

ESTTA Tracking number: **ESTTA603718**

Filing date: **05/12/2014**

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

Proceeding	91215713
Party	Defendant BB and CC Inc.
Correspondence Address	Jeffrey L. Eichen Novak Druce Connolly Bove + Quigg LLP PO BOX 2207 WILMINGTON, DE 19899-2207 trademarks@novakdruce.com
Submission	Answer and Counterclaim
Filer's Name	Jeffrey L. Eichen
Filer's e-mail	trademarks@novakdruce.com, jeff.eichen@novakdruce.com, breanne.staley-ashe@novakdruce.com
Signature	/jle/
Date	05/12/2014
Attachments	SAL'S Answer_Counterclaims.pdf(1699499 bytes)

Registration Subject to the filing

Registration No	2740963	Registration date	07/29/2003
Registrant	SAL'S PIZZA RESTAURANT, INC. 2525 WYCLIFF DALLAS, TX 75219 UNITED STATES		
Grounds for filing	The registered mark has been abandoned.		
	The registration was obtained fraudulently.		
	The registration was obtained contrary to Trademark Act section 2(c)		

Goods/Services Subject to the filing

Class 043. First Use: 1982/03/01 First Use In Commerce: 1982/03/01
All goods and services in the class are requested, namely: RESTAURANT SERVICES FEATURING PIZZA AND ITALIAN FOODS

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

In the matter of Application Serial No. 85/809,340
For the mark: SAL'S
Published in the Official Gazette on December 3, 2013

SAL'S PIZZA RESTAURANT, INC.,	:	
Opposer,	:	
v.	:	Opposition No. 91215713
	:	
BB & CC, Inc.,	:	
Applicant.	:	
_____	:	
	:	
BB & CC, Inc.,	:	
Counterclaim Petitioner,	:	
v.	:	
	:	
SAL'S PIZZA RESTAURANT, INC.,	:	
Counterclaim Respondent.	:	

ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIM FOR CANCELLATION

Applicant and counterclaim petitioner BB & CC, Inc., a New Jersey corporation with its principal place of business located at 1821 E. Sedgley Avenue, Philadelphia, Pennsylvania 19124 ("BB & CC"), responds to the Notice of Opposition filed by opposer and counterclaim respondent Sal's Pizza Restaurant, Inc. ("SPR") and in support thereof avers as follows:

Answer to Notice of Opposition

1. BB & CC admits that it is a New Jersey corporation with its principal place of business located at 1821 E. Sedgley Avenue, Philadelphia, Pennsylvania 19124.
2. Admitted.
3. Admitted.
4. Denied.

5. BB & CC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 5, and therefore the same are denied.

6. BB & CC is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 6, and therefore the same are denied.

7. Admitted.

8. Denied.

9. Denied.

Affirmative Defenses

First affirmative defense—Fraud

10. Upon information and belief, SPR is a Texas corporation with its principal place of business located at 2525 Wycliff Avenue, Dallas, Texas 75219.

11. SPR has knowingly made at least one false statement of material fact to the United States Patent and Trademark Office (“PTO”) with the intention that the PTO rely upon the false statement in connection with SPR’s application for U.S. Trademark Registration No. 2,740,963 (“the ’963 registration”) for the mark SAL’S. Specifically, on January 7, 2000, SPR’s secretary Emine Amy Jakova knowingly made the following false statement of material fact to the PTO with the intention that the PTO rely upon the false statement: “[T]o the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark [SAL’S] in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive” The PTO reasonably relied upon SPR’s knowing, false statement of material fact in reaching the

determination that SPR's application should be granted. A true and correct copy of SPR's false statement of material fact is attached hereto as Exhibit 1.

12. SPR has knowingly made other false statements of material fact to members of the public with the intention that these persons rely upon the false statements in connection with their decision to patronize SPR's restaurant business. Specifically, on July 22, 2013 and at other times, SPR—through its website at www.salspizzadallas.com—knowingly made the false statements that SPR is the winner of “Best Pizza Voted by The Dallas Observer, 2003” and “Best Inexpensive Italian Food Voted by The Dallas Observer, 2005” with the intention that members of the public would rely upon these false statements. Members of the public reasonably relied upon SPR's knowing, false statements of material fact in reaching a decision to patronize SPR's restaurant business. True and correct copies of SPR's false statements of material fact printed from SPR's website at www.salspizzadallas.com are attached hereto as Exhibit 2.

13. In 2003, the winner of The Dallas Observer's award for “Best Pizza” in 2003 was a restaurant called Al's Pizza.

14. In 2005, the winner of The Dallas Observer's award for “Best Italian Restaurant” was a restaurant called Il Mulino New York.

15. Al's Pizza and Il Mulino New York are not related to or owned or controlled by SPR.

16. SPR's request for relief is barred by SPR's fraudulent statements—both to the PTO and to members of the public—in connection with the registration and use of the mark SAL'S in commerce.

Second affirmative defense—Unclean hands

17. BB & CC repeats each of the facts stated above in paragraphs 10 through 16.

18. SPR's request for relief is barred by SPR's unclean hands, specifically related to its fraudulent statements—both to the PTO and to members of the public—in connection with the registration and use of the mark SAL'S in commerce.

Third affirmative defense—Acquiescence

19. BB & CC repeats each of the facts stated above in paragraphs 10 through 18.

20. In or about July 2002, SPR entered into an agreement with another party called Different Concepts, Inc. ("DCI") in which SPR acknowledged and agreed that there was no likelihood of confusion or mistake between SPR's use of the mark SAL'S and DCI's use of the mark SAL'S ITALIAN RISTORANTE, both for restaurant services. A true and correct copy of the agreement between SPR and DCI is attached hereto as Exhibit 3.

21. Upon information and belief, SPR has been aware of numerous other, unrelated entities using the mark SAL'S in commerce to promote restaurant services and pizza in particular. These entities include, without limitation, the following:

www.sals-pizza.com: chain of pizza restaurants with locations in Massachusetts, New Hampshire, California, Arizona and India

www.salspizzaworks.com: pizza restaurant located in Marlton, New Jersey

www.salsofexton.com: pizza restaurant located in Exton, Pennsylvania

www.salspizza.net: pizza restaurant located in New Holland, Pennsylvania

www.salsfamilypizza.com: pizza restaurant located in Monroe, Connecticut

www.bigspizza.com: pizza restaurant located in Lincoln, Nebraska

www.salspizzeria.com: pizza restaurant located in Thornton, Colorado

www.originalsalspizza.com: pizza restaurant located in Cape Coral, Florida

www.salspizzaplace.com: pizza restaurants located in Pleasantville and Carmel, New York

www.salspizzaco.com: pizza restaurant located in Algonquin, Illinois

www.salsneighborhoodpizzeria.com: pizza restaurant located in St. Simons Island, Georgia

www.salspizzastore.com: pizza restaurant located in Brooklyn, New York

www.salspizzapub.com: pizza restaurant located in Lombard, Illinois

www.unclesalspizza.com: pizza restaurant located in Budd Lake, New Jersey

www.salspizzakitchen.com: pizza restaurant located in Kenosha, Wisconsin

www.salspizzaandmore.com: pizza restaurant located in Waukesha, Wisconsin

www.salsitaliano.com: pizza restaurants located in Nashville and Brentwood, Tennessee

22. Upon information and belief, SPR has not attempted to enforce any rights against or stop the use of the mark SAL'S in commerce by any of the above restaurants or any other entities.

23. SPR's request for relief is barred by SPR's acquiescence in connection with the use of the SAL'S mark by any of the above restaurants or any other entities.

Fourth affirmative defense—Abandonment

24. BB & CC repeats each of the facts stated above in paragraphs 10 through 23.

25. By virtue of SPR's failure to enforce any rights against any of the numerous, unrelated entities using the term SAL'S in commerce for restaurant services, SPR has abandoned any right it might hold in the '963 registration or the SAL'S mark.

26. SPR's request for relief is barred by SPR's abandonment of the '963 registration and any rights it might hold in the SAL'S mark.

Counterclaim—Cancellation of the '963 registration

27. BB & CC repeats each of the facts stated above in paragraphs 10 through 26.

28. As stated above, BB & CC is a New Jersey corporation with its principal place of business located at 1821 E. Sedgley Avenue, Philadelphia, Pennsylvania 19124 and has filed an application (Serial No. 85/809,340) for registration of the mark SAL'S for certain goods in International Classes 29 and 30. SPR has filed a Notice of Opposition to BB & CC's application based upon SPR's claimed registration of the mark SAL'S for restaurant services in International Class 43 – the '963 registration.

29. As stated above, SPR is a Texas corporation with its principal place of business located at 2525 Wycliff Avenue, Dallas, Texas 75219. SPR's attorney of record for the '963 registration is Shauna M. Wertheim, The Marbury Law Group, PLLC, 11800 Sunrise Valley Drive, 15th floor, Reston, Virginia 20191-5302.

30. SPR obtained registration for the mark SAL'S in connection with "restaurant services featuring pizza and Italian foods" in International Class 43, U.S. Reg. No. 2,740,963 ("the '963 registration"). The registration was issued on July 29, 2003 and was based upon an application filed by SPR on July 10, 2000. SPR claims to have first used the SAL'S mark as early as March 1, 1982 and first used the SAL'S mark in interstate commerce as early as the same date.

31. BB&CC has a bona fide intent to use the SAL'S mark on the goods indicated in its application. BB&CC has been and will be damaged by SPR's continuing assertion of the '963

registration in connection with SPR's opposition to BB&CC's application, captioned above. As an applicant for registration and a party to SPR's opposition proceeding, BB&CC has a sufficient interest in cancellation of the '963 application to satisfy the legal requirements for standing.

32. As permitted by Trademark Act § 14(3), 15 U.S.C. § 1064(3), a petition to cancel may be filed at any time on grounds that, among other things, the registration was obtained by fraud or the registration comprises the name, portrait, or signature identifying a particular living individual except by his written consent.

33. Upon information and belief, at the time of filing its application for the '963 registration, SPR was aware of numerous other, unrelated entities using the mark SAL'S in connection with restaurant services featuring pizza and Italian food.

34. Despite this knowledge, on January 7, 2000, SPR, through its secretary Emine Amy Jakova, executed a declaration—later filed with the United States Patent and Trademark Office on July 10, 2000)—stating that “to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive” SPR's secretary intended that this statement be relied upon by the PTO and stated that the entire declaration is “true and correct.”

35. Moreover, SPR's claimed mark SAL'S consists entirely of the name of one of SPR's owners, Sal Jakova. When SPR filed the '963 application, however, SPR failed to submit a written consent by Sal Jakova to registration of the mark.

36. SPR has also abandoned the mark by virtue of its failure to enforce any rights against any of the numerous, unrelated entities using the term SAL'S in commerce for restaurant services.

37. By reason of the foregoing, BB&CC has been and will be gravely damaged by SPR's continuing registration of its SAL'S mark in violation of 15 U.S.C. §§ 1052(c) and 1064(3).

WHEREFORE, BB&CC respectfully requests that the United States Patent and Trademark Office, Trademark Trial and Appeal Board grant the Counterclaim for Cancellation, cancel the '963 registration, deny SPR's Notice of Opposition and grant BB&CC's application for registration of the SAL'S mark. The required fee for the filing this Counterclaim for Cancellation is submitted herewith. If any additional fees are due, please debit Account No. 03-2775.

Date: May 12, 2014

Respectfully submitted,

/s/ Jeffrey L. Eichen
Jeffrey L. Eichen, USPTO No. 41,496
Novak Druce Connolly Bove + Quigg LLP
1007 N. Orange St., 9th floor
P.O. Box 2207
Wilmington, DE 19899
(302) 888-6304 office
(302) 658-5614 fax
trademarks@novakdruce.com
jeff.eichen@novakdruce.com

Attorney for Applicant BB&CC, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2014, I caused a true and correct copy of the foregoing Answer, Affirmative Defenses and Counterclaim For Cancellation, to be served by first-class mail, postage prepaid upon:

Shauna M. Wertheim
The Marbury Law Group, PLLC
11800 Sunrise Valley Drive, 15th Floor
Reston, Virginia 20191
Attorney for Opposer Sal's Pizza Restaurant, Inc.

/s/ Jeffrey L. Eichen
Jeffrey L. Eichen

Exhibit 1

SAL'S PIZZA RESTAURANT, INC., A TEXAS CORPORATION
2525 WYCLIFF
DALLAS, TEXAS 75219
DATE OF FIRST USE: MARCH 1, 1982
DATE OF FIRST USE IN COMMERCE: MARCH 1, 1982
NO FOREIGN PRIORITY CLAIMED
PROCESSED FOODS - PIZZA AND ITALIAN FOODS
RESTAURANT SERVICES - PIZZARIA AND ITALIAN FOODS



07-10-2000

U.S. Patent & TMO/c/TM Mail RoptDt. #66

Sal's

TRADEMARK



76086203

76086203

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

07/14/2000 MPETTY 00000025 76086203
01 FC:361 325.00 OP

Refund Ref:
07/14/2000 MPETTY 0000095804

CHECK Refund Total: \$165.00

PTO-1555
(5/87)

BECKHAM & THOMAS
A LIMITED LIABILITY PARTNERSHIP
2626 COLE AVENUE, SUITE 950
DALLAS, TEXAS 75204
(214) 965-9300
(214) 965-9301 FAX

July 6, 2000

Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Dr.
Arlington, VA 22202-3513

VIA CM-RRR Z 147 056215

**RE: Sal's Pizza Restaurant, Inc. –
Service Mark -- Sal's Pizza Restaurant**

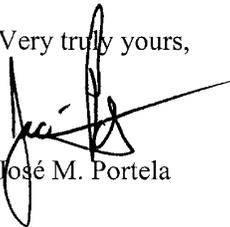
Dear Sirs:

Enclosed for filing please find:

1. Trademark/Service Mark Application for "Sal's Pizza Restaurant;"
2. Check for \$490 for two (2) classes of services covered by the mark;
3. Three specimens evidencing use of the mark; and
4. A drawing page displaying the work in conformance with 37 CFR 2.52.

Please contact the undersigned if you need additional information.

Very truly yours,



José M. Portela

JP/mb

cc: Amy Jakova

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION	MARK (Word(s) and/or Design)	CLASS NO. (If known)
--	------------------------------	-------------------------

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT'S NAME: SAL'S PIZZA RESTAURANT, INC. TEXAS

APPLICANT'S MAILING ADDRESS: 2525 WYCLIFF
DALLAS, TEXAS 75219

(Display address exactly as it should appear on registration)

APPLICANT'S ENTITY TYPE: (Check one and supply requested information)

<input type="checkbox"/>	Individual - Citizen of (Country): _____
<input type="checkbox"/>	Partnership - State where organized (Country, if appropriate): _____ Names and Citizenship (Country) of General Partners: _____
<input checked="" type="checkbox"/>	Corporation - State (Country, if appropriate) of Incorporation: <u>TEXAS</u>
<input type="checkbox"/>	Other (Specify Nature of Entity and Domicile): _____

GOODS AND/OR SERVICES:

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE):

PROCESSED FOODS - PIZZA AND ITALIAN FOODS

RESTAURANT SERVICES - PIZZARIA AND ITALIAN FOODS

BASIS FOR APPLICATION: (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.)

<input checked="" type="checkbox"/>	Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application. <ul style="list-style-type: none"> Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, interstate or between the U.S. and a foreign country): <u>MARCH 1, 1982</u> Specify the type of commerce: <u>INTERSTATE</u> (for example, interstate or between the U.S. and a specified foreign country) Date of first use anywhere (the same as or before use in commerce date): <u>MARCH 1, 1982</u> Specify manner or mode of use of mark on or in connection with the goods/services: <u>SERVICE MARK USED IN ADVERTISEMENT</u> (for example, trademark is applied to labels, service mark is used in advertisements)
<input type="checkbox"/>	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.) <ul style="list-style-type: none"> Specify intended manner or mode of use of mark on or in connection with the goods/services: _____ (for example, trademark will be applied to labels, service mark will be used in advertisements)
<input type="checkbox"/>	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended. <ul style="list-style-type: none"> Country of foreign filing: _____ Date of foreign filing: _____
<input type="checkbox"/>	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended. <ul style="list-style-type: none"> Country of registration: _____ Registration number: _____

NOTE: Declaration, on Reverse Side, MUST be Signed

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or if the application is being filed under 15 U.S.C. 1051(b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

JANUARY 7, 2000
DATE

Emine Amy Jakova
SIGNATURE

214 522 1828
TELEPHONE NUMBER

SECRETARY EMINE AMY JAKOVA
PRINT OR TYPE NAME AND POSITION

INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed **FEE (\$245.00)** for each class of goods/services listed in the application;
2. A **DRAWING PAGE** displaying the mark in conformance with 37 CFR 2.52;
3. If the application is based on use of the mark in commerce, **THREE (3) SPECIMENS** (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be the same. Examples of good specimens include: (a) labels showing the mark which are placed on the goods; (b) photographs of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.
4. An **APPLICATION WITH DECLARATION** (this form) - The application must be signed in order for the application to receive a filing date. Only the following persons may sign the declaration, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE, AND SPECIMENS (IF APPROPRIATE) TO:

Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Additional information concerning the requirements for filing an application is available in a booklet entitled **Basic Facts About Registering a Trademark**, which may be obtained by writing to the above address or by calling: (703) 308-HELP.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding instructions, gathering necessary information, recordkeeping, and actually providing the information. Any comments on this form, including the amount of time required to complete this form, should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. Do NOT send completed forms to this address.

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION	MARK (Word(s) and/or Design)	CLASS NO. (If known)
TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:		
APPLICANT'S NAME: <u>SAL'S PIZZA RESTAURANT, INC. TEXAS</u>		
APPLICANT'S MAILING ADDRESS: <u>2525 WYCLIFF</u> (Display address exactly as it should appear on registration) <u>DALLAS, TEXAS 75219</u>		
APPLICANT'S ENTITY TYPE: (Check one and supply requested information)		
<input type="checkbox"/>	Individual - Citizen of (Country): _____	
<input type="checkbox"/>	Partnership - State where organized (Country, if appropriate): _____ Names and Citizenship (Country) of General Partners: _____	
<input checked="" type="checkbox"/>	Corporation - State (Country, if appropriate) of Incorporation: <u>TEXAS</u>	
<input type="checkbox"/>	Other (Specify Nature of Entity and Domicile): _____	
GOODS AND/OR SERVICES:		
Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1948 (15 U.S.C. 1051 et. seq., as amended) for the following goods/services (SPECIFIC GOODS AND/OR SERVICES MUST BE INSERTED HERE): <u>PROCESSED FOODS - PIZZA AND ITALIAN FOODS</u> <u>RESTAURANT SERVICES - PIZZARIA AND ITALIAN FOODS</u>		
BASIS FOR APPLICATION (Check boxes which apply, but never both the first AND second boxes, and supply requested information related to each box checked.)		
<input checked="" type="checkbox"/>	Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application. • Date of first use of the mark in commerce which the U.S. Congress may regulate (for example, Interstate or between the U.S. and a foreign country): <u>MARCH 1, 1982</u> • Specify the type of commerce: <u>INTERSTATE</u> (for example, interstate or between the U.S. and a specified foreign country) • Date of first use anywhere (the same as or before use in commerce date): <u>MARCH 1, 1982</u> • Specify manner or mode of use of mark on or in connection with the goods/services: <u>SERVICE MARK USED IN ADVERTISEMENT</u> (for example, trademark is applied to labels, service mark is used in advertisements)	
<input type="checkbox"/>	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.) • Specify intended manner or mode of use of mark on or in connection with the goods/services: _____ (for example, trademark will be applied to labels, service mark will be used in advertisements)	
<input type="checkbox"/>	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended. • Country of foreign filing: _____ • Date of foreign filing: _____	
<input type="checkbox"/>	Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C 1126(e), as amended. • Country of registration: _____ • Registration number: _____	
NOTE: Declaration on Reverse Side, MUST be Signed		

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or if the application is being filed under 15 U.S.C. 1051(b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

JANUARY 7, 2000
DATE

Emine Amy Jakova
SIGNATURE

214 522 1828
TELEPHONE NUMBER

SECRETARY EMINE AMY JAKOVA
PRINT OR TYPE NAME AND POSITION

INSTRUCTIONS AND INFORMATION FOR APPLICANT

TO RECEIVE A FILING DATE, THE APPLICATION MUST BE COMPLETED AND SIGNED BY THE APPLICANT AND SUBMITTED ALONG WITH:

1. The prescribed **FEE (\$245.00)** for each class of goods/services listed in the application;
2. A **DRAWING PAGE** displaying the mark in conformance with 37 CFR 2.52;
3. If the application is based on use of the mark in commerce, **THREE (3) SPECIMENS** (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be the same. Examples of good specimens include: (a) labels showing the mark which are placed on the goods; (b) photographs of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.
4. An **APPLICATION WITH DECLARATION** (this form) - The application must be signed in order for the application to receive a filing date. Only the following persons may sign the declaration, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

SEND APPLICATION FORM, DRAWING PAGE, FEE, AND SPECIMENS (IF APPROPRIATE) TO:

Assistant Commissioner for Trademarks
Box New App/Fee
2900 Crystal Drive
Arlington, VA 22202-3513

Additional information concerning the requirements for filing an application is available in a booklet entitled **Basic Facts About Registering a Trademark**, which may be obtained by writing to the above address or by calling: (703) 308-HELP.

This form is estimated to take an average of 1 hour to complete, including time required for reading and understanding instructions, gathering necessary information, recordkeeping, and actually providing the information. Any comments on this form, including the amount of time required to complete this form, should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. Do NOT send completed forms to this address.

Exhibit 2

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

Appetizers

[return to main menu](#)

<u>Shrimp Scampi</u>	-----	\$ 6.95
<u>Fried Shrimp</u>	-----	\$ 6.95
<u>Fried Cheese</u>	-----	\$ 5.95
<u>Fried Calamari</u>	-----	\$ 6.95
<u>Fried Mushrooms</u>	-----	\$ 6.95
<u>Bruchetta</u>	-----	\$ 5.95
<u>Garlic Bread</u>	-----	\$ 2.00
<u>Garlic Bread with Cheese</u>	-----	\$ 2.75
<u>Side of Meatball or Sausage</u>	-----	\$ 2.75
<u>Chicken Wings (6)</u>	-----	\$ 4.25
Spicy or regular	-----	
<u>Chicken Wings (12)</u>	-----	\$ 7.95
Spicy or regular	-----	
<u>Chicken Wings (20)</u>	-----	\$ 10.95
Spicy or regular	-----	
<u>Extra Tomato Sauce</u>	-----	\$ 0.75
<u>Side of Ranch</u>	-----	\$ 0.75
<u>Side of Alfredo</u>	-----	\$ 2.50

** Prices may vary by location and are subject to change without notice

SPECIAL OFFERS

First Name

Email

GO

Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

CATERING

Catering your business lunch meeting or family get together is our pleasure!

Feel free to contact us so we can consult with you on an individual basis - to best determine what your needs are and how we can help make your event a memorable experience for all attending.

"Best Inexpensive Italian Food"

Voted by the Dallas Observer 2005

"Best Pizza"

Voted by the Dallas Observer 2003

~ Free Delivery ~
~ Catering ~
~ Carry Out ~
(214) 522 - 1828
Fax. (214) 522 - 1355

SPECIAL OFFERS

First Name
Email



Sign up for the **Sals Pizza** Internet Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability determined by distance from restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

SPECIAL OFFERS

First Name
Email



Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallass Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

OUR PIZZAS

Special care goes into making a pizza masterpiece, this is exactly what we
do... every single time!

It is our goal and mission to make the very best pizza available in the Dallas and Fort Worth
Metroplex. We stop at nothing to achieve this.

From the fresh, homemade
dough (made daily) to the fresh veggies, meats and chees toppings made with 100% milk, we
make sure everything is top notch!

Best Inexpensive Italian Food

Voted by the Dallas Observer 2005

Best Pizza

Voted by the Dallas Observer 2003

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

SALS IN PLANO

SPECIAL OFFERS

First Name
Email



Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600



5700 Legacy Drive Suite A-9, Plano, Texas 75219
~ Come Dine-In with us or have it delivered ~

Copyright © Sals Pizza, 2008. All Rights Reserved.

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

SALS IN DALLAS

SPECIAL OFFERS

First Name

Email



Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600



2525 Wycliff, Dallas, Texas 75219
~ Come Dine-In with us or have it delivered ~

Copyright © Sals Pizza, 2008. All Rights Reserved.

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

Veal

[return to main menu](#)

Chef's Special

Shrimp, Veal and Chicken with
lemon-butter sauce

\$ 14.95

Veal Artichoke Hearts

Prosciutto and cheese sauteed in
wine sauce

\$ 13.95

Veal Saltimocca

Prosciutto and cheese sauteed in
wine sauce

\$ 13.95

Veal Alla Marsala

Tender pieces of Veal sauteed in a
marsala wine sauce with
mushrooms

\$ 13.95

Veal Alla Cacciatore

Sauteed with mushrooms, peppers,
onions and cacciatore sauce

\$ 13.95

Veal Alla Piccata

Tender Veal sauteed in a lemon
wine sauce

\$ 13.95

Veal Alla Francese

Tender Veal dipped in egg and
sauteed in a lemon wine sauce

\$ 13.95

Veal Parmigianna

Fresh breaded Veal baked with
tomato sauce topped with

\$ 13.95

SPECIAL OFFERS

First Name

Email

GO

Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

parmesan and mozzarella cheese

Veal Scapalla

Sauteed in white wine with lemon
and garlic sauce

----- **\$ 13.95**

Veal Bolognese

Veal wrapped with ham, topped
with melted cheese

----- **\$ 13.95**

Veal Siciliana

Mushrooms, onions, pimento
peppers with a creamy wine sauce

----- **\$ 13.95**

~ All Entrees Served with Salad, Bread, and a Side of Pasta ~

.....
**** Prices may vary by location and are subject to change without notice**

Copyright © Sals Pizza, 2008. All Rights Reserved.

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)



[VISION](#) |
 [PIZZA](#) |
 [FULL MENU](#) |
 [CATERING](#) |
 [SALS IN DALLAS](#) |
 [SALS IN PLANO](#)

SPECIAL OFFERS

First Name
 Email



Sign up for the **Sals Pizza** Internet Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability determined by distance from restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

OUR FULL MENU

[Appetizers](#)

[Soups & Salads](#)

[Italian Heroes](#)

[Hot Sandwiches](#)

[Pizza](#)

[Pasta Specialties](#)

[Veal](#)

[Chicken](#)

[Seafood](#)

[Desserts](#)

**** Prices may vary by location and are subject to change without notice**

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)



[VISION](#) | [PIZZA](#) | [FULL MENU](#) | [CATERING](#) | [SALS IN DALLAS](#) | [SALS IN PLANO](#)

Soup & Salads

[return to main menu](#)

<u>Chef Salad</u>	-----	\$ 7.95
<u>Turkey Chef Salad</u>	-----	\$ 7.95
<u>Antipasta Salad</u>	-----	\$ 7.95
<u>Chicken Breast Salad</u>	-----	\$ 8.95
<u>Cesar Salad</u>	-----	\$ 5.95
<u>Chicken Caesar Salad</u>	-----	\$ 8.95
<u>Shrimp Caesar Salad</u>	-----	\$ 9.95
<u>Greek Salad</u>	-----	\$ 6.95
<u>Chcken Greek Salad</u>	-----	\$ 8.95
<u>Shrimp Greek Salad</u>	-----	\$ 9.95
<u>Fresh Garden Salad</u>	-----	\$ 2.95
<u>Milestrone Soup</u>	-----	\$ 2.95
<u>Fresh Garden Salad / Milestone Soup Combo</u>	-----	\$ 5.75

**** Prices may vary by location and are subject to change without notice**

SPECIAL OFFERS

First Name

Email

GO

Sign up for the **Sals Pizza** Internet Specials!

OUR PIZZAS



Best Inexpensive Italian Food
Voted by the Dallas Observer 2005



Best Pizza
Voted by the Dallas Observer 2003



Free Pizza Delivery
Just call in your order! Availability determined by distance from restaurant.



Dallas Location
2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location
5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

Seafood

[return to main menu](#)

Angel Hair Alla Tonni

Sauteed with shrimp, tomato, onions, and fresh basil in a wine and garlic sauce (spicy)

\$ 14.95

Shrimp Marinara

\$ 14.95

Shrimp Fettuccini Alfredo

\$ 14.95

Shrimp Parmigiana

Breaded shrimp baked in tomato sauce topped with parmesan and mozzarella cheese

\$ 14.95

Shrimp Alla Francese

Dipped in egg and sauteed in a lemon wine sauce

\$ 14.95

Shrimp Scampi

white wine, garlic and lemon

\$ 14.95

Shrimp Fra Diavolo

Jumbo shrimp with spicy Fra Diavolo sauce

\$ 14.95

Shrimp Ala Siciliana

Mushrooms, onions, pimento peppers with a creamy wine sauce

\$ 14.95

Angel Hair Pomodoro with Shrimp

\$ 14.95

Ask about our Fish Specials

\$ 15.95

SPECIAL OFFERS

First Name

Email

GO

Sign up for the **Sals Pizza** Internet Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability determined by distance from restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

~ All Entrees Served with Salad, Bread, and a Side of Pasta ~

**** Prices may vary by location and are subject to change without notice**

Copyright © Sals Pizza, 2008. All Rights Reserved.

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)



**HAND-TOSSED
STYLE PIZZA!**

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!

[VISION](#) | [PIZZA](#) | [FULL MENU](#) | [CATERING](#) | [SALS IN DALLAS](#) | [SALS IN PLANO](#)

Pasta Specialties

[return to main menu](#)

Pick Your Pasta

Spaghetti	Mushroom Sauce	-----	\$7.95	Sausage	-----	\$ 7.95
				with Fresh Tomato Sauce		
Ziti/Penne	Fresh Tomato Sauce	-----	\$ 6.95	Garlic & Olive Oil	-----	\$ 7.95
				with Side Of Spaghetti		
Angel Hair	Marinara Sauce	-----	\$ 6.95	Garlic, Olive Oil & Mushrooms	-----	\$ 8.95
	Spicy Tomato Sauce					
Fettuccini	Meatballs	-----	\$7.95	Pink Sauce	-----	\$ 7.95
	with Fresh Tomato Sauce			(creamy tomato)		
Rigatoni	Meat Sauce	-----	\$7.95	~Add mushrooms to any order for \$1.50~		

Fettuccini Primavera

with mushrooms, garlic, onions, green pepper, and fresh tomatoes

----- **\$ 9.95**

Tortellini Al Panna

----- **\$ 8.95**

Tortellini Alfredo

----- **\$ 8.95**

Fettuccini Carbonara

----- **\$ 8.95**

Fettuccini Alfredo

----- **\$ 8.95**

Linguini

with clam sauce (red or white)

----- **\$ 10.95**

Linguini

----- **\$13.95**

SPECIAL OFFERS

First Name
Email



Sign up for the **Sals Pizza** Internet Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability determined by distance from restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

with shrimp and clam sauce (red or white)

<u>Cheese Ravioli</u>	-----	<u>\$ 7.95</u>
with meatball or sausage		
<u>Cheese Ravioli</u>	-----	<u>\$ 6.95</u>
with fresh tomato sauce		
<u>Meat Ravioli</u>	-----	<u>\$ 7.95</u>
<u>Angel Hair Pomodoro</u>	-----	<u>\$ 9.95</u>
<u>Rigotini Pomodoro</u>	-----	<u>\$ 9.95</u>
<u>Meatballs Parmigiana</u>	-----	<u>\$ 9.95</u>
with Side Of Spaghetti		
<u>Sausage Parmigiana</u>	-----	<u>\$ 9.95</u>
with Side Of Spaghetti		
<u>Eggplant Parmigiana</u>	-----	<u>\$ 9.95</u>
with Side Of Spaghetti		
<u>Lasagna</u>	-----	<u>\$ 7.95</u>
<u>Baket Manicotti</u>	-----	<u>\$ 7.95</u>
<u>Cannelloni</u>	-----	<u>\$ 7.95</u>
<u>Baked Ziti</u>	-----	<u>\$ 7.95</u>
<u>SAL's Combination Dinner</u>	-----	<u>\$ 10.95</u>
(1 Manicotti, 1 Cannelloni, Lasagna)		

~ All Entrees Served with Salad and Bread ~

.....
**** Prices may vary by location and are subject to change without notice**

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



[VISION](#)

[PIZZA](#)

[FULL MENU](#)

[CATERING](#)

[SALS IN DALLAS](#)

[SALS IN PLANO](#)

Italian Heroes

[return to main menu](#)

<u>Turkey Sandwiches</u>	-----	\$ 6.95
<u>Ham, Salami, and Cheese</u>	-----	\$ 6.95
<u>Pepperoni, Salami, and Cheese</u>	-----	\$ 6.95
<u>Roast Beef</u>	-----	\$ 6.95
<u>SAL's Special</u>	-----	\$ 6.95
<u>Prosciutti, Salami, and Cheese</u>	-----	\$ 6.95
<u>Chicken Breast</u>	-----	\$ 6.95
<u>Ham and Turkey</u>	-----	\$ 6.95
<u>Add Cheese</u>	-----	\$ 0.50

~ All above Sandwiches severed with Lettuce,
Tomato, Onion and Choice of Oil,
Vinegar, Mustard, or Mayonaise ~
Additional Toppings \$ 0.75

** Prices may vary by location and are subject to change without notice

SPECIAL OFFERS

First Name

Email

GO

Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

Sals Pizza Dallas™

Home | Menu | Pizza | Catering

HAND-TOSSED STYLE PIZZA!

THE CRUST AND TOPPING
ARE COMING TOGETHER
IN BALANCED PERFECTION!



VISION

PIZZA

FULL MENU

CATERING

SALS IN DALLAS

SALS IN PLANO

SPECIAL OFFERS

First Name

Email

GO

Sign up for the **Sals Pizza** Internet
Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability
determined by distance from
restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

WELCOME TO SALS PIZZA ON THE WEB!



Thanks for stopping by Sals Pizza on the web!!!

All the way back in the early 70's, Sal was tossing pizza dough and making delicious New York style pizza.

Sal opened his first restaurant in NYC in 75, the rest as they say, was history...

Later, in 1982 after relocating to Dallas, he opened the downtown location on Wycliff and the Tollway. Ever since then Sals Pizza has been the place for any New York syte pizza connoisseur.

Even if you have never been to New York city, on your first visit you will realize why Sal wins award after award for his pizza. On the menu is a varied selection of fine italian dishes that are sure to appease even the most demanding of appetites.

The atmosphere can't be beat... New Yorkers feel right at home here, in our very own New York style restaurant smack dab in the middle of Dallas Texas!.

Sals Pizza Dallas™

[Home](#) | [Menu](#) | [Pizza](#) | [Catering](#)



[VISION](#) | [PIZZA](#) | [FULL MENU](#) | [CATERING](#) | [SALS IN DALLAS](#) | [SALS IN PLANO](#)

Pizza

[return to main menu](#)

Pizza By The Slice		\$ 2.00		NEAPOLITIAN (Thin Crust)	
~ Each Topping \$.55 *not including special toppings ~					
Small 12"	Medium 14"	Large 16"	Extra -Large 18"	Sicilian	
\$ 8.95	\$ 9.95	\$ 10.95	\$ 11.95	\$ 13.95	

Sicilian Pizza

16X16 (Thick Crust)
Toppings \$1.85
Special \$17.95
Special Topping \$2.85

SAL's GIANT 20" Pizza

Cheese \$12.95
Special \$19.95
Regular Topping \$1.85
Special Toppin \$2.85

Regular Toppings

Extra Cheese	Jalapeño	Pineapple
Sausage	Anchovies	Basil
Canadian Bacon	Fresh Garlic	Ham
Hamburger	Black Olives	Spinach
Green Pepper	Green Olives	Onions
Mushrooms	Pepperoni	

\$1.75

Special Toppings

Slice Italian Sausage	Eggplant
Fresh Tomatoes	Salami
Meatballs	Shrimp
Sundried Tomatoes	Chicken
Ricotta Cheese	Feta
Artichoke Hearts	

\$2.75

SPECIAL OFFERS

First Name
Email



Sign up for the **Sals Pizza** Internet Specials!

OUR PIZZAS



Best Inexpensive Italian Food

Voted by the Dallas Observer 2005



Best Pizza

Voted by the Dallas Observer 2003



Free Pizza Delivery

Just call in your order! Availability determined by distance from restaurant.



Dallas Location

2525 Wycliff, Dallas TX. 75219
Tel.No.214- 522-1828
FAX: 214-522-1355



Plano Location

5700 Legacy Drive Suite A-9,
Plano, Texas 75219
Tel.No.972-943-8600

	Small	Medium	Large	Extra-Large
<u>SAL's Special</u>	<u>\$ 13.95</u>	<u>\$ 15.95</u>	<u>\$ 16.95</u>	<u>\$ 17.95</u>
<u>SAL's Vegie</u>	<u>\$ 13.95</u>	<u>\$ 15.95</u>	<u>\$ 16.95</u>	<u>\$ 17.95</u>
<u>SAL's Meat Lover</u>	<u>\$ 13.95</u>	<u>\$ 15.95</u>	<u>\$ 16.95</u>	<u>\$ 17.95</u>
<u>SAL's White Pizza</u>	<u>\$ 9.95</u>	<u>\$ 10.95</u>	<u>\$ 11.95</u>	<u>\$ 12.95</u>
<u>SAL's Hawaiian</u>	<u>\$ 11.95</u>	<u>\$ 12.95</u>	<u>\$ 13.95</u>	<u>\$ 14.95</u>
<u>SAL's Alfredo</u>	<u>\$ 11.95</u>	<u>\$ 12.95</u>	<u>\$ 13.95</u>	<u>\$ 14.95</u>
<u>Margarita</u> Fresh Tomato and Basil	<u>\$ 12.95</u>	<u>\$ 13.95</u>	<u>\$ 14.95</u>	<u>\$ 15.95</u>

.....
**** Prices may vary by location and are subject to change without notice**

Copyright © Sals Pizza, 2008. All Rights Reserved.

Exhibit 3

AGREEMENT FOR THE CONSENT TO USE AND REGISTER

WHEREAS Sal's Pizza Restaurant, Inc. (Sal's) is a Texas corporation located and doing business at 2525 Wycliff, Dallas, Texas 75219, is the owner of United States Trademark Application, Serial No. 76/086,203, for the mark SAL'S, now pending registration for use in connection with "Restaurant services featuring a pizzeria and Italian foods," and

WHEREAS Different Concepts, Inc., (DCI) a Florida corporation having a principal place of business at 6601 Lyons Road, Coconut Creek, Florida 33073, is the owner of the United States trademark registration for SAL'S ITALIAN RISTORANTE & Design, for use in connection with "Restaurant services," and

WHEREAS the parties agree that the marks shown in Application Serial No. 76/086,203 and Registration No. 2,157,603 have coexisted in the marketplace without confusion for more than four years and that the same can continue to coexist in the marketplace and on the Trademark Register without confusion,

THEREFORE, in consideration of the mutual covenants and promises expressly set forth below, the parties agree to consent to the use and registration of the mark SAL'S, according to the following terms:

DEFINITIONS:

1. Sal's: the term "Sal's" shall refer to Sal's Pizza Restaurant, Inc., its principals, owners, agents, assigns, heirs, designees, guarantors, and successors in interest, unless otherwise defined below expressly or by context.

2. DCI: the term DCI shall refer to Different Concepts, Inc., its principals, owners, agents, assigns, heirs, designees, guarantors, and successors in interest, unless otherwise defined below expressly or by context.

TERMS:

1. DCI hereby consents to Sal's registration of the mark SAL'S as set forth in Serial No. 76/086,203, and Sal's use of that mark in connection with restaurant services featuring a pizzeria and Italian foods.

2. The principals of Sal's and DCI have had decades of experience in their respective fields and, due to that experience, believe themselves to be in the best position to discern whether confusion is likely. Sal's and DCI agree that the mark, SAL'S, as sought to be registered by Sal's in connection with restaurant services featuring a pizzeria and Italian foods does not so resemble SAL'S ITALIAN RISTORANTE & Design as used and registered by DCI as to be likely to cause confusion or to cause mistake or to deceive. This belief is based upon differences in the marks and the commercial impressions conveyed by the marks, differences in the parties' respective goods and services in connection with which

the marks are used or likely to be used, as well as on their very different customers and trade channels.

3. DCI hereby recognizes and acknowledges Sal's right, title and interest in and to the SAL'S mark, the federal application for the same, Serial No. 76/086,203, and any registration that may issue for the same, and agrees it will not in any way, directly or indirectly, do or cause to be done, any act or thing contesting or in any way impairing or tending to impair and part of said right, title and interest.

4. Sal's hereby recognizes and acknowledges DCI's right, title and interest in and to the SAL'S ITALIAN RISTORANTE mark and the federal registration for the same, Reg. No. 2,157,603, and agrees it will not in any way, directly or indirectly, do or cause to be done, any act or thing contesting or in any way impairing or tending to impair and part of said right, title and interest.

5. DCI agrees that it will not use the SAL'S mark as shown in Application Serial No. 76/086,203 to identify its goods or services.

6. Sal's agrees that it will not use the name SAL'S ITALIAN RISTORANTE or the SAL'S ITALIAN RISTORANTE & Design mark as shown in Registration No. 2,157,603, to identify its goods and services.

7. Sal's and DCI agree that, to date, no instance of actual confusion has been brought to the attention of either party. Nevertheless, the parties agree to employ their best efforts to use their respective marks in a manner that does not cause actual confusion as to the source, origin or sponsorship. If, despite the parties' best efforts, such actual confusion shall be brought or is brought to the attention of either party, the parties shall work cooperatively to mitigate or correct such actual confusion and to prevent future confusion.

8. Sal's and DCI agree to take such further action and execute such further agreements that may be necessary to carry out the spirit of this agreement.

SAL'S PIZZA RESTAURANT, INC.

By: Amy JAKOVA
Name: Amy JAKOVA
Title: Secretary
Date: 12-28-01

DIFFERENT CONCEPTS, INC.

By: [Signature]
Name: Salvatore Stellino
Title: President
Date: 7-16-02