



EXHIBITS

Proceeding/Serial No: 91178747

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

Serial No. 76/613881

mine design, a d.b.a. of Amal Flores

v.

Votivo, Ltd.

Opposition No. 91178747

Plaintiff mine design's
Motion for Summary Judgment



02-06-2008

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I. Introduction

The material facts in the present case are not reasonably in dispute. Amal Flores, Plaintiff in this opposition, is a product designer based in Los Angeles. Through his d.b.a. mine design, Mr. Flores has designed and presently produces and wholesales a variety of scented goods, including a line of scented bath salts.

Votivo, Ltd., Defendant in the present opposition, filed application Serial No. 76/613881 to register the term MANDARINE in connection with scented bath salts and hand lotion in International Class 003. The application was allowed and published. Plaintiff timely opposed.

The Lanham Act, as amended, offers protection and authorizes the Office to issue registrations for terms that can function as a mark in connection with the goods specified in the application. 15 U.S.C. §§ 1051, 1052 and 1127. Pursuant to the statute, registration and protection can only be obtained for terms that may serve as an identifier of source, and cannot be obtained for terms that are generic in connection with the goods for which protection or registration is sought.

In the present motion for summary judgment Plaintiff requests judgment that the term “mandarin,” and its French or misspelled equivalent MANDARINE, is generic as a matter of law, and thus not protectible or registrable under the Lanham Act in connection with scented bath salts.

Our present knowledge of how the olfactory system works is extremely limited. For this and other reasons, our lexicon does not have words that exclusively describe scents. “Notes” of fragrances are generally named after similar scents known from nature or everyday life, providing a reference to potential consumers even if the fragrance does not actually contain that ingredient (*e.g.*, it smells like roses). This has been consistently recognized by the courts. *See, e.g., In re Gyulay*, 3 U.S.P.Q.2d 1009, 1010 (Fed. Cir. 1987) (“Clear error has not been shown in the Board’s finding that the term APPLE PIE conveys the key characteristic of the potpourri, its scent”); *In re Andes Candies Inc.*, 178 U.S.P.Q. 156, 157 (CCPA 1973) (“We think the only possible reaction of purchasers, upon being presented with CREME DE MENTHE chocolate wafers, is the expectation that the wafers will have a mint taste something like that of creme de menthe liqueur. . . . Appellant argues that its mark only *suggests* a flavor similar to that of the liqueur. . . . We think however that the mark *demands* that, and

only that, flavor.”); *In re American Greetings Corp.*, 226 U.S.P.Q. 365, 366 (TTAB 1985)(“we have little difficulty concluding that ‘APRICOT’ identifies the fact that applicant’s dolls are apricot scented and that this is a significant characteristic of the goods as far as purchasers are concerned”); *A.J. Canfield Co. v. Honickman*, 1 U.S.P.Q.2d 1364, 1378 (3d Cir. 1986)(“[f]lavors . . . have unique characteristics, and we can imagine no term other than ‘chocolate fudge’ that communicates the same functional information, namely, that the soda tastes of chocolate fudge . . .”).

When a consumer encounters scented bath salts bearing a term that is the name of a product known to have a unique and desirable scent, like “mandarin” in the present case, the primary significance of the term to a consumer is that the scented bath salts have a scent meant to imitate or resemble a mandarin’s scent. It is a truism to state that consumers would understand mandarin scented bath salts to be scented bath salts with a mandarin scent, not scented bath salts from a particular producer. Accordingly, registration for the term “mandarin” and its French or misspelled equivalent “mandarine”¹ should be denied because the term cannot function as a trademark in connection with scented bath salts and hand lotion.

¹ “Under the ‘doctrine of foreign equivalents,’ foreign words are translated into English and then tested for descriptiveness or genericness.” J. Thomas McCarthy, *MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION*, § 11:34, at 11-81 (Rel. 42, 5/2007), and cases cited therein. Similarly, “[a] slight misspelling of a word will not generally turn a descriptive word into a nondescriptive mark.” *Id.*, § 11:31, at 11-75, and cases cited therein. Defendant has conceded that the term “mandarine” with a trailing “e” is the French spelling of “mandarin.” Accordingly, the terms “mandarine” and “mandarin” are equivalent for the present analyses. Hereinafter the English term “mandarin” is used throughout, as the legal conclusion should be the same for the English term and its misspelled or French equivalent.

II. Statement of Material Facts

Plaintiff respectfully submits the following material facts are not reasonably in dispute.

1. Plaintiff Amal Flores is a product designer based in Los Angeles. Through his d.b.a. mine design, Mr. Flores has designed and presently produces and wholesales a variety of scented goods, including a line of scented bath salts. Candeloro Decl. ¶3.

2. Defendant has filed the application subject of the present opposition with the Patent and Trademark Office to register the term “Mandarine” in connection with scented bath salts and hand lotion in International Class 003.

3. The term mandarin -- and its French equivalent “mandarine,” which Defendant seeks to register -- designates “a small spiny orange tree (*Citrus reticulata*) of southeastern Asia with yellow to reddish-orange loose-rinded fruits . . . [and] the fruit of a mandarin.” Merriam-Webster Online Dictionary (www.m-w.com/dictionary/mandarin) 3a and b, Candeloro Decl. ¶4, Exhibit 1; photograph of mandarin orange in light syrup, Candeloro Decl. ¶5, Exhibit 2.

4. The term mandarin is commonly used by producers of food and personal care items to describe products having the scent and/or taste of mandarin. *See, e.g.*, Candeloro Decl. ¶¶6, 7, 8 and 9, Exhibits 3, 4, 5 and 6.

5. Bath salts are available in several classes and grades, including 1) geographic origin of the salts (*e.g.*, Pacific, Dead Sea, Europe, Utah, etc.); 2) grain size (*e.g.*, coarse, medium and fine); 3) the (generally artificial) color of the salts. *See, e.g.*, Candeloro Decl. ¶¶10-16, Exhibits 7-12.

6. Independently of their geographic origin, color, and grains size, bath salts are available scented and unscented. *Id.*

7. Scented salt bath are available off-the-shelf in literally hundreds of different scents. *See, e.g.*, Candeloro Decl. ¶11, Exhibit 8; ¶12, Exhibit 9; ¶14; ¶16, Exhibit 12.

8. Like other scented and/or flavored consumer products, bath salts may be scented with natural and/or artificial scents and/or essential oils and other plant matter. *Id.*

III. Argument

A. Genericness

The test for determining whether a mark is generic is its primary significance to the relevant public, and generally involves a two-part inquiry: First, what is the category or class of the goods or services at issue? Second, is the term sought to be registered understood by the relevant public primarily to refer to that category of goods or services. *In re Lens.com Inc.*, 83 U.S.P.Q.2d 1444, 1446 (TTAB 2007). In other words, a term is generic and not a mark if it refers to the class, genus or category of goods and/or services on or in connection with which it is used. *Id.* at 1445.

The distinction between terms that are generic and those that are descriptive is an important one under the statute, as descriptive terms are protectible under the statute if they have acquired [*de jure*] secondary meaning (15 U.S.C. § 1052(f)), while generic terms are never protectible under the statute.

B. Determination Of Genericness: Issue Of Fact Or Law?

Terms can be generic *ab initio*, or, alternatively, terms can become generic with the passage of time. Long standing precedent supports holding certain terms generic *ab initio* as a matter of law. *See, e.g., In Re Pennington Seed, Inc.*, 80 U.S.P.Q.2d 1758 (Fed. Cir. 2006)(plant varietal name REBEL generic *ab initio* as a matter of law). In contrast, whether a term has become generic with the passage of time is generally considered an issue of fact. *See, e.g., In re Montrachet*, 11 U.S.P.Q.2d 1393 (Fed. Cir. 1989)(whether MONTRACHET has lost its original trademark significance and is now the common descriptive or generic name for applicant's cheese is an issue of fact); 15 U.S.C. §1064 (3)(“The primary significance of the registered mark to the relevant public rather than purchaser motivation shall be the test for determining whether the registered mark has become the generic name of goods or services on or in connection with which it has been used.”)

C. “Mandarin” Is Generic In Connection With Scented Bath Salts

Ultimately, the issue presently before the Board is whether consumers would understand “mandarin scented bath salts” to be a “class, genus or category of goods,” or whether consumers would understand “mandarin scented bath salts” to be a product emanating from a specific source.

i. “Mandarin scented bath salts” refers to a class of goods

In determining whether the term “mandarin” is generic in connection with scented bath salts, it is necessary to first determine the category or class of the goods at issue. *Lens.com*, 83 U.S.P.Q.2d at 1446.

Plaintiff respectfully submits that by definition an apt scent descriptor defines a class or category of goods when the scent descriptor is used in connection with the sale of goods whose key differentiating characteristic is their scent. Thus “mandarin scented bath salts” are a class or category of goods, just like vanilla scented candles are a class or category of goods.

Plaintiff’s position is supported by thorough and well reasoned decisions in the Second and Third Circuits. *A.J. Canfield Co. v. Honickman*, 1 U.S.P.Q.2d 1364 (3d Cir. 1986)(holding CHOCOLATE FUDGE generic *ab initio* for soda beverages); *Genesee Brewing Co., Inc. v. Stroh Brewing Co.*, 43 U.S.P.Q.2d 1734 (2d Cir. 1997)(holding HONEY BROWN generic *ab initio* for brown ale made with honey).

Canfield established the rule that when a producer introduces a product that differs from an established product class in a significant, functional characteristic, and uses the common descriptive term of that characteristic as its name, that new product becomes its own genus, and the term denoting the genus becomes generic if there is no commonly used alternative that effectively communicates the same functional information. *Canfield*, 1 U.S.P.Q.2d at 1372. As recognized in *Canfield*, if the court had held otherwise “a grant of trademark status could effectively prevent a competitor from marketing a product with the same characteristic despite its right to do so under the patent laws.” *Id.*

While Plaintiff recognizes that *Canfield* was decided by the Court of Appeals for the Third Circuit and is thus not necessarily binding precedent on the Board, Plaintiff respectfully notes that the law and reasoning in *Canfield* have also been adopted by the Court of Appeals for the Second Circuit

in a well reasoned opinion by Circuit Judge Calabresi. *Genesee Brewing Co., Inc. v. Stroh Brewing Co.*, 43 U.S.P.Q.2d 1734 (2d Cir. 1997). Accordingly, Plaintiff respectfully requests the Board consider the reasoning in these two decisions in the present case.

Scented bath salts and scented hand lotion are established product classes that have a functionally differentiating characteristic, namely their scent. An apt descriptive term for that scent, accordingly, defines a genus for these goods. No commonly used alternative that effectively communicates the same functional information regarding the scent generally exists because of the peculiar nature of naming conventions for fragrances and scents based on things having known scents. Accordingly, terms that function as apt scent descriptors, as a matter of law, cannot serve as a designation of origin for product classes whose scent is a functionally differentiating characteristic. Absent a patent, all producers have the right to make said types of products bearing a given scent and to truthfully label the products as such.

In the present case, mandarin scented bath salts and mandarin scented hand lotion are product classes. No commonly used alternative that effectively communicates the same functional information regarding the scent is available, as “orange,” “citrus,” and the like, are not the same as “mandarin.” Absent a patent, all producers have the right to make mandarin scented bath salts and hand lotion and to truthfully label the products as such.

ii. The term “mandarin” when used in connection with scented bath salts would be understood by the relevant public primarily to refer to a category of goods, namely, mandarin scented bath salts

The second determination under the primary significance test is whether the term sought to be registered is understood by the relevant public primarily to refer to that category of goods or services. *Lens.com.*, 83 U.S.P.Q.2d at 1446.

It is basically a truism based on semantics and our common understanding of the English language that “mandarin scented bath salts” are bath salts with a mandarin-like scent, and not a product that emanates from a particular producer.

Accordingly, the term “mandarin” when used in connection with scented bath salts would be understood by the relevant public to refer to a category of goods, namely scented bath salts with a mandarin scent.

iii. Gyulay, Andes Candies and American Greetings are not contrary to holding apt scent descriptors generic ab initio

The Court of Customs and Patent Appeals, the Federal Circuit, the Trademark Trial and Appeal Board and the U.S. Patent and Trademark Office (“PTO”), have in the past considered the protectability of scent and flavor descriptors. *See, e.g., In re Andes Candies Inc.*, 178 U.S.P.Q. 156 (CCPA 1973)(affirming denial of registration of CREME DE MENTHE for laminated chocolate mint candy squares); *In re Gyulay*, 3 U.S.P.Q.2d 1009 (Fed. Cir. 1987)(affirming denial of registration of APPLE PIE for potpourri); *In re American Greetings Corp.*, 226 U.S.P.Q. 365 (TTAB 1985)(affirming Examining Attorney’s denial of registration of APRICOT for apricot scented dolls).

However, in what is generally a prudent course in jurisprudence, *Andes Candies*, *Gyulay* and *American Greetings* refrained from going all the way and reaching the conclusion that the terms could not function as trademarks. Instead, these decisions relied on Section 2(e)(1), and the lack of secondary meaning (or lack of proof thereof) under Section 2(f), in denying the registrations. *See, e.g., Andes Candies*, 178 U.S.P.Q. at 157-158 (“The examiner considered his showing of flavor designation so strong as to preclude any possibility whatever that ‘creme de menthe’ could function as a trademark We needn’t go that far.”); *Gyulay*, 3 U.S.P.Q.2d at 1010 (“No evidence relating to secondary meaning under section 2(f) of the Lanham Act is before us.”); *American Greetings Corp.*, 226 U.S.P.Q. at 365 (“We agree with the Examining Attorney that the term is unregistrable under Section 2(e)(1) of the Act.”).

Plaintiff submits *Andes Candies*, *Gyulay* and *American Greetings* should not deter the Board from finding the term “mandarin” generic in the present case. First and foremost, as shown *supra* the term “mandarin” satisfies the primary meaning test in connection with scented bath salts. Just because *Andes Candies*, *Gyulay* and *American Greetings* were content on relying on the unprotectability of descriptive terms without proof of secondary meaning does not negate that the terms would have been

held generic if the issue had been properly considered under the primary significance test, something the three decisions notably failed to do.

Maybe just as importantly, *Andes Candies*, *Gyulay* and *American Greetings* failed to take into consideration the policy issues raised in *Canfield* and *Genesee Brewing*. The latter two decisions explicitly and in reasoned detail considered federal trademark law and policy, and determined that when a term denotes the principal distinguishing characteristic of a product, and competitors need the term to describe their own products, the term is generic *ab initio* as a matter of law. As explained by Circuit Judge Becker in *Canfield*, in reasoning adopted by Circuit Judge Calabresi in *Genesee Brewing*,

courts must remember that '[t]he genericness doctrine prevents trademarks from serving as the substitutes for patents, and protects the public right to copy any non-patented, functional characteristic of a competitor's product. Trademark law seeks to provide a producer neither with a monopoly over a functional characteristic it has originated nor with a monopoly over a particularly effective marketing phrase. Instead the law grants a monopoly over a phrase only if and to the extent it is necessary to enable consumers to distinguish one producer's goods from others and even then only if the grant of such a monopoly will not substantially disadvantage competitors by preventing them from describing the nature of their goods. Accordingly, if a term is necessary to describe a product characteristic that a competitor has a right to copy, a producer may not effectively preempt competition by claiming that term as its own.'

Genesee Brewing, 43 U.S.P.Q.2d at 1739 *citing Canfield*, 808 F.2d at 305 [1 U.S.P.Q.2d at 1375-76].

Like the courts, the PTO should also be vigilant against issuing registrations for descriptive terms that as a matter of law cannot acquire secondary meaning, lest trademarks start serving as substitutes for patents. Granting registrations for these terms perniciously perpetuates the erroneous belief that these terms are capable of functioning as trademarks. The negative consequences it engenders are too numerous to enumerate here, but include waste of scarce judicial resources when disputes between producers end up in district court. The general public is also harmed as producers are forced to refrain from engaging in activity they are lawfully entitled to engage in (namely, to produce and truthfully describe products they have the right to make) in order to avoid the possibility and expense of litigation. And consumers are also harmed, because the unlawful monopolization of the

production of a particular type of goods curtails consumer choice, with the too common result that consumers are faced with the need to buy inferior goods at higher prices.

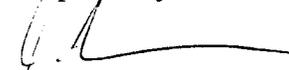
In the present case, by granting a registration for the term "mandarin" in connection with scented bath salts the PTO would be *de facto* granting Defendant with an unlawful monopoly over the market for mandarin scented bath salts.

IV. Conclusion

This is a case that merits Summary Judgment disposition. As a matter of law, the functionally descriptive term "mandarin," and its French equivalent "mandarine," should be considered generic for scented bath salts. The term indicates the principal distinguishing characteristic of scented bath salts having a mandarin fragrance. The term should thus be freely available to all producers of scented bath salts interested in producing scented bath salts having a mandarin-like scent. Registration should accordingly be denied.

Dated: February 6, 2008

Respectfully submitted,



Carlos Caneloro
Reg. No. 52,691
Cal. Bar No. 194716

Attorney For Plaintiff
mine design

Correspondence Address:

Carlos Caneloro
1601 N. Sepulveda Blvd. 239
Manhattan Beach, CA 90266
Phone: (310) 498-4249
carlos@caneloro.net

Certificate of Mailing

I hereby certify that a true and complete copy of the foregoing "mine design's Motion For Summary Judgment", has been served on Defendant Votivo, Ltd. by mailing said copy on February 6, 2008, via U.S. First Class Mail, postage prepaid, to counsel for Defendant at:

Mark V. Jordan
Invicta Law Group, PLLC
1000 Second Ave., Suite 3310
Seattle, Washington 98104



Carlos Candeloro

DECLARATION OF CARLOS CANDELORO
IN SUPPORT OF MINE DESIGN'S MOTION FOR SUMMARY JUDGMENT
IN OPPOSITION No. 91178747

I, Carlos Candeloro, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and before the United States Patent and Trademark Office. I am the attorney of record for Plaintiff Mine Design in this matter. I have personal knowledge of the facts set forth in the declaration and if called as a witness, I could and would testify competently thereto.

2. All the documents attached herewith as printouts from the Internet are true and correct black and white printouts from the pages obtained at the hyper-text transfer protocol ("http:") address or uniform resource locator ("url") shown at the bottom left of said printout on the date shown on the bottom right of said printout using Microsoft's Internet Explorer browser in a Microsoft Windows environment.

3. Plaintiff Mine Design is a d.b.a. of Amal Flores, an individual, doing business at 11151 Mississippi Ave., Los Angeles, CA 90025. Mine Design manufactures and wholesales scented candles, scented room sprays, reed diffusers, bath salts, soaps, and other similar items.

4. Exhibit 1 hereto is a true and correct copy of a black and white printout of the web page obtained from the Merriam-Webster Online Dictionary (www.m-w.com/dictionary/mandarin) on or about January 11, 2008, with the definition of "mandarin."

5. Exhibit 2 hereto is a true and correct copy of a black and white printout of a photograph of a product from Del Monte®, in particular a jar containing mandarin oranges in light syrup, which product is available at supermarkets.

6. Exhibit 3 hereto is a true and correct copy of a black and white printout of a photograph of a product from JONES® Organics, in particular a Mandarin flavored Green Tea, which product is available at supermarkets. See also their website at www.jonesorganics.com.

7. Exhibit 4 hereto is a true and correct copy of a black and white printout of a photograph of a product from IZZE®, in particular a Mandarin flavored sparkling water, which product is available at supermarkets. See also their website at www.izzeesque.com.

8. Exhibit 5 hereto is a true and correct copy of a black and white printout of a photograph of a product from Nature's Gate®, in particular a Mandarin Orange and Patchouli scented body lotion. See also their website at www.natures-gate.com.

9. Exhibit 6 hereto is a true and correct copy of a black and white printout of the web page (www.essentialblend.com/mandarin.htm) from "Essential Blend" offering for sale and describing mandarin essential oil for body care.

10. Exhibit 7 hereto is a true and correct copy of a black and white printout of the web page (www.sfbsc.com/all-bulk-bath---spa-products) from the San Francisco® Bath Salt Company, a wholesaler of bulk bath salts, including, inter alia, the offer for sale of bath salts from the Dead Sea, the Pacific, the Himalayas, Europe and Utah.

11. Exhibit 8 hereto is a true and correct copy of a black and white printout of the web page (www.sfbsc.com/calspa_original) from the San Francisco Bath Salt Company.

12. Exhibit 9 hereto is a true and correct copy of a black and white printout of the web page (www.sfbsc.com/herbal-bath-salts) from the San Francisco Bath Salt Company.

13. Exhibit 10 hereto is a true and correct copy of a black and white printout of the web page (www.bulkbathsalts.net/shop-products) from [bulkbathsalts.net](http://www.bulkbathsalts.net).

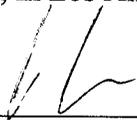
14. According to the pull down menu at www.bulkbathsalts.net/inc/sdetail/87, scents available for bath salts at [bulkbathsalts.net](http://www.bulkbathsalts.net) include Apple, Banana Nutbread, Cool Citrus Basil, Cranberry, Dragons Blood, Coconut, Eucalyptus, Gardenia, Ginger, Green Tea, Honeydew, Honeysuckle, Jasmine, Lavender, Lemon, Lemongrass, Lilac, Lime, Mango Madness, Melon, Nag Champa, Orange, Peppermint, Pineapple, Raspberry, Rain Forest, Rose, Sandalwood & Amber, Sage & Citrus, Sliced Plum, Sweet Pee & Ivy and Vanilla.

15. Exhibit 11 hereto is a true and correct copy of a black and white printout of the web page (www.bulksalts.com/bathsalts.htm) from www.bulksalts.com.

16. Exhibit 12 hereto is a true and correct copy of a black and white printout of the web page (www.bulksalts.com/scentdescriptions.html) from www.bulksalts.com.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this date, February 6, 2008, in Los Angeles, California.



Carlos Candeloro
Cal. Bar No. 194,716
U.S. PTO Reg. No. 52,691

EXHIBIT 1

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mandarin

4 entries found.

mandarin[1,noun]

mandarin[2,adjective]

mandarin collar

mandarin orange

Main Entry: **'man·da·rin** **▸**

Pronunciation: \ˈmæn-d(ə-)rən\

Function: *noun*

Etymology: Portuguese *mandarim*, from Malay *měntěri*, from Sanskrit *mantrin* counselor, from *mantra* counsel — more at [MANTRA](#)

Date: 1589

1 a : a public official in the Chinese Empire of any of nine superior grades **b** (1) : a pedantic official (2) : **BUREAUCRAT**
c : a person of position and influence often in intellectual or literary circles; *especially* : an elder and often traditionalist or reactionary member of such a circle

2 capitalized a : a form of spoken Chinese used by the court and the official classes of the Empire **b** : the group of closely related Chinese dialects that are spoken in about four fifths of the country and have a standard variety centering about Beijing

3 [Swedish *mandarin* (*apelsin*) mandarin (orange), ultimately

Exhibit 1 (submitted by mine design)

mine design v. Votivo

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Candeloro Decl.

from Portuguese *mandarim* mandarin; perhaps from the color of a mandarin's robes] **a** : a small spiny orange tree (*Citrus reticulata*) of southeastern Asia with yellow to reddish-orange loose-rinded fruits; *also* : a tree (as the satsuma) developed in cultivation from the mandarin by artificial selection or hybridization **b** : the fruit of a mandarin

— **man·da·rin·ic** ◂ \,man-də-'ri-nik\ *adjective*

— **man·da·rin·ism** ◂ \'man-d(ə-)rə-,ni-zəm\ *noun*

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EXHIBIT 2

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EXHIBIT 3

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Exhibit 3 (submitted by mine design)
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EXHIBIT 4

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Exhibit 4 (submitted by mine design)
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EXHIBIT 5

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Caneloro Decl. in Support of mine design's
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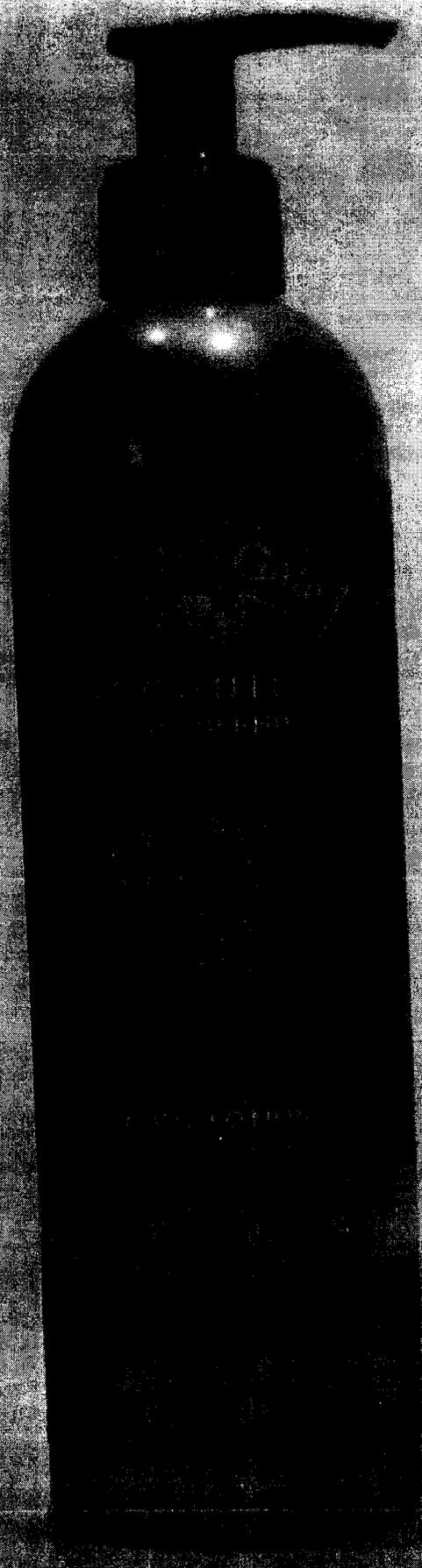


Exhibit 5 (submitted by mine design)
mine design v. Votivo
Opposition No. 91178747
Candeloro Decl.

EXHIBIT 6

mine design v. Votivo, Opposition No. 91178747
Caneloro Decl. in Support of mine design's
Motion for Summary Judgment

Mandarin Pure Essential Oil

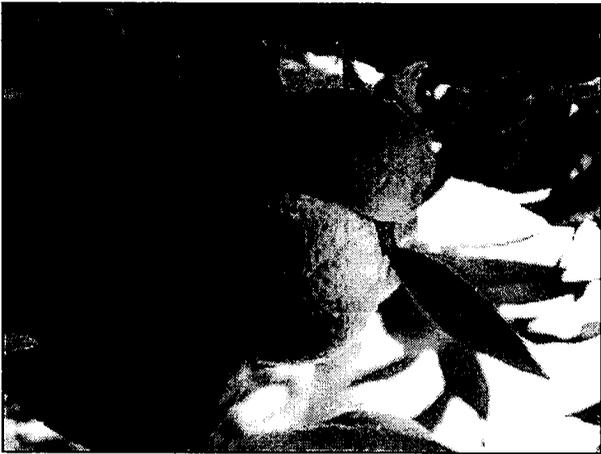


Essential Blend

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Excellent for Stretch Marks & Scarring!

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- [Chamomile](#)
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- [Clary Sage](#)
- [Clove Bud](#)
- [Coriander Seed](#)



Citrus Reticulata

DO NOT apply this oil directly to the skin without being diluted in a carrier oil first!

Use 5-30 drops essential oil to 1 oz carrier oil

Mandarin Pure Essential Oil

Botanical Name: *Citrus Reticulata*

Family: Rutaceae

Note: Top/Middle

Method of extraction: Expression

Blends with: The citrus, sweet floral perfume of mandarin blends well with basil, bergamot, chamomile, grapefruit, lavender, lemon, neroli, orange, petitgrain, and rose

We carry sizes up to 16oz
Please email me for a price quote.

1/2 Ounce

1 Ounce

\$5.75

\$8.95

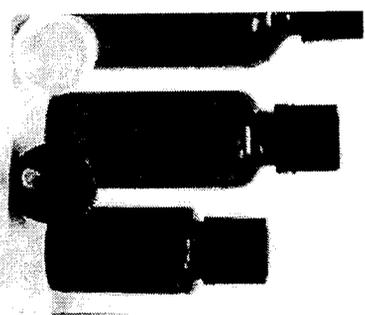
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Cypress	Effects on the mind
Eucalyptus	The delicious aroma of mandarin is uplifting, relieving depression and anxiety. Engenders feelings of joy and hopefulness.
Eucalyptus Lemon	Effects on the body
Fennel Sweet	<ul style="list-style-type: none"> Mandarin is a gentle tonic for the digestive system, relieving flatulence and indigestion
Fir Needle	<ul style="list-style-type: none"> Useful for stimulating a poor appetite following illness or depression
Frankincense	<ul style="list-style-type: none"> Beneficial for combating insomnia resulting from stress and anxiety
Galbanum	<ul style="list-style-type: none"> Helpful for relieving fluid retention and PMS, calming and soothing the nerves
Geranium	<ul style="list-style-type: none"> Mandarin is an excellent oil for the prevention of stretch marks and the reduction of scarring
Ginger	
Hops Flower	
Hyssop	Effects on the spirit
Jasmine	Mandarin encourages feelings of happiness in the heart chakra and balances the solar plexus.
Juniper Berry	Therapeutic for young children, pregnancy and for people who are frail and elderly.
Lavandin	
Lavender	Special Precautions
Lemon	<ul style="list-style-type: none"> Avoid strong sunlight immediately after treatment
Lemongrass	
Lime	
Mandarin	All of our pure essential oils are therapeutic grade and free of chemicals. Our oils come in glass amber dropper top bottles as shown below for proper storage, accurate measuring and easy use.
Marjoram	
Maychang	
Melissa	
Mugwort	
Myrrh	
Myrtle	
Neroli	

- Nutmeg
- Oregano
- Palmarosa
- Parsley Seed
- Patchouli
- Pennyroyal
- Peppermint
- Petitgrain
- Pink Grapefruit
- Ravensara
- Rose Absolute
- Rosemary
- Rosewood
- Sage
- Sandalwood
- Spruce
- Sweet Orange
- Tangerine
- Tea Tree
- Thyme
- Vetiver
- Yarrow
- Ylang Ylang



Certificate Of Analysis Sheet
 Mandarin Pure Essential Oil
Citrus Reticulata

Origin: ITALY	Product Information
Extraction Method: COLD PRESSED	Parts Used: PEEL
	Cultivation: FARMED
Analysis Specifications	
Analysis Specifications	
Physical Chemical Properties:	
Refractive Index: 1.4741 Optical Rotation: + 69.70 Relative Density: 0.851	
Chromatographic profile:	
Limonene: 71.40 % Gamma-Terpinene: 18.90 % Methyl-n-methyl Antranilate: 0.49 %	

Pure Essential Oil Facts

- Consult your regular physician if you have doubts as to whether or not you should use certain oils
- For external use only unless otherwise directed by your physician
- Always store essential oils in glass amber bottles away from direct sunlight

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- Keep out of reach of children

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EXHIBIT 7

mine design v. Votivo, Opposition No. 91178747
Caneloro Decl. in Support of mine design's
Motion for Summary Judgment



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Bulk/Wholesale Bath & Spa
 Click on each item for individual information and bulk/wholesale pricing upto 50lbs. For a complete list of ALL bulk/wholesale pricing on larger volumes, [click here to login to our bulk/wholesale site.](#)

Calspa Pacific Sea Salts - The Original San Francisco Bath Salts - 95% to 100% Natural

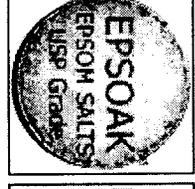
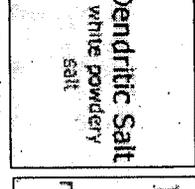
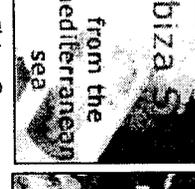
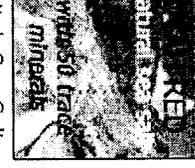
 Pacific Sea Salt Natural White	 Colored Sea Salt with FRAGRANCE OILS	 Colored Sea Salt with ESSENTIAL OILS	 Colored & Scented FOAMING Salts	 With Essential Oils, Plant Extract & Herbs	 COLORED Only NON SCENTED
---------------------------------------	---------------------------------------------	---------------------------------------------	----------------------------------------	---------------------------------------------------	---------------------------------

Minera Dead Sea Salts - Premium Mineral Rich Dead Sea Salts - 99% to 100% Natural

 Mineral Rich Dead Sea Salt Pure & Natural	 Dead Sea Salt with FRAGRANCES Fragrant Value	 Dead Sea Salt with ESSENTIAL OILS Aromatherapy	 Dead Sea Salt with Plant Extracts & Herbs Natural/Organic	 Non Scented Dead Sea Salt Colored Only	 Wonderfully Natural Dead Sea Mud
-----------------------------------------------------	--------------------------------------------------------	----------------------------------------------------------	---------------------------------------------------------------------	--------------------------------------------------	-----------------------------------------

Various Bulk Raw Salts - ALL 100% NATURAL

Exhibit 7 (submitted by mine design)
 mine design v. Votivo
 Opposition No. 91178747
 Candeloro Decl.

						
Pacific Sea Salt Natural White	Mineral Rich Dead Sea Salt	100% Natural Himalayan Salts	Epsom Salts USP Grade	Dendritic Salt	Ibiza Spa European Salt	Utah Sea Salt w/50 Minerals

Bulk Body, Hand, & Foot Scrubs

- Minera (Dead Sea) Shea Butter Scrub - Fine Grain Creamy Body Scrub with Organic Shea Butter and Dead Sea Salts
- Minera (Dead Sea) Almond Oil Scrub - Sea Salt Scrub with Skin Oils - Great for Hands and Feet
- Minera (Dead Sea) Salt Scrub - Foaming Dead Sea Salt Scrub - Hands, Feet, or Body
- Calspa (Pacific Sea) Almond Oil Scrub - Sea Salt Scrub with Skin Oils - Great for Hands and Feet
- Calspa (Pacific Sea) Shea Butter Scrub - Body Polishing Sea Salt Scrub with Organic Shea Butter
- Calspa (Pacific Sea) Salt Scrub - Foaming Pacific Sea Salt Scrub - Hands, Feet, or Body
- Calspa (Pacific Sea) Walnut Scrub - Body Polishing Sea Salt Scrub with Walnut Shell for extra exfoliation

Bulk Misc Items

- 3oz. Favors with custom tag - 3oz mini bottles for weddings, baby showers, promo gifts - with custom tag
- Hand & Body Lotion - Luxury Body Lotion - many scents & colors to choose from - bulk 1 gallon size



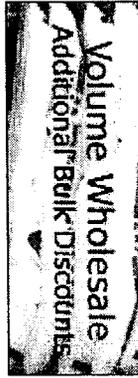
Bulk Natural Raw Salts

Natural salts from around the World. Pacific, Dead Sea, Himalayan, European...



Bulk Colored & Scented Salts

Many colors, scents, and grains to choose from - 95% to 99.9% natural.



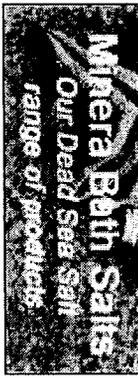
Volume Wholesale

Additional wholesale pricing for quantities not shown here in our bulk section.



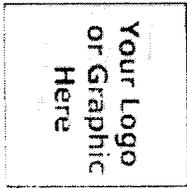
Bulk Calspa Bath Salts

Calspa Pacific Sea Salts - Natural, Colored, Scented, Foaming, herbal. Great balance between quality & value.



Bulk Minera Bath Salts

Minera Dead Sea Salts - Natural, Colored, Scented, Herbal. Premium salts with high mineral content.



Bulk Bath & Body Products

Bulk Scrubs, Lotions, Shower Gel, Mud etc..

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EXHIBIT 8

mine design v. Votivo, Opposition No. 91178747
Caneloro Decl. in Support of mine design's
Motion for Summary Judgment



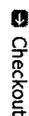
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Basket



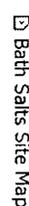
Checkout



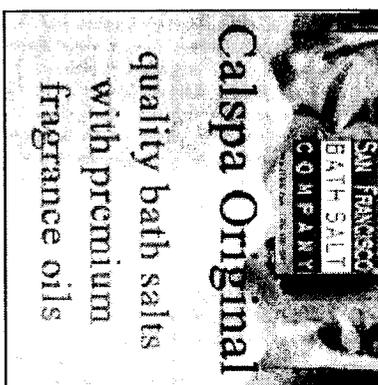
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Bath Salts Site Map



quality bath salts
with premium
fragrance oils

CALSPA ORIGINAL - Scented Bath Salts - 99% Natural

Colored & Scented Pacific Sea Salts - 99% Natural
 Now with added Aloe Vera & vitamin E for enhanced skin nourishment
 Now, you can create your own bath salt experience with our Calspa Original Bath Salts. Take a look at our wide variety of scents and choose your favorite. Then, pair up your scent with the color and grain size of your choice. Mix and match our scents and colors to create the perfect bath salt – literally made for you! Our Calspa Original Bath Salts smell magnificent and look beautiful on display and in the bath.

Each and every grain of salt is infused with the finest fragrance oils, carefully selected to ensure the highest quality bath salts you'll ever find! Our colors are fade-resistant and non-toxic, and will brighten up your bathing experience. We have so many colors and scents to choose from, the possibilities are endless. Make an assortment of your very own, or create a one-of-a-kind gift for a friend!

 **5lb - Calspa Original**
 Price: \$18.95

 **10lb - Calspa Original**
 Price: \$24.90

 **25lb - Calspa Original**
 Price: \$36.25

 **50lb - Calspa Original**
 Price: \$67.50

More Info - Calspa Original Bath Salts

Popular customer choices for this product are:

- #1 - Rose Scent & Rose Color
- #2 - Raspberry & Pink Color
- #3 - Jasmine Scent & Sky Color
- #4 - Gardenia Scent & Blue Color
- #5 - Vanilla Scent & Vanilla Color
- #6 - Mango Madness & Orange Color
- #7 - Rainforest & Green Color
- #8 - Green Tea Scent & Pear Color

Salt Type: Calspa Pacific Sea Salt

Grain Sizes: Fine (0-1mm size), Medium (1-3mm size) or Coarse (3-6mm size)

**Exhibit 8 (submitted by mine design)
 mine design v. Votivo
 Opposition No. 91178747
 Candeloro Decl.**

																			
Violet	Lilac	Rose	Pink	Peach	Orange	Tomato	Pear	Green	Lime	Sky	Blue	Aqua	Vanilla	Yellow	Beige				

Colors:

Standard Fragrances: Apple, Banana Nutbread, Calming, Cool Citrus Basil, Cranberry, Coconut, Cucumber, Dragons Blood, Gardenia, Feeling, Frankincense & Myrrh, Green Tea, Honeysuckle, Jasmine, Lilac, Mango Madness, Melon Madness, Nag Champa, Neroli, Ocean Breeze, Ocean Mist, Patience, Pineapple, Raspberry, Rain Forest, Rose, Sandalwood & Amber, Sage & Citrus, Sliced Plum, Sweet Pea & Ivy, Vanilla, White Narcissus.

For more scents choices also try our Calpsa Deluxe range with 100% natural essential oils!

Ingredients: Sea Salt, FD&C color, Aloe Vera, Fragrance oil, Vitamin-E.

packaging: These bath salts are packaged in our food grade, high barrier, foil laminate bag. These special bags contain an industrial strength zipper for re-closing and are thermo sealed to ensure that your salts arrive contamination free.

Benefits: Exceptionally cost effective quality bath salt. For general muscle relaxing, and to soothe aches and pains.

NEED MORE INFO? - For more information on making bath salts & salt scrubs with these pacific sea salts please visit our relaxing the world section (coming soon - November 15th)

Suggested Usage: [CLICK HERE](#)

[Sign up for our Email Newsletter - we'll keep you up to date with all things bath salt related.](#)

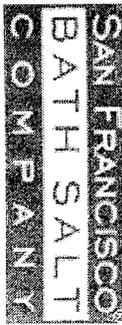

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EXHIBIT 9

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Bath Salts Site



CALSPA HERBAL BATH SALTS - 100% Natural With Essential Oils, Plant Extract & Natural Herbs
 Baths are known to relax the mind and soothe the body. Herbs are known for their many therapeutic benefits. Now you can be the best of both worlds! Our Calspa Herbal Bath Salts combine the benefits of aromatherapy and herbal therapy, making your bath a healthy, relaxing, cleansing experience.

These unique bath salts are infused with 100% natural essential oils, plant extracts, and herbs. Calspa Herbal Bath Salt available in many scent and herb combinations, so you can mix and match the scents and herbs of your choice. You'll stress melt away as you soak in a bath full of Calspa Herbal Bath Salts.

Calspa Herbal Bath Salts also contain Aloe and Vitamin E to promote healthy skin, so you'll leave the tub feeling soft, renewed. Make your own herbal bath today!



5lb Calspa Herbal
 Reg. Price: ~~\$49.95~~
 Sale Price: **\$17.95**
 Save: \$2.00

[CLICK FOR DETAILS](#)



10lb Calspa Herbal
 Reg. Price: ~~\$29.99~~
 Sale Price: **\$26.91**
 Save: \$2.99

[CLICK FOR DETAILS](#)



25lb Calspa Herbal
 Reg. Price: ~~\$49.99~~
 Sale Price: **\$36.00**
 Save: \$4.00

[CLICK FOR DETAILS](#)



50lb Calspa Herbal
 Reg. Price: ~~\$99.99~~
 Sale Price: **\$71.99**
 Save: \$27.99

[CLICK FOR DETAILS](#)

More Info - Calspa Herbal Bath Salts

Popular customer choices for this product are:

- #1 - Lavender Scent with Lavender Buds
- #2 - Rose garden with Rose Petals
- #3 - Moon Dreams with Lavender Buds and Dried Chamomile
- #4 - Tranquility with Lavender Buds & Rose Petals
- #5 - Skincare with Lavender Buds
- #6 - Rose garden with Lavender Buds, Rose Petals, & Dried Chamomile

Salt Type: Pacific Sea Salt

<http://www.sfpsc.com/herbal-bath-salts>

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 mine design v. Votivo
 Opposition No. 91178747
 Candeloro Decl.

Grain Sizes: Fine (0-1mm size), Medium (1-3mm size) or Coarse (3-6mm size)

Colors Choices: NONE - Natural

Standard Fragrances: Essential Oils & Essential Oil Blends

Essential Oil Blends - 100% Natural	
Citrus Crush	Tangerine & Ginger
Consciousness	Rosemary & Peppermint
Detox	Grassfruit & Juniperberry
Lime Tang	Tangerine & Lime
Mint Cooler	Eucalyptus & Peppermint
Moon Dreams	Lavender & Chamomile
Passion	Lavender, Lime, & Ginger
Relax	Eucalyptus & Ylang-Ylang
Rose Garden	Oataniun & Rosemary
Skincare Plus	Lavender, Rosemary, & Bergamot
Tranquility	Lavender, Ylang-ylang & Eucalyptus
Essential Oils - 100% Natural	
Basil, Bergamot, Cinnamon, Clove Leaf, Eucalyptus, Geranium, Ginger, Grapefruit, Juniperberry, Lavender, Lemon, Lemongrass, Lime, Orange, Patchouli, Peppermint, Rosemary, Spearmint, Tangerine, Tea Tree,	

Ingredients: Pacific Sea Salt, Essential Oils, Aloe Vera, Vitamin E, dried flowers (lavender, chamomile, or rose)

packaging: These bath salts are packaged in our food grade, high barrier, foil laminate bag. These special bags contain an industrial strength zipper for re are thermo sealed to ensure that your salts arrive contamination free.

Benefits: 100% natural herbal bath salt for those seeking a natural solution to bathing. For skincare, general muscle relaxing, and to soothe aches and pa

Suggested Usage: [CLICK HERE](#)

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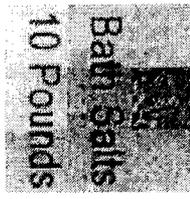
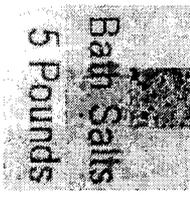
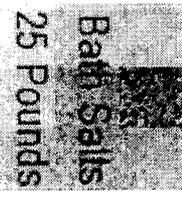
EXHIBIT 10

mine design v. Votivo, Opposition No. 91178747
Caneloro Decl. in Support of mine design's
Motion for Summary Judgment

Customer Service 1-800-471-8950 CHECKOUT NOW SHOPPING CART ACCOUNT LOGIN

*BULK BATH SALTS.NET
Low \$8.95 Shipping Per 25lbs*

Colored and Fragranced Bath Salts



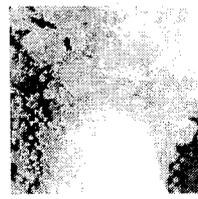
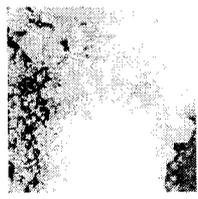
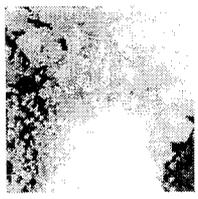
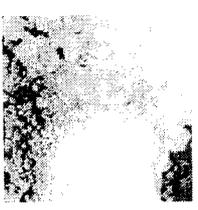
50 Pound Bag
Price: \$75.00

25 Pound Bag
Price: \$40.00

5 Pound Bag
Price: \$19.95

10 Pound Bag
Price: \$29.90

Dead Sea Salts from Southern Israel



Dead Sea Salt 5lb
Price: \$13.99

Dead Sea Salt 10lb
Price: \$24.90

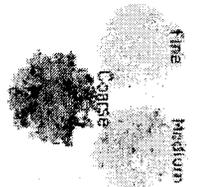
Dead Sea Salt 20lb
Price: \$43.80

Dead Sea Salt 40lb
Price: \$75.60

Pink Himalayan Bath Salts



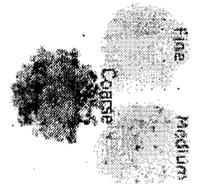
Exhibit 10 (submitted by mine design)
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Opposition No. 91178747
Candeloro Decl.



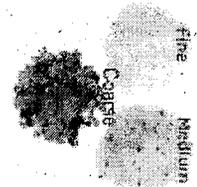
Himalayan 5lb
Price: \$17.99



Himalayan 10lb
Price: \$34.99



Himalayan 25lb
Price: \$79.99



Himalayan 50lb
Price: \$144.50

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LOW \$8.95 Shipping per 20lbs !!!

Bulk Bath Salts U.S.A
Email: info@bulkbathsalts.net

EXHIBIT 11

mine design v. Votivo, Opposition No. 91178747
Caneloro Decl. in Support of mine design's
Motion for Summary Judgment

Bath Salts

Our unique blend of natural ingredients, help soothe, heal, ease muscle tension and relax the body. Made with fine grained sea salt, epsom salt, vitamin E, and our 8 herbal extract blend. Our bath salts provide a soft soothing and relaxing bath experience.



Home

Bath Salts

Bath Crystals

Bath Silk

Bath Powder

Bath Bombs

Bath Soak

Bath Teas

Body Lotion

Gift Ideas

Lip Gloss

Milk Bath

Sea Salt Scrub

Shower Favors

Shower Gel

Soap

Soap Rocks

Wedding Favors

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Bath Salts: 10 Sample Size Packs (1.5oz each)

- 10 full 1.5oz packs of bath salts for only \$4.99
- Each comes packaged in a 2" x 3" ziplock bag
- Great for party/shower favors of event giveaways
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

\$4.99 Qty 1 - 4
\$4.50 Qty 5 - 9
\$3.99 Qty 10 - 19
\$3.50 20 or more

Quantity: **1**
Select A Scent:
Unscented
Select A Color:
Traditional



Bath Salts: 4 Packs (4oz each)

- 4 full 4oz packs of bath salts for only \$3.99
- Each comes packaged in a 3" x 4" ziplock bag
- Great for party/shower favors of event giveaways

\$3.99 Qty 1 - 9
\$3.50 Qty 10 - 19
\$2.99 Qty 20 - 49
\$2.50 50 or more

Exhibit 11 (submitted by mine design)
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Candeloro Decl.

Contact Us

Shopping for a gift?



- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

Quantity: **1**
 Select A Scent:
Unscented
 Select A Color:
 Traditional



Bath Salts: 12oz Pack

- 1 full 12oz pack of bath salts only \$1.69
- Each comes packaged in a 4" x 6" ziplock bag
- Each pack is enough for 4 -6 baths
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

Quantity: **1**
 Select A Scent:
Unscented



Bath Salts: 11lb Bulk

- Each 6 x 6 bag contains 1 full pound of bath salts
- Fine grained sea salt blend
- Great for resellers, relabeling is welcome
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

Quantity: **1**
 Select A Scent:
Unscented
 Select A Color:
 Traditional



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Bath Salts: 5lbs Bulk

- Five full pounds of bath salts (1.39/lb)
- Fine grained sea salt blend
- Great for repackaging and/or resale
- Buy larger quantities to save even more (As low as \$0.99/lb)
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

\$6.99 QTY 1 - 4
\$6.59 QTY 5 - 9
\$6.19 QTY 10 - 19
\$5.59 QTY 20 - 49
\$4.99 50 or more

Quantity: **1**
 Select A Scent:
Unscented
 Select A Color:
Traditional



Bath Salts: 10lbs Bulk

- Ten full pounds of bath salts (1.19/lb)
- Fine grained sea salt blend
- Great for repackaging and/or resale
- Buy larger quantities to save even more (As low as \$0.89/lb)
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

\$11.99 QTY 1 - 4
\$10.99 QTY 5 - 9
\$9.99 QTY 10 - 19
\$8.99 20 or more

Quantity: **1**
 Select A Scent:
Unscented
 Select A Color:
Traditional



Bath Salts: 20lbs Bulk

- Twenty full pounds of bath salts (1.09/lb)
- Fine grained sea salt blend
- Great for repackaging and/or resale

\$21.99 QTY 1 - 4
\$19.99 QTY 5 - 9
\$17.99 QTY 10 - 19
\$15.99 20 or more

- Buy larger quantities to save even more (As low as \$0.79/lb)
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin
- **Ship up to 20lbs for only \$6.99**

Quantity: 1
 Select A Scent:
Unscented
 Select A Color:
 Traditional



Bath Salts: 40lbs Bulk

- Fourty full pounds of bath salts (\$0.99/lb)
- Fine grained sea salt blend
- Great for repackaging and/or resale
- Buy larger quantities to save even more (As low as \$0.62/lb)
- Choose from **150 Different Scents** and **20 Colors**
- Made fresh at the time of each purchase to guarantee freshness
- Conditions water and provides nutrients to the skin
- Leaves skin petal soft and lightly fragranced
- Great muscle relaxer and an excellent stress reducer
- Provides relief from psoriasis
- Epsom salts relieve muscles aches and pains
- A sea salt bath provides relaxation and mineral to your skin
- Our 8 Herbal extract blend helps to revitalize the skin

\$39.99 Qty 1 - 4
 \$36.99 Qty 5 - 9
 \$31.99 Qty 10 - 19
 \$24.99 20 or more

Quantity: 1
 Select A Scent:
Unscented
 Select A Color:
 Traditional



EXHIBIT 12

mine design v. Votivo, Opposition No. 91178747
Caneloro Decl. in Support of mine design's
Motion for Summary Judgment

Scent Descriptions:**Fruit Scents**

- **Apple- fresh green apples**
- **Apple Pear- a fresh blend of apples & pears**
- **Apple Pie- the smell of apples, cinnamon, sugar and pie crust**
- **Amarretto- Smells like amaretto**
- **Anise- the spicy smell of anise**
- **Almond- smells like almonds**
- **Avocado Oatmeal- mixture of fresh avocados and oatmeal**
- **Berry Bramble- a blend of 4 different mixed berries**
- **Banana- Fresh ripe bananas**
- **Banana Nut- smells like banana nut bread**
- **Blueberry- Smells like blueberries**
- **Buttery Caramel- the smell of fresh made caramel**
- **Buttered Popcorn- smells like buttered popcorn**
- **Bayberry- A familiar Christmas scent of floral, fruits & pine**
- **Chocolate- Smells like milk chocolate**
- **Chocolate Mint- The smell of chocolate mint ice cream**
- **Cherry- This very cherry scent is wonderful**
- **Cherry Almond- The smell of Almond & cherries**
- **Cherry Vanilla- mixture of cherry and vanilla**
- **Citronella- the powerful scent of citronella**
- **Cantaloupe- Sun ripe Cantaloupe**
- **Caribbean Coconut- The tropical smell of coconut**
- **Cinnamon- Spicy Hot Cinnamon**
- **Cucumber Melon- A nice blend of cucumber & melons**
- **Cranberry Spice- Smells like a hot bowl of spiced cranberries**
- **Cranberry Walnut- mixture of nuts and cranberry**
- **Carrot Cake- A blend of cinnamon, vanilla & carrot**
- **Candy Cane- fresh peppermint stick**
- **Coffee- fresh brewed coffee**
- **Cappuccino Latte- smells like a hot cup of cappuccino**
- **Cotton Candy- sweet smelling cotton candy**
- **Dewberry- fresh honeydew with a touch of berry**
- **Dreamsickle- Orange and cream blend**
- **Elderberry- Fresh picked elderberries**
- **Fuzzy Navel- Orange and peach blend**
- **Green Tea- Oakmoss, musk, grapefruit and lemon tea blend**
- **Grape- smells like grapes**
- **Ginger Lime- Lime & ginger blend**
- **Ginger Grapefruit- mixture of ginger and grapefruit**

- *Grapefruit- Fresh juicy Grapefruit*
- *Gingerbread- Smells like Gingerbread cookies*
- *Ginseng & Pear- fresh clean scent of asian pears and ginseng*
- *Hawaiian Hula- pineapple, coconut, mango & papaya*
- *Hazelnut- Smells like hazelnut*
- *Honeydew- fresh slice of honeydew melon*
- *Huckleberry- Fresh picked huckleberries*
- *Intense mint- The smell of fresh mint straight from the garden*
- *Kahlua n' Cream- smells just like the drink*
- *Lemon Sunshine- Smells like pure lemon*
- *Lemon Pound Cake- sweeter smelling lemony smell*
- *Lemon Lime- Blend of lemon & lime*
- *Mango- Smells like mango*
- *Melon Madness- mixture of honeydew, cantaloupe, and watermelon*
- *Mulberry- smells like ripe mulberries*
- *Orange- Smells like fresh squeezed orange*
- *Orange Ginger- Blend of Ginger and Orange*
- *Pear- smells like fresh picked pears*
- *Pear Glace- The smell of fresh sliced pears*
- *Pearberry- The smell of Pears & berries*
- *Pina Colada- Pineapple and coconut blend*
- *Pineapple- fresh pineapple*
- *Peach- sun ripe peaches*
- *Peach Pear- mixture of peaches and pears*
- *Peaches & Cream- mixture of fresh peaches and creamy vanilla*
- *Raspberry- sun ripe raspberries*
- *A&W Rootbeer- smells just like a frosty A&W Rootbeer*
- *Spicy Plum- simlair to sugar plum scent*
- *Strawberry- Red Ripe Strawberries*
- *Strawberry Banana- Blend of Banana & Strawberry*
- *Sex on the Beach- Blend of Orange, grapefruit & pineapple*
- *Tangerine Rain- tangy Tangerines with a hint of floral*
- *Tooty Fruity- Apples, oranges & berries*
- *Vanilla- Fresh Vanilla beans*
- *Vanilla Mint- minty vanilla smell*
- *Watermelon- Fresh sliced watermelon*

Flower Scents

- *Bridal Silk- This Elegant Blend of Wedding Flowers is perfect*
- *Butterfly Kisses- the smell of field fresh flowers*
- *Bottle of wine- Smells like cabernet wine*
- *Calla Lilly- Smells like Calla Lilly*
- *Carnation- smells like fresh picked carnations*

- Chamomile Aromatherapy Chamomile
- Christmas Eve- The smell of Christmas Eve around the tree
- Chai Tea- Smells like Chai Tea
- Cornflower Blue- smells like a meadow of cornflowers
- Country Garden- blends of Lilac, lavender, Honeysuckle & violet
- Champagne and Roses-Fresh cut roses w/ splash of champagne
- Dragons Blood- Smells like Dragons Blood
- Daffodil- Fresh cut daffodils
- Desert Oasis- Sage, wild mint and cactus
- Eucalyptus- The smell of eucalyptus leaves
- Enchanted Forest- Get lost in pine trees, ferns and woods smells
- Freesia Bouquet- fresh cut freesia
- Fresh & Clean- the fresh clean smell of cucumber and juniper
- Cappuccino Latte- vanilla with a blend of cappuccino
- Frankincense & myrrh- Traditional frankincense & myrrh
- Gardenia- smells like the flower
- Grassy Splendor- The smell of a fresh cut lawn
- Ginger Lily- Smell of ginger And lily
- Heaven- musk, violet & hydrangea
- Hibiscus- smells like the tropical flower
- Heather - smells like mountain heather
- Honeysuckle- traditional honeysuckle scent
- Honeysuckle Rose- mixture of honeysuckle and rose
- Hawaiian Delight- Plumeria, hibiscus and tropical fruit blend
- Hydrangea- smells like the flower
- In the Mood- Sensual Aphrodisiac
- Juniper breeze- the mell of juniper berry bushes
- Jasmine- smells like the flower
- Lavender- relaxing scent of lavender
- lilac- smells like the flower
- Log Cabin- patchouli musk & pine
- Love- mixture of jasmine, rose and vanilla
- Midnight dreams- lavender, rose and sandalwood
- Magnolia- smells like the flower
- Morning Dew- smell of a misty morning
- Musk- sensual smell if musk that drives you wild
- Narcisse- country flower smell
- Orchid- smells like the flower
- Orchard Breeze- smell of peach and apple blossoms
- Patchouli- Traditional smell of patchouli
- Peace of Mind- a blend of chamomile & lemon grass
- Plumeria- smells like the flower
- Pretty in Pink- blend of flowers & melons
- Rose Petal- smells like rose petal

- *Rain Forest- cedar, tropical flowers & fruits*
- *Relaxation- Lavender patchouli & sandalwood*
- *Sandalwood- traditional smell of sandalwood*
- *Sands of Morocco- musk, sandalwood and exotic jasmine*
- *Sensuous Black Rose- Richer smelling rose smell*
- *Sweat Pea- smells like the flower*
- *Stress Relief- spearmint eucalyptus & orange*
- *stetson- smells like the perfume*
- *Spring Bouquet- a burst of floral bliss*
- *Tranquility- lavender & rose*
- *Vapor Bath- Blend of eucalyptus and spearmint*
- *Violet- smells like the flower*
- *Victorian Garden- English and Victorian Rose*
- *Vanilla Rose soft warm smell of vanilla and roses*
- *vanilla fields- like the perfume*
- *wild mint- like fresh wild mint*
- *Wild Flowers- smells like wildflowers in bloom*
- *Witches Brew- Patchouli & Cinnamon*
- *Ylang Ylang- Smells like the flower*

Certificate of Mailing

I hereby certify that a true and complete copy of the foregoing DECLARATION OF CARLOS CANDELORO IN SUPPORT OF MINE DESIGN'S MOTION FOR SUMMARY JUDGMENT IN OPPOSITION No. 91178747, including exhibits 1-12, has been served on Defendant Votivo, Ltd. by mailing said copy on February 6, 2008, via U.S. First Class Mail, postage prepaid, to counsel for Defendant at:

Mark V. Jordan
Invicta Law Group, PLLC
1000 Second Ave., Suite 3310
Seattle, Washington 98104



Carlos Candeloro

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

Serial No. 76/613881

mine design, a d.b.a. of Amal Flores
v.
Votivo, Ltd.

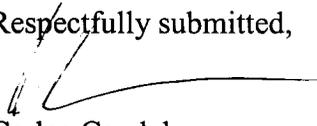
Opposition No. 91178747

CD-ROM Transmittal

The enclosed CD-ROM includes pdf files of Exhibits 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12, black and white paper copies of which were enclosed to the Declaration of Carlos Caneloro in Support of mine design's Motion for Summary Judgment, submitted herewith.

Dated: February 6, 2008

Respectfully submitted,



Carlos Caneloro
Reg. No. 52,691
Cal. Bar No. 194716

Attorney For Plaintiff
mine design

Correspondence Address:

Carlos Caneloro
1601 N. Sepulveda Blvd. 239
Manhattan Beach, CA 90266
Phone: (310) 498-4249
carlos@caneloro.net

Certificate of Mailing

I hereby certify that a true and complete copies of the foregoing "CD-ROM Transmittal" and of the CD-ROM, have been served on Defendant Votivo, Ltd. by mailing said copy on February 6, 2008, via U.S. First Class Mail, postage prepaid, to counsel for Defendant at:

Mark V. Jordan
Invicta Law Group, PLLC
1000 Second Ave., Suite 3310
Seattle, Washington 98104



Carlos Candeloro