

**TRADEMARK**

**Att. Ref./Docket No.: DAGAMMA.001T**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Dagamma Ecommerce Solutions Inc. )  
 )  
 Serial No. : 88/374,104 )  
 )  
 Filed : April 5, 2019 )  
 )  
 Mark : MAMADERMA )  
 )  
 Examining Attorney : Janet H. Lee )  
 )  
 Law Office : 124 )  
 \_\_\_\_\_:)

**REQUEST FOR RECONSIDERATION AFTER FINAL ACTION  
AND REQUEST FOR SUSPENSION OF APPLICATION**

Commissioner for Trademarks  
P. O. Box 1451  
Alexandria, VA 22313-1451

Dear Ms. Lee:

Applicant Dagamma Ecommerce Solutions Inc. (“Applicant”) respectfully files this Request for Reconsideration in response to the Final Office Action mailed on December 17, 2019, with respect to U.S. Trademark Application Serial No. 88/374,104 (the “Application”) for the mark MAMADERMA (“Applicant’s Mark”) for the following goods: “Non-medicated skin care preparations for pregnant women and postpartum mothers for the prevention of and improving the appearance of stretch marks caused by pregnancy” (in class 003) and “Medicated skin care preparations for pregnant women and postpartum mothers for the prevention of and improving the appearance of stretch marks caused by pregnancy” (in class 005) (“Applicant’s Goods”).

In the Final Office Action, the Examining Attorney maintains the refusal to register Applicant’s Mark in connection with Applicant’s Goods on the basis of a likelihood of confusion

under Section 2(d) of Trademark Act (15 U.S.C. § 1052) on the grounds that Applicant's Mark when used in connection with Applicant's Goods is confusingly similar to U.S. Registration No. 5,674,723 for the mark DERMOMAMA (the "Cited Mark") owned by American Ventures Group Inc.

Applicant hereby requests suspension of the prosecution of Applicant's Mark on the basis that the cited registration is currently the subject of a cancellation proceeding before the Trademark Trial and Appeal Board filed by Applicant. *See Dagma Ecommerce Solutions Inc. v. American Ventures Group Inc.*, TTAB Cancellation No. 92074333 (filed May 27, 2020). A copy of the filed cancellation petition is attached hereto as Exhibit A. The proceeding is relevant to the instant application because in the event that the cited registration is cancelled, then the basis for the Examining Attorney's Section 2(d) will be obviated. *See* TMEP 716.02(d).

Accordingly, Applicant respectfully requests that prosecution of Applicant's Mark be suspended until such time as the aforementioned cancellation proceeding is resolved. If any matters remain outstanding, the Examining Attorney is invited to contact the counsel of record by telephone in order to expeditiously address any such matters.

**EXHIBIT A**

**EXHIBIT A**

ESTTA Tracking number: **ESTTA1058126**

Filing date: **05/27/2020**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner Information**

|         |   |             |        |
|---------|---|-------------|--------|
| Name    | Dagamma Ecommerce Solutions Inc.                                      |             |        |
| Entity  | Corporation   | Citizenship | Canada |
| Address | 30 Whitmore Road, 2nd Floor<br>Woodbridge, Ontario, L4L 7Z4<br>CANADA |             |        |

|                      |  |  |  |
|----------------------|--|--|--|
| Attorney information | Ryan Gile<br>Gile Law Group Ltd.<br>1180 N. Town Center Drive<br>Suite 100<br>Las Vegas, NV 89144<br>UNITED STATES<br>rg@gilelawgroup.com, ttab@gilelawgroup.com<br>7027037288 |  |  |
|----------------------|--|--|--|

**Registration Subject to Cancellation**

|                  |   |                   |            |
|------------------|---|-------------------|------------|
| Registration No. | 5674723   | Registration date | 02/12/2019 |
| Registrant       | American Ventures Group Inc.<br>#B123<br>3747 Foothill Blvd.<br>Glendale, CA 91214<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**

|  |
|--|
| Class 003. First Use: 2017/02/02 First Use In Commerce: 2017/02/02<br>All goods and services in the class are subject to cancellation, namely: Cosmetic preparations for skin care; Cosmetic bath salts; Cosmetic preparations; Facial masks; Shampoo-conditioners; Skin lotion; Skin soap |
|--|

**Grounds for Cancellation**

|             |                             |
|-------------|-----------------------------|
| Abandonment | Trademark Act Section 14(3) |
|-------------|-----------------------------|

|             |   |
|-------------|---|
| Attachments | 2020-05-27 - Petition for Cancellation - DERMOMAMA.pdf(155705 bytes ) |
|-------------|---|

|           |             |
|-----------|-------------|
| Signature | /Ryan Gile/ |
| Name      | Ryan Gile   |
| Date      | 05/27/2020  |



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

**In the Matter of Registration No.: 5,674,723**  
**Mark: DERMOMAMA**  
**Registration Date: February 12, 2019**

|                                  |   |                         |
|----------------------------------|---|-------------------------|
| Dagamma Ecommerce Solutions Inc. | ) |                         |
|                                  | ) |                         |
| Petitioner,                      | ) |                         |
|                                  | ) | <b>Cancellation No.</b> |
| vs.                              | ) |                         |
|                                  | ) |                         |
| American Ventures Group Inc.     | ) |                         |
|                                  | ) |                         |
| Registrant.                      | ) |                         |
| <hr/>                            |   |                         |

**PETITION FOR CANCELLATION**

Dagamma Ecommerce Solutions Inc. (hereinafter “Petitioner”), believes that it is damaged by U.S. Trademark Registration No. 5,674,723 (hereinafter the “Subject Registration”) owned by American Ventures Group Inc. (hereinafter the “Registrant”), which the records of the U.S. Patent and Trademark Office (“USPTO”) indicate has an address of 3747 Foothill Blvd., #B123, Glendale, CA 91214.

The grounds for this petition are as follows:

1. On April 5, 2019, Petitioner filed a trademark application with the USPTO in order to register and protect the word mark MAMADERMA (“Petitioner’s Mark”) in connection with (as subsequently amended) the following goods: “Non-medicated skin care preparations for pregnant women and postpartum mothers for the prevention of and improving the appearance of stretch marks caused by pregnancy” in Class 003 on the basis of use-in-commerce and “Medicated skin care preparations for pregnant women and postpartum mothers for the prevention of and improving the appearance of stretch marks caused by pregnancy” on the basis of intent-to-use. See U.S. Trademark Application Serial No. 88/374,104. A current printout of information from the electronic database records of the USPTO showing the current status and title of Petitioner’s Mark is attached hereto as Exhibit 1.

///

2. Upon information and belief, Registrant is the named owner of U.S. Trademark Registration No. 5,674,723, for the mark DERMOMAMA (the “Registered Mark”), registered on February 12, 2019, in connection with “Cosmetic preparations for skin care; Cosmetic bath salts; Cosmetic preparations; Facial masks; Shampoo-conditioners; Skin lotion; Skin soap” in International Class 003 (the “Registered Goods”). A current printout of information from the electronic database records of the USPTO showing the current status and title of the Registered Mark is attached hereto as Exhibit 2.

### **Abandonment**

3. Based on Petitioner’s investigation, Petitioner is informed and believes, and on that basis alleges, that Registrant has discontinued use in commerce of the Registered Mark on or in connection with the Registered Goods with no bona fide intent to resume such use.

4. Among the findings from Petitioner’s investigation, Registrant’s online social media profiles do not reflect any promotional activity for the Registered Mark since mid-2019. Moreover, Registrant’s posted video links are not working. Furthermore, online reviews for products using the Registered Mark are from 2018 and early/mid-2019 – with no reviews in the last 9+ months.

5. Petitioner’s representatives have also sought to contact representatives of Registrant on multiple occasions by email, by phone, and even through Registrant’s purported online chat portal, but to date have received no responses or feedback from Registrant nor any other indication that Registrant is maintaining an active business selling products using the Registered Mark.

6. Petitioner is damaged and will continue to be damaged by the existence of the Registered Mark on the Principal Register because the Registered Mark is an obstacle to Petitioner’s registration of Petitioner’s Mark in that the USPTO has refused registration of Petitioner’s Mark on the grounds that it is likely to be confused with the Registered Mark.

7. Petitioner requests that the Registered Mark be cancelled in its entirety under Section 14(3) of the Lanham Act, 15 U.S.C. §1064(3), on the ground that the Registered Mark has clearly been abandoned by Registrant.

WHEREFORE, Petitioner prays that Registration No. 5,674,723 be canceled due to abandonment pursuant to Section 14 of the Lanham Act, 15 U.S.C. §1064, and prays that this Petition for Cancellation be sustained in favor of Petitioner and that judgment be entered against Registrant.

Dated: May 27, 2020

Respectfully submitted,

**GILE LAW GROUP LTD.**

*/Ryan Gile/*

\_\_\_\_\_  
Ryan Gile, Esq.

1180 N. Town Center Drive, Suite 100

Las Vegas, NV 89144

Tel.: (702) 703-7288

E-mail: [rg@gilelawgroup.com](mailto:rg@gilelawgroup.com)

Attorney for Dagamma Ecommerce Solutions Inc.



# **EXHIBIT 1**

# **EXHIBIT 1**

Generated on: This page was generated by TSDR on 2020-05-26 11:47:07 EDT

Mark: MAMADERMA

MAMADERMA

US Serial Number: 88374104

Application Filing Date: Apr. 05, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 02, 2020

## Mark Information

Mark Literal Elements: MAMADERMA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Medicated skin care preparations for pregnant women and postpartum mothers for the prevention of and improving the appearance of stretch marks caused by pregnancy

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Non-medicated skin care preparations for pregnant women and postpartum mothers for the prevention of and improving the appearance of stretch marks caused by pregnancy

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2019

Use in Commerce: Jan. 15, 2019

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: Yes

Filed 44D: No  
Filed 44E: No  
Filed 66A: No  
Filed No Basis: No

Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** Dagamma Ecommerce Solutions Inc.  
**Owner Address:** Unit 27  
401 Magnetic Drive  
North York CANADA M3J3H9  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** CANADA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Ryan Gile  
**Attorney Primary Email Address:** [rg@gilelawgroup.com](mailto:rg@gilelawgroup.com)  
**Docket Number:** DAGAMMA.001T  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Ryan Gile  
Gile Law Group Ltd.  
1180 N. Town Center Drive, Suite 100  
Las Vegas, NEVADA UNITED STATES 89144  
**Phone:** 702-703-7288  
**Correspondent e-mail:** [rg@gilelawgroup.com](mailto:rg@gilelawgroup.com) [tm@gilelawgroup.com](mailto:tm@gilelawgroup.com)  
**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

## Prosecution History

| Date          | Description  | Proceeding Number |
|---------------|--|-------------------|
| Jan. 02, 2020 | NOTIFICATION OF FINAL REFUSAL EMAILED                |                   |
| Jan. 02, 2020 | FINAL REFUSAL E-MAILED                               |                   |
| Jan. 02, 2020 | FINAL REFUSAL WRITTEN                                | 83705             |
| Dec. 20, 2019 | TEAS/EMAIL CORRESPONDENCE ENTERED                    | 70468             |
| Dec. 20, 2019 | CORRESPONDENCE RECEIVED IN LAW OFFICE                | 70468             |
| Dec. 19, 2019 | ASSIGNED TO LIE                                      | 70468             |
| Dec. 05, 2019 | TEAS RESPONSE TO OFFICE ACTION RECEIVED              |                   |
| Nov. 27, 2019 | ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED            |                   |
| Nov. 27, 2019 | TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED |                   |
| Jun. 06, 2019 | NOTIFICATION OF NON-FINAL ACTION E-MAILED            | 6325              |
| Jun. 06, 2019 | NON-FINAL ACTION E-MAILED                            | 6325              |
| Jun. 06, 2019 | NON-FINAL ACTION WRITTEN                             | 83705             |
| Jun. 04, 2019 | ASSIGNED TO EXAMINER                                 | 83705             |
| Apr. 23, 2019 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM |                   |
| Apr. 09, 2019 | NEW APPLICATION ENTERED IN TRAM                      |                   |

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** LEE, JANET H  
**Law Office Assigned:** LAW OFFICE 124

### File Location

**Current Location:** TMO LAW OFFICE 124 - EXAMINING ATTORNEY ASSIGNED  
**Date in Location:** Jan. 02, 2020

# **EXHIBIT 2**

# **EXHIBIT 2**

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Mark: DERMOMAMA

DERMOMAMA

US Serial Number: 88008939

Application Filing Date: Jun. 21, 2018

US Registration Number: 5674723

Registration Date: Feb. 12, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 12, 2019

Publication Date: Nov. 27, 2018

## Mark Information

Mark Literal Elements: DERMOMAMA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 5464545

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Cosmetic preparations for skin care; Cosmetic bath salts; Cosmetic preparations; Facial masks; Shampoo-conditioners; Skin lotion; Skin soap

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 02, 2017

Use in Commerce: Feb. 02, 2017

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** American Ventures Group Inc.

**Owner Address:** #B123  
3747 Foothill Blvd.  
Glendale, CALIFORNIA UNITED STATES 91214

**Legal Entity Type:** CORPORATION

**State or Country** CALIFORNIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Keesonga Gore

**Attorney Primary** [admin@minottgore.com](mailto:admin@minottgore.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** KEESONGA GORE  
**Name/Address:** MINOTT GORE, P.A.  
201 S. BISCAYNE BLVD.  
SUITE 2800  
MIAMI, FLORIDA UNITED STATES 33131

**Phone:** 305-913-1333

**Correspondent e-** [admin@minottgore.com](mailto:admin@minottgore.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

| Date          | Description  | Proceeding Number |
|---------------|--|-------------------|
| Feb. 12, 2019 | REGISTERED-PRINCIPAL REGISTER                        |                   |
| Nov. 27, 2018 | OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED   |                   |
| Nov. 27, 2018 | PUBLISHED FOR OPPOSITION                             |                   |
| Nov. 07, 2018 | NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED       |                   |
| Oct. 17, 2018 | APPROVED FOR PUB - PRINCIPAL REGISTER                |                   |
| Oct. 11, 2018 | ASSIGNED TO EXAMINER                                 | 91243             |
| Jun. 27, 2018 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM |                   |
| Jun. 25, 2018 | NEW APPLICATION ENTERED IN TRAM                      |                   |

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 12, 2019