

ESTTA Tracking number: **ESTTA906654**

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

Proceeding	91241327
Party	Defendant Good Hair Care LLC
Correspondence Address	GOOD HAIR CARE LLC 14440 WEST SIDE BLVD #410 LAUREL, MD 20707 UNITED STATES Email: ninachanelliempire@gmail.com, goodhaircarellc@gmail.com
Submission	Answer
Filer's Name	Nadia Miller
Filer's email	ninachanelliempire@gmail.com
Signature	/Nadia Miller/
Date	06/29/2018
Attachments	GhcGhdanswer.pdf(50223 bytes) GHC.GHD trademark oppositionpdf.pdf(81226 bytes)

I hereby certify that a true and complete copy of the foregoing Answer for opposition #91241327, has been served on Jemella Group Limited, forwarding said copy on Monday June 25, 2018, via mail to: Paul G. Juettner and Tanja Proehl Greer Burns & Crain, Ltd. 300 South Wacker Drive, Suite 2500 Chicago, IL 60606

Signature *Nadia Meun* Date 6-24-2018

ESTTA Tracking number: ESTTA898498
Application No: 87383483

June 5th, 2018
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GoodHairCareLLC@gmail.com
Nadia Miller
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Laurel, MD 20707

RE: Denial of frivolous claims and affirmative statement of Good Hair Care LLC's rights

Dear Paul G. Juettner and Tanja Proehl Greer Burns & Crain, Ltd.,

This letter is in response to your letter sent 5/23/2018 on behalf of Jemella Group Limited.

Denial of Jemella Group Limited Claims:

Good Hair Care denies each allegation set forth in your 5/23/2018 letter, including:

‘Priority and likelihood of confusion Trademark Act Section 2(d) Dilution by blurring Trademark Act Sections 2 and 43©’

For:

“Class 003. First Use: 2017/04/01 First Use In Commerce: 2017/04/15 All goods and services in the class are opposed, namely: Hair care products, namely, heat protection sprays; Hair conditioner; Hair oils; Hair spray; Hair styling preparations; Shampoos”

Affirmative Statements of Good Hair Care LLC:

The following factors demonstrate Good Hair Care LLC's use of the mark “GOOD HAIR CARE” does not infringe or dilute Jemella Group Limited's mark:

Application no 85931081: “GHD GOOD HAIR DAY, EVERY DAY”

85939282: "GOOD HAIR DAY, EVERY DAY"

85939290: "GOOD HAIR DAY"

4948836: "GHD AURA"

4750423: "GHD CONTOUR"

4608681: "GHD V"

4513694: "GHD CURVE"

5319419: "GHD PRO"

5075864: "GHD FLIGHT"

3746988: "GHD"

3740197: "GHD"

4577990: "GHD STYLE"

4296914: "GHD AIR"

4208320: "GHD GOLD"

4872514: "GHD ORACLE"

4848579: "GHD PLATINUM"

2855191: "GHD"

The following statements include denial of all allegations for each of their registered trademarks above by Jemella Group Limited to Good Hair Care LLC, abbreviated as "Good Hair Day".

Similarity of Mark

Good Hair Care LLC, asserts that our mark, Good Hair Care, is not similar enough to Good Hair Day, to cause confusion. While the marks are similar in some respects, they differ in the following ways: The layout of the words of the Good Hair Care logo, do not include any unique aspects, it is a simple capital letter print font, where as Jemella Group Limited's primary logo and

brand name, “ghd”, includes dots as the style and form. Good Hair Care LLC, refers to the brand as Good Hair Care, from the controversial phrase “good hair”. We assert that for the above reasons Good Hair Care is distinct from Good Hair Day.

Similarity of Goods/Similarity of Trade Channels

Jemella Group Limited is in the business of retail hot hair tools and secondary, hair products for straight hair and hot hair tools. Good Hair Care LLC, however, is in the business of commerce handmade natural hair care products, for natural ethnic hair. As our mark Good Hair Care, is used in connection with different goods and services than those connected to Jemella Group Limited’s, consumers will not be confused as to the source of the goods and services regarding either of our marks. As it is unlikely Good Hair Care LLC, will offer goods in Jemella Group Limited’s niche line of business, or vice versa, consumers will easily be able to identify from which source Good Hair Care LLC and Jemella Group Limited’s goods and services are coming from.

Dilution Claim

Additionally, Good Hair Care asserts that Jemella Group Limited does not have grounds for a dilution claim. To successfully dilute Jemella group Limited's trademark, both the brands mission and client demographics would have to be the same. Good Hair Care LLC, has demographics catering to African-American Male and female low middle and high-class citizens. With a price of \$30 for two bottles equaling 26 ounces, Good Hair Care LLC, as very small margins, and caters to ethnic Americans. At \$22 for a 4-ounce bottle, Jemella Group Limited customers will remain different. Additionally, the mark Good Hair Care LLC will not dilute Jemella Group Limited because the marks are distinct from each other.

If Jemella Group Limited decides to take any litigious action (e.g., filing of any federal lawsuit, communication with the USPTO, proceedings under the UDRP, etc.), Good Hair Care, LLC demands that Jemella Group Limited include a copy, in its entirety, this letter and exhibits. In addition, Good Hair Care LLC further demands that if Jemella Group Limited takes any litigious steps that, Jemella Group Limited provide proper service or a copy of such correspondence.

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