

ESTTA Tracking number: **ESTTA1017655**

Filing date: **11/22/2019**

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	Working Concepts, Inc.		
Entity	Corporation	Citizenship	Oregon
Address	8217 SE 267th Avenue Gresham, OR 97080 UNITED STATES		

Correspondence information	Kurt Rohlfs Attorney of record Chernoff Vilhauer LLP 111 SW Columbia Street Suite 725 Portland, OR 97201 UNITED STATES kar.docket@chernofflaw.com 5032275631
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Registration Subject to Cancellation

Registration No.	4499800	Registration date	03/18/2014
Registrant	Southland Tile Tools & Accessories, Inc. 18392 Enterprise Lane Huntington Beach, CA 92648 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2008/08/31 First Use In Commerce: 2008/08/31 All goods and services in the class are subject to cancellation, namely: Knee pads for workers
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Grounds for Cancellation

The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used	Trademark Act Section 14(3)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2454396	Application Date	06/11/1998
Registration Date	05/29/2001	Foreign Priority	NONE

		Date	
Word Mark	SOFT KNEES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/03/15 First Use In Commerce: 1996/03/27 Strapless knee pads for workers that attach to pant legs		

Attachments	Pet. to Cancel.pdf(276391 bytes)
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Signature	/Kurt Rohlfs/
Name	Kurt Rohlfs
Date	11/22/2019

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

In the Matter of Trademark Registration No. 4,499,800

Mark: SUPER-SOFT KNEE PADS

Filed: August 14, 2013

Registered: March 18, 2014

WORKING CONCEPTS, INC.,

Petitioner,

v.

SOUTHLAND TILE TOOLS & ACCESSORIES, INC.
DBA TROXELL USA,

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioner, Working Concepts, Inc., an Oregon corporation whose address is 8217 SE 267th Avenue, Gresham, OR 97080 (hereinafter “Petitioner”), is being damaged by the registration of the above-identified mark in Class 9 and hereby seeks to cancel the same. As grounds therefor Petitioner alleges:

1. Upon information and belief, Registrant Southland Tile Tools & Accessories, Inc. dba Troxell USA is a California corporation whose address is 18392 Enterprise Lane, Huntington Beach, CA 92648 (hereinafter “Registrant”).

2. The name and address of the Correspondent for the Registrant is James G. O’Neill, Klein, O’Neill & Singh, LLP, 18200 Von Karman Ave., Suite 725, Irvine, CA 92612, with an email address of joneill@koslaw.com.

3. Registrant is the owner of the mark SUPER-SOFT KNEE PADS as a trademark for knee pads for workers in Class 9 and has registered the mark on the USPTO's Supplemental Register, Registration No. 4,499,800 (hereinafter "Registrant's mark"). A copy of information from the USPTO's electronic database records showing the current status and title of the Registrant's mark taken from the Office's Trademark Status and Document Retrieval (TSDR) electronic database is attached hereto.

4. Long prior to Registrant's adoption, use and registration of the SUPER-SOFT KNEE PADS mark, Petitioner adopted and used the trademark SOFT KNEES for strapless knee pads for workers that attach to pant legs (hereinafter "Petitioner's mark"). Petitioner is the owner of U.S. Trademark Registration No. 2,454,396 for the mark SOFT KNEES for those goods in Class 9. The registration is valid and subsisting and a copy is attached hereto.

5. Petitioner has expended substantial sums advertising and promoting its goods under the SOFT KNEES trademark and has sold in excess of \$7 million of goods under the mark. Consequently, the mark and the registration therefor are valuable corporate assets.

6. Petitioner's mark and Registrant's mark are very similar for very similar goods in Class 9.

7. There is a likelihood of confusion between Registrant's SUPER-SOFT KNEE PADS mark and Petitioner's SOFT KNEES mark, and Petitioner has been and will continue to be damaged thereby.

8. The registration of Registrant's mark is inconsistent with Petitioner's superior rights in and to Petitioner's mark.

WHEREFORE, Petitioner requests that the aforesaid Registration No. 4,499,800 for SUPER-SOFT KNEE PADS be canceled.

DECLARATION

I, Kurt Rohlfs, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Section 18 of the United States Code and that such willful false statements may jeopardize the validity of this Petition for Cancellation, declares: that I am attorney for Petitioner and I am authorized to execute this declaration on behalf of Petitioner; and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 22nd day of November 2019.

By /s/ Kurt Rohlfs
Kurt Rohlfs
Attorney for Petitioner



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TSDR FAQ'S

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INTERMITTENT SYSTEM ISSUES: Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 - 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Trademark Status & Document Retrieval (TSDR)

SEARCH MULTI-SEARCH ?
US Serial, Registration, or Reference No. 4499800 Status Documents

Status results found

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Mark: SUPER-SOFT KNEE PADS

SUPER-SOFT KNEE PADS

US Serial Number: 86038315
US Registration Number: 4499800
Filed as TEAS Plus: Yes
Register: Supplemental
Mark Type: Trademark
TM5 Common Status Descriptor: [Image]
Amended to Principal Register: No
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Mar. 18, 2014

Application Filing Date: Aug. 14, 2013
Registration Date: Mar. 18, 2014
Currently TEAS Plus: Yes

LIVE/REGISTRATION/Issued and Active
The trademark application has been registered with the Office.

Date Amended to Current Register: Jan. 23, 2014

- Mark Information
Goods and Services
Basis Information (Case Level)
Current Owner(s) Information

Expand All

Attorney/Correspondence Information

- ▲ **Prosecution History**
- ▲ **TM Staff and Location Information**
- ▲ **Assignment Abstract Of Title Information - Click to Load**
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Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,454,396

Registered May 29, 2001

**TRADEMARK
PRINCIPAL REGISTER**

SOFT KNEES

**WORKING CONCEPTS, INC. (OREGON COR-
PORATION)
8217 SE 267TH AVENUE
GRESHAM, OR 970809227**

**FOR: STRAPLESS KNEE PADS FOR WORKERS
THAT ATTACH TO PANT LEGS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 3-15-1996; IN COMMERCE 3-27-1996.

OWNER OF U.S. REG. NO. 2,142,426.

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "KNEES", APART FROM THE
MARK AS SHOWN.**

SER. NO. 75-500,494, FILED 6-11-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY