

ESTTA Tracking number: **ESTTA434307**

Filing date: **10/06/2011**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	SALT Branding LLC		
Entity	Limited Liability Company	Citizenship	California
Address	Levi's Plaza 1265 Battery Street San Francisco, CA 94111 UNITED STATES		

Attorney information	Angela C. Wilcox Vaneck, Vickers & Masini, P.C. 111 South Wacker Drive Suite 4050 Chicago, IL 60606 UNITED STATES awilcox@vaneklaw.com Phone:312-224-1500		
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Registration Subject to Cancellation

Registration No	3501393	Registration date	09/16/2008
Registrant	Alvarez, Valerie 509 Salem Dr. Evansville, IN 47715 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2006/03/08 First Use In Commerce: 2006/03/08 All goods and services in the class are cancelled, namely: Creative marketing design services; Design of advertising flyers for others; Design of advertising materials for others; Business card design services; Design of internet advertising

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2671901	Application Date	02/19/2002
Registration Date	01/07/2003	Foreign Priority Date	NONE
Word Mark	SALT		

Design Mark	<h1>SALT</h1>
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2000/11/30 First Use In Commerce: 2000/11/30 Advertising and business consulting services, namely, marketing consultation; creation and management of brand names for others; brand name architecture development and implementation services for others; corporate identity and logo development; naming and branding of products and services for others; market research services; development and implementation of marketing strategies for others; brand positioning and product promotion services for others</p> <p>Class 042. First use: First Use: 2000/11/30 First Use In Commerce: 2000/11/30 Computer services namely, designing and developing stationery, promotional material, packaging, retail space and websites for others on a global computer network</p>

U.S. Registration No.	2596052	Application Date	10/06/2000
Registration Date	07/16/2002	Foreign Priority Date	NONE
Word Mark	SALT BRANDING		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2002/04/03 First Use In Commerce: 2002/04/03 Advertising and business consulting services, namely, marketing consultation; creation and management of brand names for others; brand name architecture development and implementation services for others; corporate identity and logo development; naming and branding of products and services for others; market research services; development and implementation of marketing strategies for others; brand positioning and product promotion services for others</p> <p>Class 042. First use: First Use: 2002/04/03 First Use In Commerce: 2002/04/03 Computer services namely, designing, developing and creating stationery, collateral, packaging, retail space and websites for others on a global computer network</p>		

Attachments	76375691#TMSN.gif (1 page)(bytes) Petition for Cancellation_WWW.SALTYDESIGNS.COM_Final_Filed_10 06 2011.pdf (15 pages)(553609 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Angela C. Wilcox/
Name	Angela C. Wilcox
Date	10/06/2011

Respondent : Valerie Alvarez
Reg. No. : 3,501,393
Issued : September 16, 2008
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Attorney's File No. 07-0155

2. Petitioner is the owner of the following U.S. Trademark Registrations, attached hereto as Exhibit 1, which are valid and subsisting and in full force and effect:

Reg. No. 2,671,901, issued January 7, 2003, with a date of first use of November 30, 2000, for the mark SALT in connection with advertising and business consulting services, namely, marketing consultation; creation and management of brand names for others; brand name architecture development and implementation services for others; corporate identity and logo development; naming and branding of products and services for others; market research services; development and implementation of marketing strategies for others; brand positioning and product promotion services for others in International Class 35; and computer services namely, designing and developing stationery, promotional material, packaging, retail space and websites for others on a global computer network in International Class 42.

Reg. No. 2,596,052, issued July 16, 2002, with a date of first use of April 3, 2002, for the mark SALT BRANDING in connection with advertising and business consulting services, namely, marketing consultation; creation and management of brand names for others; brand name architecture development and implementation services for others; corporate identity and logo development; naming and branding of products and services for others; market research services; development and implementation of marketing strategies for others; brand positioning and product promotion services for others in International Class 35; and computer services namely, designing, developing and creating stationery, collateral, packaging, retail space and websites for others on a global computer network in International Class 42.

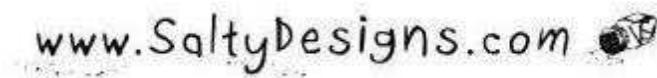
Respondent : Valerie Alvarez
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3. Petitioner has invested considerable resources in promoting and protecting its marks SALT and SALT BRANDING in connection with the services set forth in the above paragraphs.

4. Petitioner accordingly owns valuable goodwill in its marks SALT and SALT BRANDING in connection with the services set forth in the above paragraphs.

5. On February 7, 2008, Respondent, Valerie Alvarez, filed the following application for WWW.SALTYDESIGNS.COM AND DESIGN (shown below) on the basis of use of such mark in commerce:

The image shows a scan of a handwritten document. The text 'www.SaltyDesigns.com' is written in a cursive, hand-drawn style. To the right of the text is a small, circular logo or stamp that is partially obscured and difficult to discern.

Application Serial No. 77-391,272 for creative marketing design services; design of advertising flyers for others; design of advertising materials for others; business card design services; design of internet advertising, in International Class 35.

6. Upon information and belief, Respondent did not use the mark WWW.SALTYDESIGNS.COM AND DESIGN for creative marketing design services; design of advertising flyers for others; design of advertising materials for others; business card design services; design of internet advertising prior to her asserted first use date of March 8, 2006.

7. Upon information and belief, Respondent, Valerie Alvarez is an Indiana resident having an address of 509 Salem Drive, Evansville, Indiana 47715.

Respondent Has Abandoned Her Mark

Respondent : Valerie Alvarez
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8. Upon information and belief, pursuant to 15 U.S.C. § 1127, Respondent has abandoned the mark WWW.SALTYDESIGNS.COM AND DESIGN due to nonuse and has no intent to resume use of the mark as registered.

9. Upon information and belief, at the time of filing Application Serial No. 77-391,272 Respondent used the mark WWW.SALTYDESIGNS.COM AND DESIGN in commerce by displaying the mark on her website. See Exhibit 2, attached hereto, which includes the specimens of use Respondent submitted in support of Application Serial No. 77-391,272.

10. Upon information and belief, during the time Respondent used the mark WWW.SALTYDESIGNS.COM AND DESIGN in commerce, the mark served as the theme for her website, including use of a similar font and salt shaker image throughout. See Exhibit 2, attached hereto.

11. Upon information and belief, Respondent has adopted a new image and design for her website and no longer uses the mark WWW.SALTYDESIGNS.COM AND DESIGN in commerce as a source identifier for her services, but rather, markets her services under the name SALTY DESIGNS without reference to the mark depicted in Registration No. 3,501,393 or the corresponding font and salt shaker image. See Exhibit 3, attached hereto.

Alternatively, Respondent's Mark Causes a Likelihood of Consumer Confusion with Petitioner's Previously Used and Registered Marks

12. If Respondent's mark, WWW.SALTYDESIGNS.COM AND DESIGN, is deemed not abandoned due to nonuse, Respondent's mark as used for creative marketing design services; design of advertising flyers for others; design of advertising materials for others; business card

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design services; and design of internet advertising so resembles the previously used and registered SALT and SALT BRANDING marks of Petitioner, as used in connection with Petitioner's goods, as to be likely to cause confusion or cause mistake, or to deceive pursuant to 15 U.S.C. § 1052(d).

13. The public is likely to view Respondent's mark WWW.SALTYDESIGNS.COM AND DESIGN as denoting an affiliation, connection, or association of Respondent with Petitioner and as to the origin, sponsorship, and approval of Respondent's services and commercial activities by Petitioner, when that is not the case, and any dissatisfaction with Respondent's services will be attributed to Petitioner, all to Petitioner's damage.

14. The proprietary portion of Respondent's mark WWW.SALTYDESIGNS.COM AND DESIGN is substantially similar phonetically, visually, and conceptually to the proprietary portion of Petitioner's SALT and SALT BRANDING registrations.

15. Respondent's services as set forth in Registration No. 3,501,393 are closely related to the services with which Petitioner has used and is using its marks SALT and SALT BRANDING.

16. On information and belief, Respondent's services bearing the WWW.SALTYDESIGNS.COM AND DESIGN mark are offered to the same class of consumers who purchase Petitioner's services bearing the SALT and SALT BRANDING marks.

17. Less than five years have elapsed since registration of Respondent's mark WWW.SALTYDESIGNS.COM AND DESIGN.

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18. Based upon the foregoing, the registration of the mark depicted in Registration No. 3,501,393, registered on September 16, 2008 on the Principal Register of the United States Patent and Trademark Office, has either been abandoned due to nonuse with no intent to resume use or, otherwise, if not abandoned, will cause injury and damage to Petitioner.

WHEREFORE, Petitioner requests that Registration No. 3,501,393 for WWW.SALTYDESIGNS.COM AND DESIGN, owned by Respondent, be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

A payment in the amount of \$300.00 is included to cover the required fee.

Respectfully submitted,

SALT BRANDING LLC

Date: October 6, 2011

/Angela C. Wilcox/

Angela C. Wilcox
Michelle L. Ethier
VANEK, VICKERS & MASINI, P.C.
111 South Wacker Drive, Suite 4050
Chicago, Illinois 60606
Telephone: 312-224-1500
Facsimile: 312-224-1510

Counsel for Petitioner,
SALT BRANDING LLC

Int. Cls.: 35 and 42

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,671,901

Registered Jan. 7, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

SALT

SALT BRANDING, LLC (CALIFORNIA LIMITED
LIABILITY COMPANY)
1186 TRESTLE GLEN ROAD
OAKLAND, CA 94610

FOR: ADVERTISING AND BUSINESS CONSULTING SERVICES, NAMELY, MARKETING CONSULTATION; CREATION AND MANAGEMENT OF BRAND NAMES FOR OTHERS; BRAND NAME ARCHITECTURE DEVELOPMENT AND IMPLEMENTATION SERVICES FOR OTHERS; CORPORATE IDENTITY AND LOGO DEVELOPMENT; NAMING AND BRANDING OF PRODUCTS AND SERVICES FOR OTHERS; MARKET RESEARCH SERVICES; DEVELOPMENT AND IMPLEMENTATION OF MARKETING STRATEGIES FOR OTHERS; BRAND POSITIONING AND PRODUCT

PROMOTION SERVICES FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-30-2000; IN COMMERCE 11-30-2000.

FOR: COMPUTER SERVICES NAMELY, DESIGNING AND DEVELOPING STATIONERY, PROMOTIONAL MATERIAL, PACKAGING, RETAIL SPACE AND WEBSITES FOR OTHERS ON A GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-30-2000; IN COMMERCE 11-30-2000.

SER. NO. 76-375,691, FILED 2-19-2002.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cls.: 35 and 42

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,596,052

Registered July 16, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

SALT BRANDING

SALT BRANDING (CALIFORNIA SOLE PROPRIETORSHIP)
1186 TRESTLE GLEN ROAD
OAKLAND, CA 94610

FOR: ADVERTISING AND BUSINESS CONSULTING SERVICES, NAMELY, MARKETING CONSULTATION; CREATION AND MANAGEMENT OF BRAND NAMES FOR OTHERS; BRAND NAME ARCHITECTURE DEVELOPMENT AND IMPLEMENTATION SERVICES FOR OTHERS; CORPORATE IDENTITY AND LOGO DEVELOPMENT; NAMING AND BRANDING OF PRODUCTS AND SERVICES FOR OTHERS; MARKET RESEARCH SERVICES; DEVELOPMENT AND IMPLEMENTATION OF MARKETING STRATEGIES FOR OTHERS; BRAND POSITIONING AND PRODUCT PROMOTION SERVICES FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-3-2002; IN COMMERCE 4-3-2002.

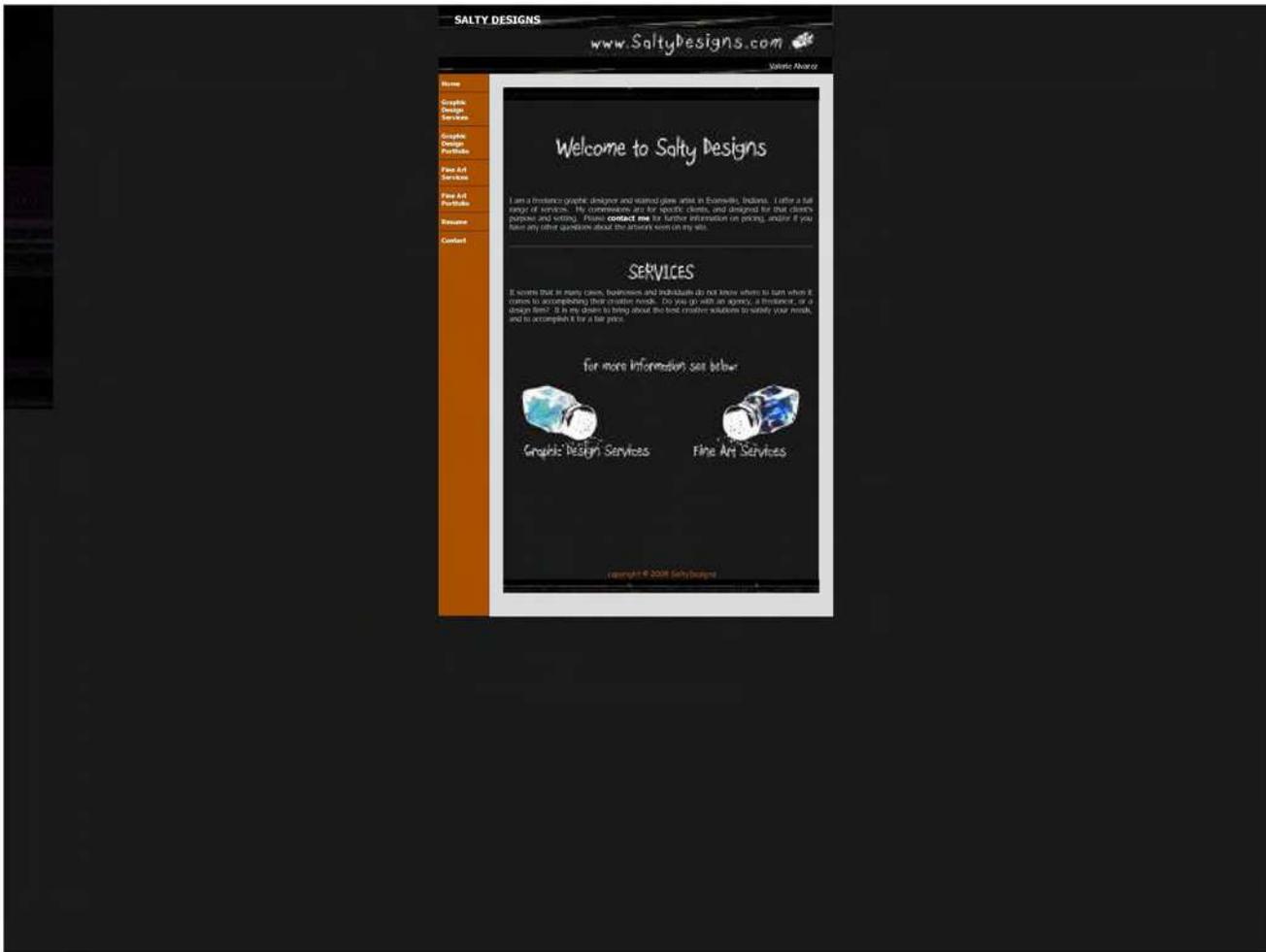
FOR: COMPUTER SERVICES NAMELY, DESIGNING, DEVELOPING AND CREATING STATIONERY, COLLATERAL, PACKAGING, RETAIL SPACE AND WEBSITES FOR OTHERS ON A GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

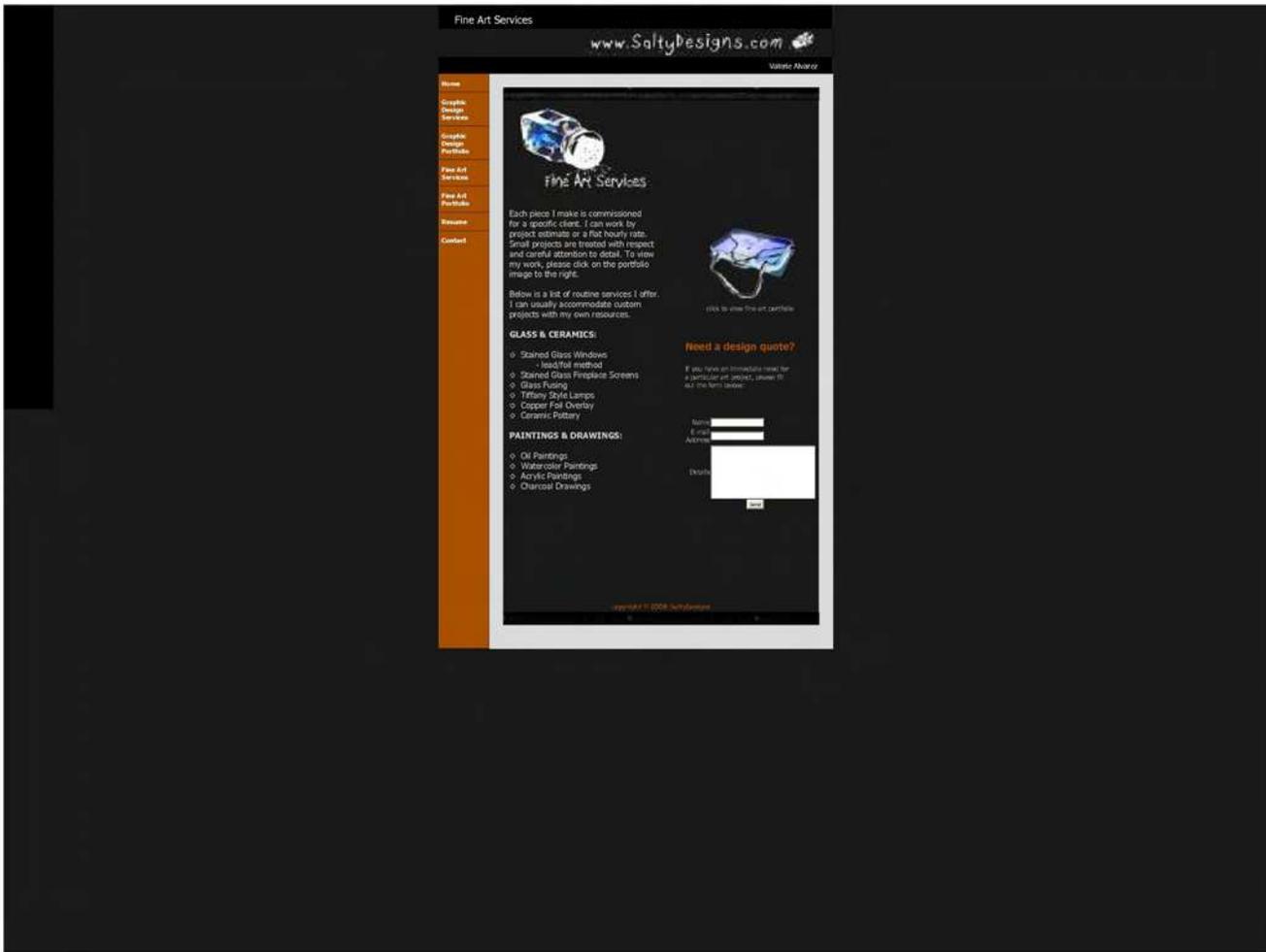
FIRST USE 4-3-2002; IN COMMERCE 4-3-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRANDING", APART FROM THE MARK AS SHOWN.

SN 78-029,487, FILED 10-6-2000.

PAULA MAYS, EXAMINING ATTORNEY







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Graphic Design Services



Graphic Design Portfolio



Resume



Contact



welcome

TO SALTY DESIGNS

At Salty Designs, it is my desire to bring about the best creative solutions to satisfy my customers' requirements and to accomplish it at a fair price. Salty Designs is a full service, graphic design company in Evansville, Indiana, focused on exceeding our customers expectations. I specialize in graphic design for print.

Salty Designs provides cost-effective creative solutions for all of your graphic design and marketing needs. Please [contact me](#) for further information on pricing, and/or if you have any other questions about the work seen on the site.

For more information on services & pricing, please visit the [graphic design services page](#).

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OBJECTIVE

EDUCATION

EXPERIENCE

COMPUTER SKILLS

QUALIFICATIONS

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If you are interested Salty Designs graphic design services, feel free to send an email for a quote or with any questions you may have by filling out the form below.

If you'd like to receive a call, simply send over your phone number and when best to reach you (*plus your location, if you are not located in the central time zone*).

Send an email to: valerie@saltydesigns.com

Name	<input type="text"/>
Company Name	<input type="text"/>
Address	<input type="text"/>
City/State	<input type="text"/>
Zip Code	<input type="text"/>
Phone (<input type="text"/>) <input type="text"/> - <input type="text"/>
Comments	<input type="text"/>

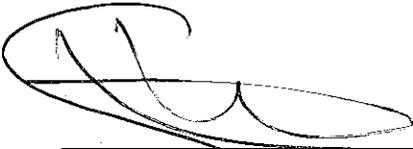
CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing PETITION FOR CANCELLATION is being served by First Class mail, postage prepaid, this 6th day of October, 2011, on Respondent in care of Respondent's attorney of record:

Daliah Saper
Saper Law Offices, LLC
505 North LaSalle Street
Suite 350
Chicago, IL 60654

Executed this 6th day of October, 2011

at Chicago, Illinois.



Shannon Vitullo