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Filing date: **11/22/2016**

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	Lourdes M Mena de Guerra		
Entity	Individual	Citizenship	EL SALVADOR
Address	Calle y Colonia La Mascota #235A San Salvador, 00000 EL SALVADOR		

Attorney information	Cristina Arenas Ferraiuoli LLC 221 Ponce de Leon Avenue 5th Floor San Juan, PR 00917 UNITED STATES trademarksca@ferraiuoli.com Phone:787-766-7000		
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### Registration Subject to Cancellation

Registration No	4962940	Registration date	05/24/2016
Registrant	Shy Creation, Inc. Suite 428 Los Angeles, CA 90014 UNITED STATES		

### Goods/Services Subject to Cancellation


Class 014. First Use: 2015/06/01 First Use In Commerce: 2015/06/01 All goods and services in the class are cancelled, namely: Bracelets; Cuff links; Diamond jewelry; Earrings; Gemstone jewelry; Jewelry made in whole or significant part of GOLD, SILVER, DIAMONDS, GEMSTONES; Necklaces; Pendants; Rings; Women's jewelry; Women's watches
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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### Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86891379	Application Date	01/29/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LULA MENA		

Design Mark	
Description of Mark	The mark consists of of the words "lulaMENA" in stylized form.
Goods/Services	Class 014. First use: First Use: 2013/09/21 First Use In Commerce: 2013/09/21 Precious metals and their alloys; jewelry; imitation jewellery; jewellery plated with precious metals Necklaces; bracelets; bracelets; watch bracelets; rings; rings being jewelry; medallions; gemstone jewelry; gemstones; precious gemstones; clocks and watches; jewelry watches

Attachments	86891379#TMSN.png( bytes ) Petition to Cancel Registration of LULA trademark.2016.11.22.pdf(275457 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	/CristinaArenasSolis/
Name	Cristina Arenas
Date	11/22/2016

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

LOURDES MARIA MENA DE GUERRA

**Petitioner,**

v.

SHY CREATION, INC.

**Registrant**

**CANCELLATION NO.** \_\_\_\_\_

**In the matter of:**

Registration Number: 4962940

Trademark: LULA

Registration Date: May 24, 2016

International Class: 014

Hon. Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION TO CANCEL**

Petitioner, Lourdes María Mena de Guerra, also known as Lula Mena, with address at Calle y Colonia La Mascota #235 A, San Salvador, El Salvador (“Petitioner” or “Mena”), believes that she will be damaged by the continued registration of the “LULA” designation, currently registered in the United States Patent and Trademark Office (“USPTO”) with Registration No. 4962940 (the “Competing Mark”), owned by Shy Creation, Inc. (“Registrant”), and hereby petitions to cancel the same pursuant to Sections 2(d) and 14 of the Lanham Act of 1946, 15 U.S.C.A. § 1052(d) and 1064, respectively.

As grounds therefore, Petitioner alleges, states and prays as follows:

1. Petitioner is a well-known designer from El Salvador who works with low-income and at-risk communities to produce unique pieces. By combining traditional artisan techniques with locally sourced materials, such as seeds and plant fiber, Lula Mena is innovating through design,

while preserving a significant link to the artisans' culture. Her collections are eco-friendly, handmade and fair trade. She designs, among other things, jewelry, including but not limited to, necklaces, bracelets, rings, clocks and watches (the "Products"). She currently designs, creates, manufactures, distributes and sells, and for many years has designed, created, manufactured, distributed and sold her Products. She works with women artisan communities in El Salvador, empowering women and accomplishing social change.

2. Petitioner is now using and has for, at least, three (3) years, has used her name and trademark LULA MENA in connection with the Products offered in commerce in the United States. In addition to those Products, she also uses the LULA MENA trademark for bags and textile goods (Serial No. 87044668).

3. On January 29, 2016, Petitioner filed Application No. 86891379 to register the trademark LULA MENA ("Petitioner's Mark" or the "Senior Mark") before the USPTO for the Products, under International Class 014.

4. Petitioner has used the Senior Mark in commerce within the United States for the sale of the Products since **September 21, 2013**. See Application No. 86891379.

5. Registrant's Competing Mark was filed on July 24, 2015, and claimed **June 1, 2015** as the date for first use in commerce. The Competing Mark is registered under International Class 014 for "bracelets; cuff links; diamond jewelry; earrings; gemstone jewelry; jewelry made in whole or significant part of gold, silver, diamonds, gemstones; necklaces; pendants; rings; women's jewelry; women's watches."

6. From the foregoing it is evident that the Senior Mark has priority of use over the Competing Mark.

7. On May 23, 2016, the USPTO issued a non-final office action, refusing registration of Petitioner's Mark under Section 2(d) of the Lanham Act because of a likelihood of confusion with the Competing Mark.

7. Petitioner's rights, which date back to September 21, 2013, are superior and long prior in time to those of Registrant, which claims to have begun to use the Competing Mark in commerce years later in June 1, 2015.

8. In view of the use of the parties' respective marks and the related nature of their respective goods, the Competing Mark conflicts with Petitioner's Mark, which was previously used in the United States, and has not been abandoned, as to be likely to cause confusion, or to cause mistake or to deceive the public.

9. It thus follows that the continued existence of US Registration No. 4962940 casts a cloud upon Petitioner's right to continue to use, register and expand the use of her trademark rights, all to the great injury of Petitioner.

12. Purchasers are likely to consider the goods of Registrant advertised and promoted under the Competing Mark as emanating from or associated to Petitioner with the potential of diverting sales in favor of Registrant. Any such confusion will thus result in loss of sales for Petitioner.

13. Similarly, any defect, objection or fault found in Registrant's goods marketed under the Competing Mark would necessarily reflect upon and seriously injure and/or dilute the reputation which Petitioner has established for its goods.

14. Petitioner will also be seriously injured if Registrant is permitted to have its certificate of registration remain on record, to the extent that it will obstruct the registration of the LULA MENA Trademark and any other related application that Petitioner may file in the future.

**WHEREFORE**, Petitioner prays that Registered Trademark No. 4962940 be cancelled in  
its entirety.

**RESPECTFULLY SUBMITTED.**

**Dated:** November 22, 2016

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*Attorneys for*  
Lourdes María Mena de Guerra

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and complete copy of the foregoing Petition to Cancel was served upon Registrant, by forwarding the same via certified mail to Shy Creation, Inc., at its address of record: Suite 428 650 S. Hill St., Los Angeles, California 90014 and by email at [info@shycreation.com](mailto:info@shycreation.com).

In San Juan, Puerto Rico, this 21<sup>st</sup> day of November, 2016.

By: /s/Cristina Arenas Solís  
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