

ESTTA Tracking number: **ESTTA1196949**

Filing date: **03/16/2022**

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	Atlantic Optical Company, Incorporated		
Entity	Corporation	Citizenship	California
Address	9747 INDEPENDENCE AVENUE CHATSWORTH, CA 91311 UNITED STATES		
Attorney information	MICHAEL J. MACDERMOTT LEWIS ROCA ROTHGERBER CHRISTIE LLP P.O. BOX 29001 GLENDALE, CA 91209-9001 UNITED STATES Primary email: pto@lewisroca.com 626-795-9900		
Docket no.	400678-00146		

Registration subject to cancellation

Registration no.	6327088	Registration date	04/20/2021
Register	Principal		
Registrant	Spacely, LLC 4034 BUELL DRIVE FORT WAYNE, IN 46807 UNITED STATES		

Goods/services subject to cancellation


Class 009. First Use: Aug 6, 2020 First Use In Commerce: Sep 24, 2020 All goods and services in the class are subject to cancellation, namely: Nose pads for eyewear


Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks cited by petitioner as basis for cancellation

U.S. registration no.	3714939	Application date	04/28/2009
Register	Principal		
Registration date	11/24/2009	Foreign priority date	NONE

Word mark	GEEK EYEWEAR
Design mark	
Description of mark	NONE
Goods/services	Class 009. First use: First Use: Oct 2, 2008 First Use In Commerce: Oct 2, 2008 EYEWEAR; EYEGLOSS FRAMES; EYEWEAR CASES

U.S. registration no.	5588559	Application date	02/10/2015
Register	Principal		
Registration date	10/23/2018	Foreign priority date	NONE
Word mark	GEEK		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Oct 2, 2008 First Use In Commerce: Oct 2, 2008 EYEWEAR, EYEGLOSS FRAMES; EYEWEAR CASES Class 035. First use: First Use: Jul 17, 2006 First Use In Commerce: Jul 17, 2006 ONLINE RETAIL STORE SERVICES IN THE FIELD OF EYEWEAR		

Attachments	77724507#TMSN.png(bytes) 86530833#TMSN.png(bytes) Petition for Cancellation.pdf(1032477 bytes)
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Signature	/Michael J. MacDermott/
Name	Michael J. MacDermott
Date	03/16/2022

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

In the matter of Registration No. 6,327,088
For the Mark GEEKGRIPS
Date Registered April 20, 2021

Atlantic Optical Company, Incorporated	Cancellation No.
Petitioner,	
v.	PETITION FOR CANCELLATION
Spacely, LLC	
Respondent.	

Petitioner Atlantic Optical Company, Incorporated (hereinafter “Atlantic”), a California corporation, whose address is 9747 Independence Avenue, Chatsworth, California 91311, believes that it is being damaged by United States Trademark Registration No. 6,327,088 and hereby petitions to cancel the same.

As grounds for cancellation, Atlantic alleges:

1. Since prior to Respondent’s priority date, Atlantic has been continuously engaged in the distribution, retailing, marketing and sale of eyewear, including cleaning cloths, and the retailing of same.

2. Since prior to Respondent’s priority date, Atlantic has continuously used in commerce the trade names and marks GEEK EYEWEAR and GEEK in connection with the distribution, marketing, retailing and sale of eyewear, including cleaning cloths, and the retailing of same.

3. Atlantic is the owner of U.S. Registration No. 3,714,939 of the mark GEEK EYEWEAR issued November 24, 2009 on the Principal Register for goods in Class 9, namely,

eyewear, and eyeglass frames and cases. Said registration is incontestable, valid and subsisting. Attached as Exhibit 1, and made of record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of the registration.

4. Atlantic is the owner of U.S. Registration No. 5,588,559 of the mark GEEK issued October 23, 2018 for goods and services in Classes 9 and 35, namely, eyewear and eyewear services. Said registration is valid and subsisting. Attached as Exhibit 2 and made of record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of the registration.

5. Through the widespread use and advertising of its GEEK EYEWEAR and GEEK trade names and marks over a long period of time and by virtue of the quality of the goods and services sold and provided in connection with said names and marks, Atlantic has built up a valuable goodwill and reputation in connection with said names and marks which are being jeopardized by Respondent's use and registration of the mark GEEKGRIPS.

6. Respondent's goods for which it seeks to register the mark GEEKGRIPS, namely, nose pads for eyewear are closely related in nature to the goods and services for which Atlantic has used and/or registered its GEEK EYEWEAR and GEEK names and marks. Attached hereto as Exhibit 3 is a copy of an Amazon webpage advertising and promoting Respondent's GEEKGRIPS nose pads for eyewear along with an eyewear cleaning cloth (microfiber lens cloth). Respondent's goods are complementary in nature as Respondent's goods represent an eyewear accessory item.

7. Respondent's mark GEEKGRIPS so resembles Atlantic's trade names and marks GEEK EYEWEAR and GEEK, previously used in commerce and registered by Atlantic and not abandoned, as to be likely, when applied to the goods of Respondent, to cause confusion or to cause mistake or to deceive.

8. Respondent's mark GEEKGRIPS wholly incorporates Atlantic's mark GEEK. Respondent's mark consists of Atlantic's mark GEEK and the generic term GRIP.

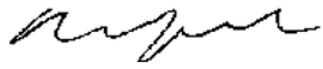
Docket No. 400678-00146

9. Atlantic is being damaged by Respondent's use and registration of the mark GEEKGRIPS under United States Registration No. 6,327,088 for the goods identified therein.

WHEREFORE, Atlantic prays that this petition for cancellation be granted and that Registration No. 6,327,088 be cancelled.

Respectfully submitted,

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By 

Michael J. MacDermott
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MM/rwo

EXHIBIT 1



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GEEK EYEWEAR

Word Mark	GEEK EYEWEAR
Goods and Services	IC 009. US 021 023 026 036 038. G & S: EYEWEAR; EYEGLOSS FRAMES; EYEWEAR CASES. FIRST USE: 20081002. FIRST USE IN COMMERCE: 20081002
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77724507
Filing Date	April 28, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 8, 2009
Registration Number	3714939
International Registration Number	1059184
Registration Date	November 24, 2009
Owner	(REGISTRANT) Atlantic Optical Company, Incorporated CORPORATION CALIFORNIA 9747 Independence Avenue Chatsworth CALIFORNIA 91311
Attorney of Record	Michael J. MacDermott
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EYEWEAR" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20190418.
Renewal	1ST RENEWAL 20190418
Live/Dead Indicator	LIVE

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EXHIBIT 2



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GEEK

Word Mark GEEK

Goods and Services IC 009. US 021 023 026 036 038. G & S: EYEWEAR, EYEGLOSS FRAMES; EYEWEAR CASES. FIRST USE: 20081002. FIRST USE IN COMMERCE: 20081002

IC 035. US 100 101 102. G & S: ONLINE RETAIL STORE SERVICES IN THE FIELD OF EYEWEAR. FIRST USE: 20060717. FIRST USE IN COMMERCE: 20060717

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86530833

Filing Date February 10, 2015

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 7, 2018

Registration Number **5588559**

Registration Date October 23, 2018

Owner (REGISTRANT) Atlantic Optical Company, Incorporated CORPORATION CALIFORNIA 9747 Independence Avenue Chatsworth CALIFORNIA 91311

Attorney of Record Michael J. MacDermott

Prior Registrations 3714939

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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- INCLUDES (1) package of (12) ANTI SLIP adhesive nose pads for eyeglasses and (1) soft microfiber lens cleaning cloth.
- ULTRA THIN LOW PROFILE - eyeglass stick on nose pads are very thin and low profile (.8mm) thickness.
- STRONG ADHESIVE - eyeglass nose pads stick on backing has strong adhesive for plastic glasses frame.
- geekgrips DIAMOND TEXTURE TECHNOLOGY - soft texture silicone nose pads are the ideal non slip nose pads for glasses.
- MICROFIBER CLOTH - use the included microfiber lens cleaning cloth to clean glasses lenses

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