

ESTTA Tracking number: **ESTTA731497**

Filing date: **03/04/2016**

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	Flexsteel Industries, Inc.		
Entity	Corporation	Citizenship	Minnesota
Address	385 Bell Street Dubuque, IA 52001 UNITED STATES		

Attorney information	David C Brezina Ladas & Parry LLP 224 S Michigan Ave Suite 1600 Chicago, IL 60604 UNITED STATES chiustm@ladas.net Phone:312 427-1300
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Registration Subject to Cancellation

Registration No	4266427	Registration date	01/01/2013
Registrant	SIGMA IMPEX INC. Suite-S Piscataway, NJ 08854 UNITED STATES		

Goods/Services Subject to Cancellation

Class 024. First Use: 2010/10/25 First Use In Commerce: 2010/10/25 All goods and services in the class are cancelled, namely: Bed blankets; Bedsheets
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition_to_Cancel_Based_on_Abandonment.pdf(18664 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	/David C Brezina/
Name	David C Brezina
Date	03/04/2016

Mark: SPLENDID COMFORT
Registration No: 4266427
Serial No.: 85-179,951
Int'l Class Nos. 24
Filed: Nov. 18, 2010
Registered: Jan. 1, 2013

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

FLEXSTEEL INDUSTRIES, INC.)	
Petitioner)	Cancellation
)	No.
vs.)	
)	
SIGMA IMPEX INC.)	
Respondent)	

PETITION TO CANCEL

Petitioner, FLEXSTEEL INDUSTRIES, INC. Inc. (“FLEXSTEEL”), a company organized and existing under the laws of Minnesota, believes that it is being, and will continue to be, harmed by Registration Number 4266427 in International Class 24, and hereby petitions to cancel such registration.

As grounds for the cancellation, FLEXSTEEL alleges the following:

1. FLEXSTEEL filed Application Serial No. 86-478,071 for the mark SPLENDID COMFORT for mattresses in the United States Patent and Trademark Office.
2. Respondent Sigma Impex Inc. (“SIGMA IMPEX”) on information and belief has a principal place of business is Suite-S 140 Ethel Road West Piscataway, New Jersey 08854 and is the owner of Registration Number 4266427.
3. FLEXSTEEL’s aforesaid application has received an Office Action rejecting its application based on a likelihood of consumer confusion with Respondent’s Registration No. 4266427.
4. SIGMA IMPEX, upon information and belief, has not used the mark SPLENDID COMFORT for at least three years.

5. SIGMA IMPEX, upon information and belief, has discontinued use of the mark SPLENDID COMFORT and has no intent to resume commercial use of said mark.

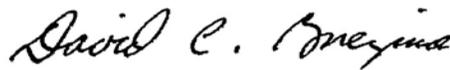
6. In accordance with Rule 2.112(a) of the Trademark Rules of Practice, 37 C.F.R. § 2.112, FLEXSTEEL states that, to the best of its knowledge, SIGMA IMPEX's present principal place of business is Suite-S 140 Ethel Road West Piscataway, NEW JERSEY 08854.

7. WHEREFORE, SIGMA IMPEX is not entitled to maintain its registration for the trademark SPLENDID COMFORT, such registration is damaging to FLEXSTEEL and should be canceled.

The requisite filing fee of three hundred dollars (\$300.00) is submitted herewith. Please deduct any underpayment from, or credit any overpayment to, the deposit account of Ladas & Parry, LLP, Account No. 12-0400.

Please address all communications to David C. Brezina, Ladas & Parry, LLP, 224 S. Michigan Ave., Suite 1600, Chicago, Illinois 60604.

Respectfully submitted,



Date: March 4, 2016

David C. Brezina
One of the Attorneys for Petitioner
Ladas & Parry LLP
224 S. Michigan Avenue, Suite 1600
Chicago, IL 60604
(312) 427-1300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by depositing same, postage prepaid, with the US Postal Service on March 4, 2016 in an envelope addressed to:

Sigma Impex Inc.
Suite-S
140 Ethel Road West
Piscataway, New Jersey 08854

Date of Signature: March 4, 2016



David C. Brezina