

ESTTA Tracking number: **ESTTA689923**

Filing date: **08/17/2015**

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	Vadco Innovations, LLC		
Entity	LLC	Citizenship	Minnesota
Address	4771 Bald Eagle Avenue White Bear Lake, MN 55110 UNITED STATES		

Attorney information	Kathryn K. Smith Sherrill Law Offices, PLLC 4756 Banning Avenue Suite 212 White Bear Lake, MN 55110 UNITED STATES Docketing@SherrillLaw.com, KathrynS@SherrillLaw.com Phone:(651) 426-2400		
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### Registration Subject to Cancellation

Registration No	4402848	Registration date	09/17/2013
Registrant	MIDBROOK INDUSTRIAL WASHERS, INC. 2080 BROOKLYN ROAD JACKSON, MI 49204 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 003. First Use: 1996/03/22 First Use In Commerce: 1996/03/22 All goods and services in the class are cancelled, namely: cleaning solutions for use in cleaning metal articles
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	150817 OUT (Petition for Cancellation).pdf(416321 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	/Kathryn K. Smith/
Name	Kathryn K. Smith
Date	08/17/2015



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

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VADCO, INNOVATIONS, LLC

Petitioner,

vs.

Midbrook Industrial Washers, Inc.

Registrant.

Cancellation No. \_\_\_\_\_

Mark: HURRICLEAN

Registration No. 4402848

Reg. Date: September 17, 2013

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**PETITION FOR CANCELLATION**

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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Petitioner, VADCO, INNOVATIONS, LLC, a Minnesota corporation having a principal place of business at 4771 Bald Eagle Avenue, White Bear Lake, MN 55110, believes that it is damaged, and will continue to be damaged by U.S. Registration No. 4,402,848 (the "Registration"). The Registration issued on September 17, 2013 for the mark HURRICLEAN in Class 3 ("Registrant's Mark"), to Midbrook Industrial Washers, Inc., a Michigan corporation having a principal place of business at 2080 Brooklyn Road, Jackson, MI 49204 ("Registrant").

The grounds for cancellation are as follows:

1. Petitioner is engaged in the sale of goods for cleaners for use on household


appliances. Petitioner has filed application Serial No. 86/379694 for the mark



for

"*cleaner for use on household appliances*" (Petitioner's Application No. 1").

2. Petitioner's Application No. 1 has been refused by the PTO on the grounds of likelihood of confusion with Registrant's HURRICLEAN Registration for goods in Class 3, namely, "*cleaning solutions for use in cleaning metal articles*".

3. Petitioner is engaged in the sale of goods for cleaners for use on household appliances. Petitioner has filed application Serial No. 86/379696 for the mark  for "*cleaner for use on household appliances*" (Petitioner's Application No. 2").

4. Petitioner's Application No. 2 has been refused by the PTO on the grounds of likelihood of confusion with Registrant's HURRICLEAN Registration for goods in Class 3, namely, "*cleaning solutions for use in cleaning metal articles*".

5. Petitioner is engaged in the sale of goods for cleaners for use with bathroom fixtures and household appliances. Petitioner has filed application Serial No. 86/502170 for the mark HURRICLEAN for "*cleaner for use with bathroom fixtures and household appliances*" (Petitioner's Application No. 3").

6. Petitioner's Application No. 3 has been refused by the PTO on the grounds of likelihood of confusion with Registrant's HURRICLEAN Registration for goods in Class 3, namely, "*cleaning solutions for use in cleaning metal articles*".

7. While Petitioner does not believe there is a likelihood of confusion in the simultaneous use and registration of its marks and the Registered Mark, and reserves the right to so argue if necessary, on information and belief, Registrant has abandoned use of Registrant's Mark in connection with "*cleaning solutions for use in cleaning metal articles*".

8. Petitioner is damaged and will continue to be damaged because Registrant's continued registration of Registrant's Mark may hinder Petitioner's ability to register its marks



, and HURRICLEAN. As a result, the Registration may improperly stand as a bar to Petitioner's ability to federally register and protect its mark.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that said Registration No. 4,402,848 is cancelled, and that this cancellation be sustained in favor of Petitioner.

Dated: August 17<sup>th</sup>, 2015

Respectfully submitted,

SHERRILL LAW OFFICES, PLLC

A handwritten signature in blue ink, appearing to read 'Kathryn K. Smith', is written over a horizontal line. The signature is fluid and cursive.

Kathryn K. Smith

Attorneys for Petitioner

VADCO INNOVATIONS, LLC

4756 Banning Avenue, Suite 212

White Bear Lake, MN 55110

TEL: (651) 426-2400

FAX: (651) 426-2322

**CERTIFICATE OF SERVICE**

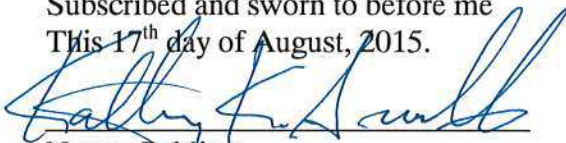
The undersigned hereby certifies that the foregoing Petition for Cancellation was served this 17<sup>th</sup> day of August, 2015, by depositing copies thereof in the U.S. Mail, postage prepaid, addressed to the Registrant as follows:

Midbrook Industrial Washers, Inc.  
2080 Brooklyn Road  
Jackson, MI 49204

Marshall G. MacFarlane  
Young Basile Hanlon & MacFarlane, PC  
3001 W. Big Beaver Rd., Ste. 624  
Troy, MI 48084

  
Geri O'Connor

Subscribed and sworn to before me  
This 17<sup>th</sup> day of August, 2015.

  
Notary Public

