

ESTTA Tracking number: **ESTTA1375694**

Filing date: **08/06/2024**

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

Proceeding no.	92085366
Party	Plaintiff New Wave Enterprise LLC
Correspondence address	MOSHE D. LAPIN LAPIN LAW FIRM 295 MADISON AVE. 12TH FLOOR NEW YORK, NY 10017 UNITED STATES Primary email: moshe@lapinlegal.com 212-858-0363
Submission	Opposition/Response to Motion
Filer's name	Moshe D. Lapin
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Signature	/MDL/
Date	08/06/2024
Attachments	C-Breeze Response to Motion Binder.pdf(570748 bytes)

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

)	
)	
NEW WAVE ENTERPRISE LLC)	
)	
Petitioner,)	
)	
Vs.)	Cancellation No.: 92085366
)	
BREEZE SMOKE LLC)	
)	
Registrant.)	
)	

PETITIONER’S MOTION TO AMEND
AND
PETITIONER’S RESPONSE TO REGISTRANT’S MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)

I. PRELIMINARY STATEMENTS

In its Motion to Dismiss, and without citing to any such Board decision, the Registrant states: “Breeze Smoke won an opposition in New Wave Enterprise’s Application 90/306,932 for the mark C-Breeze on a 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.” This is simply false. While registrant in that proceeding filed a motion for summary judgment, the Board did not decide the motion. Instead, Petitioner voluntarily agreed to delete those items from the application as a means of resolving the dispute. Registrant falsely asserts a prior adverse Board decision in several parts of its Motion to Dismiss. As noted, such statements are false. Regardless, the goods in question in the present proceeding are e-cigarettes, not tobacco; thus the deletion of those items from

Petitioner's prior application is immaterial.

II. MOTION TO AMEND

Pursuant to Federal Rule of Civil Procedure 15 and 37 C.F.R. §2.115, Opposer hereby moves the Board for leave to amend its Petition to Cancel (the "Petition"). The grounds for Petitioner's motion are as follows:

Petitioner filed its original Petition against Registration Nos. 6770534, 6976563 and 6992438 (the "Subject Registrations") on June 6, 2024. On July 17, 2024, Registrant filed an Answer as well as a Motion to Dismiss the Petition.

The Federal Rules of Civil Procedure provide that a party may amend its pleadings as a matter of course when a motion under Rule 12(b) has been filed in response to such pleading. Fed. R. Civ. P. 15. Such amended pleadings must be filed within 21 days of service of the motion. Pursuant to Fed. R. Civ. P. 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b). *See Schiedmayer Celesta GmbH*, No. CANCELLATION 9206121, 2016 WL 8222575, at *3 (Dec. 21, 2016) ("Pursuant to Fed. R. Civ. P. 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b)"). Rule 15 of the Federal Rules of Civil Procedure further provides that leave to amend pleadings must be freely given when justice requires. Fed. R. Civ. P. 15(a).

More generally, the Board liberally grants leave to amend pleadings, unless it would violate settled law or prejudice the non-moving party. *Zanella Ltd. v. Nordstrom, Inc.*, 90 U.S.P.Q.2d 1758 (TTAB 2008). "[T]he Board generally will allow the plaintiff an opportunity to file an amended pleading." *Zeferino Ocampo Fitz*, No. CANCELLATION 9207741, 2022 WL 486663, at *9 (Jan. 25, 2022) (citing *Wise F&I, LLC v. Allstate Ins. Co.*, 120 USPQ2d 1103, 1110 (TTAB 2016); *Intellimedia Sports Inc. v. Intellimedia Corp.*, 43

USPQ2d 1203, 1208 (TTAB 1997).

Here, leave to amend the Petition to more clearly set forth Petitioner's allegations would neither violate settled law nor prejudice Registrant. Petitioner's proposed Amended Petition is made in direct response to Registrant's Motion to Dismiss made pursuant to Rule 12(b)(6).

Based on the foregoing, Petitioner respectfully requests that the Board grant this Motion and accept the Amended Petition filed concurrently herewith, and attached hereto as **Exhibit A** (the "Amended Petition").

III. RESPONSE TO APPLICANT'S MOTION TO DISMISS

At the pleading stage, a Petition must allege sufficient facts which, *if proven*, would establish the Petitioner's valid ground for denying or canceling a registration. *Young v. AGB Corp.*, 152 F.3d 1377, 47 USPQ2d 1752, 1754 (Fed. Cir. 1998). To state a claim upon which relief can be granted, a plaintiff need only allege sufficient factual matter as would, if proved, establish that (1) the plaintiff has an entitlement to a statutory cause of action,³ and (2) a valid ground exists for opposing the application or cancelling the registration. *See Lipton Indus., Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 187 (CCPA 1982). Specifically, a complaint must contain merely sufficient factual matter, accepted as true, that states a claim to relief that is plausible on its face. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009). "The elements of each claim should be stated concisely and directly, and include enough detail to give the defendant fair notice." *Fair Indigo LLC v. Style Conscience*, 85 USPQ2d 1536, 1538 (TTAB 2007). "The purpose of a Rule 12(b)(6) motion is to challenge 'the legal theory of the complaint, not the sufficiency of any evidence that might be adduced' and 'to eliminate actions that are fatally flawed in their legal premises and destined to fail.'" *Id.* (quoting *Advanced Cardiovascular Sys., Inc. v. SciMed Life Sys., Inc.*, 988 F.2d 1157, 26 USPQ2d 1038, 1041

(Fed. Cir. 1993)).

The following key allegations were set forth in the original Petition:

- (a) Paragraph 4 of the original Petition sets out Petitioner's Mark, and the fact that it covers hookah parts, namely, mouthpieces and hoses." The same paragraph references a print out of the USPTO electronic database of Petitioner's Mark, which was attached to the original Petition, and which on its face, identifies Petitioner as the owner of C-BREEZE.
- (b) Paragraph 5 notes that the C-BREEZE trademark was registered and again references the attached printout showing the Petitioner as the owner.
- (c) Paragraph 6 alleges that Petitioner has been using Petitioner's Mark since 2014.
- (d) Paragraph 6 further alleges that Petitioner has been using C-BREEZE on a common law basis in connection with e-cigarettes.
- (e) Paragraph 12 alleges that Petitioner used C-BREEZE in connection with e-cigarettes in interstate commerce since at least as early as 2014.
- (f) Paragraph 17 alleges that Petitioner used its C-BREEZE trademark prior to Registrant's use of the Subject Registrations.
- (g) Paragraph 18 alleges that the trademarks are confusingly similar.
- (h) Paragraph 19 alleges that both parties sell e-cigarettes under their respective marks.

Petitioner respectfully submits that the allegations set forth in the original Petition were sufficient to withstand a motion to dismiss. However, in light of the Amended Petition being submitted herewith, the Amended Petition "is now Petitioner's operative pleading in this proceeding." *Schiedmayer Celesta GmbH*, No. CANCELLATION 9206121, 2016 WL 8222575, at *3 (Dec. 21, 2016).

IV. CONCLUSION

For the reasons set forth herein, the Board should deny Applicant's Motion to Dismiss, and consider the Amended Petitioner as Petitioner's operative pleading in this proceeding.

Respectfully submitted on August 6, 2024

Respectfully submitted,



Moshe D. Lapin, Esq
LAPIN LAW FIRM
295 Madison Ave., 12th Floor
New York, NY 10017
212-858-0363
Moshe@LapinLegal.com

EXHIBIT A

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

In the Matter of Registration Nos. 6770534, 6976563 and 6992438
Dates of Issuance: June 28, 2022, Feb. 14, 2023, and Feb. 28, 2023, respectively

NEW WAVE ENTERPRISE LLC)	
)	
Petitioner,)	
)	
Vs.)	Cancellation No.: _____
)	
BREEZE SMOKE LLC)	
)	
Registrant.)	
)	

TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

AMENDED PETITION FOR CANCELLATION

NEW WAVE ENTERPRISE LLC (hereinafter “**Petitioner**”), a New Jersey limited liability company, having a place of business at 1279 bridle estates Dr., Yardley, PA 19067, believes that it will be damaged by continued registration of Registration Nos. 6770534, 6976563 and 6992438 (for BREEZE SMOKE, BREEZE PLUS and BREEZE PRO) owned by BREEZE SMOKE LLC, a Michigan limited liability company, having an address at 1471 E Nine Mile Rd., Unit 200, Hazel Park, MI 48030 (hereinafter “**Registrant**”), and hereby petitions to cancel the same.

As grounds for this petition, Petitioner alleges as follows:

1. Registrant is the owner of United States Trademark Registration No. 6770534 on the Principal Register in the United States Patent and Trademark Office for the trademark BREEZE PLUS for “Disposable Electronic Cigarettes” in Class 034. Trademark Registration No. 6770534 issued on June 28, 2022. Attached as Exhibit 1 is a true and correct printout from the United States Patent and Trademark Office electronic database showing Trademark Registration No. 6770534. Critically, Registrant claims a First Use date of March 1, 2020 of the BREEZE PLUS registration.
2. Registrant is the owner of United States Trademark Registration No. 6992438 on the Principal Register in the United States Patent and Trademark Office for the trademark BREEZE PRO for “Disposable Electronic Cigarettes” in Class 034. Trademark Registration No. 6992438 issued on February 28, 2023. Attached as Exhibit 2 is a true and correct printout from the United States Patent and Trademark Office electronic database showing Trademark Registration No. 6992438. Critically, Registrant claims a First Use date of August 18, 2021 of the BREEZE PRO registration.
3. Registrant is the owner of United States Trademark Registration No. 6976563 on the Principal Register in the United States Patent and Trademark Office for the trademark BREEZE SMOKE for “Disposable Electronic Cigarettes” in Class 034. Trademark Registration No. 6976563 issued on February 14, 2023. Attached as Exhibit 3 is a true and correct printout from the United States Patent and Trademark Office electronic database showing Trademark Registration No. 6976563. Critically, Registrant claims a First Use date of March 1, 2020 of the BREEZE SMOKE registration. Each of the Registrations referenced in Paragraphs 1 through 3 of this Petition referred to herein as the “**Subject Registrations**” and each a “**Subject Registration.**”

4. On November 9, 2020, Petitioner filed a trademark application for C-BREEZE (United States Patent and Trademark Application No. 90306932), a trademark it has been using since at least as early as 2014 and which covers “hookah parts, namely, mouthpieces and hoses.” in Class 034 (“**Petitioner’s Mark**”). Attached as Exhibit 4 is a true and correct printout from the United States Patent and Trademark Office electronic database showing Petitioner’s Mark.
5. Petitioner’s Mark registered on February 13, 2024, with Registration No. 7301764. See Exhibit 4. Petitioner has continuously used Petitioner’s Mark since 2014.
6. Petitioner is the owner of valid and subsisting United States Trademark Registration No. 7301764 on the Principal Register in the United States Patent and Trademark Office for the C-BREEZE trademark. See Exhibit 4.
7. Petitioner has been using Petitioner’s Mark in connection with the goods listed in trademark Registration No. 7301764 since at least as early as 2014, years before Registrant began using the Subject Registrations in connection with e-cigarettes.
8. The goods listed in Petitioner’s Mark are closely related to the goods sold by Registrant under the Subject Registrations.
9. The term “e-cigarette” or “electronic cigarette” is a more recent term. In the early days of the product, at the time when Petitioner began selling the product in early 2014, manufacturers referred to the product as an “E-hose.”
10. The term BREEZE is the dominant term in both Petitioner’s Mark and the Subject Registrations.
11. Petitioner’s Mark and the Subject Registrations are very similar in that they all contain the dominant term BREEZE, and in each of the Subject Registrations the term BREEZE is featured as a prefix.

12. The Subject Registrations are likely to cause consumer confusion as to the source and/or sponsorship of goods when compared with Petitioner's Mark.
13. The Subject Registrations so resemble Petitioner's previously used and registered trademark C-BREEZE, when used on or in connection with e-cigarettes, to cause confusion, mistake, or deception among the consuming public and should be cancelled under 15 USC § 1052(d).
14. In addition to Petitioner's rights in Petitioner's Mark, Petitioner also has acquired common law rights to the trademark C-BREEZE in connection with e-cigarettes.
15. Since at least as early as January 2014 Petitioner had been selling e-cigarettes under the trademark C-BREEZE.
16. Petitioner placed orders with China manufacturers of e-cigarettes in 2013, which products were branded as "C-BREEZE."
17. Petitioner imported the C-BREEZE e-cigarettes from China during the last week of January 2014, which goods were delivered to Las Vegas for the 2014 Tobacco Plus Expo.
18. Petitioner rented a booth at the 2014 Tobacco Plus Expo, where Petitioner featured and sold its C-BREEZE e-cigarettes.
19. The 2014 Tobacco Plus Expo took place in Los Vegas during the last week of January 2014.
20. Petitioner made actual sales of e-cigarette products sold under the C-BREEZE trademark.
21. The C-BREEZE trademark was featured on the e-cigarette packaging sold by Petitioner in January 2014.
22. Immediately following the 2014 Tobacco Plus Expo, in the first week of February 2014, Petitioner continued selling e-cigarettes under the C-BREEZE trademark.
23. The earliest first use date noted in any of the Subject Registrations is March 1, 2020.

24. Petitioner has used C-BREEZE in connection with e-cigarettes in interstate commerce in the United States continuously since at least as early as January 2014, years before Registrant's claimed first use date of 2020 for its BREEZE-prefix trademarks in connection with e-cigarettes.
25. As a result of Petitioner's continuous use of C-BREEZE to identify e-cigarettes and Petitioner as their source, Petitioner owns valid and subsisting common law rights to the C-BREEZE trademark in connection with e-cigarettes.
26. Petitioner's first use date of January 2014 predates Registrant's claimed first use dates of 2020 and 2021. Petitioner's common law trademark has priority over the Subject Registrations by virtue of being used in commerce years before Registrant used the Subject Registrations.
27. Petitioner's C-BREEZE trademark is distinctive to both the consuming public and Petitioner's trade.
28. Petitioner has expended substantial time, money, and resources marketing, advertising, and promoting Petitioner's goods sold under the C-BREEZE trademark.
29. Petitioner's C-BREEZE common law trademark has priority over the Subject Registrations because Petitioner's first-use date for C-BREEZE in connection with e-cigarettes predates the filing date of the Subject Registrations as well as the any other dates on which the Registrant may rely for purposes of priority.
30. Petitioner's C-BREEZE trademark is confusingly similar to Registrant's BREEZE-prefix trademarks, including BREEZE SMOKE, BREEZE PRO and BREEZE PLUS.
31. The term BREEZE is the dominant term in both Petitioner's trademark and the Subject Registrations.

32. Petitioner's common law trademark and the Subject Registrations are very similar in that they all contain the dominant term BREEZE, and in each of the Subject Registrations the term BREEZE is featured as a prefix.
33. The Subject Registrations are likely to cause consumer confusion as to the source and/or sponsorship of goods when compared with Petitioner's common law trademark.
34. The Subject Registrations so resemble Petitioner's previously used trademark C-BREEZE, when used on or in connection with e-cigarettes, to cause confusion, mistake, or deception among the consuming public.
35. The goods covered by the Subject Registrations are related, if not identical, to Petitioner's C-BREEZE e-cigarettes.
36. The Subject Registrations are unrestricted as to consumers and trade channels. As such, it is presumed that the goods covered in the Subject Registrations travel in all ordinary trade channels, including those trade channels through which Petitioner sells its C-BREEZE goods, including e-cigarettes.
37. Petitioner is damaged and will continue to be damaged by the confusion resulting from the continued registration of the Subject Registrations.

WHEREFORE, Petitioner respectfully prays that its cancellation be sustained and that Registrant's
Registration Nos. 6770534, 6976563 and 6992438 be cancelled.

Respectfully submitted,



Moshe D. Lapin, Esq
LAPIN LAW FIRM
295 Madison Ave., 12th Floor
New York, NY 10017
212-858-0363
Moshe@LapinLegal.com

Date: August 6, 2024

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that the foregoing Amended Petition for Cancellation is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this 6th day of August 2024.

A handwritten signature in blue ink that reads "Moshe D. Lapin". The signature is fluid and cursive.

Moshe D. Lapin, Esq
LAPIN LAW FIRM
295 Madison Ave., 12th Floor
New York, NY 10017
212-858-0363
Moshe@LapinLegal.com

Date: August 6, 2024

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Amended Petition for Cancellation been served on Registrant by mailing said copy on August 6, 2024, via email, to Registrant at the following email address:

trademark@honigman.com; rhofstatter@honigman.com; tjones@honigman.com



Moshe D. Lapin, Esq
LAPIN LAW FIRM
295 Madison Ave., 12th Floor
New York, NY 10017
212-858-0363
Moshe@LapinLegal.com

Date: August 6, 2024

Exhibit 1

Generated on: This page was generated by TSDR on 2024-05-10 13:49:40 EDT

Mark: BREEZE PLUS

BREEZE PLUS

US Serial Number: 90246820

Application Filing Date: Oct. 10, 2020

US Registration Number: 6770534

Registration Date: Jun. 28, 2022

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 28, 2022

Publication Date: Apr. 12, 2022

Mark Information

Mark Literal Elements: BREEZE PLUS

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

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: Disposable Electronic Cigarettes

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2020

Use in Commerce: Mar. 01, 2020

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BREEZE SMOKE LLC

Owner Address: 1471 E Nine Mile Rd., Unit 200

Hazel Park, MICHIGAN UNITED STATES 48030

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country MICHIGAN
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rachel M. Hofstatter

Docket Number: 270989482029

Attorney Primary Email Address: trademark@honigman.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Rachel M. Hofstatter
Honigman LLP
39400 Woodward Avenue, Suite 101
Bloomfield Hills, MICHIGAN UNITED STATES 48304-5151

Phone: 202-844-3371

Correspondent e-mail: trademark@honigman.com rhofstatter@honigman.com tjones@honigman.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2023	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 26, 2023	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 26, 2023	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 26, 2023	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Jun. 26, 2023	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 02, 2022	COUNTERCLAIM OPP. NO. 999999	276304
Jun. 28, 2022	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Jun. 28, 2022	REGISTERED-PRINCIPAL REGISTER	
Apr. 12, 2022	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 12, 2022	PUBLISHED FOR OPPOSITION	
Mar. 23, 2022	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 10, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 10, 2021	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Sep. 10, 2021	LETTER OF SUSPENSION E-MAILED	
Sep. 10, 2021	SUSPENSION LETTER WRITTEN	
Aug. 25, 2021	TEAS/EMAIL CORRESPONDENCE ENTERED	
Aug. 24, 2021	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 24, 2021	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 30, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Jul. 30, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 30, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jul. 30, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 30, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 30, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 17, 2021	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Mar. 17, 2021	NON-FINAL ACTION E-MAILED	
Mar. 17, 2021	NON-FINAL ACTION WRITTEN	
Mar. 10, 2021	ASSIGNED TO EXAMINER	
Feb. 10, 2021	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 26, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Jan. 26, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 26, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 26, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 26, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	

Nov. 25, 2020 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED
Oct. 14, 2020 NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 28, 2022

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: BREEZE SMOKE LLC

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [7172/0263](#)

Pages: 3

Date Recorded: Jan. 28, 2021

Supporting Documents: [assignment-tm-7172-0263.pdf](#)

Assignor

Name: [BREEZ SMOKE LLC](#)

Execution Date: Jul. 01, 2020

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Assignee

Name: [BREEZE SMOKE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Address: 4654 LILLY CT
WEST BLOOMFIELD, MICHIGAN 48323

Correspondent

Correspondent Name: JENNIFER M. HETU

Correspondent Address: 39400 WOODWARD AVENUE, SUITE 101
BLOOMFIELD HILLS, MI 48304-5151

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 8

Type of Proceeding: Opposition

Proceeding Number: [91290264](#)

Filing Date: Mar 12, 2024

Status: Suspended

Status Date: May 02, 2024

Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY

Defendant

Name: TIBREE INDUSTRIAL INC.

Correspondent Address: JIAWEI PENG
12234 SHADOW CREEK PKWY BLDG 5 UNIT 110,
PEARLAND TX UNITED STATES , 77584

Correspondent e-mail: jpeng202104@gmail.com , trademarkdocket@ipspeedy.com

Associated marks

Mark	Application Status	Serial Number	Registration
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TIGER BREEZE	97752892	Number
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Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , ablackburn@honigman.com , litdocket@honigman.com , trademark@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE PRO		90555765	6992438
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE POD		98427390	
BREEZE PALM		90650997	
BREEZE		88462147	6296005
BREEZE		88462141	6296004

Prosecution History

Entry Number	History Text	Date	Due Date
4	NOTICE OF DEFAULT	May 02, 2024	
3	INSTITUTED	Mar 12, 2024	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2024	Apr 21, 2024
1	FILED AND FEE	Mar 12, 2024	

Type of Proceeding: Opposition

Proceeding Number: [91288953](#)

Filing Date: Dec 27, 2023

Status: Pending

Status Date: Dec 27, 2023

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG LLP
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90875539	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , swaidelich@honigman.com , DRoulo@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE ELITE		98146073	
BREEZE LIFE		97926736	

BREEZE SMOKE	97900128	
BREEZE PRIME	97839842	
BREEZE SMOKE	97697754	
BREEZE SMOKE	90012117	6976563
BREEZE PLUS	90246820	6770534
BREEZE PALM	90650997	
BREEZE PRO	90555765	6992438
BREEZE	88462147	6296005
BREEZE	88462141	6296004
BREEZE	90256675	
BREEZE	90292552	
BREEZE	90292558	
BREEZE	90292573	
BREEZE	90292568	
BREEZE	90292582	
BREEZE	90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
11	TRIAL DATES RESET	Apr 11, 2024	
10	P REQ TO W/DRAW AS ATTORNEY	Mar 29, 2024	
9	D REPLY IN SUPPORT OF MOTION	Mar 11, 2024	
8	P OPP/RESP TO MOTION	Feb 20, 2024	
7	DEF NOTICE OF COUNTERCLAIMS IN OPP NO 91276304	Feb 05, 2024	
6	ANSWER	Feb 05, 2024	
5	D MOT TO SUSP PEND DISP CIV ACTION	Jan 31, 2024	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 31, 2024	
3	INSTITUTED	Dec 27, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2023	Feb 05, 2024
1	FILED AND FEE	Dec 27, 2023	

Type of Proceeding: Opposition

Proceeding Number: [91284181](#)

Filing Date: Mar 28, 2023

Status: Terminated

Status Date: Jan 08, 2024

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: New Wave Enterprise LLC

Correspondent Address: SANDRA J LEX
MENDELSON DUNLEAVY PC
1500 JOHN F KENNEDY BLVD, TWO PENN CENTER, SUITE 312
PHILADELPHIA PA UNITED STATES , 19102

Correspondent e-mail: docketing@mendelip.com , sjlex@mendelip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
C-BREEZE		90306932	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , mhyde@honigman.com , trademark@honigman.com , ltdocket@honigman.com , ablackburn@honigman.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BREEZE PRIME		97839842	
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	6992438
BREEZE		88462147	6296005
BREEZE		88462141	6296004

Prosecution History			
Entry Number	History Text	Date	Due Date
11	TERMINATED	Jan 08, 2024	
10	BD DECISION: OPP DISMISSED W/ PREJ	Jan 08, 2024	
9	W/DRAW OF OPPOSITION	Jan 04, 2024	
8	TRIAL DATES RESET	Jan 02, 2024	
7	D OPP/RESP TO MOTION	Dec 29, 2023	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 05, 2023	
5	P MOT FOR SUMMARY JUDGMENT	Nov 30, 2023	
4	ANSWER	May 08, 2023	
3	INSTITUTED	Mar 28, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 28, 2023	May 07, 2023
1	FILED AND FEE	Mar 28, 2023	

Type of Proceeding: Opposition

Proceeding Number: [91282580](#)

Filing Date: Dec 28, 2022

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: WILLIAM D JACKSON

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , kgoldman@hycounsel.com , mhawkinson@hycounsel.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

THE BREEZ FUND [90848498](#)

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

BREEZE SMOKE [97697754](#)

BREEZE SMOKE [90012117](#)

BREEZE PLUS [90246820](#) [6770534](#)

BREEZE PALM [90650997](#)
 BREEZE PRO [90555765](#)
 BREEZE [88462147](#) [6296005](#)
 BREEZE [88462141](#) [6296004](#)
 BREEZE [90256675](#)
 BREEZE [90292552](#)
 BREEZE [90292558](#)
 BREEZE [90292573](#)
 BREEZE [90292568](#)
 BREEZE [90292582](#)
 BREEZE [90292579](#)

Prosecution History

Entry Number	History Text	Date	Due Date
16	ANSWER	Jun 02, 2023	
15	PROCEEDINGS RESUMED	May 03, 2023	
14	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
13	P OPP/RESP TO MOTION	Mar 20, 2023	
12	P APPEARANCE / POWER OF ATTORNEY	Mar 20, 2023	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 01, 2023	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 28, 2023	
9	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
8	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
7	EXTENSION OF TIME GRANTED	Jan 30, 2023	
6	D MOT FOR EXT W/ CONSENT	Jan 30, 2023	
5	D CHANGE OF CORRESP ADDRESS	Jan 06, 2023	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 06, 2023	
3	INSTITUTED	Dec 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2022	Feb 06, 2023
1	FILED AND FEE	Dec 28, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91282581](#) **Filing Date:** Dec 28, 2022
Status: Consolidated/Child Case **Status Date:** Jun 08, 2023
Interlocutory Attorney: WILLIAM D JACKSON

Defendant

Name: Promontory Holdings, LLC
Correspondent Address: DAVID YANG
 HAWKINSON YANG
 1801 CENTURY PARK EAST, STE 2400
 LOS ANGELES CA UNITED STATES , 90067
Correspondent e-mail: dyang@hycounsel.com , kgoldman@hycounsel.com , mhawkinson@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90230924	

Plaintiff(s)

Name: Breeze Smoke LLC
Correspondent Address: RACHEL M. HOFSTATTER
 HONIGMAN LLP
 1440 NEW YORK AVENUE NW, SUITE 200
 WASHINGTON DC UNITED STATES , 20005
Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
16	ANSWER	Jun 02, 2023	
15	PROCEEDINGS RESUMED	May 03, 2023	
14	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
13	P OPP/RESP TO MOTION	Mar 20, 2023	
12	P APPEARANCE / POWER OF ATTORNEY	Mar 20, 2023	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 01, 2023	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 28, 2023	
9	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
8	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
7	EXTENSION OF TIME GRANTED	Jan 30, 2023	
6	D MOT FOR EXT W/ CONSENT	Jan 30, 2023	
5	D CHANGE OF CORRESP ADDRESS	Jan 06, 2023	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 06, 2023	
3	INSTITUTED	Dec 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2022	Feb 06, 2023
1	FILED AND FEE	Dec 28, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276304](#)

Filing Date: May 18, 2022

Status: Pending

Status Date: Mar 26, 2024

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90282436	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent RACHEL M. HOFSTATTER

Address: HONIGMAN LLP
 1440 NEW YORK AVENUE NW, SUITE 200
 WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litedocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History			
Entry Number	History Text	Date	Due Date
43	D OPP/RESP TO MOTION	May 06, 2024	
42	CONFIDENTIAL - PAPER RECEIVED AT TTAB	May 06, 2024	
41	P MOT TO SUSP PEND DISP CIV ACTION	Apr 16, 2024	
40	TRIAL DATES RESET	Apr 11, 2024	
39	P REQ TO W/DRAW AS ATTORNEY	Mar 29, 2024	
38	PROCEEDINGS RESUMED	Mar 26, 2024	
37	D REPLY IN SUPPORT OF MOTION	Feb 05, 2024	
36	P OPP/RESP TO MOTION	Jan 16, 2024	
35	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 05, 2024	
34	D MOT TO COMPEL DISCOVERY	Dec 27, 2023	
33	CONFIDENTIAL - D MOTION TO COMPEL DISCOVERY	Dec 27, 2023	
32	ANSWER TO COUNTERCLAIM	Jul 07, 2023	
31	P APPEARANCE / POWER OF ATTORNEY	Jul 07, 2023	
30	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 08, 2023	Jul 08, 2023
29	ANSWER AND COUNTERCLAIM (FEE)	Jun 02, 2023	
28	PROCEEDINGS RESUMED	May 03, 2023	
27	PHONE CONFERENCE ORDERED	Apr 25, 2023	
26	STIP FOR EXT	Apr 19, 2023	
25	D REPLY IN SUPPORT OF MOTION	Apr 10, 2023	
24	D APPEARANCE / POWER OF ATTORNEY	Apr 10, 2023	
23	P REPLY IN SUPPORT OF MOTION	Mar 28, 2023	
22	CONSOLIDATED - PARENT/ SUSPENDED PENDING DETERMINATION OF MOTION	Mar 22, 2023	
21	P MOT FOR EXT W/ CONSENT	Mar 16, 2023	
20	P APPEARANCE / POWER OF ATTORNEY	Mar 16, 2023	
19	D OPP/RESP TO MOTION	Mar 13, 2023	
18	P MOT FOR EXT W/O CONSENT	Feb 21, 2023	
17	P REPLY IN SUPPORT OF MOTION	Feb 16, 2023	
16	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
15	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
14	D OPP/RESP TO MOTION	Jan 27, 2023	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Jan 25, 2023	
12	SUSPENDED	Jan 03, 2023	

11	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 28, 2022	
10	D CHANGE OF CORRESP ADDRESS	Nov 22, 2022	
9	ANSWER TO COUNTERCLAIM	Aug 31, 2022	
8	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2022	Aug 31, 2022
7	ANSWER AND COUNTERCLAIM (FEE)	Jul 27, 2022	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 27, 2022	
5	EXTENSION OF TIME GRANTED	Jun 24, 2022	
4	D MOT FOR EXT W/ CONSENT	Jun 24, 2022	
3	INSTITUTED	May 18, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2022	Jun 27, 2022
1	FILED AND FEE	May 18, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276316](#)

Filing Date: May 18, 2022

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90282412	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litedocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
27	ANSWER	Jun 02, 2023	

26	PROCEEDINGS RESUMED	May 03, 2023	
25	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
24	P MOT FOR EXT W/ CONSENT	Mar 16, 2023	
23	P APPEARANCE / POWER OF ATTORNEY	Mar 16, 2023	
22	D OPP/RESP TO MOTION	Mar 13, 2023	
21	P MOT FOR EXT W/O CONSENT	Feb 21, 2023	
20	P REPLY IN SUPPORT OF MOTION	Feb 16, 2023	
19	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
18	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
17	D OPP/RESP TO MOTION	Jan 27, 2023	
16	P RED-LINE AMENDED NOTICE OF OPPOSITION	Jan 25, 2023	
15	EXTENSION OF TIME GRANTED	Jan 09, 2023	
14	D MOT FOR EXT W/ CONSENT	Jan 06, 2023	
13	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 06, 2023	
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 28, 2022	
11	D CHANGE OF CORRESP ADDRESS	Nov 22, 2022	
10	ANSWER TO COUNTERCLAIM	Aug 31, 2022	
9	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2022	Aug 31, 2022
8	ANSWER	Jul 28, 2022	
7	D NOTICE OF COUNTERCLAIMS	Jul 28, 2022	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 28, 2022	
5	EXTENSION OF TIME GRANTED	Jun 24, 2022	
4	D MOT FOR EXT W/ CONSENT	Jun 24, 2022	
3	INSTITUTED	May 19, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 19, 2022	Jun 28, 2022
1	FILED AND FEE	May 18, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91269771](#)

Filing Date: Jun 09, 2021

Status: Terminated

Status Date: Nov 15, 2021

Interlocutory Attorney: MARY B MYLES

Defendant

Name: SD Import, LLC

Correspondent Address: ARNOLD S. WEINTRAUB
THE WEINTRAUB GROUP, P.L.C.
24901 NORTHWESTERN HIGHWAY, SUITE 311
SOUTHFIELD MD UNITED STATES , 48075

Correspondent e-mail: ipdocket@weintraubgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SEA BREEZE PLUS		90148875	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: MARY A HYDE
HONIGMAN LLP
155 N UPPER WACKER DR, SUITE 3100
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: litdocket@honigman.com , mhyde@honigman.com , rhofstatter@honigman.com , jlamb@honigman.com , trademark@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	

BREEZE PLUS
BREEZE PALM
BREEZE PRO

[90246820](#)

[90650997](#)

[90555765](#)

Prosecution History

Entry Number	History Text	Date	Due Date
10	TERMINATED	Nov 15, 2021	
9	BD DECISION: OPP SUSTAINED	Nov 15, 2021	
8	W/DRAW OF APPLICATION	Nov 10, 2021	
7	SUSP PEND DISP OF CIVIL ACTION	Nov 03, 2021	
6	P CHANGE OF CORRESP ADDRESS	Aug 03, 2021	
5	P OPP/RESP TO MOTION	Aug 03, 2021	
4	D MOT TO SUSP PEND DISP CIV ACTION	Jul 14, 2021	
3	INSTITUTED	Jun 09, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 09, 2021	Jul 19, 2021
1	FILED AND FEE	Jun 09, 2021	

Exhibit 2

Generated on: This page was generated by TSDR on 2024-05-10 13:53:06 EDT

Mark: BREEZE SMOKE

BREEZE SMOKE

US Serial Number: 90012117

Application Filing Date: Jun. 20, 2020

US Registration Number: 6976563

Registration Date: Feb. 14, 2023

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 14, 2023

Publication Date: Nov. 03, 2020

Mark Information

Mark Literal Elements: BREEZE SMOKE

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

Disclaimer: "SMOKE"

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: Disposable Electronic Cigarettes

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2020

Use in Commerce: Mar. 01, 2020

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BREEZE SMOKE LLC

Owner Address: 1471 E Nine Mile Rd., Unit 200
Hazel Park, MICHIGAN UNITED STATES 48030

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country MICHIGAN
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Rachel M. Hofstatter
Attorney Primary Email Address: trademark@honigman.com
Docket Number: 270989482030
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Rachel M. Hofstatter
HONIGMAN LLP
39400 Woodward Avenue, Suite 101
Bloomfield Hills, MICHIGAN UNITED STATES 48304-5151
Phone: 202-844-3371
Correspondent e-mail: rhofstatter@honigman.com trademark@honigman.com tjones@honigman.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2023	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Apr. 17, 2023	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 17, 2023	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Apr. 17, 2023	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 17, 2023	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 17, 2023	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 14, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Feb. 14, 2023	REGISTERED-PRINCIPAL REGISTER	
Jan. 19, 2023	ASSIGNMENT OF OWNERSHIP UPDATED MANUALLY	
Mar. 03, 2022	REINSTATEMENT GRANTED - TTAB REQUEST	
Mar. 02, 2022	ABANDONMENT NOTICE E-MAILED - INTER PARTES DECISION	
Mar. 02, 2022	ABANDONMENT - AFTER INTER PARTES DECISION	
Mar. 02, 2022	OPPOSITION TERMINATED NO. 999999	267970
Mar. 02, 2022	OPPOSITION DISMISSED NO. 999999	267970
Mar. 03, 2021	OPPOSITION INSTITUTED NO. 999999	267970
Feb. 10, 2021	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 26, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Jan. 26, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 26, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 26, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 26, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 03, 2020	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 03, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 03, 2020	PUBLISHED FOR OPPOSITION	
Oct. 14, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2020	EXAMINER'S AMENDMENT ENTERED	
Sep. 28, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Sep. 28, 2020	EXAMINERS AMENDMENT E-MAILED	
Sep. 28, 2020	EXAMINERS AMENDMENT -WRITTEN	
Sep. 23, 2020	ASSIGNED TO EXAMINER	
Jul. 17, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jun. 24, 2020	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PETITIONS OFFICE

Date in Location: Jan. 19, 2023

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: BREEZE SMOKE LLC

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [7172/0263](#)

Pages: 3

Date Recorded: Jan. 28, 2021

Supporting Documents: [assignment-tm-7172-0263.pdf](#)

Assignor

Name: [BREEZ SMOKE LLC](#)

Execution Date: Jul. 01, 2020

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Assignee

Name: [BREEZE SMOKE LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MICHIGAN

Address: 4654 LILLY CT
WEST BLOOMFIELD, MICHIGAN 48323

Correspondent

Correspondent Name: JENNIFER M. HETU

Correspondent Address: 39400 WOODWARD AVENUE, SUITE 101
BLOOMFIELD HILLS, MI 48304-5151

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 10

Type of Proceeding: Opposition

Proceeding Number: [91290264](#)

Filing Date: Mar 12, 2024

Status: Suspended

Status Date: May 02, 2024

Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY

Defendant

Name: TIBREE INDUSTRIAL INC.

Correspondent Address: JIAWEI PENG
12234 SHADOW CREEK PKWY BLDG 5 UNIT 110,
PEARLAND TX UNITED STATES , 77584

Correspondent e-mail: jpeng202104@gmail.com , trademarkdocket@ipspeedy.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TIGER BREEZE		97752892	

Plaintiff(s)**Name:** Breeze Smoke LLC**Correspondent Address:** RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111**Correspondent e-mail:** rhofstatter@honigman.com , ablackburn@honigman.com , ltdocket@honigman.com , trademark@honigman.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZE PRO		90555765	6992438
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE POD		98427390	
BREEZE PALM		90650997	
BREEZE		88462147	6296005
BREEZE		88462141	6296004

Prosecution History

Entry Number	History Text	Date	Due Date
4	NOTICE OF DEFAULT	May 02, 2024	
3	INSTITUTED	Mar 12, 2024	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2024	Apr 21, 2024
1	FILED AND FEE	Mar 12, 2024	

Type of Proceeding: Opposition**Proceeding Number:** [91288953](#)**Filing Date:** Dec 27, 2023**Status:** Pending**Status Date:** Dec 27, 2023**Interlocutory Attorney:** JILL M MCCORMACK**Defendant****Name:** Promontory Holdings, LLC**Correspondent Address:** DAVID YANG
HAWKINSON YANG LLP
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067**Correspondent e-mail:** dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZ		90875539	

Plaintiff(s)**Name:** Breeze Smoke LLC**Correspondent Address:** RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111**Correspondent e-mail:** rhofstatter@honigman.com , trademark@honigman.com , ltdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , swaidelich@honigman.com , DRoulo@honigman.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZE ELITE		98146073	
BREEZE LIFE		97926736	
BREEZE SMOKE		97900128	
BREEZE PRIME		97839842	

BREEZE SMOKE	97697754	
BREEZE SMOKE	90012117	6976563
BREEZE PLUS	90246820	6770534
BREEZE PALM	90650997	
BREEZE PRO	90555765	6992438
BREEZE	88462147	6296005
BREEZE	88462141	6296004
BREEZE	90256675	
BREEZE	90292552	
BREEZE	90292558	
BREEZE	90292573	
BREEZE	90292568	
BREEZE	90292582	
BREEZE	90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
11	TRIAL DATES RESET	Apr 11, 2024	
10	P REQ TO W/DRAW AS ATTORNEY	Mar 29, 2024	
9	D REPLY IN SUPPORT OF MOTION	Mar 11, 2024	
8	P OPP/RESP TO MOTION	Feb 20, 2024	
7	DEF NOTICE OF COUNTERCLAIMS IN OPP NO 91276304	Feb 05, 2024	
6	ANSWER	Feb 05, 2024	
5	D MOT TO SUSP PEND DISP CIV ACTION	Jan 31, 2024	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 31, 2024	
3	INSTITUTED	Dec 27, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2023	Feb 05, 2024
1	FILED AND FEE	Dec 27, 2023	

Type of Proceeding: Opposition

Proceeding Number: [91284181](#)

Filing Date: Mar 28, 2023

Status: Terminated

Status Date: Jan 08, 2024

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: New Wave Enterprise LLC

Correspondent Address: SANDRA J LEX
MENDELSON DUNLEAVY PC
1500 JOHN F KENNEDY BLVD, TWO PENN CENTER, SUITE 312
PHILADELPHIA PA UNITED STATES , 19102

Correspondent e-mail: docketing@mendelip.com , sjlex@mendelip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
C-BREEZE		90306932	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , mhyde@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BREEZE PRIME	97839842	
BREEZE SMOKE	97697754	
BREEZE SMOKE	90012117	6976563
BREEZE PLUS	90246820	6770534
BREEZE PALM	90650997	
BREEZE PRO	90555765	6992438
BREEZE	88462147	6296005
BREEZE	88462141	6296004

Prosecution History			
Entry Number	History Text	Date	Due Date
11	TERMINATED	Jan 08, 2024	
10	BD DECISION: OPP DISMISSED W/ PREJ	Jan 08, 2024	
9	W/DRAW OF OPPOSITION	Jan 04, 2024	
8	TRIAL DATES RESET	Jan 02, 2024	
7	D OPP/RESP TO MOTION	Dec 29, 2023	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 05, 2023	
5	P MOT FOR SUMMARY JUDGMENT	Nov 30, 2023	
4	ANSWER	May 08, 2023	
3	INSTITUTED	Mar 28, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 28, 2023	May 07, 2023
1	FILED AND FEE	Mar 28, 2023	

Type of Proceeding: Opposition

Proceeding Number: [91282580](#)

Filing Date: Dec 28, 2022

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: WILLIAM D JACKSON

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , kgoldman@hycounsel.com , mhawkinson@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BREEZ FUND		90848498	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litedocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005

BREEZE [88462141](#) [6296004](#)
 BREEZE [90256675](#)
 BREEZE [90292552](#)
 BREEZE [90292558](#)
 BREEZE [90292573](#)
 BREEZE [90292568](#)
 BREEZE [90292582](#)
 BREEZE [90292579](#)

Prosecution History

Entry Number	History Text	Date	Due Date
16	ANSWER	Jun 02, 2023	
15	PROCEEDINGS RESUMED	May 03, 2023	
14	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
13	P OPP/RESP TO MOTION	Mar 20, 2023	
12	P APPEARANCE / POWER OF ATTORNEY	Mar 20, 2023	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 01, 2023	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 28, 2023	
9	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
8	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
7	EXTENSION OF TIME GRANTED	Jan 30, 2023	
6	D MOT FOR EXT W/ CONSENT	Jan 30, 2023	
5	D CHANGE OF CORRESP ADDRESS	Jan 06, 2023	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 06, 2023	
3	INSTITUTED	Dec 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2022	Feb 06, 2023
1	FILED AND FEE	Dec 28, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91282581](#) **Filing Date:** Dec 28, 2022
Status: Consolidated/Child Case **Status Date:** Jun 08, 2023
Interlocutory Attorney: WILLIAM D JACKSON

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
 HAWKINSON YANG
 1801 CENTURY PARK EAST, STE 2400
 LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , kgoldman@hycounsel.com , mhawkinson@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BREEZ [90230924](#)

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
 HONIGMAN LLP
 1440 NEW YORK AVENUE NW, SUITE 200
 WASHINGTON DC UNITED STATES , 20005

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BREEZE SMOKE [97697754](#)

BREEZE SMOKE	90012117	
BREEZE PLUS	90246820	6770534
BREEZE PALM	90650997	
BREEZE PRO	90555765	
BREEZE	88462147	6296005
BREEZE	88462141	6296004
BREEZE	90256675	
BREEZE	90292552	
BREEZE	90292558	
BREEZE	90292573	
BREEZE	90292568	
BREEZE	90292582	
BREEZE	90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
16	ANSWER	Jun 02, 2023	
15	PROCEEDINGS RESUMED	May 03, 2023	
14	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
13	P OPP/RESP TO MOTION	Mar 20, 2023	
12	P APPEARANCE / POWER OF ATTORNEY	Mar 20, 2023	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 01, 2023	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 28, 2023	
9	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
8	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
7	EXTENSION OF TIME GRANTED	Jan 30, 2023	
6	D MOT FOR EXT W/ CONSENT	Jan 30, 2023	
5	D CHANGE OF CORRESP ADDRESS	Jan 06, 2023	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 06, 2023	
3	INSTITUTED	Dec 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2022	Feb 06, 2023
1	FILED AND FEE	Dec 28, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276304](#)

Filing Date: May 18, 2022

Status: Pending

Status Date: Mar 26, 2024

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90282436	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History			
Entry Number	History Text	Date	Due Date
43	D OPP/RESP TO MOTION	May 06, 2024	
42	CONFIDENTIAL - PAPER RECEIVED AT TTAB	May 06, 2024	
41	P MOT TO SUSP PEND DISP CIV ACTION	Apr 16, 2024	
40	TRIAL DATES RESET	Apr 11, 2024	
39	P REQ TO W/DRAW AS ATTORNEY	Mar 29, 2024	
38	PROCEEDINGS RESUMED	Mar 26, 2024	
37	D REPLY IN SUPPORT OF MOTION	Feb 05, 2024	
36	P OPP/RESP TO MOTION	Jan 16, 2024	
35	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 05, 2024	
34	D MOT TO COMPEL DISCOVERY	Dec 27, 2023	
33	CONFIDENTIAL - D MOTION TO COMPEL DISCOVERY	Dec 27, 2023	
32	ANSWER TO COUNTERCLAIM	Jul 07, 2023	
31	P APPEARANCE / POWER OF ATTORNEY	Jul 07, 2023	
30	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 08, 2023	Jul 08, 2023
29	ANSWER AND COUNTERCLAIM (FEE)	Jun 02, 2023	
28	PROCEEDINGS RESUMED	May 03, 2023	
27	PHONE CONFERENCE ORDERED	Apr 25, 2023	
26	STIP FOR EXT	Apr 19, 2023	
25	D REPLY IN SUPPORT OF MOTION	Apr 10, 2023	
24	D APPEARANCE / POWER OF ATTORNEY	Apr 10, 2023	
23	P REPLY IN SUPPORT OF MOTION	Mar 28, 2023	
22	CONSOLIDATED - PARENT/ SUSPENDED PENDING DETERMINATION OF MOTION	Mar 22, 2023	
21	P MOT FOR EXT W/ CONSENT	Mar 16, 2023	
20	P APPEARANCE / POWER OF ATTORNEY	Mar 16, 2023	
19	D OPP/RESP TO MOTION	Mar 13, 2023	
18	P MOT FOR EXT W/O CONSENT	Feb 21, 2023	
17	P REPLY IN SUPPORT OF MOTION	Feb 16, 2023	
16	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
15	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
14	D OPP/RESP TO MOTION	Jan 27, 2023	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Jan 25, 2023	
12	SUSPENDED	Jan 03, 2023	
11	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 28, 2022	
10	D CHANGE OF CORRESP ADDRESS	Nov 22, 2022	
9	ANSWER TO COUNTERCLAIM	Aug 31, 2022	

8	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2022	Aug 31, 2022
7	ANSWER AND COUNTERCLAIM (FEE)	Jul 27, 2022	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 27, 2022	
5	EXTENSION OF TIME GRANTED	Jun 24, 2022	
4	D MOT FOR EXT W/ CONSENT	Jun 24, 2022	
3	INSTITUTED	May 18, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2022	Jun 27, 2022
1	FILED AND FEE	May 18, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276316](#)

Filing Date: May 18, 2022

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90282412	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
27	ANSWER	Jun 02, 2023	
26	PROCEEDINGS RESUMED	May 03, 2023	
25	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
24	P MOT FOR EXT W/ CONSENT	Mar 16, 2023	

23	P APPEARANCE / POWER OF ATTORNEY	Mar 16, 2023	
22	D OPP/RESP TO MOTION	Mar 13, 2023	
21	P MOT FOR EXT W/O CONSENT	Feb 21, 2023	
20	P REPLY IN SUPPORT OF MOTION	Feb 16, 2023	
19	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
18	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
17	D OPP/RESP TO MOTION	Jan 27, 2023	
16	P RED-LINE AMENDED NOTICE OF OPPOSITION	Jan 25, 2023	
15	EXTENSION OF TIME GRANTED	Jan 09, 2023	
14	D MOT FOR EXT W/ CONSENT	Jan 06, 2023	
13	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 06, 2023	
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 28, 2022	
11	D CHANGE OF CORRESP ADDRESS	Nov 22, 2022	
10	ANSWER TO COUNTERCLAIM	Aug 31, 2022	
9	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2022	Aug 31, 2022
8	ANSWER	Jul 28, 2022	
7	D NOTICE OF COUNTERCLAIMS	Jul 28, 2022	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 28, 2022	
5	EXTENSION OF TIME GRANTED	Jun 24, 2022	
4	D MOT FOR EXT W/ CONSENT	Jun 24, 2022	
3	INSTITUTED	May 19, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 19, 2022	Jun 28, 2022
1	FILED AND FEE	May 18, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91269771](#)

Filing Date: Jun 09, 2021

Status: Terminated

Status Date: Nov 15, 2021

Interlocutory Attorney: MARY B MYLES

Defendant

Name: SD Import, LLC

Correspondent Address: ARNOLD S. WEINTRAUB
THE WEINTRAUB GROUP, P.L.C.
24901 NORTHWESTERN HIGHWAY, SUITE 311
SOUTHFIELD MD UNITED STATES , 48075

Correspondent e-mail: ipdocket@weintraubgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SEA BREEZE PLUS		90148875	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: MARY A HYDE
HONIGMAN LLP
155 N UPPER WACKER DR, SUITE 3100
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: ltdocket@honigman.com , mhyde@honigman.com , rhofstatter@honigman.com , jlamb@honigman.com , trademark@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	

Prosecution History

Entry Number	History Text	Date	Due Date
10	TERMINATED	Nov 15, 2021	
9	BD DECISION: OPP SUSTAINED	Nov 15, 2021	
8	W/DRAW OF APPLICATION	Nov 10, 2021	
7	SUSP PEND DISP OF CIVIL ACTION	Nov 03, 2021	
6	P CHANGE OF CORRESP ADDRESS	Aug 03, 2021	
5	P OPP/RESP TO MOTION	Aug 03, 2021	
4	D MOT TO SUSP PEND DISP CIV ACTION	Jul 14, 2021	
3	INSTITUTED	Jun 09, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 09, 2021	Jul 19, 2021
1	FILED AND FEE	Jun 09, 2021	

Type of Proceeding: Opposition

Proceeding Number: [91267970](#)

Filing Date: Mar 03, 2021

Status: Terminated

Status Date: Mar 03, 2022

Interlocutory Attorney: TASHIA A BUNCH

Defendant

Name: Breeze Smoke LLC

Correspondent Address: MARY A HYDE
HONIGMAN LLP
155 N UPPER WACKER DR, SUITE 3100
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: ltdocket@honigman.com , mhyde@honigman.com , jlamb@honigman.com , rhofstatter@honigman.com , tcampbell@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	

Plaintiff(s)

Name: Trucenta Holdings LLC

Correspondent Address: PAUL R. HOFFER
HOFFER LAW, PLLC
32267 AUBURN DR
BEVERLY HILLS MI UNITED STATES , 48025

Correspondent e-mail: paul@hofferlawpllc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE		88462141	
BREEZE		88462147	
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292579	
BREEZE		90292582	
BREEZE		88462141	6296004
BREEZE		88462147	6296005

Prosecution History

Entry Number	History Text	Date	Due Date
20	REQ FOR REINSTATEMENT FORWARDED TO TM	Mar 03, 2022	
19	TERMINATED	Mar 02, 2022	
18	BD DECISION: OPP DISMISSED W/ PREJ	Mar 02, 2022	
17	W/DRAW OF OPPOSITION	Feb 22, 2022	

16	SUSP PEND DISP OF CIVIL ACTION	Jan 11, 2022	
15	D OPP/RESP TO MOTION	Sep 20, 2021	
14	D REPLY IN SUPPORT OF MOTION	Sep 20, 2021	
13	P MOT TO SUSP PEND DISP CIV ACTION	Aug 30, 2021	
12	P OPP/RESP TO MOTION	Aug 30, 2021	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 25, 2021	
10	D CHANGE OF CORRESP ADDRESS	Aug 10, 2021	
9	ANSWER AND COUNTERCLAIM (FEE)	Aug 10, 2021	
8	D MOT TO DISMISS: FRCP 12(B)	Aug 10, 2021	
7	EXTENSION OF TIME GRANTED	May 24, 2021	
6	D MOT FOR EXT W/ CONSENT	May 24, 2021	
5	EXTENSION OF TIME GRANTED	Apr 09, 2021	
4	D MOT FOR EXT W/ CONSENT	Apr 09, 2021	
3	INSTITUTED	Mar 03, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 03, 2021	Apr 12, 2021
1	FILED AND FEE	Mar 03, 2021	

Type of Proceeding: Extension of Time

Proceeding Number: [90012117](#) **Filing Date:** Nov 03, 2020

Status: Terminated **Status Date:** Mar 03, 2021

Interlocutory Attorney:

Defendant

Name: BREEZ SMOKE LLC

Correspondent Address: PATRICK MASTROGIACOMO, JR.
MASTROGIACOMO PLLC
345 PINE STREET
WYANDOTTE MI UNITED STATES , 48192

Correspondent e-mail: pmastro1@wyan.org

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	

Potential Opposer(s)

Name: Trucenta Holdings LLC

Correspondent Address: PAUL R. HOFFER
32267 AUBURN DR
BEVERLY HILLS MI UNITED STATES , 48025

Correspondent e-mail: paulrhoferlaw@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number

Name: Select Distributor LLC

Correspondent Address: ARNOLD S. WEINTRAUB
THE WEINTRAUB GROUP, P.L.C.
24901 NORTHWESTERN HWY., SUITE 311
SOUTHFIELD MI UNITED STATES , 48075

Correspondent e-mail: ipdocket@weintraubgroup.com , aweintraub@weintraubgroup.com

Prosecution History

Entry Number	History Text	Date	Due Date
6	EXT GRANTED	Dec 30, 2020	
5	ADD'L 60-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 30, 2020	
4	EXT GRANTED	Dec 03, 2020	
3	FIRST 30-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 03, 2020	

2

EXT GRANTED

Nov 03, 2020

1

FIRST 30-DAY REQUEST TO EXT TIME TO OPPOSE

Nov 03, 2020

Exhibit 3

Generated on: This page was generated by TSDR on 2024-05-10 13:52:33 EDT

Mark: BREEZE PRO

BREEZE PRO

US Serial Number: 90555765

Application Filing Date: Mar. 02, 2021

US Registration Number: 6992438

Registration Date: Feb. 28, 2023

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 28, 2023

Publication Date: Nov. 09, 2021 Notice of Allowance Date: Nov. 01, 2022

Mark Information

Mark Literal Elements: BREEZE PRO

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

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: Disposable Electronic Cigarettes

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 18, 2021

Use in Commerce: Aug. 18, 2021

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Breeze Smoke LLC

Owner Address: 1471 E Nine Mile Rd., Unit 200

Hazel Park, MICHIGAN UNITED STATES 48030

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country MICHIGAN
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: RACHEL M HOFSTATTER

Docket Number: 270989487227

Attorney Primary Email Address: trademark@honigman.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: RACHEL M HOFSTATTER

HONIGMAN LLP
39400 Woodward Avenue, Suite 101
BLOOMFIELD HILLS, MICHIGAN UNITED STATES 48304-5151

Phone: 202-844-3371

Correspondent e-mail: tjones@honigman.com
trademark@honigman.com rhofstatter@honigman.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 28, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Feb. 28, 2023	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 2023	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 25, 2023	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 22, 2022	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Dec. 22, 2022	LETTER OF SUSPENSION E-MAILED	
Dec. 22, 2022	SUSPENSION LETTER WRITTEN	
Dec. 05, 2022	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 16, 2022	USE AMENDMENT FILED	
Dec. 05, 2022	CASE ASSIGNED TO INTENT TO USE PARALEGAL	
Nov. 16, 2022	TEAS STATEMENT OF USE RECEIVED	
Nov. 01, 2022	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 21, 2022	TTAB RELEASE CASE TO TRADEMARKS	276026
Sep. 21, 2022	OPPOSITION TERMINATED NO. 999999	276026
Sep. 21, 2022	OPPOSITION DISMISSED NO. 999999	276026
May 07, 2022	OPPOSITION INSTITUTED NO. 999999	276026
Dec. 06, 2021	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 09, 2021	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 09, 2021	PUBLISHED FOR OPPOSITION	
Oct. 20, 2021	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 01, 2021	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 2021	ASSIGNED TO EXAMINER	
Jul. 30, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Jul. 30, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 30, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jul. 30, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 30, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 30, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 01, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Mar. 05, 2021	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location**Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Jan. 25, 2023

Proceedings

Summary**Number of Proceedings:** 10**Type of Proceeding: Opposition****Proceeding Number:** [91290264](#)**Filing Date:** Mar 12, 2024**Status:** Suspended**Status Date:** May 02, 2024**Interlocutory Attorney:** LAWRENCE (LARRY) T STANLEY**Defendant****Name:** TIBREE INDUSTRIAL INC.**Correspondent Address:** JIAWEI PENG
12234 SHADOW CREEK PKWY BLDG 5 UNIT 110,
PEARLAND TX UNITED STATES , 77584**Correspondent e-mail:** jpeng202104@gmail.com , trademarkdocket@ipspeedy.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TIGER BREEZE		97752892	

Plaintiff(s)**Name:** Breeze Smoke LLC**Correspondent Address:** RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111**Correspondent e-mail:** rhofstatter@honigman.com , ablackburn@honigman.com , litdocket@honigman.com , trademark@honigman.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZE PRO		90555765	6992438
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE POD		98427390	
BREEZE PALM		90650997	
BREEZE		88462147	6296005
BREEZE		88462141	6296004

Prosecution History

Entry Number	History Text	Date	Due Date
4	NOTICE OF DEFAULT	May 02, 2024	
3	INSTITUTED	Mar 12, 2024	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 12, 2024	Apr 21, 2024
1	FILED AND FEE	Mar 12, 2024	

Type of Proceeding: Opposition**Proceeding Number:** [91288953](#)**Filing Date:** Dec 27, 2023**Status:** Pending**Status Date:** Dec 27, 2023**Interlocutory Attorney:** JILL M MCCORMACK

Defendant**Name:** Promontory Holdings, LLC**Correspondent** DAVID YANG**Address:** HAWKINSON YANG LLP
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067**Correspondent e-mail:** dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZ		90875539	

Plaintiff(s)**Name:** Breeze Smoke LLC**Correspondent** RACHEL M. HOFSTATTER**Address:** HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111**Correspondent e-mail:** rhofstatter@honigman.com , trademark@honigman.com , litedocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , swaidelich@honigman.com , DRoulo@honigman.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZE ELITE		98146073	
BREEZE LIFE		97926736	
BREEZE SMOKE		97900128	
BREEZE PRIME		97839842	
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	6992438
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
11	TRIAL DATES RESET	Apr 11, 2024	
10	P REQ TO W/DRAW AS ATTORNEY	Mar 29, 2024	
9	D REPLY IN SUPPORT OF MOTION	Mar 11, 2024	
8	P OPP/RESP TO MOTION	Feb 20, 2024	
7	DEF NOTICE OF COUNTERCLAIMS IN OPP NO 91276304	Feb 05, 2024	
6	ANSWER	Feb 05, 2024	
5	D MOT TO SUSP PEND DISP CIV ACTION	Jan 31, 2024	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 31, 2024	
3	INSTITUTED	Dec 27, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2023	Feb 05, 2024
1	FILED AND FEE	Dec 27, 2023	

Type of Proceeding: Opposition

Proceeding [91284181](#)
Number:

Filing Date: Mar 28, 2023

Status: Terminated

Status Date: Jan 08, 2024

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: New Wave Enterprise LLC

Correspondent Address: SANDRA J LEX
MENDELSON DUNLEAVY PC
1500 JOHN F KENNEDY BLVD, TWO PENN CENTER, SUITE 312
PHILADELPHIA PA UNITED STATES , 19102

Correspondent e-mail: docketing@mendelip.com , silex@mendelip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
C-BREEZE		90306932	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , mhyde@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE PRIME		97839842	
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	6992438
BREEZE		88462147	6296005
BREEZE		88462141	6296004

Prosecution History

Entry Number	History Text	Date	Due Date
11	TERMINATED	Jan 08, 2024	
10	BD DECISION: OPP DISMISSED W/ PREJ	Jan 08, 2024	
9	W/DRAW OF OPPOSITION	Jan 04, 2024	
8	TRIAL DATES RESET	Jan 02, 2024	
7	D OPP/RESP TO MOTION	Dec 29, 2023	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 05, 2023	
5	P MOT FOR SUMMARY JUDGMENT	Nov 30, 2023	
4	ANSWER	May 08, 2023	
3	INSTITUTED	Mar 28, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 28, 2023	May 07, 2023
1	FILED AND FEE	Mar 28, 2023	

Type of Proceeding: Opposition

Proceeding [91282580](#)
Number:

Filing Date: Dec 28, 2022

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: WILLIAM D JACKSON

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hyounsel.com , kgoldman@hyounsel.com , mhawkinson@hyounsel.com

Mark	Application Status	Serial Number	Registration Number
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THE BREEZ FUND [90848498](#)

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Mark	Application Status	Serial Number	Registration Number
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BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
16	ANSWER	Jun 02, 2023	
15	PROCEEDINGS RESUMED	May 03, 2023	
14	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
13	P OPP/RESP TO MOTION	Mar 20, 2023	
12	P APPEARANCE / POWER OF ATTORNEY	Mar 20, 2023	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 01, 2023	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 28, 2023	
9	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
8	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
7	EXTENSION OF TIME GRANTED	Jan 30, 2023	
6	D MOT FOR EXT W/ CONSENT	Jan 30, 2023	
5	D CHANGE OF CORRESP ADDRESS	Jan 06, 2023	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 06, 2023	
3	INSTITUTED	Dec 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2022	Feb 06, 2023
1	FILED AND FEE	Dec 28, 2022	

Type of Proceeding: Opposition

Number: _____

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: WILLIAM D JACKSON

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , kgoldman@hycounsel.com , mhawkinson@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90230924	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litedocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
16	ANSWER	Jun 02, 2023	
15	PROCEEDINGS RESUMED	May 03, 2023	
14	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
13	P OPP/RESP TO MOTION	Mar 20, 2023	
12	P APPEARANCE / POWER OF ATTORNEY	Mar 20, 2023	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 01, 2023	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 28, 2023	
9	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
8	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
7	EXTENSION OF TIME GRANTED	Jan 30, 2023	
6	D MOT FOR EXT W/ CONSENT	Jan 30, 2023	
5	D CHANGE OF CORRESP ADDRESS	Jan 06, 2023	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 06, 2023	

3	INSTITUTED	Dec 28, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 28, 2022	Feb 06, 2023
1	FILED AND FEE	Dec 28, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276304](#) **Filing Date:** May 18, 2022
Status: Pending **Status Date:** Mar 26, 2024
Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC
Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067
Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90282436	

Plaintiff(s)

Name: Breeze Smoke LLC
Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111
Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litedocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
43	D OPP/RESP TO MOTION	May 06, 2024	
42	CONFIDENTIAL - PAPER RECEIVED AT TTAB	May 06, 2024	
41	P MOT TO SUSP PEND DISP CIV ACTION	Apr 16, 2024	
40	TRIAL DATES RESET	Apr 11, 2024	
39	P REQ TO W/DRAW AS ATTORNEY	Mar 29, 2024	
38	PROCEEDINGS RESUMED	Mar 26, 2024	
37	D REPLY IN SUPPORT OF MOTION	Feb 05, 2024	
36	P OPP/RESP TO MOTION	Jan 16, 2024	
35	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 05, 2024	

34	D MOT TO COMPEL DISCOVERY	Dec 27, 2023	
33	CONFIDENTIAL - D MOTION TO COMPEL DISCOVERY	Dec 27, 2023	
32	ANSWER TO COUNTERCLAIM	Jul 07, 2023	
31	P APPEARANCE / POWER OF ATTORNEY	Jul 07, 2023	
30	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 08, 2023	Jul 08, 2023
29	ANSWER AND COUNTERCLAIM (FEE)	Jun 02, 2023	
28	PROCEEDINGS RESUMED	May 03, 2023	
27	PHONE CONFERENCE ORDERED	Apr 25, 2023	
26	STIP FOR EXT	Apr 19, 2023	
25	D REPLY IN SUPPORT OF MOTION	Apr 10, 2023	
24	D APPEARANCE / POWER OF ATTORNEY	Apr 10, 2023	
23	P REPLY IN SUPPORT OF MOTION	Mar 28, 2023	
22	CONSOLIDATED - PARENT/ SUSPENDED PENDING DETERMINATION OF MOTION	Mar 22, 2023	
21	P MOT FOR EXT W/ CONSENT	Mar 16, 2023	
20	P APPEARANCE / POWER OF ATTORNEY	Mar 16, 2023	
19	D OPP/RESP TO MOTION	Mar 13, 2023	
18	P MOT FOR EXT W/O CONSENT	Feb 21, 2023	
17	P REPLY IN SUPPORT OF MOTION	Feb 16, 2023	
16	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
15	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
14	D OPP/RESP TO MOTION	Jan 27, 2023	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Jan 25, 2023	
12	SUSPENDED	Jan 03, 2023	
11	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 28, 2022	
10	D CHANGE OF CORRESP ADDRESS	Nov 22, 2022	
9	ANSWER TO COUNTERCLAIM	Aug 31, 2022	
8	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2022	Aug 31, 2022
7	ANSWER AND COUNTERCLAIM (FEE)	Jul 27, 2022	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 27, 2022	
5	EXTENSION OF TIME GRANTED	Jun 24, 2022	
4	D MOT FOR EXT W/ CONSENT	Jun 24, 2022	
3	INSTITUTED	May 18, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2022	Jun 27, 2022
1	FILED AND FEE	May 18, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276316](#)

Filing Date: May 18, 2022

Status: Consolidated/Child Case

Status Date: Jun 08, 2023

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: Promontory Holdings, LLC

Correspondent Address: DAVID YANG
HAWKINSON YANG
1801 CENTURY PARK EAST, STE. 2400
LOS ANGELES CA UNITED STATES , 90067

Correspondent e-mail: dyang@hycounsel.com , mhawkinson@hycounsel.com , kgoldman@hycounsel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZ		90282412	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP

1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com , mhyde@honigman.com , tcampbell@honigman.com , swaidelich@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE SMOKE		90012117	
BREEZE PLUS		90246820	
BREEZE PALM		90650997	
BREEZE PRO		90555765	
BREEZE		88462147	6296005
BREEZE		88462141	6296004
BREEZE		90256675	
BREEZE		90292552	
BREEZE		90292558	
BREEZE		90292573	
BREEZE		90292568	
BREEZE		90292582	
BREEZE		90292579	

Prosecution History

Entry Number	History Text	Date	Due Date
27	ANSWER	Jun 02, 2023	
26	PROCEEDINGS RESUMED	May 03, 2023	
25	CONSOLIDATED - CHILD OF 91276304	Mar 22, 2023	
24	P MOT FOR EXT W/ CONSENT	Mar 16, 2023	
23	P APPEARANCE / POWER OF ATTORNEY	Mar 16, 2023	
22	D OPP/RESP TO MOTION	Mar 13, 2023	
21	P MOT FOR EXT W/O CONSENT	Feb 21, 2023	
20	P REPLY IN SUPPORT OF MOTION	Feb 16, 2023	
19	P APPEARANCE / POWER OF ATTORNEY	Feb 15, 2023	
18	P CHANGE OF CORRESP ADDRESS	Feb 15, 2023	
17	D OPP/RESP TO MOTION	Jan 27, 2023	
16	P RED-LINE AMENDED NOTICE OF OPPOSITION	Jan 25, 2023	
15	EXTENSION OF TIME GRANTED	Jan 09, 2023	
14	D MOT FOR EXT W/ CONSENT	Jan 06, 2023	
13	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 06, 2023	
12	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 28, 2022	
11	D CHANGE OF CORRESP ADDRESS	Nov 22, 2022	
10	ANSWER TO COUNTERCLAIM	Aug 31, 2022	
9	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2022	Aug 31, 2022
8	ANSWER	Jul 28, 2022	
7	D NOTICE OF COUNTERCLAIMS	Jul 28, 2022	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 28, 2022	
5	EXTENSION OF TIME GRANTED	Jun 24, 2022	
4	D MOT FOR EXT W/ CONSENT	Jun 24, 2022	
3	INSTITUTED	May 19, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 19, 2022	Jun 28, 2022
1	FILED AND FEE	May 18, 2022	

Type of Proceeding: Opposition

Proceeding Number: [91276026](#)

Filing Date: May 07, 2022

Status: Terminated

Status Date: Sep 21, 2022

Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY

Defendant**Name:** Breeze Smoke LLC**Correspondent Address:** RACHEL M HOFSTATTER
HONIGMAN LLP
39400 WOODWARD AVENUE SUITE 101
BLOOMFIELD HILLS MI UNITED STATES , 48304-5151**Correspondent e-mail:** trademark@honigman.com , rhofstatter@honigman.com , nwhalen@honigman.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZE PRO		90555765	

Plaintiff(s)**Name:** Breeze Labs, LLC**Correspondent Address:** JORGE ESPINOSA
BREEZE LABS LLC
333 SE 2ND AVE, SHITE 3200
MIAMI FL UNITED STATES , 33131**Correspondent e-mail:** jorge.espinosa@gray-robinson.com , christopher.ramsey@gray-robinson.com , miatm@gray-robinson.com**Prosecution History**

Entry Number	History Text	Date	Due Date
11	TERMINATED	Sep 21, 2022	
10	BD DECISION: OPP DISMISSED W/ PREJ	Sep 21, 2022	
9	W/DRAW OF OPPOSITION	Sep 15, 2022	
8	SUSPENDED	Sep 15, 2022	
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 15, 2022	
6	SUSPENDED	Jul 22, 2022	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 22, 2022	
4	ANSWER	Jun 16, 2022	
3	INSTITUTED	May 07, 2022	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 07, 2022	Jun 16, 2022
1	FILED AND FEE	May 07, 2022	

Type of Proceeding: Extension of Time**Proceeding Number:** [90555765](#)**Filing Date:** Jan 07, 2022**Status:** Terminated**Status Date:** May 07, 2022**Interlocutory Attorney:****Defendant****Name:** Breeze Smoke LLC**Correspondent Address:** RACHEL M. HOFSTATTER
HONIGMAN LLP
39400 WOODWARD AVENUE, SUITE 101
BLOOMFIELD HILLS MI UNITED STATES , 48304-5151**Correspondent e-mail:** trademark@honigman.com , rhofstatter@honigman.com , nwhalen@honigman.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BREEZE PRO		90555765	

Potential Opposer(s)**Name:** Breeze Labs, LLC**Correspondent Address:** CHRISTOPHER M. RAMSEY
GRAYROBINSON, PA
301 EAST PINE STREET, SUITE 1400
ORLANDO FL UNITED STATES , 32801

Correspondent e-mail: christopher.ramsey@gray-robinson.com , ipteam@gray-robinson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Name: Trucenta Holdings LLC

Correspondent Address: PAUL HOFFER
HOFFER LAW PLLC
32267 AUBURN DR
BEVERLY HILLS MI UNITED STATES , 48025

Correspondent e-mail: paul@hofferlawpllc.com

Prosecution History

Entry Number	History Text	Date	Due Date
8	EXT GRANTED	Mar 09, 2022	
7	FINAL 60-DAY REQUEST TO EXT TIME TO OPPOSE	Mar 09, 2022	
6	EXT GRANTED	Jan 11, 2022	
5	ADD'L 60-DAY REQUEST TO EXT TIME TO OPPOSE	Jan 07, 2022	
4	EXT GRANTED	Dec 08, 2021	
3	FIRST 30-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 08, 2021	
2	EXT GRANTED	Dec 06, 2021	
1	FIRST 30-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 06, 2021	

Type of Proceeding: Opposition

Proceeding Number: [91269771](#)

Filing Date: Jun 09, 2021

Status: Terminated

Status Date: Nov 15, 2021

Interlocutory Attorney: MARY B MYLES

Defendant

Name: SD Import, LLC

Correspondent Address: ARNOLD S. WEINTRAUB
THE WEINTRAUB GROUP, P.L.C.
24901 NORTHWESTERN HIGHWAY, SUITE 311
SOUTHFIELD MD UNITED STATES , 48075

Correspondent e-mail: ipdocket@weintraubgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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SEA BREEZE PLUS

[90148875](#)

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: MARY A HYDE
HONIGMAN LLP
155 N UPPER WACKER DR, SUITE 3100
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: ltdocket@honigman.com , mhyde@honigman.com , rhofstatter@honigman.com , jlamb@honigman.com , trademark@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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BREEZE SMOKE

[90012117](#)

BREEZE PLUS

[90246820](#)

BREEZE PALM

[90650997](#)

BREEZE PRO

[90555765](#)

Prosecution History

Entry Number	History Text	Date	Due Date
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10	TERMINATED	Nov 15, 2021	
9	BD DECISION: OPP SUSTAINED	Nov 15, 2021	
8	W/DRAW OF APPLICATION	Nov 10, 2021	
7	SUSP PEND DISP OF CIVIL ACTION	Nov 03, 2021	
6	P CHANGE OF CORRESP ADDRESS	Aug 03, 2021	
5	P OPP/RESP TO MOTION	Aug 03, 2021	
4	D MOT TO SUSP PEND DISP CIV ACTION	Jul 14, 2021	
3	INSTITUTED	Jun 09, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 09, 2021	Jul 19, 2021
1	FILED AND FEE	Jun 09, 2021	

Exhibit 4

Generated on: This page was generated by TSDR on 2024-05-20 21:38:59 EDT

Mark: C-BREEZE

C-BREEZE

US Serial Number: 90306932

Application Filing Date: Nov. 09, 2020

US Registration Number: 7301764

Registration Date: Feb. 13, 2024

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 13, 2024

Publication Date: Nov. 29, 2022

Mark Information

Mark Literal Elements: C-BREEZE

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

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: hookah parts, namely, mouthpieces and hoses

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 2014

Use in Commerce: Nov. 2014

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: NEW WAVE ENTERPRISE LLC

Owner Address: 2605 South Broad Street

Hamilton, NEW JERSEY UNITED STATES 08610

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: NEW JERSEY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SANDRA J LEX

Docket Number: BREEZ-1003US

Attorney Primary Email Address: docketing@mendelip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SANDRA J LEX
MENDELSON DUNLEAVY PC
1500 JOHN F KENNEDY BLVD
TWO PENN CENTER, SUITE 312
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19102

Phone: 215-557-6657

Fax: 215-557-8477

Correspondent e-mail: sjlex@mendelip.com docketing@mendelip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2024	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Feb. 13, 2024	REGISTERED-PRINCIPAL REGISTER	
Jan. 08, 2024	TTAB RELEASE CASE TO TRADEMARKS	284181
Jan. 08, 2024	OPPOSITION TERMINATED NO. 999999	284181
Jan. 08, 2024	OPPOSITION DISMISSED NO. 999999	284181
Mar. 28, 2023	OPPOSITION INSTITUTED NO. 999999	284181
Dec. 22, 2022	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 29, 2022	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 29, 2022	PUBLISHED FOR OPPOSITION	
Nov. 09, 2022	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 25, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	
Oct. 21, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 21, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 14, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jun. 14, 2022	NON-FINAL ACTION E-MAILED	
Jun. 14, 2022	NON-FINAL ACTION WRITTEN	
Jun. 14, 2022	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 07, 2022	WITHDRAWN FROM PUB - OG REVIEW QUERY	
May 20, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 27, 2021	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Apr. 21, 2021	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Apr. 21, 2021	LETTER OF SUSPENSION E-MAILED	
Apr. 21, 2021	SUSPENSION LETTER WRITTEN	
Apr. 16, 2021	ASSIGNED TO EXAMINER	
Jan. 07, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Nov. 12, 2020	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 13, 2024

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91284181](#)

Filing Date: Mar 28, 2023

Status: Terminated

Status Date: Jan 08, 2024

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: New Wave Enterprise LLC

Correspondent Address: SANDRA J LEX
MENDELSON DUNLEAVY PC
1500 JOHN F KENNEDY BLVD, TWO PENN CENTER, SUITE 312
PHILADELPHIA PA UNITED STATES , 19102

Correspondent e-mail: docketing@mendelip.com , silex@mendelip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
C-BREEZE		90306932	

Plaintiff(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , mhyde@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BREEZE PRIME		97839842	
BREEZE SMOKE		97697754	
BREEZE SMOKE		90012117	6976563
BREEZE PLUS		90246820	6770534
BREEZE PALM		90650997	
BREEZE PRO		90555765	6992438
BREEZE		88462147	6296005
BREEZE		88462141	6296004

Prosecution History

Entry Number	History Text	Date	Due Date
11	TERMINATED	Jan 08, 2024	
10	BD DECISION: OPP DISMISSED W/ PREJ	Jan 08, 2024	
9	W/DRAW OF OPPOSITION	Jan 04, 2024	
8	TRIAL DATES RESET	Jan 02, 2024	
7	D OPP/RESP TO MOTION	Dec 29, 2023	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 05, 2023	
5	P MOT FOR SUMMARY JUDGMENT	Nov 30, 2023	
4	ANSWER	May 08, 2023	
3	INSTITUTED	Mar 28, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 28, 2023	May 07, 2023
1	FILED AND FEE	Mar 28, 2023	

Type of Proceeding: Extension of Time

Proceeding Number: [90306932](#)

Filing Date: Dec 22, 2022

Status: Terminated

Status Date: Mar 29, 2023

Interlocutory Attorney:

Defendant

Name: NEW WAVE ENTERPRISE LLC

Correspondent Address: SANDRA J. LEX
MENDELSON DUNLEAVY P.C.
1500 JOHN F. KENNEDY BLVD., TWO PENN CENTER, SUITE 312
PHILADELPHIA PA UNITED STATES , 19102

Correspondent e-mail: docketing@mendelip.com , silex@mendelip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
C-BREEZE		90306932	

Potential Opposer(s)

Name: Breeze Smoke LLC

Correspondent Address: RACHEL M. HOFSTATTER
HONIGMAN LLP
1440 NEW YORK AVENUE, NW, SUITE 200
WASHINGTON DC UNITED STATES , 20005-2111

Correspondent e-mail: rhofstatter@honigman.com , mhyde@honigman.com , trademark@honigman.com , litdocket@honigman.com , ablackburn@honigman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
2	EXT GRANTED	Dec 22, 2022	
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 22, 2022	