

ESTTA Tracking number: **ESTTA1228611**

Filing date: **08/11/2022**

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

Proceeding no.	92071010
Party	Defendant Marcia Pellitteri
Correspondence address	GARY R. CARLIN LAW OFFICES OF GARY R. CARLIN, APC 301 E. OCEAN BLVD., SUITE 1550 LONG BEACH, CA 90802 UNITED STATES Primary email: gary@garycarlinlaw.com (562) 432-8933
Submission	Other Motions/Submissions
Filer's name	Junnie Verceles
Filer's email	junnie@garycarlinlaw.com
Signature	/Junnie Verceles/
Date	08/11/2022
Attachments	Complaint Pellitteri TTAB.pdf(193337 bytes) Civil Case Cover TTAB.pdf(161891 bytes) Summons TTAB.pdf(43004 bytes) Ntc of Interested Parties TTAB.pdf(23542 bytes) Proof Of Service TTAB.pdf(29457 bytes) Stmnt of Consent TTAB.pdf(33234 bytes)

1 **LAW OFFICES OF GARY R. CARLIN, APC**
2 GARY R. CARLIN, CSBN: 44945
3 gary@garycarlinlaw.com
4 Telephone: (562) 432-8933
5 Facsimile: (562) 435-1656

6 Attorneys for Plaintiff, MARCIA PELLITTERI

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 MARCIA PELLITTERI,

10 Plaintiff,

11 vs.

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

16 Defendants.

Case No.: 2:22-cv-05310

COMPLAINT FOR:

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

19 **Demand for Jury Trial**

20
21 Plaintiff Marcia Pellitteri (“PELLITTERI or Plaintiff”), by and through her
22 undersigned attorneys, complains of Defenants Tangle Teezer, Ltd. (“TT LTD”),
23 Tangle Teezer, Inc. (“TT INC”), and Shaun Pulfrey (“Pulfrey”, collectively
24 “Defendants”), and alleges as follows:

25 ///

26 ///

27 ///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

1 **III. THE PARTIES**

2
3 8. Plaintiff PELLITTERI is an individual residing in Calabasas, California, and
4 is the sole and exclusive owner of the trademark THE ULTIMATE EVERYTHING
5 BRUSH, duly registered in the United States under Registration No. 2989541.
6 PELLITTERI sells hair brushes with the Mark to a distributor in the United States.

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

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

15 **IV. FACTS**

16
17 11. Plaintiff is the exclusive United States seller of hair brushes bearing the
18 following relevant trademark registration, appearing on the Principal Register in
19 the United States Patent and Trademark Office (“USPTO”):

20 Mark	Reg. No.	First Use	Goods
21 The Ultimate Everything 22 Brush	2989541	February 2, 2004	Hair Combs and Brushes

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

25
26 12. Since 2004, long prior to Defendant’s manufacture, advertisement,
27 promotion, and/or sale of the Infringing Brushes, Plaintiff has continuously used
28

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.

27
28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.