

ESTTA Tracking number: **ESTTA924503**

Filing date: **09/26/2018**

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	MARK BRONSON		
Entity	Individual	Citizenship	UNITED STATES
Address	9742 Saturn Street Los Angeles, CA 90035 UNITED STATES		

Attorney information	Michael A. Painter, Esq. Isaacman, Kaufman, Painter, Lowy & Zucker 1875 Century Park East, Suite 2150 LOS ANGELES, CA 90067 UNITED STATES painter@ikplaw.com 3108816800		
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Registration Subject to Cancellation

Registration No.	5066127	Registration date	10/18/2016
Registrant	Tai Apparel LLC 14316 CARLSON PKWY N Plymouth, MN 55447 UNITED STATES Email: brandis@taiapparel.com		

Goods/Services Subject to Cancellation

Class 025. First Use: 2016/04/26 First Use In Commerce: 2016/04/26 All goods and services in the class are subject to cancellation, namely: Cardigans, Sweaters, Dresses, Pants, Rompers, Shorts, T-shirts, Tank Tops
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	87849497	Application Date	03/26/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GRAYSON		

Design Mark	<h1>GRAYSON</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2011/12/31 First Use In Commerce: 2011/12/31 Blouses; Dresses; Pants; Shorts; Skirts; Tops as clothing for women and children

Attachments	87849497#TMSN.png(bytes) DOC868.18.1.pdf(804677 bytes)
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Signature	/Michael A. Painter/
Name	Michael A. Painter
Date	09/26/2018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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MARK BRONSON)	Cancellation No. _____
an individual,)	Reg. No. 5,066,127
)	Dated: October 18, 2016
Petitioner,)	
)	
v.)	
)	
TAI APPAREL, LLC, a Michigan)	
limited liability company)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

BOX FEE - TTAB
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

Petitioner, MARK BRONSON, is an individual and citizen of the United States, having a principal place of business at 9742 Saturn Street, Los Angeles, California 90035 believes that he is or will be damaged by Registration No. 5,066,127 and hereby petitions to cancel same. The Registrant's application was filed on November 2, 2016 for the mark GRAYSON/THREADS in International Class 25 for cardigans, sweaters, dresses, pants, rompers, shorts, T-shirts, tank tops, claiming a date of first use in commerce on April 26, 2016.

The grounds for cancellation are as follows:

1. The Petitioner, MARK BRONSON, is an individual and citizen of the United States, having a principal place of business at 9742 Saturn Street, Los Angeles, California 90035. The Petitioners are engaged in the apparel industry.

2. That on or about December 31, 2011 Petitioner adopted the trademark GRAYSON to identify blouses, dresses, pants, shorts, skirts, tops as clothing for women and children (hereinafter referred to as “the Trademark”). The Trademark was first used in interstate commerce on or about December 31, 2011, said Trademark having been continuously used in interstate commerce since their adoption.

3. On March 26, 2018, Petitioner filed an application to register GRAYSON, said application being designated as Application Serial No. 87/849,497. On July 17, 2018, an Office Action was issued refusing registration of the mark GRAYSON to designate blouses, dresses, pants, shorts, skirts, tops as clothing for women and children on the basis Petitioner’s Trademark so resembled the mark in Registration Nos. 5,066,127 as to be likely to cause confusion, to cause mistake or to deceive.

5. Based upon Petitioner's continuous use of the Trademark in connection with blouses, dresses, pants, shorts, skirts, tops as clothing for women and children in interstate commerce commencing on December 31, 2011 long prior to the date of first use alleged in Registration No. 5,066,127 Petitioner has priority of use of the GRAYSON trademark.

6. Petitioner is likely to be damaged by continuation of said registration in that a likelihood of confusion exists between Petitioner’s Trademark and that of the Registrant. For a substantial period of time, Petitioner has continuously used the Trademark for the identified services and Petitioner’s continued and legal use of said mark will be impaired by the continued registration of the mark of Registrant.

WHEREFORE, Petitioner respectfully prays that the Petition for Cancellation be sustained and the registration obtained by Registrant be cancelled.

Please address all correspondence to MICHAEL A. PAINTER, ESQ. of ISAACMAN, KAUFMAN, PAINTER, LOWY & ZUCKER, A Professional Corporation, with offices at 1875 Century Park East, Suite 2150, Los Angeles, California 90067 (310) 881-6800, painter@ikplaw.com.

Respectfully submitted,

ISAACMAN, KAUFMAN, PAINTER,
LOWY & ZUCKER, P.C.

By:



Michael A. Painter
Attorneys for Petitioner

MAP:src
Dated: September 26, 2018
1875 Century Park East
Suite 2150
Los Angeles, California 90067
(310) 881-6800
painter@ikplaw.com

CERTIFICATE OF MAILING

The undersigned hereby certifies the within PETITION FOR CANCELLATION was forwarded to the Registrant, Tai Apparel, LLC, 14316 Carlson Pkwy N., Plymouth, MN 55447, via First Class Mail, postage prepaid, this 26th day of September, 2018.



MICHAEL A. PAINTER