

TTAB

Atty. Dkt. No. STE001 L381

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

Steelcase Inc.,)
)
Petitioner,)
)
v.)
)
Creative Space Limited)
)
Registrant.)

Cancellation No. _____

Commissioner for Trademarks
PO Box 1451
Alexandria, Virginia 22313-1451

04/15/2009 SWILSON1 00000011 1810053

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300.00 OP PETITION FOR CANCELLATION

Steelcase Inc., a Michigan corporation, having a place of business at 901--44th Street, S.E., Grand Rapids, Michigan 49508, believes that it is damaged by Registration No. 1,810,053, and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Registrant, Creative Space Limited (hereinafter referred to as "Registrant" or "Creative"), obtained Federal Registration 1,810,053 on "STEELFORM" for furniture, furniture parts and picture frames sold through catalogs and department, specialty lifestyle and retail furniture



04-13-2009

stores, which registration issued December 7, 1993, claiming first use on January 1, 1990, and has been renewed until December 7, 2013.

2. Steelcase Inc. (hereinafter referred to as "Petitioner" or "Steelcase") is and has been engaged in the sale and marketing of goods under the "STEELCASE" trademark since long prior to the date of first use alleged by Registrant in its application for registration.
3. Steelcase adopted and has continuously used the "STEELCASE" trademark in conjunction with a wide variety of furniture products (hereinafter referred to as "Steelcase Mark"), since prior to January 1, 1990.
4. Steelcase is the owner of Federal Trademark Registrations 2,042,087 and 1,003,738 on "STEELCASE" for furniture products, which registrations claim first use on January 31, 1920.
5. Steelcase uses the "STEELCASE" mark by applying it to packaging for the goods, in advertising materials and other ways customary in trade.
6. Steelcase's use of the "STEELCASE" mark throughout the United States has acquired for the mark, and for the products sold thereunder, a valuable reputation and goodwill.
7. Steelcase has expended substantial amounts of money, time and effort in promoting and popularizing the Steelcase Mark, so that the trade in general, and purchasing public in particular, have come to know and recognize Steelcase's Mark and products, and to know that the latter originate with Steelcase.


8. Steelcase is well and favorably known in the United States and elsewhere, and has built up extensive goodwill and a high reputation in connection with the products associated with Steelcase's "STEELCASE" mark.
9. On information and believe, Creative has made no use of the "STEELFORM" mark in connection with furniture products in the U.S.A. for a long period of time, and has no intention to resume such use.
10. As a result of Creative's failure to use the "STEELFORM" mark with intent not to resume such use, the "STEELFORM" mark that is the subject of U.S. Registration No. 1,810,053 has become abandoned for purposes of Section 45 of the Trademark Act.
11. Steelcase is being damaged and will continue to be damaged because the Creative Registration 1,810,053 has been abandoned through non-use of the "STEELFORM" mark in the U.S.A. and covers certain furniture products that could raise potential doubts as to Steelcase's rights in the Steelcase Mark at least as to some goods and/or services.

WHEREFORE, Steelcase prays that the Creative Registration 1,810,053 be canceled, and that this petition be sustained in favor of Steelcase.

Respectfully submitted for Petitioner,
STEELCASE INC.

By: Price, Heneveld, Cooper,
DeWitt & Litton

4/8/09
Date



Carl S. Clark
Registration No. 28 288
695 Kenmoor S.E.
P.O. Box 2567
Grand Rapids, Michigan 49501
616/949-9610

CERTIFICATE OF SERVICE

I hereby certify that this correspondence, and all identified enclosures and attachments have been served upon Registrant's Domestic Representative of Record, as listed in the U.S. PTO TARR records, Sughrue, Mion Zion, MacPeak & Seas, a/k/a, Sughrue Mion, PLLC, 2100 Pennsylvania Avenue NW, Suite 800, Washington, District of Columbia 20037, via overnight courier (Federal Express) on 4/8/09.



Carl S. Clark

CERTIFICATE OF SERVICE

I hereby certify that this correspondence, and all identified enclosures and attachments have been served upon Registrant's Attorney of Record, as listed in the U.S. PTO TARR records, Robin Coster, Esq., Bereskin & Parr, 6733 Mississauga Road, Suite 600, Mississauga, Ontario, L5N 6J5 Canada, via overnight courier (Federal Express) on 4/8/09.



Carl S. Clark

CSC/jkrp

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21

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Commissioner for Trademarks
PO Box 1451
Alexandria, Virginia 22313-1451

TRANSMITTAL LETTER

Enclosed please find two copies of a Petition For Cancellation to be filed with the Trademark Trial and Appeal Board, which has been served on Registrant to initiate the above-entitled action.


A check for the cancellation fee in the amount of three hundred dollars (\$300.00) is also enclosed. Please charge any additional fees, or credit overpayment, to our Deposit Account No. 16-2463. A duplicate copy of this sheet is enclosed.

Kindly date stamp and return the enclosed postcard to acknowledge receipt of this request.

Respectfully submitted for Petitioner,
STEELCASE INC.

By: Price, Heneveld, Cooper,
DeWitt & Litton

4/8/09
Date



Carl S. Clark
Registration No. 28 288
695 Kenmoor S.E.
P.O. Box 2567
Grand Rapids, Michigan 49501
616/949-9610

CERTIFICATE OF MAILING

I hereby certify that this correspondence, and all identified enclosures and attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, PO Box 1451, Alexandria, Virginia 22313-1451, on 4/8/09.



Carl S. Clark

CSC/jkrp
Enclosures