

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

June 16, 2021

Cancellation No. 92077391  
Registration Nos. 2014452 and 3305549

G.M. MORRIS ASSOCIATES INC  
57 S BLVD OF THE PRESIDENTS  
SARASOTA, FL 34236

*Reason Brand, Inc.*

v.

*G. M. Morris Associates, Inc.*

MICHAEL L. RODENBAUGH  
LOZA & LOZA, LLP  
305 N. SECOND AVE., #127  
UPLAND, CA 91786

**Rochelle Adams, Paralegal Specialist:**

#### **NOTICE OF INSTITUTION**

The Petitioner (plaintiff) identified above has filed a petition to cancel the above-identified registration owned by Respondent (defendant). This notice of institution is forwarded pursuant to Trademark Rules 2.113(b) and (c), and constitutes service of the petition to cancel on Respondent. An electronic version of the petition to cancel is viewable on TTABVUE at <https://ttabvue.uspto.gov/ttabvue/>. See Trademark Rule 2.113(a). The parties should diligently monitor this proceeding via TTABVUE.

#### **RESPONDENT MUST FILE ANSWER THROUGH ESTTA**

As required in the schedule below, **Respondent must file an answer within forty (40) days from the mailing date of this order.** Failure to file a timely answer may result in the entry of default judgment and cancellation of the registration. Regarding when a deadline falls on a Saturday, Sunday or federal holiday, see Trademark Rule 2.196. Respondent must file the answer through ESTTA - Electronic System for Trademark Trials and Appeals, unless ESTTA is unavailable due to technical problems or extraordinary circumstances are present. An answer filed on paper under

these limited circumstances must be accompanied by a Petition to the Director (and the required fee under Trademark Rule 2.6). *See* Trademark Rule 2.114(b)(1). In substance, Respondent's answer must comply with Fed. R. Civ. P. 8(b); it must admit or deny the allegations in the petition to cancel, and may include available defenses and counterclaims. Regarding the form and content of an answer, *see* Trademark Rule 2.114(b)(2) and TBMP § 311.

#### **DUTY TO MAINTAIN ACCURATE CORRESPONDENCE INFORMATION**

Throughout this proceeding, the parties, and their attorneys or representatives, must notify the Board of any correction or update of physical address and email address, and should use the ESTTA change of address form. *See* Trademark Rule 2.18(b); TBMP § 117.

#### **SERVICE OF ANSWER AND OF ALL SUBMISSIONS**

The service of the answer, of all other submissions in this proceeding, and of all matters that are required to be served but not required to be filed in the proceeding record, **must** be by **email** unless the parties stipulate otherwise. Trademark Rule 2.119(b). In the absence of a stipulation, service may be by other means **only** under the **limited** circumstances and in a manner specified in Trademark Rule 2.119(b). Regarding the signing and service of all submissions, *see* TBMP §§ 113-113.04.

The answer, and all other submissions, **must** include proof of service. As noted in TBMP § 113.03, proof of service may be in the following certificate of service form:

*I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by forwarding said copy on (insert date of mailing), via email (or insert other appropriate method of delivery) to: (set out name, and address or email address of opposing counsel or party).*

Signature \_\_\_\_\_  
Date \_\_\_\_\_

#### **SUBMIT ALL FILINGS ONLINE VIA ESTTA**

Submissions **must** be filed via ESTTA, the Board's online filing system, unless ESTTA is unavailable due to technical problems or extraordinary circumstances are present. Trademark Rule 2.126(a). Submissions may be filed in paper form **only** under the **limited** circumstances specified in Trademark Rule 2.126(b), with a required written explanation. ESTTA is accessible at the Board's webpage: <https://estta.uspto.gov/>. The page has instructions and tips. ESTTA offers various forms, some of which may require attachments and/or a fee. For technical questions, a party may call 571-272-8500 (Mon-Fri 8:30 a.m. to 5 p.m. ET) or email [ESTTA@uspto.gov](mailto:ESTTA@uspto.gov). This proceeding involves several deadlines, and due to potential technical issues, parties should not wait until the deadline to submit filings. The

Board may **decline to consider** an untimely submission. Moreover, Trademark Rule 2.126 sets forth the required form and format for all submissions (e.g., page limitations), and the Board may **decline to consider** any submission that does not comply with this rule, including, but not limited to motions, briefs, exhibits, and deposition transcripts.

### CONFERENCE, DISCOVERY, DISCLOSURE AND TRIAL SCHEDULE

Time to Answer	7/26/2021
Deadline for Discovery Conference	8/25/2021
Discovery Opens	8/25/2021
Initial Disclosures Due	9/24/2021
Expert Disclosures Due	1/22/2022
Discovery Closes	2/21/2022
Plaintiff's Pretrial Disclosures Due	4/7/2022
Plaintiff's 30-day Trial Period Ends	5/22/2022
Defendant's Pretrial Disclosures Due	6/6/2022
Defendant's 30-day Trial Period Ends	7/21/2022
Plaintiff's Rebuttal Disclosures Due	8/5/2022
Plaintiff's 15-day Rebuttal Period Ends	9/4/2022
Plaintiff's Opening Brief Due	11/3/2022
Defendant's Brief Due	12/3/2022
Plaintiff's Reply Brief Due	12/18/2022
Request for Oral Hearing (optional) Due	12/28/2022

### PARTIES ARE REQUIRED TO HOLD DISCOVERY CONFERENCE

The parties are required to schedule and hold a discovery conference by the deadline in the schedule in this order, or as reset by the Board. In the conference, the parties are required to discuss, at a minimum, 1) the nature and basis of their claims and defenses, 2) the possibility of promptly settling, or at least narrowing the scope of claims or defenses, and 3) arrangements for disclosures, discovery, preserving discoverable information and introduction of evidence at trial. For guidance, *see* Fed. R. Civ. P. 26(f), Trademark Rule 2.120(a)(2)(i) and TBMP §§ 401.01 and 408.01(a).

The parties must hold the conference in person, by telephone or by a means on which they agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference either upon request of any party made no later than ten (10) days prior to the conference deadline, or when the Board deems it useful to have Board involvement. *See* Trademark Rule 2.120(a)(2)(i). A request for Board participation must be made either through ESTTA, or by telephone call to the assigned interlocutory attorney named on the TTABVUE record for this proceeding. A party requesting Board participation should first determine possible dates and times when all parties are available. A conference with a Board attorney's participation will be by telephone in accordance with the Board's instructions.

For efficiency, the parties may stipulate to various procedural and substantive disclosure, discovery and trial matters (*e.g.*, modification of deadlines and obligations) upon written stipulation and approval by the Board. Trademark Rule 2.120(a)(2)(iv) provides a non-exhaustive list of matters to which parties may stipulate. The best practice is to reduce all stipulations to writing. If email service is not practical, such as for voluminous document production in discovery, the parties should discuss in the conference how production will be made. The parties, and their attorneys or representatives, have a **duty to cooperate** in the discovery process. TBMP § 408.01.

#### **PROTECTIVE ORDER FOR CONFIDENTIAL INFORMATION**

The Board's Standard Protective Order is automatically imposed in all *inter partes* proceedings, and is available at <https://www.uspto.gov/trademarks-application-process/appealing-trademark-decisions/standard-documents-and-guidelines-0>.

During their conference, the parties should discuss whether they will use an alternative or modified protective order, subject to approval by the Board. *See* Trademark Rule 2.116(g) and TBMP § 412. The standard order does not automatically protect confidential information; its provisions for designating confidential information must be utilized as needed by the parties. Trademark Rule 2.126(c) sets forth the procedure for filing confidential submissions.

#### **ACCELERATED CASE RESOLUTION (ACR)**

During their conference, the parties are to discuss whether they wish to seek mediation or arbitration, and whether they can stipulate to the Board's Accelerated Case Resolution (ACR) process for a more efficient and cost-effective means of obtaining the Board's determination of the proceeding. For details, and examples of ACR proceedings, *see* TBMP § 528, and the Board's webpage: <https://www.uspto.gov/ttab>.

#### **INITIAL DISCLOSURES AND DISCOVERY**

Regarding the deadline for and contents of initial disclosures, *see* Trademark Rules 2.120(a)(1) and (2)(i), and TBMP § 401.02. Regarding deadlines for serving and responding to discovery, *see* Trademark Rule 2.120(a)(3) and TBMP § 403.03. Certain provisions of Fed. R. Civ. P. 26 are applicable in modified form. Note that written discovery (interrogatories, requests for production, requests for admission) must be served **early** enough so that responses will be due **no later than** the close of discovery. Regarding the scope and limits of discovery, *see* TBMP 414; discoverable items may include documents, tangible things, and electronically stored information (ESI).

#### **MOTIONS**

Certain provisions of Fed. R. Civ. P. 11 apply to all submissions in Board proceedings. *See* TBMP § 527.02. Regarding available motions, *see* TBMP Chapter 500. Regarding applicable deadlines to respond to motions, depending on the motion filed, *see*

Trademark Rules 2.127(a) and (e)(1). When a party timely files a potentially dispositive motion the proceeding is suspended with respect to all matters not germane to the motion. *See* Trademark Rule 2.127(d). In addressing motions or other filings, if it appears to the Board that a telephone conference would be beneficial, or upon request of one or both parties, the Board may schedule a conference. *See* Trademark Rule 2.120(j)(1) and TBMP § 502.06(a).

#### **PRETRIAL DISCLOSURES, TRIAL AND BRIEFING**

Regarding the procedures and deadlines for pretrial disclosures and trial, and specifically the noticing, taking, serving and submitting of evidence and testimony, *see* Trademark Rules 2.120(k), 2.121, 2.122, 2.123 and 2.125, as well as TBMP Chapter 700. The parties should review these authorities. For example: witness testimony may be submitted in the form of affidavit or declaration subject to the right to oral cross examination; transcripts of testimony depositions, with exhibits, must be served on each adverse party within thirty (30) days after completion of taking the testimony; certified transcripts and exhibits must be filed, with notice of such filing served on each adverse party; and all notices of reliance must be submitted during the submitting party's assigned testimony period and must indicate generally the relevance the evidence and associate it with one or more issues.

Main briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing is not required, but will be scheduled upon separate notice timely filed pursuant to Trademark Rule 2.129(a). Regarding briefs and oral hearings, *see* TBMP §§ 801-802.

#### **TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS**

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers - and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.<sup>1</sup> The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the please visit the [ESTTA help](#) webpage.

#### **LEGAL RESOURCES AVAILABLE AT WEBPAGE**

For a general description of Board proceedings, *see* TBMP §102.03. Proceedings are governed by the Trademark Rules of Practice in Parts 2 and 7 of Title 37 of the Code

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<sup>1</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

of Federal Regulations. These rules, the Manual of Procedure (TBMP), information on Accelerated Case Resolution (ACR) and Alternative Dispute Resolution (ADR), and many Frequently Asked Questions, are available on the Board's webpage, at <https://www.uspto.gov/ttab>. The parties should check the webpage for important changes, announcements, etc., many of which apply to proceedings already in progress.

#### **PARTIES NOT REPRESENTED BY COUNSEL**

This proceeding is similar to a civil action in a federal district court and can be complex. The Board **strongly** advises all parties to secure the services of an attorney who is familiar with trademark law and Board procedure. The Board cannot aid in the selection of an attorney. *See* TBMP § 114.02. The Board requires strict compliance with all applicable authorities whether or not the party is represented by counsel.

#### **PARTIES WITHOUT A U.S. DOMICILE MUST SECURE U.S. COUNSEL**

Effective August 3, 2019, the USPTO amended its rules to require applicants, registrants or parties to a proceeding whose domicile is not located within the U.S. or its territories to be represented by an attorney who is an active member in good standing of the bar of the highest court of a state in the U.S., including the District of Columbia or any Commonwealth or territory. Attorney information requires applicant's appointed attorney to provide email and bar information as follows: Year of admission, State or territory of admission and, bar number if one is issued. 84 FR 31498 (Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants, July 2, 2019). Until ESTTA forms are available which will mask the bar information, an attorney may file the required information through ESTTA and select "confidential." A filing under "confidential" is not made available for public viewing.

#### **NOTIFY BOARD OF ALL PENDING ACTIONS**

If the parties are, or during the pendency of this proceeding become, parties in another Board proceeding or a civil action involving the same or related marks, or involving any issues of law or fact which are also in this proceeding, they shall notify the Board immediately. *See* Trademark Rule 2.106(b)(3)(i). The Board will consolidate and/or suspend related Board proceedings, as appropriate. *See* Trademark Rule 2.117(c); TBMP §§ 510 and 511.

# TTAB

Trademark Trial and Appeal Board Electronic Filing System. <https://estta.uspto.gov>

ESTTA Tracking number: **ESTTA1140613**

Filing date: **06/16/2021**

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	REASON BRAND, INC.		
Entity	Corporation	Citizenship	NEW YORK
Address	135 W. 27TH ST., 4TH FLOOR NEW YORK, NY 10001 UNITED STATES		
Attorney information	MICHAEL L. RODENBAUGH LOZA & LOZA, LLP 305 N. SECOND AVE., #127 UPLAND, CA 91786 UNITED STATES Primary Email: miker-pto@lozaip.com 415-738-8087		
Docket Number	AIPA-438		

### Registrations Subject to Cancellation

Registration No.	2014452	Registration date	11/05/1996
Registrant	G.M. MORRIS ASSOCIATES INC 57 S BLVD OF THE PRESIDENTS SARASOTA, FL 34236 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 042. First Use: 1996/04/03 First Use In Commerce: 1996/04/03 All goods and services in the class are subject to cancellation, namely: retail store services in the field of men's shoes, hosiery, and belts and of women's shoes, handbags, and accessories
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### Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)		
Registration No.	3305549	Registration date	10/09/2007
Registrant	G. M. Morris Associates, Inc. 20 NORTH LEMON AVENUE SARASOTA, FL 34236 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 035. First Use: 1996/04/03 First Use In Commerce: 1996/04/03
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**07/23/2021**

All goods and services in the class are subject to cancellation, namely: retail store services in the field of men's shoes, hosiery, belts, hats, briefcases, bags, luggage, leather accessories, and sportswear, and of women's shoes, handbags, hats, leather accessories, and sportswear

## Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	AIPA-438_Petition_to_Cancel_REASONS.pdf(45331 bytes )
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Signature	/Michael L. Rodenbaugh/
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Name	Michael L. Rodenbaugh
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Date	06/16/2021
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Registration No.: 2014452  
For the mark: REASONS  
Date Registered: Nov. 05, 1996

Registration No.: 3305549  
For the mark: REASONS  
Date Registered: Oct. 09, 2007

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REASON BRAND, INC.,

Petitioner,

vs.

G.M. MORRIS ASSOCIATES INC.,

Registrant.

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: **PETITION TO CANCEL**  
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REASON BRAND, INC. ("Petitioner"), is a New York corporation with its principal place of business at 135 W. 27th St., 4th Floor, New York, NY 10001. To the best of Petitioner's knowledge, the name and address of the owner of registration nos. 2014452 and 3305549 is G.M. MORRIS ASSOCIATES INC. ("Registrant"), with a principal address at 20 North Lemon Ave., Sarasota, FL 34236. The above-identified Petitioner believes that it will be damaged by the above-identified registrations, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

## **FACTS**

### **Petitioner's Standing**

1. Since 2006, Petitioner has sold clothing, footwear and other items in U.S. commerce under the brand REASON, and has provided online retail store services featuring clothing, apparel and accessories under that brand at the website reasonclothing.com. Petitioner has filed a corresponding US trademark application in International Classes 25 and 35, Serial No. 90770562.

### **Registrant Is a Dissolved Corporation**

2. On information and belief, according to Florida Secretary of State records, the Registrant is an inactive Florida corporation that was administratively dissolved on Sept. 27, 2019. These records additionally show that the fictitious business name REASONS was registered to G.M. Morris Associates, Inc. but is expired as of December 31, 2018. These records reflect the only officer and director of the corporation as George M. Morris, 30830 Shady Lane Terrace, Myakka City, Florida. On information and belief, according to a public death record, Mr. Morris died on March 12, 2018. On information and belief, after investigation, Mr. Morris owned and operated an upscale shoe store in Sarasota, Florida until his death, and the store closed shortly thereafter.

3. The USPTO records reflect Registrant as the owner of the subject registrations for the mark REASONS, and no assignments have been recorded. The subject registrations describe retail store services in the field of shoes, apparel and accessories, and therefore are likely to be cited against Petitioner's application.

4. The Registrant is an inactive corporation since 2018, apparently has not assigned the marks and related assets, and therefore has abandoned use of the mark. Indeed, use of the mark appears to have been abandoned, without any apparent intent to resume, as of March, 2018. As that is more than three years ago, the mark is presumed to have been abandoned.

5. Based on the foregoing, Petitioner is informed and believes that Registrant has abandoned use of the mark in commerce, and has no intent to resume use in commerce in connection with the retail services listed in both trademark registrations.

6. WHEREFORE, Petitioner requests that this cancellation be sustained and that the registration nos. 2014452 and 3305549 be cancelled.

RESPECTFULLY SUBMITTED,

DATED: June 16, 2021

/s/ Mike Rodenbaugh

Mike Rodenbaugh  
LOZA & LOZA, LLP  
305 N. SECOND AVE., #127  
UPLAND, CA 91786

Attorney for Petitioner

**United States Patent and Trademark Office**

Commissioner for Trademarks  
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Alexandria, VA 22313-1451  
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**AN EQUAL OPPORTUNITY EMPLOYER**



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G.M. MORRIS ASSOCIATES INC  
57 S BLVD OF THE PRESIDENTS  
SARASOTA, FL 34236

-R-T-S- 342365510-1N 07/18/21

RETURN TO SENDER  
UNABLE TO FORWARD  
UNABLE TO FORWARD  
RETURN TO SENDER

