

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

In the matter of trademark Registration No. 3,982,139  
For the mark InTENSity  
Date registered: June 21, 2011

77/832,889

TENSproducts, Inc.  
253 County Road 41  
Granby, CO 80446

v.

Current Solutions, LLC DBA Koalaty Products, Inc  
3814 Woodbury Drive  
Austin, TX 78704

07/18/2011 SMILSON1 00000028 3982139

01 FC:6401

300.00 OP

**PETITION TO CANCEL**

TENSproducts, Inc.  
253 County Road 41  
Granby, CO 80446

To the best of petitioner's knowledge, the name and address of the current owner of the registration are:

Current Solutions, LLC DBA Koalaty Products, Inc  
3814 Woodbury Drive  
Austin, TX 78704

The above-identified petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

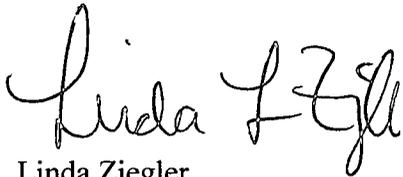
- 1) The Register is in violation of Petitioner's common law rights to the trademark.
- 2) The Petitioner had been doing business with Koalaty Products for 5 years prior to Koalaty's acquisition by Current Solutions on July 3, 2009. Both companies are in the electrotherapy business.
- 3) Petitioner began using the marketing line "Put the InTENSity back in your life" on promotional t-shirts in May 2009.
- 4) Petitioner flew to Austin in October 2009 to meet with the new owners of Koalaty Products, and hand delivered said t-shirts to them at this time.
- 5) The Register took possession of said trademark knowing that the Petitioner was currently using it as a mark in commerce. Furthermore, the Register failed to inform the Petitioner of their intention to register said trademark.



07-14-2011

- 6) Petitioner believes it will be damaged by the above-identified registration on the grounds that:
- a. The Register is using the trademark in association with a line of electrotherapy units manufactured exclusively for and by the Register. These units are a class II medical device sold illegally without prescription on many websites.
  - b. The Petitioner does not wish to be associated with the sale of these units or with the Register.

Respectfully Submitted 12th day of July 2011.

A handwritten signature in cursive script that reads "Linda Ziegler". The signature is written in black ink and is positioned above the printed name and title.

Linda Ziegler  
President, TENSproducts, Inc.