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Filing date: **03/07/2013**

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	Rimowa GmbH		
Entity	German corporation	Citizenship	Germany
Address	MATHIAS-BRUGGEN-STR. 118 COLOGNE, 50829 GERMANY		

Attorney information	William E OBrien Law Office of William E OBrien 2 Connector Road Westborough, MA 01581 UNITED STATES william@masstechlawyer.com Phone:781 956 5363		
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Registration Subject to Cancellation

Registration No	3765459	Registration date	03/23/2010
Registrant	ASHRO, INC. 1112 7TH AVENUE MONROE, WI 53566 UNITED STATES		

Goods/Services Subject to Cancellation

Class 018. First Use: 2009/12/01 First Use In Commerce: 2009/12/01 All goods and services in the class are cancelled, namely: Accessories, namely, purses not made of precious metals
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Grounds for Cancellation

Abandonment	Trademark Act section 14
The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14
Dilution	Trademark Act section 43(c)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85576849	Application Date	03/22/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SALSA
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: Cases for photographic apparatus of metal or of plastics or of fabric material or a combination of the aforesaid materials</p> <p>Class 018. First use: Travel and hand luggage, in particular trunks and suitcases, cosmetic cases sold empty, attache cases (all made from aluminum or plastic) travel bags, hand bags, backpacks made of textile</p>

Attachments	<p>85576849#TMSN.jpeg (1 page)(bytes)</p> <p>Petition for Cancellation 3-7-2013.pdf (5 pages)(16667 bytes)</p>
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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	/william e obrien/
Name	William E OBrien
Date	03/07/2013

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

In the matter of Registration Number: 3,765,459
Issued: March 23, 2010

Rimowa GmbH,

Petitioner,

Index Number:

v.

Ashro, Inc.,

Registrant.

PETITION FOR CANCELLATION

Rimowa GmbH, a German corporation with a business address of Mathias-Brüggen-Str. 118 Cologne 50829, Germany ("Rimowa" or "Petitioner"), believes that it is, or will be, damaged by Registration No. 3,765,459 for "accessories, namely, purses not made of precious metals" in international class 18, registered by Ashro, Inc., a Wisconsin corporation with last known address of 1112 7th Avenue, Monroe Wisconsin 53566 ("Ashro" or "Registrant"). Rimowa hereby petitions to cancel Registrant's registration pursuant to Section 14 of the Trademark Act of 1946 (15 U.S.C. Sec. 1064).

As grounds for this Petition, Rimowa states that:

1. Petitioner manufactures and sells a wide variety of luggage products, including, but not limited to, vanity cases, briefcases, carry-on luggage, wallets, equipment bags, suitcases and the like.
2. In connection with the sale of the aforementioned luggage products, Petitioner adopted the mark "SALSA" ("Petitioner's Trademark") to designate on line of luggage products that Petitioner markets and sells.

3. Petitioner has spent substantial sums promoting Petitioner's goods designated with Petitioner's Trademark world-wide and specifically also in the United States, including through various media, including Petitioner's website, product brochures, advertisements and other media.

4. As a result of the quality of Petitioner's goods and the widespread promotion thereof under its various marks identified above, such goods have met with tremendous commercial success and widespread recognition. In addition, Petitioner's Trademark has become a symbol of Petitioner, the quality of Petitioner's product and its goodwill.

5. On March 26, 2012, Petitioner filed a federal trademark application to register the mark "SALSA" for "cases for photographic apparatus of metal or of plastics or of fabric material or a combination of the aforesaid materials" in international class 9 and "travel and hand luggage, in particular trunks and suitcases, cosmetic cases sold empty, attaché cases (all made from aluminum or plastic) travel bags, hand bags, backpacks made of textile" in international class 18. The application was assigned serial number 85/576849.

6. In the Office Action dated June 28, 2012 issued by the United States Patent and Trademark Office, and in the subsequent Final Action issued by the United States Patent and Trademark Office on February 20, 2013, Petitioner was advised that Petitioner's and Registrant's marks are similar and that Petitioner's goods and Registrant's goods are related. Registration of Petitioner's Trademark was therefore refused.

7. In its registration, Registrant claimed a date of first use of December 1, 2009 and a date of first use in interstate commerce of December 1, 2009. Petitioner's Trademark has been used in connection with its goods throughout the United States and in commerce between the United States and Germany since at least December 31, 1999, long before Registrant first used its mark. As a result of Petitioner's widespread and longstanding use of the trademarks in connection

with its goods, Petitioner's Trademark has acquired distinctiveness and extensive goodwill, and is well known and recognized by consumers and the trade as identifying luggage goods that are affiliated with or have been authorized by Petitioner. Should Registrant's trademark continue to exist on the Principal Register, Petitioner's Trademark and its appurtenant goodwill would be diluted, causing harm to Petitioner.

8. The continued existence of Registrant's trademark registration for SALSA STYLE is damaging to the Petitioner so long as it continues to be cited by the examining trademark attorney as grounds for refusing registration of Petitioner's SALSA trademark as set forth in its application.

9. In view of the foregoing, purchasers are likely to mistakenly assume that Registrant's goods originate from, are sponsored by, or are in some way associated with Petitioner. Registrant's SALSA STYLE trademark so resembles Petitioner's Trademark as to be likely to cause confusion, or to cause mistake or to deceive. Accordingly, Petitioner is likely to be damaged by the continued registration of Registrant's SALSA STYLE trademark.

10. Upon information and belief, Registrant has abandoned use of the mark SALSA STYLE and does not have a bona fide intent to resume use of the trademark.

11. For the reasons set forth in the foregoing paragraphs 1-10, the Petitioner believes, and so asserts, that it will be damaged by the continued subsistence of Registration number 3,765,459 for SALSA STYLE and, therefore, files this cancellation petition.

WHEREFORE, the Petitioner requests that this cancellation petition be sustained and that Registration Number 3,765,459 for SALSA STYLE be canceled.

This Petition and the required filing fee are being submitted to the Patent and Trademark Office Trial and Appeal Board contemporaneously herewith.

Respectfully submitted,



William E. O'Brien, Esq.
Law Office of William E. O'Brien
Attorney for Petitioner
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Telephone: (781) 956 - 5363

Attorney Docket No.: 197.004

Dated: March 7, 2013

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Petition for Cancellation has been served upon David C. Brezina, Esq., Barnes & Thornburg, LLP, PO Box 2786, Chicago, Illinois 60690-2786 by First Class Mail on March 7, 2013.



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