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Filing date: **05/21/2018**

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	Do Outdoors, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	3031 N. Martin Ave. SPRINGFIELD, MO 65803 UNITED STATES		

Attorney information	Stewart N. Mesher Conley Rose, P.C. P.O. Box 3267 Houston, TX 77253-3267 UNITED STATES Email: tmhou@conleyrose.com Phone: 7132388000		
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Registration Subject to Cancellation

Registration No.	1597221	Registration date	05/22/1990
International Registration No.	NONE	International Registration Date	NONE
Registrant	ARMORSHIELD, L.L.C. 405 HERON DR BRIDGEPORT, NJ 08014 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are subject to cancellation, namely: CLOTHING FOR PROTECTING THE BODY AGAINST ACCIDENT OR INJURY, NAMELY VESTS, [JACKETS, CAPES]
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition_to_Cancel_ARMOURSHIELD_7286-15400.pdf(142677 bytes)
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Signature	/Stewart N. Mesher/
Name	Stewart N. Mesher
Date	05/21/2018

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

DO OUTDOORS, LLC	§	
	§	
Petitioner,	§	Registration No. 1,597,221
	§	
v.	§	Mark: ARMOURSHIELD
	§	
ARMORSHIELD, L.L.C.	§	Cancellation No. _____
	§	
Registrant.	§	

PETITION FOR CANCELLATION

Petitioner, Do Outdoors, LLC (“Petitioner”), hereby petitions for cancellation of Registration No. 1,597,221 (the “Registration”) pursuant to 15 U.S.C. § 1064 as detailed herein.

I. PARTIES AND FACTS

1. Petitioner Do Outdoors, LLC is a Delaware limited liability company with its principal place of business located at 3031 N. Martin Ave., Springfield, MO, 65803.
2. Armorshield, L.L.C. (“Registrant”) is the owner of U.S. Trademark Registration No. 1,597,221 (the “Registration”) for the mark ARMOURSHIELD (“Registrant’s Mark”).
3. Registrant is a Delaware limited liability company with its principal place of business at 405 Heron Dr, Bridgeport, New Jersey 08014.
4. Registrant filed Application Serial No. 73/718,953 for Registrant’s Mark on March 28, 1998 under Section 44(e) of the Trademark Act, for “clothing for protecting the body against accident or injury, namely, vests” in International Class 009.
5. Registrant has submitted specimens of use with the Section 8 & 15 filing and two subsequent Section 8 & 9 filings. Said specimens were mere tags that were not affixed to the goods, and should not have been accepted by the Office as valid specimens of use.

6. On information and belief, Registrant's Mark has never been used in interstate commerce. Registrant does not appear to sell or have sold any of the goods identified in the Registration on the internet through its website, or via any other e-commerce website, under the registered mark, ARMOURSHIELD.

7. On information and belief, Registrant is not currently using the registered mark, ARMOURSHIELD, in connection with the sale of goods identified in the Registration. Registrant also does not appear to have a physical store from which goods are sold under Registrant's Mark.

8. Accordingly, on information and belief, Registrant has not used Registrant's Mark during the past three consecutive years in interstate commerce.

9. Upon information and belief, the registered mark, ARMOURSHIELD, has never been used in interstate commerce, and therefore the Registration should be cancelled.

10. An Office Action has issued against Petitioner's U.S. Application Serial No. 87/415,386 for the mark ARMORSHIELD, in which Registrant's U.S. Registration No. 1,597,221 is cited against Petitioner's mark under Section 2(d) of the Lanham Act and is blocking registration of Petitioner's mark.

11. If the Registration is not cancelled, it may continue to block the registration of Petitioner's Application Serial No. 87/415,386. The continued existence of Registration would be a source of damage and injury to Petitioner and the purchasing public.

COUNT ONE – ABANDONMENT

12. Petitioner re-alleges and incorporates by reference the foregoing allegations as though fully set forth herein.

13. Upon information and belief, Registrant is not currently using the ARMOURSHIELD mark in connection with the sale of goods identified in the Registration – clothing for protecting the body against accident or injury, namely vests.

14. Upon information and belief, at no time did any possible use by Registrant of the ARMOURSHIELD mark qualify as use of a mark in interstate commerce as required by the Trademark Act.

15. Upon information and belief, Registrant abandoned the Registration by discontinuing any previously alleged use of the ARMOURSHIELD mark in interstate commerce with no intent to resume use.

16. Upon information and belief, Registrant's non-use of the ARMOURSHIELD mark in interstate commerce has continued for at least three consecutive years.

17. Registrant's non-use of the ARMOURSHIELD mark in connection with the registered goods, express abandonment thereof, and non-use for at least three consecutive years constitutes *prima facie* evidence of abandonment under 15 U.S.C. § 1127. Therefore, the ARMOURSHIELD mark has been abandoned pursuant to 15 U.S.C. § 1127 and the Registration should be cancelled as to the registered goods pursuant to 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner is or will be damaged by Registration No. 1,597,221 for the registered goods and petitions for cancellation thereof.

This Petition for Cancellation is being filed electronically, along with the filing fee required by 27 C.F.R. § 2.6(a)(16). The Commissioner is authorized to draw on the Deposit Account of Conley Rose, P.C., Account No. 501515, if there is any problem with the processing of the electronically submitted fee.

Respectfully Submitted,

DATE: May 21, 2018

/Stewart N. Mesher/
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ATTORNEY FOR PETITIONER

CERTIFICATE OF TRANSMISSION UNDER TBMP 110

I HEREBY CERTIFY that a true and correct copy of this document, *Petition for Cancellation*, opposing registration of U.S. Trademark Registration No. 1,597,221 for the mark ARMOURSHIELD, is being filed electronically through <http://esta.uspto.gov> via the Trademark Trial and Appeal Board Electronic Filing System.

On the 21st day of May, 2018.

/Melissa Kirchhoff/
Melissa Kirchhoff

CERTIFICATE OF SERVICE UNDER TBMP 113

I HEREBY CERTIFY that a true and correct copy of the foregoing *Petition for Cancellation*, opposing registration of U.S. Trademark Registration No. 1,597,221 for the mark ARMOURSHIELD, is being sent by electronic mail to correspondent for Registrant, Armorshield, L.L.C. as follows:

Fiona McBride
Withers & Rogers LLP
fmcbride@withersrogers.com

On the 21st day of May, 2018.

/Melissa Kirchhoff/
Melissa Kirchhoff