

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Matter of the following mark owned by Ashh, Inc.:

Mark: TWIST
Serial No.: 88/322,616
Examiner: Bridget A. McCarthy, Esq.
Law Office: 125

Applicant's Attorney:

Anessa Owen Kramer
Honigman LLP
39400 Woodward Avenue, Suite 101
Bloomfield Hills, MI 48304-5151
248-566-8406

**OWNER'S DECLARATION IN SUPPORT OF CLAIM OF ACQUIRED
DISTINCTIVENESS OF TWIST MARK**

I, Gjergj Sinishtaj, under the penalty of perjury, states as follows:

1. I am the Secretary of Ashh, Inc., the owner of the subject application ("Applicant"), and as such, I am authorized to execute this document on its behalf;
2. The facts stated in this Declaration are within my personal knowledge and are true;
3. Applicant has been in the wholesaling and distribution business since 2015 and has extensive knowledge and expertise in the field of the products covered by this application;
4. Applicant is the owner of the TWIST vaporizer pen and battery, the subject of U.S. Application No. 88/322,616 (the "TWIST Mark");
5. Applicant has sold vaporizer pen/batteries bearing the TWIST Mark since at least as early as April 2015, and since then, Applicant has sold over 2.5 million units to date;
6. The TWIST products are sold in product packaging that prominently displays the mark TWIST in a unique manner and is clearly distinguishable from other vaporizer pen and batteries on the market, of which there are dozens. The TWIST Mark is clearly recognizable and associated with Applicant;
7. Relevant consumers recognize the TWIST Mark or TWIST SLIM PEN as the brand for Applicant's vaporizer pen/battery products and refer to the goods as the TWIST or TWIST SLIM PEN;

8. Applicant's products bearing the TWIST Mark have been directly sold to approximately 2,000 retail store locations and have also been sold through over 100 authorized distributors, who have then sold the TWIST products to other retailers throughout the United States;

9. Since 2015, Applicant has spent well over \$1 million dollars promoting and advertising the TWIST products in the United States;

10. The vaporizer pen/battery products bearing the TWIST Mark are Applicant's best-selling and most popular product;

11. The revenue for vaporizer pen/battery products bearing the TWIST Mark exceeds \$18 million dollars to date.

12. Applicant markets vaporizer pen/battery products bearing the TWIST Mark through a number of channels, including YouTube, print magazines, print flyers, trade shows, social media, campus representatives, brand ambassadors, billboards, advertising, digital marketing, promotions and other means. Examples of advertising materials for Applicant's TWIST vaporizer pen/battery are attached as **Exhibit A**;

13. Consumers seek out Applicant's vaporizer pen/battery products bearing the TWIST Mark for its exceptional quality, safety, and durability; and

14. It is my opinion that through Applicant's use of TWIST in a prominent and extensive manner as part of the trade dress and the product name, along with significant market presence and the proven quality of the Applicant's products has caused the mark TWIST to acquire distinctiveness in connection with Applicant's products.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and the registration resulting therefrom.

Dated: ~~November~~ 7th, 2019

By: 
Name: Gjergj Sinishtaj
Title: Secretary, Ashh, Inc.