

ESTTA Tracking number: **ESTTA449705**

Filing date: **01/05/2012**

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	Landau Uniforms, Incorporated		
Entity	Corporation	Citizenship	Tennessee
Address	8410 W. Sandidge Rd. Olive Branch, MS 38654 UNITED STATES		

Attorney information	Russell H. Walker Walker, McKenzie & Walker, P.C. 6363 Poplar Ave., Suite 402 Memphis, TN 38119-4896 UNITED STATES rwalker@walkermckenzie.com, docket@walkermckenzie.com, rhwpatt@gmail.com Phone:901-685-7428 ext 25		
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**Registration Subject to Cancellation**

Registration No	3281337	Registration date	08/21/2007
Registrant	Sacilioc, Ritche Marquez 12212 Otsego Street Valley Village, CA 91607 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2004/07/01 First Use In Commerce: 2004/09/30 All goods and services in the class are cancelled, namely: Retail store services featuring clothing, footwear, sporting goods, sporting equipment, and accessories
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	B1064_Petition_for_Cancellation.pdf ( 7 pages )(409942 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	/Russell H. Walker/
Name	Russell H. Walker

Date	01/05/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

*In re:* Trademark Registration of Ritche Marquez Saciloc  
For the Mark: SMITTEN and design  
Registration No.: 3,281,337  
Registered: August 21, 2007  
Int’l Class(es): 35

Landau Uniforms, Incorporated	)	Attorney Docket No. B1,064
(a Tennessee corporation),	)	
	)	
Petitioner,	)	
	)	
v.	)	TTAB Cancellation No. _____
	)	
Ritche Marquez Saciloc,	)	
(a United States individual)	)	
Registrant.	)	

**PETITION FOR CANCELLATION**

1           Petitioner, Landau Uniforms, Incorporated, a corporation duly organized and existing  
2 under the laws of the State of Tennessee, having a place of business at 8410 W. Sandidge Rd.,  
3 Olive Branch, Mississippi 38654, and having a Post Office address of P.O. Box 516, Olive  
4 Branch, Mississippi 38654-0516, believes that it is or will be damaged by Registration No.  
5 3,281,337, and hereby petitions to cancel the same.

6           As grounds for cancellation it is alleged that:

7           1.    Petitioner manufactures and sells uniforms and clothing for the healthcare industry  
8 in the United States.

9           2.    Petitioner has a *bona fide* intention to use the trademark SMITTEN (“Petitioner’s  
10 Mark”) in commerce on or in connection with Blouses; Coats; Dresses; Insoles for Footwear;  
11 Jackets; Lab Coats; Pants; Scrubs not for Medical Purposes; Shirts; Shoes; Skirts; Smocks;  
12 Sweatshirts; T-Shirts; Tops; Tunics; Uniforms; and Vests.

1           3.     Petitioner has concurrently filed herewith U.S. Trademark Application 85/509641  
2 (filed January 5, 2012) (hereinafter, “Petitioner’s Application”) for the mark SMITTEN for  
3 Blouses; Coats; Dresses; Insoles for Footwear; Jackets; Lab coats; Pants; Scrubs not for Medical  
4 Purposes; Shirts; Shoes; Skirts; Smocks; Sweatshirts; T-shirts; Tops; Tunics; Uniforms; and  
5 Vests in International Class 25.

6           4.     Upon information and belief, Registrant, Ritche Marquez Saciloc, is a U.S. citizen  
7 and individual residing at 12212 Otsego St., Valley Village, California 91607 (hereinafter,  
8 “Registrant’s Address”).

9           5.     Upon information and belief, on October 31, 2006, Registrant filed U.S. Service  
10 Mark Application 76/668345 for the mark Smitten & design (hereinafter, “Registrant’s Mark”)  
11 for Retail store services featuring clothing, footwear, sporting goods, sporting equipment, and  
12 accessories, in International Class 35 (hereinafter, “Registrant’s Services”).

13           6.     Said U.S. Service Mark Application 76/668345 alleged that Registrant’s use of  
14 Registrant’s Mark was through Registrant’s related company as defined by 15 U.S.C. § 1127.

15           7.     The specimen submitted by Registrant with U.S. Service Mark Application  
16 76/668345 and allegedly showing use in commerce by Registrant’s related company of  
17 Registrant’s Mark in connection with Registrant’s Services appears to be a magazine  
18 advertisement (hereinafter, “Registrant’s Specimen”) for Registrant’s related company.

19           8.     Said Registrant’s Specimen provides a store address for Registrant’s related  
20 company of 1346 E. Walnut St., Suite 110, Pasadena, California 91106, a store telephone  
21 number of 626-585-1645, and an internet website address of [www.smittenboardshop.com](http://www.smittenboardshop.com).

22           9.     Upon information and belief, on August 21, 2007, said U.S. Service Mark  
23 Application 76/668345 issued as U.S. Service Mark Registration 3,281,337 for said Registrant’s  
24 Mark for said Registrant’s Services.

1           10. Provided herewith as Exhibit A is a current business entity detail printout from the  
2 internet web site of the California Secretary of State, showing the details of Smitten Corporation,  
3 California Entity Number C2643965.

4           11. Upon information and belief, said Smitten Corporation was Registrant's said related  
5 company by and through which Registrant alleged use of Registrant's Mark in commerce.

6           12. Said business entity detail printout states an Entity Address for said Smitten  
7 Corporation of 1346 East Walnut Street #110, Pasadena, California 91106, the same address  
8 given on Registrant's Specimen.

9           13. Said business entity detail printout states that the Agent for Service of Process for  
10 said Smitten Corporation is Liza Sacilol [sic], at the same address as said Registrant's Address.

11           14. Said business entity detail printout states that said Smitten Corporation has been  
12 dissolved.

13           15. Petitioner has attempted to contact Registrant at the store telephone number for  
14 Registrant's said related company given on Registrant's Specimen, namely, 626-585-1645, and  
15 that telephone number is no longer in service.

16           16. Upon information and belief, neither Registrant nor Registrant's said related  
17 company is currently using Registrant's mark in commerce in connection with Registrant's  
18 Services.

19           17. Upon information and belief, Registrant has abandoned Registrant's Mark.

20           18. Petitioner believes that Registrant's said U.S. Service Mark Registration 3,281,337  
21 for said Registrant's Mark will be cited against Petitioner's Application.

22           WHEREFORE, Petitioner, Landau Uniforms, Incorporated, deems that it is or will be  
23 damaged by Registration No. 3,281,337, and prays that this Petition for Cancellation be  
24 sustained in favor of Petitioner.

1           The requisite filing fee of \$300.00 for this Petition for Cancellation is being filed  
2 herewith by Electronic Funds Transfer, and the Commissioner is hereby authorized to charge any  
3 additional filing fees for the filing of this Petition for Cancellation, and credit any overpayment,  
4 to Deposit Account 23-0125.

Respectfully submitted,

LANDAU UNIFORMS, INCORPORATED,  
Petitioner

Date: January 5, 2012

By: /Russell H. Walker/

COUNSEL FOR PETITIONER:

Russell H. Walker

Walker, McKenzie & Walker, P.C.  
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Tel. No. (901) 685-7428, ext. 25  
Fax No. (901) 682-6488  
U.S.P.T.O. Registration No. 35,401  
email: [rwalker@walkermckenzie.com](mailto:rwalker@walkermckenzie.com)  
Attorney for Petitioner

Attachment: Exhibit A

*Certificate of Mailing and of Electronic Filing  
under 37 C.F.R. § 2.197 (formerly 37 C.F.R. § 1.8)*

I hereby certify that the foregoing Petition for Cancellation with Exhibit A, together with the requisite filing fee of \$300.00 being concurrently paid by Electronic Funds Transfer, is being electronically submitted by me via the Internet to the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office using the ESTTA Electronic Filing System on January 5, 2012, and that a copy of the foregoing Petition for Cancellation with Exhibit A is being deposited with the United States Postal Service as U.S. First Class Mail, postage prepaid, on January 5, 2012 in an envelope addressed to the attorney of record for Registrant:

Rhean S. Fajardo, Esq.  
Law Office of Rhean Fajardo  
22 Battery St., Suite 401  
San Francisco, CA 94111-5516

and that a copy of the foregoing Petition for Cancellation with Exhibit A is also being deposited with the United States Postal Service as U.S. First Class Mail, postage prepaid, on January 5, 2012 in an envelope addressed to the Registrant:

Ritche Marquez Saciloc  
12212 Otsego St.  
Valley Village, CA 91607-3008

Electronic Signature of Person Transmitting: /Russell H. Walker/  
Typed Name of Person Transmitting: Russell H. Walker  
U.S.P.T.O. Registration No. 35,401

Electronic Signature of Person Mailing: /Russell H. Walker/  
Typed Name of Person Mailing: Russell H. Walker  
U.S.P.T.O. Registration No. 35,401

# **Exhibit A**



common good  
privacy

All people Liberty  
Speak without discrimination.  
Conscience

# California Secretary of State Debra Bowen

Secretary of State

Administration Elections

Business Programs

Political Reform

Archives

Registries

Other Services

## Business Entities (BE)

- Online Services
  - Business Search
  - Disclosure Search
  - E-File Statements
  - Processing Times
- Main Page
- Service Options
- Name Availability
- Forms, Samples & Fees
- Annual/Biennial Statements
- Filing Tips
- Information Requests  
(certificates, copies & status reports)
- Service of Process

- FAQs
- Contact Information
- Resources
  - Business Resources
  - Tax Information
  - Starting A Business
  - International Business Relations Program
- Customer Alerts
  - Business Identity Theft
  - Misleading Business Solicitations

## Business Entity Detail

Data is updated weekly and is current as of Friday, December 09, 2011. It is not a complete or certified record of the entity.

Entity Name:	SMITTEN CORPORATION
Entity Number:	C2643965
Date Filed:	03/23/2004
Status:	DISSOLVED
Jurisdiction:	CALIFORNIA
Entity Address:	1346 EAST WALNUT ST # 110
Entity City, State, Zip:	PASADENA CA 91106
Agent for Service of Process:	LIZA SACILIOI
Agent Address:	12212 OTSEGO ST
Agent City, State, Zip:	VALLEY VILLAGE CA 91607

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code section 211.4 for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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