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

Proceeding no.	92071010
Party	Defendant Marcia Pellitteri
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARCIA PELLITTERI,

Plaintiff,

vs.

TANGLE TEEZER LTD., a foreign
corporation; TANGLE TEEZER,
INC., a Kansas Corporation; Shaun
Pulfrey, an individual

Defendants.

Case No.: 2:22-cv-05310

COMPLAINT FOR:

- (1) Trademark Infringement (15 U.S.C.
§ 1114)**
- (2) Common Law Trademark
Infringement**

Demand for Jury Trial

Plaintiff Marcia Pellitteri ("PELLITTERI or Plaintiff"), by and through her undersigned attorneys, complains of Defendants Tangle Teezer, Ltd. ("TT LTD"), Tangle Teezer, Inc. ("TT INC"), and Shaun Pulfrey ("Pulfrey", collectively "Defendants"), and alleges as follows:

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I. INTRODUCTION

1. This is an action for relief from Defendants' violations of Plaintiff's rights under the Lanham Act, 15 U.S.C. § 1051, et seq.

2. Plaintiff is the owner of the trade mark THE ULTIMATE EVERYTHING BRUSH.

3. Defendants, who have no affiliation with Plaintiff, advertise and market hair brushes in the United States bearing the name THE ULTIMATE ("Infringing Brushes").

4. Defendants have manufactured, advertised, and sold their Infringing Brushes without Plaintiff's permission, authorization, or approval. Their conduct is likely to cause, and will continue to cause, consumers mistakenly to believe that the Infringing Brushes sold and promoted by Defendants are either Plaintiff's Brushes; are produced by Defendants under a license or other form of authorization; or are otherwise endorsed by or affiliated with Plaintiff.

5. For these reasons, Plaintiff seeks injunctive relief and damages for acts of trademark infringement, false designation of origin, unfair competition, unfair and deceptive trade practices, and injury to business reputation engaged in by Defendants in violation of the laws of the United States.

II. JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action pursuant to Section 39 of the Lanham Act, 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1332 and 1338, and has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

7. Venue is properly founded in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events giving rise to these claims occurred within this judicial district.

III. THE PARTIES

8. Plaintiff PELLITTERI is an individual residing in Calabasas, California, and is the sole and exclusive owner of the trademark THE ULTIMATE EVERYTHING BRUSH, duly registered in the United States under Registration No. 2989541. PELLITTERI sells hair brushes with the Mark to a distributor in the United States.

9. On information and belief, Defendant TANGLE TEEZER LTD. (“TT LTD”), is a foreign corporation with its principal place of business in London, England. TT LTD designs, manufactures, advertises, sells, and offers for sale, hair brushes under the mark THE ULTIMATE.

10. On information and belief, Defendant TANGLE TEEZER, INC. (“TT INC”), is a Kansas corporation with its principal place of business in Hutchinson, Kansas. TT INC designs, manufactures, advertises, sells, and offers for sale, hair brushes under the mark THE ULTIMATE.

IV. FACTS

11. Plaintiff is the exclusive United States seller of hair brushes bearing the following relevant trademark registration, appearing on the Principal Register in the United States Patent and Trademark Office (“USPTO”):

Mark	Reg. No.	First Use	Goods
The Ultimate Everything Brush	2989541	February 2, 2004	Hair Combs and Brushes

A copy of the trademark registration for the aforementioned trademarks is attached hereto as Exhibit A.

12. Since 2004, long prior to Defendant’s manufacture, advertisement, promotion, and/or sale of the Infringing Brushes, Plaintiff has continuously used

1 THE ULTIMATE EVERYTHING BRUSH trademark (the “Mark”) on and in
2 connection with its sale of hair brushes.

3
4 13. Plaintiff has expended substantial time, money and other resources in
5 developing, advertising and otherwise promoting the Mark. As a result of these
6 efforts, consumers readily identify brushes bearing the Mark as being high quality
7 brushes sponsored and approved by Plaintiff.

8 14. As a result of Plaintiff’s exclusive and extensive use of the Mark on her hair
9 brushes, the Mark has acquired great value. The Mark has become famous among
10 the consuming public and trade, and is recognized as identifying and distinguishing
11 Plaintiff exclusively and uniquely as the source of products sold under THE
12 ULTIMATE EVERYTHING BRUSH Mark.

13 15. Upon information and belief, Defendants are engaged in designing,
14 manufacturing, advertising, promoting, selling, and/or offering for sale in the
15 United States and elsewhere hair brushes bearing the mark THE ULTIMATE.
16 Defendants advertise and promote the Infringing Brushes through their Internet
17 Web site <https://www.tangleteezer.com/us/>, as well as through a network of third
18 parties who purchase such products from Defendants at wholesale.

19
20 16. Defendants prominently display the term “THE ULTIMATE” in the names
21 of their brushes when advertising the Infringing Brushes for sale.

22
23 17. Defendants advertisement, promotion, and/or sale of the Infringing Brushes is
24 part of a sophisticated and elaborate scheme to target Plaintiff and to trade upon
25 the goodwill and reputation associated with Plaintiff’s high quality brushes and to
26 deceive consumers and the trade.

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