

ESTTA Tracking number: **ESTTA867073**

Filing date: **12/22/2017**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Freerein LLC		
Entity	limited liability company	Citizenship	Delaware
Address	#403, 207 E. Ohio Street Chicago, IL 60611 UNITED STATES		

Attorney information	Stephen R. Baird Winthrop & Weinstine, P.A. 225 South Sixth Street Capella Tower Suite 3500 Minneapolis, MN 55402 UNITED STATES Email: trademark@winthrop.com, sbaird@winthrop.com, dweseman@winthrop.com, cclassen@winthrop.com Phone: 612-604-6585
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Registration Subject to Cancellation

Registration No.	4185165	Registration date	08/07/2012
Registrant	Gorilla, Inc. 3475 Eastman Drive Flushing, MI 48433 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2008/10/00 First Use In Commerce: 2008/10/00 All goods and services in the class are subject to cancellation, namely: Portable remotely and battery-operated lights that are secured and specially adapted to treestands for hunting to locate the treestand in the dark

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Related Proceedings	Petitioner is simultaneously filing a Petition to Cancel Respondent's Reg. No. 4,181,983 for the mark BABY GORILLA.
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Attachments	Petition to Cancel 4185165 GORILLA EYE.pdf(10387 bytes)
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Signature	/DHW/
Name	Draeke H. Weseman

Date	12/22/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FREEREIN LLC)	
)	
Petitioner,)	Registration No. 4,185,165
)	
v.)	Cancellation No. _____
)	
GORILLA, INC.)	
)	
Respondent.)	

PETITION TO CANCEL

Freerein LLC (“Petitioner”) believes that it is, has been, and will continue to be damaged by registration of the claimed mark GORILLA EYE, U.S. Registration No. 4,185,165 (“Respondent’s Claimed Mark”) for “Portable remotely and battery-operated lights that are secured and specially adapted to treestands for hunting to locate the treestand in the dark” (“Respondent’s Claimed Goods”), and hereby petitions to cancel the same pursuant to the provisions of 15 U.S.C. § 1064.

Respondent’s Claimed Mark has been cited against Petitioner’s Application Serial No. 87/126,160 for GORILLA GEAR.

The grounds for cancellation are as follows:

COUNT 1

1. Upon information and belief, Respondent has not made use in commerce of Respondent’s Claimed Mark in connection with any goods or services for a period of more than three consecutive years.

2. Upon information and belief, Respondent has not made use in commerce of Respondent's Claimed Mark in connection with Respondent's Claimed Goods for a period of more than three consecutive years.

3. Upon information and belief, Respondent has not made use in commerce of Respondent's Claimed Mark in connection with the goods originally applied-for in U.S. Application No. 85/343,180, which later matured into U.S. Reg. No. 4,185,165 for a period of more than three consecutive years.

4. Upon information and belief, any use by Respondent of Respondent's Claimed Mark has been made solely to reserve rights in Respondent's Claimed Mark and does not constitute a bona fide use of Registrant's Claimed Mark in commerce in the ordinary course of trade.

5. Upon information and belief, Respondent has no bona fide intent to use in commerce or resume use in commerce Respondent's Claimed Mark in connection with any goods or services.

6. Upon information and belief, Respondent has no bona fide intent to use in commerce or resume use in commerce Respondent's Claimed Mark in connection with Respondent's Claimed Goods.

7. Upon information and belief, Respondent has no bona fide intent to use in commerce or resume use in commerce Respondent's Claimed Mark in connection with the goods originally applied-for in U.S. Application No. 85/343,180, which later matured into U.S. Reg. No. 4,185,165.

8. Upon information and belief, Respondent has abandoned Respondent's Claimed Mark within the meaning of Section 45 of the Lanham Act, 15 U.S.C. § 1127, and therefore U.S. Registration No. 4,185,165 should be cancelled.

WHEREFORE, pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner respectfully requests that the Board grant its petition for cancellation and order the cancellation of U.S. Registration No. 4,185,165 and award Petitioner any further relief the Board deems equitable.

Respectfully Submitted,
WINTHROP & WEINSTINE, P.A.

Dated: December 22, 2017

/Draeke H. Weseman/
Stephen R. Baird
Draeke H. Weseman

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ATTORNEYS FOR PETITIONER
FREEREIN LLC