

ESTTA Tracking number: **ESTTA1017318**

Filing date: **11/21/2019**

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	Meijer, Inc.		
Entity	Corporation	Citizenship	Michigan
Address	2929 Walker Ave NW Grand Rapids, MI 49544 UNITED STATES		

Correspondence information	Brandi Van Leeuwen Senior Counsel Meijer, Inc. 2929 Walker Ave NW Grand Rapids, MI 49544 UNITED STATES trademarks@meijer.com 6167358470
----------------------------	--

**Registration Subject to Cancellation**

Registration No.	2343239	Registration date	04/18/2000
Registrant	SPECIAL MEDICAL, LLC 3100 MAIN ST. SUITE 1350 MAUMEE, OH 43537 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 1947/00/00 First Use In Commerce: 1965/00/00 All goods and services in the class are subject to cancellation, namely: retail store services featuring furniture, clothing, gifts, educational items and toys for babies and children; gift registry services and phone order servicesfeaturing same; retail services via a global computer network featuring same
--

**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	Lullaby Lane Petition for Cancellation_Pleading.pdf(726105 bytes )
-------------	--

Signature	/Brandi Van Leeuwen/
Name	Brandi Van Leeuwen
Date	11/21/2019



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

In the matter of Trademark Registration No. 2,343,239  
For the mark: LULLABY LANE  
Filed: April 16, 1999  
Registered: April 18, 2000

MEIJER, INC.,	)	
	)	Cancellation No. _____
Petitioner,	)	
	)	PETITION TO CANCEL
v.	)	
	)	
SPECIAL MEDICAL, LLC	)	
	)	
Registrant	)	

Meijer, Inc., a Michigan Corporation with an address of 2929 Walker Ave NW, Grand Rapids, MI (hereinafter “Petitioner”), believes that it will be damaged by the continued registration of the following trademark, and hereby petitions to cancel same:

LULLABY LANE for “retail store services featuring furniture, clothing, gifts, educational items and toys for babies and children; gift registry services and phone order services featuring same; retail services via a global computer network featuring same” in Class 35, Reg. No. 2,343,239, which was issued on April 18, 2000 (the “Registration”).

As grounds for the petition, Petitioner alleges as follows:

1. The name and address of the owner on record of the Registration is, on information and belief, Special Medical, LLC, an Ohio Limited Liability Company, with an address of 3100 Main Str, Suite 1350, Maumee, OH 43537
2. Petitioner is the owner of U.S. Trademark application Serial No. 88/310,646 filed on February 21, 2019 under Sections 1(b) for the mark LULLABY LANE, for “Babies' trousers; Baby bodysuits; Baby bottoms; Baby layettes for clothing; Bibs not of cloth or paper; Body suits; Capris; Children's underwear; Dresses; Fleece bottoms; Fleece jackets; Fleece tops; Footwear; Infant and toddler one piece clothing; Infant sleepers; Infant wear; Infant wearable blankets; Infants' shoes and boots; Infants' trousers; Jeans; Leggings; Outerwear, namely, coats, jackets, snowsuits, snow bibs, vests, and mittens; Overalls; Pants; Rash guards; Robes; Shirts; Shortalls; Shorts; Skirts; Skorts; Sleepwear; Socks; Sun suits; Sweaters;

Sweatpants; Sweatshirts; Swimwear; T-shirts; Ties as clothing; Tights; Tops as clothing; Undergarments; Baby tops; Bib overalls; Children's headwear; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's and infants' cloth bibs; Hats for infants, babies, toddlers and children; One piece garment for infants and toddlers; Shirts for infants, babies, toddlers and children; Snap crotch shirts for infants and toddlers” in Class 25.

3. On May 9, 2019, the Examining Attorney issued an Office Action citing Petitioner’s applied for mark under Section 2(d) on the grounds, inter alia, that they are likely to cause confusion with the Registration.
4. Petitioner, upon investigation, believes Registrant’s mark is no longer in use. The following documentation supports this Petition for Cancellation:
  - a. Trade name cancelled on March 3, 2017 <https://businesssearch.ohiosos.gov/?=businessDetails/2086673> (see Exhibit A)
  - b. Yelp <https://www.yelp.com/biz/lullaby-lane-maumee-2> (See Exhibit B)
  - c. Current business at the address listed in the Yelp review: <https://www.1naturalway.com/pages/about> (Exhibit C)
  - d. Address listed in registration: <https://theshopsatfallentimbers.com/> (no Lullaby Lane in the store directory) (Exhibit D)
5. Given all of the facts above, Petitioner believes Registrant is no longer using the mark and, therefore, has grounds to cancel the Registration.

WHEREFORE, Petitioner requests that this Petition for Cancellation be sustained, and that Registration No. 2,343,239 be cancelled.

Dated November 21, 2019

Respectfully submitted,

MEIJER, INC.

By: Brandi Van Leeuwen  
Senior Counsel  
Meijer, Inc.  
2929 Walker Ave., N.W.  
Grand Rapids, MI 49504  
(616) 735-8470  
[brandi.vanleeuwen@meijer.com](mailto:brandi.vanleeuwen@meijer.com)

## Exhibit A



Thu Nov 21 2019

**Entity#:** 2088673  
**Filing Type:** REGISTERED TRADE NAME  
**Original Filing Date:** 02/27/2012  
**Location:** ---  
**Business Name:** LULLABY LANE  
  
**Status:** Cancelled  
**Exp. Date:** 02/27/2017

## Filings

Filing Type	Date of Filing	Document ID
TRADE NAME/ORIGINAL FILING	02/27/2012	201208101138
LETTER/RENEWAL NOTICE MAILED	10/26/2016	201630000364
CANCELLED BY OPERATION OF LAW	03/03/2017	201706200286




## Exhibit B

Lullaby Lane - CLOSED - 2019 All You Need to Know BEFORE You Go (with Photos) ... Page 1 of 3

Find tacos, cheap dinner, Max's Near San Francisco, CA [Log In](#) [Sign Up](#)

[Restaurants](#) [Home Services](#) [Auto Services](#) [More](#) [Write a Review](#) [For Businesses](#)



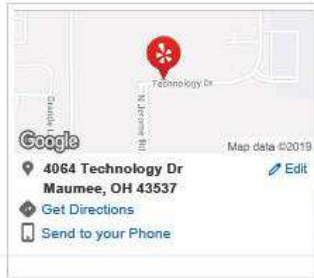
 **Yelpers report this location has closed. Find a similar spot.**

### Lullaby Lane Claimed

 2 reviews [Details](#)

[Share](#)

Baby Gear & Furniture, Lactation Services, Childbirth Education [Edit](#)



4064 Technology Dr  
Maumee, OH 43537

[Get Directions](#)  
[Send to your Phone](#)




#### You Might Also Consider Sponsored



#### Sam's Club

 11 reviews

 3.4 miles away from Lullaby Lane

James M. said "This is NOT my go to location & have actually only visited it one time. Seems a little smaller than my home store but very nicely laid out, clean, organized & well kept. My only beef w/Sam's is that they discontinued their travel..." [read more](#)  
in Women's Clothing, Men's Clothing, Shoe Stores

[Edit business info](#)

#### Hours

#### More business info

Accepts Credit Cards Yes  
Accepts Apple Pay Yes  
Accepts Cryptocurrency No  
Petting, Street, Private Lot

## Exhibit C

---

# About Us



#### Email

[support@1naturalway.com](mailto:support@1naturalway.com) (mailto:support@1naturalway.com)

#### Phone

(888) 977-2229

#### Fax

(866) 848-0114

#### Customer Service Hours

M-F 8:30 AM-5:00 PM EST

#### Address

1 Natural Way  
4064 Technology Dr.  
Maumee, OH 43537

## Our Purpose

We help moms provide breast milk to their babies through our products, education, and service.

## Meet the faces



**Ryan Wright**

*Chief Executive Officer*



**Kathy Mikolaiczak**

---

*Chief Financial Officer*



**Tim Pontius**

*Chief Compliance Officer*



**Mark Smith**

*Chief Operating Officer*



**Andrew Johnson**

*Director of Innovation & Development*



**Suzanne Mitchell**

*Director of Customer Experience*



**René Reckner**

*Human Resource Manager*



**Cindy Puppos**

*Customer Experience Supervisor*





**Paige Ames**  
*Customer Experience Specialist*



**Emily Berger**  
*Customer Experience Specialist*



**Danielle Tomaskovic**  
*Customer Experience Specialist*



**Maegan Ludwig**  
*Customer Experience Specialist*



**Alissa Zimmerman**  
*Customer Experience Specialist*



**Karen Kontak**  
*Customer Experience Specialist*



**Amy Huffman**

*Customer Experience Specialist*



**Hannah Carpenter**

*Customer Experience Specialist*



**Marie Drake**

*Medical Documentation Specialist*



**Marissa Mattin**

*Medical Documentation Specialist*



**Bryce Sharrits**

*Software Developer*



**Matthew Kulina**

*Software Developer*



**Lucas Vaillant**

*Shipping & Receiving Coordinator*



**Kevin Wernert**

*Warehouse Associate*



**Alisha Rittner**

*Bookkeeping Associate*



**Amanda Tallent**

*Accounts Receivable Specialist*



**Matthew Wyse**

*Billing Support Specialist*



**Tony Gioiella**

*RSW Stores*



**Justin Belville**  
*Sposie Retail Distribution Manager*



**Adam Strizzi**  
*Sposie Brand Manager*



**Brad Airy**  
*Sposie National Sales Director*

[Spectra S2 Plus \(/products/spectra-s2-plus-breast-pump\)](/products/spectra-s2-plus-breast-pump)  
[Spectra S1 Plus \(/products/spectra-s1-plus-breast-pump\)](/products/spectra-s1-plus-breast-pump)  
[Spectra 9 Plus \(/products/spectra-9-plus-breast-pump\)](/products/spectra-9-plus-breast-pump)  
[Elvie Pump \(/products/elvie-pump\)](/products/elvie-pump)  
[Ameda Mya \(/products/ameda-mya\)](/products/ameda-mya)  
[Ameda Mya with Large Tote \(/products/ameda-mya-with-large-tote\)](/products/ameda-mya-with-large-tote)  
[Medela Pump In Style Starter Set \(/products/medela-pump-in-style-advanced-starter-set\)](/products/medela-pump-in-style-advanced-starter-set)  
[Medela Pump In Style Tote \(/products/medela-insurance-breast-pump-complete-set-tote\)](/products/medela-insurance-breast-pump-complete-set-tote)  
[Medela Pump In Style Backpack \(/products/medela-insurance-breast-pump-complete-set-backpack\)](/products/medela-insurance-breast-pump-complete-set-backpack)  
[Medela Freestyle \(/products/medela-insurance-breast-pump-freestyle-set\)](/products/medela-insurance-breast-pump-freestyle-set)  
[Medela Sonata \(/products/medela-sonata-breast-pump\)](/products/medela-sonata-breast-pump)  
[Lansinoh Signature Pro \(/products/lansinoh-signature-pro-double-electric-breast-pump\)](/products/lansinoh-signature-pro-double-electric-breast-pump)  
[Lansinoh SmartPump \(/products/lansinoh-smartpump-double-electric-breast-pump\)](/products/lansinoh-smartpump-double-electric-breast-pump)  
[Motif Twist \(/products/motif-twist\)](/products/motif-twist)  
[Motif Luna \(/products/motif-luna\)](/products/motif-luna)  
[Ardo Calypso Essentials \(/products/ardo-calypso-essentials\)](/products/ardo-calypso-essentials)  
[Ardo Calypso-To-Go Pure \(/products/ardo-calypso-to-go-pure\)](/products/ardo-calypso-to-go-pure)

## PRODUCTS & SERVICES

[Breast Pumps \(https://www.1naturalway.com/pages/insurance-breast-pump-options\)](https://www.1naturalway.com/pages/insurance-breast-pump-options)  
[Breastfeeding Supplies \(Resupply\) \(https://www.1naturalway.com/pages/resupply-program\)](https://www.1naturalway.com/pages/resupply-program)  
[Lactation Consultations \(https://www.1naturalway.com/pages/lactation-link\)](https://www.1naturalway.com/pages/lactation-link)  
[Maternity Compression Stockings \(https://www.1naturalway.com/pages/compression-socks\)](https://www.1naturalway.com/pages/compression-socks)  
[Postpartum Recovery Garments \(https://www.1naturalway.com/pages/postpartum-recovery-garments\)](https://www.1naturalway.com/pages/postpartum-recovery-garments)

## RESOURCES & HELP

[Qualification Form \(https://www.1naturalway.com/pages/insurance-breast-pump-qualification-form\)](https://www.1naturalway.com/pages/insurance-breast-pump-qualification-form)  
[Customer Service \(https://www.1naturalway.com/pages/contact-us\)](https://www.1naturalway.com/pages/contact-us)  
[Frequently Asked Questions \(https://www.1naturalway.com/pages/faq\)](https://www.1naturalway.com/pages/faq)  
[Blog \(https://www.1naturalway.com/blogs/breastfeeding-and-parenting\)](https://www.1naturalway.com/blogs/breastfeeding-and-parenting)  
[About Us \(https://www.1naturalway.com/pages/about\)](https://www.1naturalway.com/pages/about)  
[Reviews \(https://www.1naturalway.com/pages/reviews\)](https://www.1naturalway.com/pages/reviews)

[About Us | 1NaturalWay.com](#)

Page 13 of 13

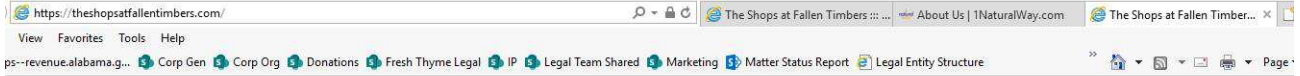
## POLICIES


[Financial Responsibility \(https://www.1naturalway.com/pages/financial-responsibility\)](https://www.1naturalway.com/pages/financial-responsibility)  
[Returns \(https://www.1naturalway.com/pages/return-policy\)](https://www.1naturalway.com/pages/return-policy)  
[Privacy Policy \(https://www.1naturalway.com/pages/privacy-policy\)](https://www.1naturalway.com/pages/privacy-policy)

Copyright © 2019 1 Natural Way. All rights reserved.



## Exhibit D



SHOP DEALS EVENTS ARTICLES INFO  



### Explore Our Stores

