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Filing date: **07/27/2017**

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

Proceeding	94002645
Party	Applicant Stafford Wealth Management, LLC
Correspondence Address	JUNGJIN LEE LEE LEE & ASSOCIATES PC 2531 JACKSON RD, SUITE 135 ANN ARBOR, MI 48103 UNITED STATES Email: jj@llapc.com
Submission	Other Motions/Papers
Filer's Name	Erin C. Bray
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Signature	/Erin C. Bray/
Date	07/27/2017
Attachments	Stafford Show Cause Response - Final.pdf(207387 bytes) Stafford Concurrent Use Brief - Final.pdf(281645 bytes) Applicants Notice of Reliance - Final.pdf(338003 bytes)

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

Stafford Wealth Management, LLC, Applicant, v. Stafford Incorporated, Registrant.	Concurrent Use No.: 94002645 Mark: Stafford Wealth Management Serial No.: 85761959
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APPLICANT’S RESPONSE TO THE BOARD’S ORDER TO SHOW CAUSE

Applicant Stafford Wealth Management, LLC, (Applicant), a Nevada Limited Liability Company hereby submits its response in compliance with the Order to Show Cause dated June 27, 2017 issued by the Trademark Trial and Appeal Board as to why Applicant failed to timely file a brief pursuant to the Trademark Rule 2.128(a)(3), and states as follows:

Applicant’s failure to timely file its brief in this matter was unintentional. Applicant intends to continue with the concurrent use proceedings.

Registrant did not file an answer or respond in any way to Applicant’s filing for concurrent use.

Further, it has come to Applicant’s attention that registrant filed for voluntary dissolution on November 12, 2014.

Applicant hereby respectfully requests the Board accept Applicant’s late filed Notice of Reliance and Brief in support of the concurrent use of Applicant’s and Registrant’s marks and reset any remaining deadlines to allow the parties to conclude the trial period of this matter.

July 27, 2017

Respectfully Submitted,

Stafford Wealth Management

By: /Erin C. Bray/
JungJin. Lee, Esq.
Erin C. Bray, Esq.
Attorney for Applicant

Lee, Lee & Associates, P.C.
PO Box 512
Ann Arbor, MI 48106
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erin@llapc.com

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2017, a true and correct copy of the foregoing **APPLICANT'S**
RESPONSE TO THE BOARD'S ORDER TO SHOW CAUSE was served upon:

HARRIET STRIMPEL
STAFFORD COMPANY
13 A LYMAN ST
BEVERLY, MA 01915
UNITED STATES
darrylstafford@email.com

By Electronic Mail.

I further certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).

Date: July 27, 2017

/Erin C. Bray/
Erin C. Bray

**IN THE UNITED STATES PATENT AND TRADEMARK
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APPLICANT'S TRIAL BRIEF

Applicant Stafford Wealth Management, LLC, by and through its counsel of record, respectfully submits that it should be granted concurrent registration for the Stafford Wealth Management Mark.

Applicant's application No. 86481830 was filed October 24, 2012. Applicant's request for amendment of its application to an application seeking concurrent use was requested pursuant to 37 CFR §2.73, 15 U.S.C. 1052(d), with the registrant, Stafford Incorporated listed as the sole excepted user.

The examining attorney approved amendment to the application to include the concurrent use statement on December 26, 2014:

Subject to Concurrent Use Proceeding with Registration No. 4424085. Applicant claims the exclusive right to use the mark in the area comprising the United States except for the area comprising a fifty (50) mile radius around Beverly, Massachusetts.

In *Gray v. Daffy Dan's Bargaintown*, 823 F.2d 522, 3 USPQ2d 1306, 1308 (Fed. Cir. 1987), the Court clarified the elements, or touchstones, for a concurrent use registration as a two part test. First, the concurrent use application must meet the condition precedent of the "jurisdictional requirement" or use of the mark prior to the application date of any pending application or current registration. Second, there can be no likelihood of confusion, mistake or deception in the marketplace as to the source of goods resulting from the continued use of the trademark.

Applicant has met the jurisdictional requirement based on the examining attorney's approval of Applicant's request to amend its application to an application seeking concurrent use. Further, the examining attorney found no likelihood of confusion as to the source of Applicant's and Registrant's services resulting from the continued concurrent use of the marks in commerce.

Contemporaneous with this filing, applicant submits its Notice of Reliance pursuant to 37 C.F.R. § 2.122, including Applicant's application files to support Applicant's claim of prior use of the mark in commerce and official records of the State of Massachusetts showing voluntary dissolution of Registrant's corporation on November 12, 2014.

There has been no opposition by Stafford Incorporated since the institution of this proceeding. Accordingly, Applicant respectfully requests that the Board approve Applicant's concurrent registration application.

July 27, 2017

Respectfully Submitted,

Stafford Wealth Management

By: /Erin C. Bray/
JungJin. Lee, Esq.
Erin C. Bray, Esq.
Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2017, a true and correct copy of the foregoing **APPLICANT'S**

TRIAL BRIEF was served upon:

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APPLICANT'S NOTICE OF RELIANCE

Applicant Stafford Wealth Management, LLC (hereinafter, "Applicant"), by and through its attorneys, Lee, Lee & Associates, P.C., hereby notices its intention to rely upon the following documents and materials as evidence in the subject proceeding pursuant to 37 C.F.R. §§ 2.120 and 2.122:

- I. APPLICANT'S FEDERAL TRADEMARK APPLICATION AND REGISTRANT'S FEDERAL TRADEMARK REGISTRATION
 - A. Applicant relies on the following federal service mark application, U.S. Serial No. 86481830, owned by Applicant and submits herewith as Exhibit A, a printout of the application, pursuant to 37 C.F.R. § 2.122 (b).
 - B. Applicant relies on the following federal service mark registration, U.S. Registration No. 4424085, owned by Registrant and submits herewith as Exhibit B, a printout of the application file, pursuant to 37 C.F.R. § 2.122 (b).

- II. OFFICIAL RECORDS
 - A. In accordance with 37 C.F.R. § 2.122(e), Applicant attaches to this Notice as Exhibits C, a printout from the Massachusetts Secretary of the Commonwealth, Corporations Division

Dated: July 27, 2017

Respectfully Submitted,
Stafford Wealth Management, LLC

By: /Erin C. Bray/
JungJin. Lee, Esq.
Erin C. Bray, Esq.
Attorney for Applicant

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Email: jj@llapc.com
erin@llapc.com

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2017, a true and correct copy of Applicant's Notice of

Reliance was served upon:

HARRIET STRIMPEL
STAFFORD COMPANY
13 A LYMAN ST
BEVERLY, MA 01915
UNITED STATES
darrylstafford@email.com

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