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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION – LOS ANGELES

MARCIA PELLITTERI,

Plaintiff,

v.

TANGLE TEEZER LTD., a foreign
corporation; TANGLE TEEZER,
INC., a Kansas corporation;
SHAUN PULFREY, an individual,
and DOES 1 through 100, inclusive,

Defendants.

Case No. 2:22-cv-08849-RGK-MAA

FINAL JUDGMENT

The First Amended Complaint (ECF No. 18) (hereinafter “FAC”) of Plaintiff and counter-defendant Marcia Pellitteri (“Plaintiff” or “Pellitteri”) having been adjudicated, and the operative counterclaims (ECF No. 19) of defendant and counterclaimant Tangle Teezer, Inc. (“Defendant” or “TTI”) having been adjudicated, and pursuant to the Court’s November 7, 2023 Order granting Defendant’s Motion for Summary Judgment (ECF No. 120) in favor of TTI:

IT IS NOW ORDERED AND ADJUDGED that:

1. Plaintiff abandoned any rights she may have had in the mark THE ULTIMATE EVERYTHING BRUSH.

- 1 2. Judgment is hereby entered in Defendant's favor on Plaintiff's claims for
2 (i) trademark infringement pursuant to 15 U.S.C. § 1114; (ii) common law
3 trademark infringement; (iii) false designation of origin and unfair
4 competition pursuant to 15 U.S.C. § 1125(a); (iv) trademark dilution
5 pursuant to 15 U.S.C. § 1125(c); and (v) contributory trademark
6 infringement.
- 7 3. Judgment is hereby entered in Defendant's favor and against Plaintiff on
8 TTI's counterclaim for cancellation of U.S. Registration No. 2,989,541
9 pursuant to 15 U.S.C. § 1119 on grounds that Plaintiff abandoned the mark
10 THE ULTIMATE EVERYTHING BRUSH.
- 11 4. Judgment is hereby entered in Defendant's favor and against Plaintiff on
12 TTI's counterclaim for cancellation of U.S. Registration No. 2,989,541 on
13 grounds that a proper declaration of use was not timely filed in the name of
14 Marcia Pellitteri as owner pursuant to 15 U.S.C. § 1058(a)(1).
- 15 5. U.S. Registration No. 2,989,541 is hereby cancelled pursuant to 15 U.S.C.
16 § 1119.
- 17 6. This Court's order cancelling U.S. Registration No. 2,989,541 for THE
18 ULTIMATE EVERYTHING BRUSH **SHALL BE CERTIFIED** to the
19 Director of the United States Patent and Trademark Office, who shall make
20 appropriate entry upon the records of the United States Patent and Trademark
21 Office and be controlled thereby.
- 22 7. The Clerk of the Court **SHALL MAIL**, by certified mail, return receipt
23 requested, a certified copy of this Final Judgment and an executed version of
24 the attached Form AO 120, to:

25 Mail Stop 8

26 Director of the U.S. Patent and Trademark Office

27 P.O. Box 1450
28

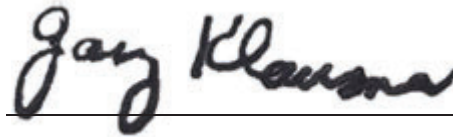
Alexandria, VA 22313-1450

8. Plaintiff's claims asserted in the FAC are dismissed with prejudice.

9. Plaintiff shall take nothing by the FAC.

10. Defendant is the prevailing party with respect to all the claims asserted in the FAC and with respect to all of the Defendant's counterclaims.

Dated: November 14, 2023



R. Gary Klausner
United States District Judge

☒ Trademarks or ☐ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 2:22-cv-08849	DATE FILED 12/7/2022	U.S. DISTRICT COURT for the Central District of California	
PLAINTIFF MARCIA PELLITTERI		DEFENDANT Tangle Teezer Ltd., Tangle Teezer Inc., Shaun Pulfrey	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 2,989,541	8/30/2005	Marcia Pellitteri	
2			
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DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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DECISION/JUDGEMENT
See attached Final Judgment cancelling trademark Registration No. 2,989,541 for THE ULTIMATE EVERYTHING BRUSH.

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy