

ESTTA Tracking number: **ESTTA1189864**

Filing date: **02/09/2022**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer information

Name	Illinois Tool Works Inc.
Granted to date of previous extension	02/16/2022
Address	155 HARLEM AVE. GLENVIEW, IL 60025 UNITED STATES
Attorney information	JESSICA A. EKHOFF PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD & GERALDSON LLP 200 S. WACKER DR. STE. 2900 CHICAGO, IL 60606 UNITED STATES Primary email: jae@pattishall.com Secondary email(s): blc@pattishall.com, pam@pattishall.com No phone number provided
Docket no.	2457-144-10

Applicant information

Application no.	90506786	Publication date	10/19/2021
Opposition filing date	02/09/2022	Opposition period ends	02/16/2022
Applicant	KT Products, LLC 1856 FAIRMOUNT AVENUE SAINT PAUL, MN 55105 UNITED STATES		

Goods/services affected by opposition

Class 003. First Use: Jan 1, 2011 First Use In Commerce: Jan 1, 2011
All goods and services in the class are opposed, namely: Pre-moistened towelettes impregnated with a detergent for cleaning

Applicant information

Application no.	90506785	Publication date	10/19/2021
Opposition filing date	02/09/2022	Opposition period ends	
Applicant	KT Products, LLC 1856 FAIRMOUNT AVENUE ST. PAUL, MN 55105 UNITED STATES		

Goods/services affected by opposition


Class 003. First Use: Jan 1, 2011 First Use In Commerce: Jan 1, 2011
All goods and services in the class are opposed, namely: Hand cleaners

Grounds for opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	1987106	Application date	07/17/1995
Register	Principal		
Registration date	07/16/1996	Foreign priority date	NONE
Word mark	SCRUBS		
Design mark			
Description of mark	NONE		
Goods/services	Class 021. First use: First Use: Sep 1, 1993 First Use In Commerce: Sep 1, 1993 nonwoven hand cleaning towelettes containing waterless hand cleaner		

U.S. registration no.	2712982	Application date	01/22/2002
Register	Principal		
Registration date	05/06/2003	Foreign priority date	NONE
Word mark	SCRUBS		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Nov 20, 1996 First Use In Commerce: Nov 20, 1996 Premoistened cosmetic towelettes for use in hand sanitizing Class 021. First use: First Use: Oct 3, 1997 First Use In Commerce: Oct 3, 1997 Premoistened towelettes for cleaning, namely, for use in removing graffiti and paint; premoistened towelettes for multi-purpose cleaning, disinfecting and deodorizing; premoistened towelettes for use in connection with polishing of metals and cleaning and protecting vinyl, rubber and leather		

U.S. registration no.	1907866	Application date	08/06/1993
Register	Principal		
Registration date	07/25/1995	Foreign priority date	NONE
Word mark	SCRUBS IN-A-BUCKET		
Design mark			
Description of mark	NONE		
Goods/services	Class 021. First use: First Use: Sep 1, 1993 First Use In Commerce: Sep 10, 1993 premoistened paper hand cleaning towelettes		

U.S. registration no.	3380329	Application date	01/05/2007
Register	Principal		
Registration date	02/12/2008	Foreign priority date	NONE
Word mark	PRIMASCRUB		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Nov 1, 2005 First Use In Commerce: Oct 1, 2006 Preparation for cleaning, protecting and preserving interior and exterior surfaces comprised of vinyl or rubber in association with vehicle, recreational, or home use to remove dirt, bugs, insects, tar, gum, grease, and dust, namely, whiteside wall tires, black side wall tires, bumpers, dashboards, sports equipment, and other vinyl and rubber materials		

Attachments	76360717#TMSN.png(bytes) 77076602#TMSN.png(bytes) Notice of Opposition - WONDER SCRUB word and stylized.pdf(944741 bytes)
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Signature	/Jessica A. Ekhoﬀ/
Name	JESSICA A. EKHOFF
Date	02/09/2022

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial Nos. 90/506,785 and 90/506,786:



WONDER SCRUB and _____

ILLINOIS TOOL WORKS INC.,)
)
Opposer,)
)
v.)
)
KT PRODUCTS, LLC,)
)
Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

Illinois Tool Works Inc. (“Opposer”), a corporation organized under the laws of Delaware and having an office located in Glenview, Illinois, believes it will be damaged by registration of the marks identified in Application Serial Nos. 90/506,785 and 90/506,786 (the “Applications”) and files this notice of opposition pursuant to 37 C.F.R. § 2.104(a). The grounds for opposition are stated below.

1. Opposer and its predecessors have for many years been engaged in the manufacture, distribution, advertising and sale of premoistened towelettes for cleaning and hand sanitizing (“Opposer’s Goods”).

2. Since long prior to the claimed first use date of the Applications, Opposer and its predecessors have continuously used the trademarks SCRUBS, SCRUBS IN-A-BUCKET, and PRIMASCRUB (collectively, “Opposer’s Marks”) in commerce throughout the United States in connection with the advertising, promotion and sale of Opposer’s Goods.

3. Opposer owns the trademark registrations shown below, which are incontestable pursuant to 15 U.S.C. § 1065 and 1115(b).

MARK	REG. NO.	REG. DATE	GOODS
SCRUBS	1,987,106	July 16, 1996	“nonwoven hand cleaning towelettes containing waterless hand cleaner” in Class 21
SCRUBS	2,712,982	May 6, 2003	“Premoistened cosmetic towelettes for use in hand sanitizing” in Class 3 “Premoistened towelettes for cleaning, namely, for use in removing graffiti and paint; premoistened towelettes for multi-purpose cleaning, disinfecting and deodorizing; premoistened towelettes for use in connection with polishing of metals and cleaning and protecting vinyl, rubber and leather” in Class 21
SCRUBS IN-A-BUCKET	1,907,866	July 25, 1995	“premoistened paper hand cleaning towelettes” in Class 21
PRIMASCRUB	3,380,329	February 12, 2008	“Preparation for cleaning, protecting and preserving interior and exterior surfaces comprised of


MARK	REG. NO.	REG. DATE	GOODS
			vinyl or rubber in association with vehicle, recreational, or home use to remove dirt, bugs, insects, tar, gum, grease, and dust, namely, white side wall tires, black side wall tires, bumpers, dashboards, sports equipment, and other vinyl and rubber materials” in Class 3

Print-outs from the United States Patent and Trademark Office records showing the current status of these registrations are attached hereto as Exhibit A.

4. By virtue of Opposer’s and its predecessors’ extensive sales, advertising and promotion of Opposer’s Goods under Opposer’s Marks, Opposer and its predecessors have built up and Opposer now owns valuable goodwill symbolized by Opposer’s Marks.

5. Applicant applied to register the marks WONDER SCRUB for “hand cleaners” in



Class 3 and  for “Pre-moistened towelettes impregnated with a detergent for cleaning” in Class 3 (collectively, “Applicant’s Marks”).

6. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in Applicant’s Marks before the claimed first use date of January 1, 2011.

7. Use of Applicant’s Marks in connection with the goods identified in the Applications is likely to cause confusion, mistake or deception as to the source of origin, sponsorship or approval of Applicant’s goods in that purchasers are likely to believe that

Applicant's goods are Opposer's goods, or are in some way legitimately connected with, licensed or approved by Opposer.

8. Applicant's use of Applicant's Marks shown in the Applications is without Opposer's consent or permission.

Opposer submits the requisite filing fee of \$1,200.00. Please debit any deficiency from or credit any overpayment to Account No. 16-0650, and address all correspondence to Bradley L. Cohn, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 200 South Wacker Drive, Suite 2900, Chicago, Illinois 60606.

Dated: February 9, 2022

Respectfully submitted,

PATTISHALL, MCAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /Jessica A. Ekhoff/

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Jessica A. Ekhoff
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Attorneys for Illinois Tool Works Inc.

EXHIBIT A

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Typed Drawing

Word Mark SCRUBS
Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: nonwoven hand cleaning towelettes containing waterless hand cleaner. FIRST USE: 19930901. FIRST USE IN COMMERCE: 19930901
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74702280
Filing Date July 17, 1995
Current Basis 1A
Original Filing Basis 1A
Published for Opposition April 23, 1996
Registration Number 1987106
Registration Date July 16, 1996
Owner (REGISTRANT) Dymon, Incorporated CORPORATION MISSOURI 3401 Kansas Avenue Kansas City KANSAS 66106
 (LAST LISTED OWNER) ILLINOIS TOOL WORKS INC. CORPORATION BY ASSIGNMENT DELAWARE 155 Harlem Avenue Glenview ILLINOIS 60025
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Bradley L. Cohn
Prior Registrations 1907866
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20161001.
Renewal 2ND RENEWAL 20161001
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SCRUBS

Word Mark	SCRUBS
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Premoistened cosmetic towelettes for use in hand sanitizing. FIRST USE: 19961120. FIRST USE IN COMMERCE: 19961120 IC 021. US 002 013 023 029 030 033 040 050. G & S: Premoistened towelettes for cleaning, namely, for use in removing graffiti and paint; premoistened towelettes for multi-purpose cleaning, disinfecting and deodorizing; premoistened towelettes for use in connection with polishing of metals and cleaning and protecting vinyl, rubber and leather. FIRST USE: 19971003. FIRST USE IN COMMERCE: 19971003
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76360717
Filing Date	January 22, 2002
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 11, 2003
Registration Number	2712982
Registration Date	May 6, 2003
Owner	(REGISTRANT) Illinois Tool Works Inc. CORPORATION DELAWARE 155 Harlem Avenue Glenview ILLINOIS 60025
Attorney of Record	Bradley L. Cohn
Prior Registrations	1907866;1987106;2031991
Type of Mark	TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130517.
Renewal 1ST RENEWAL 20130517
Live/Dead Indicator LIVE

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Word Mark SCRUBS IN-A-BUCKET

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: premoistened paper hand cleaning towelettes. FIRST USE: 19930901. FIRST USE IN COMMERCE: 19930910

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74421166

Filing Date August 6, 1993

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 13, 1994

Registration Number 1907866

Registration Date July 25, 1995

Owner (REGISTRANT) DYMON, INCORPORATED CORPORATION MISSOURI 3401 Kansas Avenue Kansas City KANSAS 66106

(LAST LISTED OWNER) ILLINOIS TOOL WORKS INC. CORPORATION BY ASSIGNMENT DELAWARE 155 Harlem Avenue Glenview ILLINOIS 60025

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Bradley L. Cohn

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150819.

Renewal 2ND RENEWAL 20150819

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PRIMASCRUB

Word Mark PRIMASCRUB

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Preparation for cleaning, protecting and preserving interior and exterior surfaces comprised of vinyl or rubber in association with vehicle, recreational, or home use to remove dirt, bugs, insects, tar, gum, grease, and dust, namely, white side wall tires, black side wall tires, bumpers, dashboards, sports equipment, and other vinyl and rubber materials. FIRST USE: 20051101. FIRST USE IN COMMERCE: 20061001

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77076602

Filing Date January 5, 2007

Current Basis 1A

Original Filing Basis 1A

Published for Opposition November 27, 2007

Registration Number 3380329

Registration Date February 12, 2008

Owner (REGISTRANT) Pennzoil-Quaker State Company CORPORATION DELAWARE 700 Milam Street Houston TEXAS 77002

(LAST LISTED OWNER) ILLINOIS TOOL WORKS INC. CORPORATION DELAWARE 155 Harlem Avenue Glenview ILLINOIS 60025

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Bradley L. Cohn
Type of Mark Register TRADEMARK PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180227.
Renewal 1ST RENEWAL 20180227
Live/Dead Indicator LIVE

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