

ESTTA Tracking number: **ESTTA730984**

Filing date: **03/02/2016**

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	Strategic Marks, LLC		
Entity	LLC	Citizenship	California
Address	47 Ocean Heights Drive Newport Coast, CA 92657 UNITED STATES		

Attorney information	BENJAMIN ASHUROV, ESQ. 7011 KOLL CENTER PARKWAY SUITE 160 PLEASANTON, CA 94566 UNITED STATES BASHUROV@KB-ASH.COM Phone:415-754-9346		
----------------------	--	--	--

Registration Subject to Cancellation

Registration No	1341681	Registration date	06/11/1985
Registrant	GEOFFREY, LLC ONE GEOFFREY WAY WAYNE, NJ 07470 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1978/08/28 First Use In Commerce: 1978/08/28 All goods and services in the class are cancelled, namely: RETAIL TOY AND HOBBY CRAFT STORES
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Related Proceedings	86926864
---------------------	----------

Attachments	KB Toys Cancellation Petition_Strategic Marks, LLC.pdf(173293 bytes) KB Toys Wikipedia.pdf(384439 bytes) KB Toys cancel email.pdf(317127 bytes)
-------------	--

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	/Ellia Y Kassoff/
Name	Ellia Y Kassoff
Date	03/02/2016

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

In the matter of Trademark Registration No. 1341681

Mark: **KB Toys and Hobbie**

Registered on: June 11, 1985

Registered By: KAY-BEE TOY & HOBBY SHOPS, INC. CORPORATION MASSACHUSETTS
ROUTE 102 LEE MASSACHUSETTS 01238

STRATEGIC MARKS, LLC.

Petitioner,

v.

(LAST LISTED OWNER) GEOFFREY,
LLC LIMITED LIABILITY COMPANY
DELAWARE ONE GEOFFREY WAY
WAYNE NEW JERSEY 07470

PETITION TO CANCEL

Strategic Marks, LLC (“Petitioner”) hereby petitions to cancel Trademark Reg. No. **1341681** for **KB Toys and Hobbie** (the “Mark”)

IC 042. US 101. G & S: RETAIL TOY AND HOBBY CRAFT STORES.

(“Registrant”) Toy and hobby craft stores (hereinafter the “Registration”). For the reasons set forth herein, Petitioner is damaged by the continued registration of the Mark.

FACTS

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is a limited liability company organized under the laws of the State of California with its principal business address at 47 Ocean Heights Drive, Newport Coast, CA 92657.

2. Petitioner is the owner of the pending United States trademark application for the standard character mark **KB Toys Sr. No. 86926864** International Class 035: Retail store

services featuring a wide variety of consumer goods of others; Retail department store services; Retail department stores; Retail discount store services in the field of Toy and hobby; On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring Toy and hobby; On-line retail department store services

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)). (the "Application"). This application is currently awaiting examination by the USPTO.

3. Upon information and belief, Registrant is a corporation organized under the laws of the State of Delaware with a business address of ONE GEOFFREY WAY WAYNE NEW JERSEY 07470

4. According to TSDR, Registrant currently owns the Registration.

5. Given that the Registration and the Application cover trademarks that are identical or nearly identical, and that the respective goods or services associated with the Registration and the Application are identical, nearly identical, or highly similar, Petitioner believes that the USPTO will refuse to register the Application in light of the continued registration of the Mark. Therefore, Petitioner will be damaged by the continued registration of the Mark.

ABANDONMENT

6. Petitioner realleges the allegations set forth in paragraphs 1 through 5 above.

7. Upon information and belief, Registrant has discontinued use of the Mark, with no intent to resume such use of the Mark in connection with any of the goods or services recited in the Registration. **(See attached PDF titled: KB Toys Cancel e-mail).**

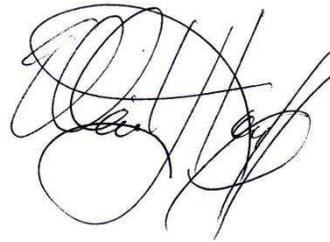
8. Upon information and belief, Registrant has not used the Mark in commerce in connection with the goods or services recited in the Registration for at least the preceding three (3) years. **(See attached Wikipedia PDF).**

9. Upon information and belief, Registrant no longer uses the Mark in commerce in connection with the goods or services recited in the Registration; has not intent to resume any such use; and has abandoned the Mark pursuant 15 U.S.C. § 1127.

WHEREFORE, Petitioner requests that the Registration be cancelled.

Dated: March 2, 2016

Respectfully Submitted,

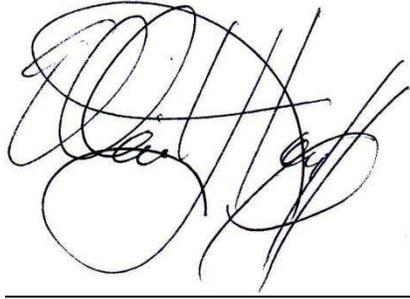
A handwritten signature in black ink, appearing to read 'Ellia Kassoff', written over a horizontal line.

Ellia Kassoff
CEO
Strategic Marks, LLC
47 Ocean Heights Drive
Newport Coast, CA 92657

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2016, a true and correct copy of the foregoing PETITION TO CANCEL has been duly served by depositing such copy with the U.S. Postal Service in an envelope addressed to:

GEOFFREY, LLC LIMITED LIABILITY COMPANY DELAWARE ONE GEOFFREY WAY
WAYNE NEW JERSEY 07470

A handwritten signature in black ink, consisting of several overlapping loops and a series of diagonal strokes on the right side.

Elia Kassoff

KB Toys

From Wikipedia, the free encyclopedia

 This article **needs additional citations for verification**. Please help [improve this article](#) by [adding citations to reliable sources](#). Unsourced material may be challenged and removed. *(January 2011)*

K•B Toys



Logo prior to closing (2009)

Formerly called	Kay-Bee Toy & Hobby
Industry	Toy store
Fate	Bankruptcy Liquidation
Founded	1922 in Pittsfield, Massachusetts
Founders	Harry and Joseph Kaufman ^[1]
Defunct	February 2009
Headquarters	Pittsfield, Massachusetts
Number of locations	431 (prior to closing)
Products	Children toys and games
Number of employees	4,300 (prior to closing)

K•B Toys (previously known as **Kay Bee Toys**^[*when?*]) was a chain of [mall-based retail toy stores](#) in the [United States](#). Founded in 1922, it operated, at its height, 1300 stores across all 50 states, and went out of business in 2009. International retailer [Toys "R" Us](#) acquired the remains of K•B Toys, consisting mainly of its website, trademarks, and intellectual property rights.^[2]

Contents

- [1 History](#)
 - [1.1 Operations](#)
 - [1.2 Liquidation](#)
- [2 References](#)
- [3 External links](#)

History

Operations

Founded in 1922 by the Kaufman brothers, K•B operated 605 stores in 44 [U.S. states](#), [Puerto Rico](#) as well as [Guam](#). It was privately held in [Pittsfield, Massachusetts](#). K•B Toys was owned by [Melville Corporation](#) (which was

responsible for its [CVS/Pharmacy](#) chain), but that company sold it to [Consolidated Stores](#) in 1996. It was also the second-oldest operating toy retailer in [North America](#) (behind [FAO Schwarz](#)) before its demise.

Starting in 2001, KB Toys opened temporary "stores within a store" at select [Sears](#) department stores during the Christmas season.^{[3][4]}

At the time of its liquidation, K·B Toys operated three distinct store formats: K·B Toys, K·B Toy Works (the result of a merger between KB Toys and The Toy Works), and K·B Toys Outlet (aka Toy Liquidators). K·B Toys stores were mostly found in the company's traditional base of shopping malls, where many of its stores were located for years. K·B Toy Works stores were typically found in outdoor strip malls. K·B Toys Outlet and Toy Liquidators stores, as the name implies, were usually found in outlet centers/malls.

The company used the slogans "America's Toy Store", "Hot We Got, at KB", and "The Toy Store in the Mall".

Liquidation

K·B Toys closed 156 stores on November 8, 2007 to leave the chain with 1,144 stores.

Following the company's second bankruptcy in five years, the chain began going-out-of-business sales in December 2008. The store closing sales (as well as the termination of the company's website) were concluded on February 9, 2009.^[5]

The K·B Toys brand and related intangible assets were sold by Streambank LLC to [Toys "R" Us](#) on September 4, 2009, for a reported \$2.1 million. Because K·B Toys's 460 stores had been closed and liquidated, the sale applied mainly to the company's logo, website, trademarks, and other intellectual properties. As of 2010, Toys "R" Us was unsure of how to integrate the K·B name into its business plan.^[2] Toys "R" Us has used the K·B Toys name on self-manufactured toys under the name "KB Classics" with the K·B Toys logo.

References

1.

- *Smith, Jenn (15 October 2005). "[Former KB Toys owner dies](#)". *The Berkshire Eagle*. Retrieved 3 December 2014.*
- • *Pereira, Joseph; John Kell (September 4, 2009). "[Toys 'R' Us Buys KB Toys' Brand](#)". *Wall Street Journal*. *Dow Jones & Company*. Retrieved 2010-01-09.*
- • *"[Sears to Open Test Sites With KB Toys](#)". *latimes*. Retrieved 18 November 2015.*
- • *"[KB Toys in Sears for holidays](#)". *DeseretNews.com*. 8 October 2003. Retrieved 18 November 2015.*
- *Brickley, Peg (December 11, 2008). "[K·B Toys Faces Liquidation](#)". *Wall Street Journal*. *Dow Jones & Company*. Retrieved 2010-01-09.*

From: Cody Sheean [<mailto:codysheean@hotmail.com>]

Sent: Wednesday, May 28, 2014 6:49 PM

To: toysrus1@cust-help-us.com

Subject: RE: Toys R Us Ticket #140527-006487

It may be very old and already forgotten....No problem, thanks for the help....I'll try Ebay or something

From: toysrus1@cust-help-us.com [<mailto:toysrus1@cust-help-us.com>]

Sent: Tuesday, May 27, 2014 11:14 AM

To: codysheean@hotmail.com

Subject: Toys R Us Ticket #140527-006487

Dear Cody Sheean,

Thank you for contacting Toys "R" Us Customer Relations!

It is my pleasure to assist you! I have searched online and was unable to locate any products associated with KB, KB Classic, or KB Classics. I would be happy to look for a product similar to the item if you could provide me with a description or picture of the item. I apologize for any inconvenience that this may cause.

If we can be of further assistance, please feel free to email us and we will be happy to assist you!

Thank you for choosing Toys "R" Us! We value your business and look forward to serving you in the future!

Sincerely,

Charlene 2314

Toys "R" Us Customer Relations

www.toysrus.com

To: trucom@cust-help-us.com

From: codysheean@hotmail.com

Subject: Placing an Order

Order Number:

Name: Cody Sheean

Phone Number: 9492965925

Wrote: Hello,

My nephew was telling me about a toy he used to have under the KB classics line, but i am not finding anything on your website...do you sell a line of toys called KB classics?

I tried going to KB toys.com but it just pointed me to you guys. Please respond via email as i am traveling this week.

Thanks for the help

Cody S
