

ESTTA Tracking number: **ESTTA1129405**

Filing date: **04/26/2021**

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

Proceeding	91266610
Party	Defendant Hanna Marycheva
Correspondence Address	SERGEI OREL SERGEI OREL LLC 2125 CENTER AVE SUITE 608 FORT LEE, NJ 07024 UNITED STATES Primary Email: sorel@sergei-orel.com 201-491-1464
Submission	Request for Reconsideration of Non-Final Board Order
Filer's Name	Sergei Orel
Filer's email	sergeiorel@yahoo.com
Signature	/Sergei Orel/
Date	04/26/2021
Attachments	DefaultEnteredInErrorMotionToVacateDefault.pdf(76202 bytes) Motionn-Filed-USPTO. ESTTA. Receipt.pdf(214478 bytes) BrightJungle-Motion-Dismiss-R12_1_29_2021.pdf(151641 bytes) Exhibit_A_BrightJungle Amazing Anti-Aging 24K Gold Collagen Depuffing _Cooling Under Eye Mask for Men and Women.pdf(297678 bytes) Exhibit_B_88813250.pdf(212299 bytes) Exhibit_C_Amazon.com _ BrightJungle Under Eye Collagen Patch, 24K Gol d Anti-Aging Mask, Pads for Puffy Eyes & Bags, Dark Circles and Wrinkles, with Hydrogel, Deep Moisturizing Improves elasticity, 16 Pairs _ Beauty.pdf(1721722 bytes) Exhibit_D_cladkaya vsinhia.pdf(180440 bytes) Exhibit_E_Website_BrightJungle Amazing Anti-Aging 24K Gold Collagen D epuffing_Cooling Under Eye Mask for Men and Women.pdf(1733515 bytes) Exhibit_F_Amazon.com _ BrightJungle Under Eye Collagen Patch, 24K Gol d Anti-Aging Mask, Pads for Puffy Eyes & Bags, Dark Circles and Wrinkles, with Hydrogel, Deep Moisturizing Improves elasticity, 16 Pairs _ Beauty.pdf(1672964 bytes) Exhibit_G_Ebay.pdf(572406 bytes)

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

Alef Judaica Inc.,

Plaintiff/Opposer,

v.

Hanna Marycheva,

Defendant/Applicant.

Opposition No. 91266610

Ser. No. 88/813,250

Mark: BRIGHTJUNGLE

**CORRECTED MOTION TO VACATE ERRONEOUSLY ENTERED
DEFAULT**

This Corrected Motion to Vacate Erroneously Entered Default is being submitted following the April 26, 2021 submission of the initial Motion, but this time with all of the attachments/exhibits and correct date of filing and service.

Defendant, Hanna Marycheva, (“Defendant” or “Applicant” or “Marycheva”), by and through its counsel, Sergei Orel, LLC, respectfully moves The Trademark Trial and Appeal Board (the “TTAB”) to vacate the erroneously issued default that the TTAB issued on February 19, 2021, for alleged failure to file an answer or otherwise plead, which was a wrong default decision on the part of the TTAB.

Defendant in fact filed a Rule 12 Motion To Dismiss the Opposition for failure by the to state a claim upon which relief may be granted on January 29, 2021. Please see attached a copy of the complete filing of the Rule 12 Motion to Dismiss, together with accompanying Exhibits. As you can see, the Rule 12 Motion to Dismiss filing has received upon the filing a transaction number from the TTAB, i.e., ESTTA Tracking

ESTTA Tracking Number ESTTA1111224:

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Filing date: **01/29/2021**

The undersigned attorney for the Defendant notes that in January 2021 the USPTO website had been experiencing constant nearly daily glitches and filing errors, which resulted in the undersigned's filing various documents with the USPTO.gov website, which would later not be processed by the USPTO.

Thus, it seems that Defendant's Rule 12 Motion To Dismiss the Opposition for failure by the to state a claim upon which relief may be granted which Defendant filed on January 29, 2021 with the USPTO TTAB online filing portal suffered the same fate as many other filings that were done by the undersigned in January 2021 - the Motion was not properly recorded by the TTAB in the history of the present matter online and it is not reflected in the history of the file to date, even though, as is evident from the submitted attachments, the Motion was clearly filed with the TTAB as it had receive a filing confirmation number at that time.

Please update the docket in this matter with the attached filing of the Rule 12 Motion To Dismiss the Opposition for failure by the to state a claim upon which relief may be granted which was done on January 29, 2021, and please reflect that Motion filing as of the date it was filed on - January 29, 2021.

[THE REMAINDER OF THIS PAGE IS LEFT BLANK ON PURPOSE]

For the foregoing reasons, Applicant respectfully requests that the Board withdraw its incorrectly issued default dated February 19, 2021 and consider the Rule 12 Motion To Dismiss the Opposition for failure by the to state a claim upon which relief may be granted on its merits.

Dated this 26th day of April, 2021.

/Sergei Orel

Sergei Orel
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Attorney for Defendant/Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing submission in re [Alef Judaica Inc.](#) v. Hanna Marycheva, Opposition No. 91266610 was served on Opposer, this 26th day of April, 2021, by email directed to Elan@eoved.com and by sending a courtesy copy of same via First Class Mail, postage prepaid, to:

Elan@eoved.com
ALEF JUDAICA INC
100 ATLANTIC AVE
LYNBROOK, NY 11563

/Sergei Orel

Sergei Orel

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Receipt

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

Proceeding	91266610
Party	Defendant Hanna Marycheva
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Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Sergei Orel
Filer's email	sorel@sergei-orel.com , sergeiorel@yahoo.com , tmattorney@gmail.com
Signature	/Sergei Orel/
Date	01/29/2021

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