

ESTTA Tracking number: **ESTTA741842**

Filing date: **04/22/2016**

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

Proceeding	92063516
Party	Plaintiff Venekamp Marketing, LLC d/b/a Skinny Up!
Correspondence Address	NICOLE A RESSUE SANTANGELO LAW OFFICES PC 125 SOUTH HOWES , THIRD FLOOR FORT COLLINS, CO 80521 UNITED STATES nressue@idea-asset.com, sallyh@idea-asset.com
Submission	Other Motions/Papers
Filer's Name	Nicole A. Ressue
Filer's e-mail	nressue@idea-asset.com, sallyh@idea-asset.com
Signature	/Nicole A. Ressue/
Date	04/22/2016
Attachments	Ineffective-Service-filing-plus-exhibits.pdf(1676548 bytes)

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

Venekamp Marketing, LLC,)	Cancellation No. 92063516
d/b/a Skinny Up!,)	
)	
Petitioner,)	
)	
vs.)	
)	
Dart Management,)	
)	
Registrant)	
_____)	

NOTIFICATION OF INEFFECTIVE SERVICE

Petitioner, Venekamp Marketing, LLC (“Petitioner”), states the following with respect to the filing of its petition for cancellation against Registrant, Dart Management, Registration No. 4,079,248:

1. After the Petition for Cancellation was filed on April 11, 2016, that same day, Sally Hutchinson, an IP Paralegal at Santangelo Law Offices, sent three separate packages containing copies of the filing documents (the “Trademark Cancellation Documents”) by United Parcel Service Overnight Courier to: (1) Dart Management, 20241 Valley Blvd, Suite C, Tehachapi, CA 93561; (2) Dart Management, Inc., 4200 N Seasons View Dr. #A-2012, Lehi, UT 84043; and (3) Dart Management, Inc., Jeff Schall, 23581 Dart Drive, Tehachapi, CA 93561 in attempt to locate the owner of the SKINNY.UP Mark at its last known addresses. Ms. Hutchinson also sent an e-mail attaching a copy of the Trademark Cancellation Documents to doc@schallchiro.com. We have since received two returned packages and a return e-mail.

2. Ms. Hutchinson forwarded the Trademark Cancellation Documents to the e-mail address: doc@schallchiro.com on April 11, 2016. On April 16, 2016, she received an e-mail notice from “Mail Delivery System <MAILER-DAEMON@p02c11o149.mxlogic.net>”

indicating that service of the Trademark Cancellation Documents could not be delivered and failed. *See* Exhibit 1, p.1 is a copy of the e-mail sent on 4/11/2016, p.2 is a copy of the Mail Delivery System return e-mail dated 4/16/2016.

2. Attached as Exhibit 2 is a copy of the label on the returned United Parcel Service package containing the Trademark Cancellation Documents (tracking No. 1Z1Y6R701290791882) that my office received on April 19, 2016 after attempted delivery of the package to Jeff Schall at Dart Management Inc., 23581 Dart Drive, Tehachapi, CA, 93561.

3. Attached as Exhibit 3 is a copy of the label on the returned United Parcel Service package containing the Trademark Cancellation Documents (Tracking No. 1Z1Y6R701294127664) that my office received on April 22, 2016 after attempted delivery of the package to Jeff Schall, Dart Management, Suite C, 20241 Valley Blvd., Tehachapi, CA 93561.

4. Please note that we received proof of delivery on April 12, 2016 of the package containing the Trademark Cancellation Documents that was sent to Dart Management, Inc., 4200 N Seasons View Dr. #A-2012, Lehi, UT 84043 as shown in Exhibit 4. This address was located in the California Secretary of State records. *See* Exhibit 3 of the Petition for Cancellation documents filed on April 11, 2016.

Dated: April 22, 2016

Respectfully submitted,
Santangelo Law Offices, P.C.

/Nicole A. Ressue/

Nicole A. Ressue

125 South Howes, Third Floor

Fort Collins, CO 80521

(970) 224-3100

nressue@idea-asset.com

Attorney for Petitioner,

Venekamp Marketing, LLC

d/b/a Skinny Up!

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through its web site located at <http://estta.uspto.gov>, and that on April 22, 2016, a true and correct copy of this Notification of Ineffective Service was served by UPS Overnight Courier on the Registrant at the following known address:

Dart Management, Inc., 4200 N Seasons View Dr. #A-2012, Lehi, UT 84043

/Sally Hutchinson/
Sally Hutchinson, IP Paralegal
Santangelo Law Offices, P.C.
125 South Howes, Third Floor
Fort Collins, CO 80521

Venekamp Marketing, LLC v. Dart Management

Cancellation No. 92063516

NOTIFICATION OF INEFFECTIVE SERVICE

filed by Petitioner, Venekamp Marketing, LLC

EXHIBIT 1

Sally Hutchinson


From: Sally Hutchinson
Sent: Monday, April 11, 2016 5:22 PM
To: 'doc@schallchiro.com'
Cc: 'nressue@idea-asset.com'
Subject: Trademark Cancellation Petition Filed
Attachments: Final plus Exhibits - Pleadings.pdf

Dear Dr. Schall,
Please see the attached documents that were filed today.

Kindly,

SALLY HUTCHINSON
INTELLECTUAL PROPERTY PARALEGAL



125 SOUTH HOWES, 3RD FLOOR | FORT COLLINS, CO 80521
DIRECT: 970-224-3100 | FAX: 970-224-3175
[WEBSITE](#) | [MAP](#) | [EMAIL](#) 

NOTICE: This email, and any attachments, is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone 970-224-3100.

Sally Hutchinson

From: Mail Delivery System <MAILER-DAEMON@p02c11o149.mxlogic.net>
Sent: Saturday, April 16, 2016 5:25 PM
To: Sally Hutchinson
Subject: Mail delivery failed
Attachments: ATT00001.txt

This message was created automatically by mail delivery software.

A message that you have sent could not be delivered to one or more recipients. This is a permanent error. The following address(es) failed:

<doc@schallchiro.com>: Message was undeliverable and has expired

Venekamp Marketing, LLC v. Dart Management

Cancellation No. 92063516

NOTIFICATION OF INEFFECTIVE SERVICE

filed by Petitioner, Venekamp Marketing, LLC

EXHIBIT 2

Extremely Urgent

This e

Visit ups.com or call 1-800-PICK-UPS® (1-800-742-5877) to schedule a pickup or find a drop off location near you.

Domestic Shipments

In qualify for the letter rate, UPS Express Envelopes may only contain correspondence, urgent documents, and/or electronic media, and must weigh 8 oz. or less. UPS Express Envelopes containing items other than those listed or weighing more than 8 oz. will be billed by weight.

International Shipments

The UPS Express Envelope may be used only for documents of no commercial value. Certain countries consider electronic media as documents. Visit ups.com/intlimportexport to verify if your shipment is classified as a document.

To qualify for the letter rate, the UPS Expi

RETURN TO: SANTANGELO LAW OFFICES
125 S HOWES ST
FL 3
FORT COLLINS CO 80521 2737

14/Apr/2016 17:12 9353

CO 805 0-01



1Z1Y6R701290791882

RETURN TO SHIPPER 14/Apr/2016 17:12 9353
REASON FOR RETURN:
RECEIVER DID NOT ORDER, REFUSED
ORIGINAL RECEIVER:
DART MANAGEMENT INC.

CO 805 0-01

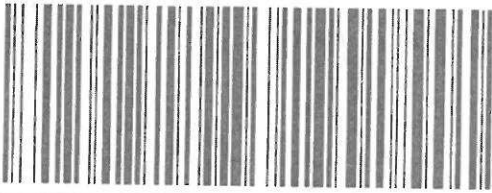


1Z1Y6R701290791882

UPS 3 DAY SELECT

3

TRACKING #: 1Z 1Y6 R70 12 9079 1882



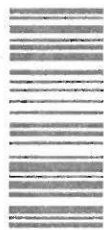
YD04S16 CMOJ120 US 9353 Apr 14 17:12:44 2016 HIP 16.3.5 LP2044

SHIP TO:
JEFF SCHALL
9702243100
DART MANAGEMENT INC.
23581 DART DRIVE
TEHACHAPI CA 93561

0.5 LBS LTR 1 OF 1

SHIP TO:
JEFF SCHALL
9702243100
DART MANAGEMENT INC.
23581 DART DRIVE
TEHACHAPI CA 93561

CA 935 3-10



NEXT DAY AIR

1

SANTANGELO
125 S HOWES ST
FL 3
FORT COLLINS CO 80521-2737

JAY - 2672
P: WHITE
S: PURPLE

1Z1Y6R70129079
1882
APR 19 05:18:18 2016
TEKAMP

Venekamp Marketing, LLC v. Dart Management

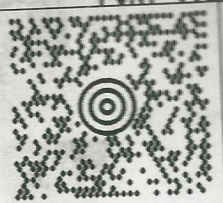
Cancellation No. 92063516

NOTIFICATION OF INEFFECTIVE SERVICE

filed by Petitioner, Venekamp Marketing, LLC

EXHIBIT 3

RETURN TO: SANTANGELO LAW OFFICES
125 S HOWES ST
FL 3
FORT COLLINS CO 80521 2737

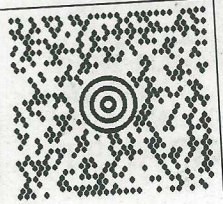


CO 805 0-01



1Z1Y6R701294127664

RETURN TO SHIPPER 19/Apr/2016 15:52 9353-H090-1561
REASON FOR RETURN:
COMPANY OR PERSON UNKNOWN, NOT DELIVERED
ORIGINAL RECEIVER:
DART MANAGEMENT

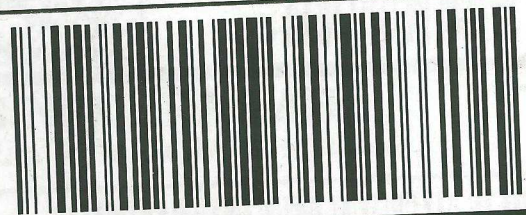


CO 805 0-01



1Z1Y6R701294127664

UPS 3 DAY SELECT 3
TRACKING #: 1Z 1Y6 R70 12 9412 7664



YDD4SIG CAMOJ120 US 9353 Apr 19 15:52:15 2016 HIP 16.3.5 LP2844



BILLING: P/P
SIGNATURE REQUIRED

Trx Ref No.: Venekamp

XOL 16.04.03 NV45 72.0A 01/2016



Airbill: 1Z1Y6R702494127669

<https://www.wwxship.com/wwxexchange/Label?id=1Z1Y6R701294127664>

PICK-UPS® (1-800-742-5877)
drop off location near you.

This envelope is with the following

ICN - Discovery: 13/APR/2016

9353-P090-4346

DART MANAGEMENT

9353 POSTCARD 19/APR/2016

1Z1Y6R702494127669

SANTANGELO
125 S HOWES ST
FL 3
FORT COLLINS CO 80521-2737

P: WHITE S: PURPLE I:

JAY-2527

1Z1Y6R70129412 7664
KWPOHCU COLOU13B APR 22 06:12 2016
US 80F HIP 16.3.5 ZEBRAZM400

Venekamp Marketing, LLC v. Dart Management

Cancellation No. 92063516

NOTIFICATION OF INEFFECTIVE SERVICE

filed by Petitioner, Venekamp Marketing, LLC

EXHIBIT 4

**Proof of Delivery**[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z1Y6R702494035277
Service:	UPS Next Day Air®
Special Instructions:	Signature Required
Weight:	.50 lb
Shipped/Billed On:	04/11/2016
Delivered On:	04/12/2016 9:17 A.M.
Delivered To:	LEHI, UT, US
Signed By:	LAVELL
Left At:	Office

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 04/18/2016 5:31 P.M. ET

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