookah parts, namely, mouthpieces and hoses,” in class 34. 1 TTABVUE 3 ¶ 4, Ex. 4. Aside from the fact that Petitioner’s pre-sales activities with its Chinese manufacturer do not constitute use in U.S. commerce, Petitioner alleged “e-hoses, or e-cigarettes” were imported, and these are not the goods identified in the C-BREEZE registration. Therefore, Petitioner’s claim still fails.

Petitioner has pleaded twisted and confusing facts about various asserted goods that cannot

plausibly allow Respondent or the Board to ascertain exactly what goods Petitioner has claimed rights in. Petitioner has failed to allege priority and likelihood of confusion based on common law trademark rights. Respondent is left with vague and conclusory statements concerning its alleged priority in the C-BREEZE mark and contradictory statements regarding the types of goods that bore the C-BREEZE mark. Further, Petitioner undermines and contradicts these statements with repeated references to distinguishable goods that, if accepted as true, still cause the claim to fail.

E. To the extent applicable, Petitioner Has Failed to Plead Any Facts or Claims that Respondent is not the Rightful Owner of BREEZE Registrations (i.e., Non-Ownership)

Petitioner has not pleaded any facts that Respondent is not the rightful owner of BREEZE Registrations for the identified goods or services. Petitioner's bald assertion buried in its bogus fraud claim that Respondent obtained the BREEZE Registrations through an invalid transfer in gross from its acquisition of two Florida state trademarks is entirely false, unsupported by evidence, and completely irrational. Petitioner also cannot rely on its ESTTA cover sheet to provide Respondent with adequate notice of this claim. While the content of the ESTTA cover sheet is read in conjunction with the actual pleading as an integral component thereof, *see PPG Indus. Inc. v. Guardian Indus. Corp.*, 73 USPQ2d 1926, 1928 (TTAB 2005), the mere mention of a ground on the cover sheet is insufficient to constitute a properly pleaded claim. *Embarcadero Tech. Inc. v. RStudio Inc.*, 105 USPQ2d 1825, 1827 n.2 (TTAB 2013) (internal citation omitted). Although Petitioner identified as a ground for cancellation that Respondent is not the rightful owner of its BREEZE Registrations on the ESTTA filing cover page of its Petition for Cancellation, Petitioner did not assert any allegations in its pleading to support the claim.

Petitioner has, therefore, failed to provide Respondent fair notice of the basis for its claim of non-ownership, and the Board must dismiss this asserted ground for cancellation with prejudice.

F. Petitioner's Claims are Implausible and Supported by Mere Conclusory Statements.

Remarkably, Petitioner seeks to cancel Respondent's BREEZE Registrations with irrational and false allegations that are not rooted in fact. Petitioner has conjured up fictitious fraud claims and asserted them against Respondent in bad faith with no supporting pleaded facts. Petitioner also asserts claims under Section 2(d) of the Trademark Act based on hookah goods that differ from those covered by Respondent's BREEZE Registrations. In a failed effort to save its likelihood of confusion claim, Petitioner purports that the registered hookah goods are the equivalent to electronic cigarettes, a claim that in and of itself is simply untrue and nonsensical.

As a fallback, Petitioner asserts that it has established common law use in commerce based on the importation of goods from its manufacturer in China, which, at best, can be viewed as pre-sales business activities. Petitioner's allegations are largely speculative and threadbare. These bare assertions do not pass muster for pleading. Accordingly, any assertion of likelihood of confusion under Section 2(d) of the Trademark Act or at common law, rightful owner, and fraud claims in this situation is implausible and merely speculative, and the Board should dismiss the matter.

IV. CONCLUSION

For the preceding reasons, it is clear that Petitioner has acted in bad faith by instituting this Cancellation proceeding and cannot maintain a cause of action against Respondent based on any of the asserted claims. Therefore, the Board should grant Respondent's motion to dismiss the Petition for Cancellation with prejudice.

Respectfully submitted,

Date: July 17, 2024

By: /s/ Rachel M. Hofstatter

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing RESPONDENT BREEZE SMOKE LLC'S MOTION TO DISMISS PETITION FOR CANCELLATION was served on July 17, 2024, by electronic mail to the Petitioner as follows:

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