



PIERCE | COLEMAN

7730 E. Greenway Road, Suite 105
Scottsdale, Arizona 85260

2812 N. Norwalk, Suite 107
Mesa, Arizona 85215

Justin S. Pierce
Stephen B. Coleman
Aaron D. Arnson
Trish Stuhan
Christina Estes-Werther
Jon M. Paladini
Dominic L. Verstegen
Allen H. Quist
Michelle N. Stinson

May 24, 2023

CEASE AND DESIST LETTER – TRADEMARK INFRINGEMENT

Mr. Paul Frommelt
Email: Pfrommelt@hotmail.com

Dear Mr. Frommelt:

We have recently discovered that you are using the Town of Payson's trademarked logo for improper purposes as prohibited pursuant to A.R.S. §44-1451 (See attached **Exhibit A** comparing Town's registered and trademarked logo and your infringing logo). Your use infringes on our ownership of the Town's registered trademark. We learned of your use of the same or similar trademark on or about May 22, 2023.

The Town has the exclusive right to use this trademark. The Town has registered the trademarked logo with the Arizona Secretary of State's Office, File No. 9057124 on April 5, 2018. Moreover, the Town has used the logo since December 1, 1997, and thus is also entitled to common law trademark rights. A.R.S. §44-1452. Since that time, the Town has used its trademarked logo on, among other things, all official business, including stationery, business cards, advertising, marketing and promotional materials, and on its electronic and social media. Because you are using the same or similar mark, your use of the mark has caused confusion among the public, Town residents and visitors and tourist and is likely to continue to cause confusion in the future.



Please be advised that the Town is prepared to take all actions necessary to protect its registered trademark. You have infringed on the Town's trademark. You must cease and desist from any use of the mark. Furthermore, you should sign the statement below certifying that you will cease using the mark.

If you have any questions about this letter, please feel free to contact me.

Regards,

Jon M. Paladini

Jon M. Paladini

On Behalf of the Town of Payson

Cc: Mayor and Town Council

Town Manager

CEASE AND DESIST AGREEMENT

I, Paul Frommelt, agree to immediately cease and desist from any and all further use of the Town of Payson's registered Trademark. If I breach this agreement, the Town of Payson shall be entitled to all costs, including attorney's fees, related to any and all claims or actions brought to enforce this agreement and the Town of Payson shall be free to pursue all rights it had as of the date of this letter.

Signature of Paul Frommelt

Date

EXHIBIT A

CEASE AND DESIST LETTER



File ID:

9057124

Name:

"TOWN OF PAYSON" WITH A TREE, along with "ARIZONA'S COOL MOUNTAIN TOWN" slogan below the logo.

Business Address:

303 N. Beeline Hwy

Payson, Arizona

85541

Mailing Address:

303 N. Beeline Hwy

Payson, Arizona

85541

Phone:

928-474-5242

Goods or Services:

municipal government

Mode or Manner:

stationary, promotion of the municipality, etc

Classifications:

Paper and paper articles

Advertising and business

Date of First Use:

December 1, 1997

Date of First Use in Arizona:

December 1, 1997



Date Registered:

April 5, 2018

Expiration Date:

April 5, 2028

Applicants:

Town of Payson Organization

Registration Information:

Registration Received: April 5, 2018 Expires: April 5, 2028

Correspondence History:

Trademark Application: Filed: April 5, 2018



Paul Frommelt

May 21 at 3:21 PM · 🌐



👍 🤔 😬 10

3 comments 6 shares

👍 Like

🔗 Share



Dave Golembewski

Yes I'll follow up with A Payson High Times monthly newsletter. Thanks to all who advocated for increased sales on our main corner including our 5 council and staff members who say it's easy to watch on the corner . 🙏