

ESTTA Tracking number: **ESTTA1142546**

Filing date: **06/24/2021**

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	Garcoa, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	26135 MUREAU ROAD CALABASAS, CA 91302 UNITED STATES		

Attorney information	MICHAEL A. PAINTER ISAACMAN, KAUFMAN, PAINTER, LOWY & ZUCKER 1100 GLENDON AVENUE, 15TH FLOOR LOS ANGELES, CA 90024 UNITED STATES Primary Email: painter@ikplaw.com Secondary Email(s): conaway@ikplaw.com 310-881-6800		
Docket Number	25792		

Registration Subject to Cancellation

Registration No.	6161573	Registration date	09/29/2020
Registrant	TuanBo BaiZhong (Beijing) Technology Co., Ltd. ROOM 201, BUILDING A, NO.12. YUMIN ROAD BEIJING, 100029 CHINA		

Goods/Services Subject to Cancellation


Class 025. First Use: 2017/11/20 First Use In Commerce: 2018/01/20 All goods and services in the class are subject to cancellation, namely: Socks; Ankle socks; Boat socks; Men's socks; Slipper socks; Thermal socks; Toe socks; Trouser socks; Water socks; Woollen socks; Yoga socks
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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. Registration No.	5119303	Application Date	06/02/2016
Registration Date	01/10/2017	Foreign Priority	NONE

		Date	
Word Mark	BENEFEET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/07/12 First Use In Commerce: 2008/07/12 Non-medicated foot cream; Non-medicatedfoot lotions; Non-medicated foot soaks		

Attachments	87058026#TMSN.png(bytes) DOC2686.2021.1.pdf(636351 bytes)
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Signature	/Michael A. Painter/
Name	Michael A. Painter
Date	06/24/2021

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

GARCOA, INC., an Ohio
corporation,

Petitioner,

v.

TUANBO BAIZHONG (BEIJING)
TECHNOLOGY CO., LTD., a
China Limited Liability Company,

Registrant.

Cancellation No. _____
Reg. No. 6,161,573
Dated: September 29, 2020

PETITION FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Petitioner, GARCOA, INC., is an Ohio corporation had has its principal place of business in Calabasas, California. Petitioner believes that it is or will be damaged by Registration No. 6,161.573 and hereby petitions to cancel same. The Registrant’s application was filed on August 1, 2019 for the mark BENEFEET SOX in International Class 25 for socks; ankle socks; boat socks; men's socks; slipper socks; thermal socks; toe socks; trouser socks; water socks; woollen socks; and yoga socks, the Certificate of Registration claiming a first use in commerce of January 20, 2018.

The grounds for cancellation are as follows:

1. The Petitioner, Garcoa, Inc., is an Ohio corporation, having its principal place of business in Calabasas, California. The Petitioner is engaged in the business of manufacturing and selling foot care products including, but not limited to, non-medical foot creams, lotions and soaks.

2. Petitioner is the owner of the trademark BENEFEET, Registration No. 5,119,303 dated January 10, 2017 to designate non-medicated foot cream; non-medicated foot lotions; and non-medicated foot soaks , alleging a date of first use of July 12, 2008.

3. Based upon Petitioner's continuous use of the trademark BENEFEET to designate foot care products prior to the filing date alleged in Registration No. 6,161.573, Petitioner has priority of use of the BENEFEET trademark for the purpose of identifying non-medicated foot cream; non-medicated foot lotions; and non-medicated foot soaks and all other goods that are related thereto, including but not limited to socks.

4. Use of the mark BENEFEET SOX by Registrant to identify its socks is likely to cause customers to mistakenly believe that the goods identified by the BENEFEET SOX trademark are produced by, sponsored or endorsed by Petitioner with the result that continued registration of the mark will lessen the impact of Petitioner's BENEFEET trademark.

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

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

The requisite filing fee is submitted herewith.

Please address all correspondence to MICHAEL A. PAINTER, ESQ. of ISAACMAN, KAUFMAN, PAINTER, LOWY & ZUCKER, P.C., 1100 Glendon Avenue, 15th Floor, Los Angeles, California 90024 (310) 881-6800.

Respectfully submitted,

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

Dated: 6/24/2021

By: 

Michael A. Painter
Attorneys for Petitioner,
GARCOA, INC.