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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	HOLLEY PERFORMANCE PRODUCTS INC.		
Entity	Corporation	Citizenship	Delaware
Address	1801 RUSSELLVILLE ROAD BOWLING GREEN, KY 42101 UNITED STATES		

Attorney information	JOSHUA M. DALTON, ESQ. MORGAN, LEWIS & BOCKIUS LLP ONE FEDERAL STREET BOSTON, MA 02110 UNITED STATES Primary email: trademarks@morganlewis.com Secondary email(s): josh.dalton@morganlewis.com, rachelle.dubow@morganlewis.com, peter.byrne@morganlewis.com, amelia.pennington@morganlewis.com 617.951.8284		
Docket no.	123938-0001		

Registration subject to cancellation

Registration no.	3536592	Registration date	11/25/2008
Register	Principal		
Registrant	Bob Drake Reproductions, Inc. 1819 NW WASHINGTON BLVD GRANTS PASS, OR 97526 UNITED STATES		

Goods/services subject to cancellation

Class 012. First Use: Oct 2006 First Use In Commerce: Oct 2006 All goods and services in the class are subject to cancellation, namely: After market automobile parts, namely, hot rod parts, namely, stainless steel radiator support rod kits comprised of radiator to cowl support connecting rods, firewall brackets, and radiator to fender brackets, fenderless car front shock mounts, fenderless car headlight mounts, spring shackles, land vehicle suspension part in the nature of polished stainless spreader bars, and dual chamber fluid cooler for cooling transmission fluid; after market automobile parts, names, door scuff plates; after market automobile parts, namely, trim in the nature of stainless hood center trim, stainless hood side trim, stainless cowl trim, stainless door trim, stainless quarter trim, and stainless running board trim; after market automobile parts, namely, radiator support kits comprised of radiator to cowl support connecting rods, firewall brackets, and radiator to fender brackets; after market automobile parts, namely, running boards, dash boards, gas tanks, motor car doors, motor car seats, windshields, windshield wipers, windows, storage compartments, namely, exterior luggage racks, battery storage boxes, gear shift knobs, hoods, hood emblems and ornaments, fender guards, side cowl, door, and quarter panels, bumpers, bumper end caps

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation - Bob Drake Reproductions Inc. (Non-Use).pdf(250066 bytes)
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Signature	/Joshua M. Dalton/
Name	Joshua M. Dalton
Date	04/24/2023

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

HOLLEY PERFORMANCE PRODUCTS INC.

Petitioner,

v.

BOB DRAKE REPRODUCTIONS, INC.

Respondent.

In re Registration No. 3536592
Mark: BOB DRAKE
REPRODUCTIONS, INC.

Registered: November 25, 2008

Cancellation No. _____

PETITION FOR CANCELLATION

Holley Performance Products Inc. (“Petitioner”), a corporation organized and existing under the laws of Oregon, with an address of 1801 Russellville Road in Bowling Green, Kentucky, petitions for cancellation of U.S. Trademark Registration No. 3536592 for the mark BOB DRAKE REPRODUCTIONS, INC. (“the Registered Mark”) in connection with the following goods in International Class 12:

Door scuff plates; after market automobile parts, namely, trim in the nature of stainless hood center trim, stainless hood side trim, stainless cowl trim, stainless door trim, stainless quarter trim, and stainless running board trim; after market automobile parts, namely, radiator support kits comprised of radiator to cowl support connecting rods, firewall brackets, and radiator to fender brackets; after market automobile parts, namely, running boards, dash boards, gas tanks, motor car doors, motor car seats, windshields, windshield wipers, windows, storage compartments, namely, exterior luggage racks, battery storage boxes, gear shift knobs, hoods, hood emblems and ornaments, fender guards, side cowl, door, and quarter panels, bumpers, bumper end caps

(“the Limited Goods”) due to perceived nonuse pursuant to Section 14 of the Lanham Act of 1946 (“Lanham Act”), 15 U.S.C. § 1064(3). As grounds for the cancellation of Respondent’s Registration as to the Limited Goods, Petitioner alleges as follows:

Petitioner and Its SCOTT DRAKE Mark

1. Petitioner is an automotive performance company, with a portfolio that includes dozens of leading automotive brands, including, the SCOTT DRAKE® brand for custom manufacturing and supply of reproductive parts for classic cars.
2. Petitioner is the owner of United States Trademark Registration No. 5089908 for SCOTT DRAKE® for use in connection with “custom manufacturing of reproductive parts for classic cars” in Class 40. This registration was issued on November 29, 2016 with dates of use of January 1989.
3. On August 30, 2021, Petitioner filed an application based on use in commerce for SCOTT DRAKE (Serial No. 97001581), covering the following goods:

Class 8: Hand tools

Class 12: Automotive parts and accessories for land vehicles, namely, brakes and related components, bumpers, accessories for the purpose of conversion, cooling components, door components, lighting components, interior electric components, emblems for the body of a vehicle, engine components, exhaust components, fuel systems, grilles, heating components, cooling components, interior components, keys, locks, latches, mirrors, molding, rubber and weather stripping components, hood components, bumper components, fender components, steering components, suspension components, transmission components, drivetrain components, trunk components, wheels and related accessories, windows, wiper blades, automobile restoration body parts

Class 16: Decals; stickers; decal kits

4. On March 9, 2022, Petitioner received an Office Action refusing registration based on a purported likelihood of confusion with the Registered Mark.
5. Although Petitioner disagrees that consumer confusion is likely, Petitioner is being damaged and will continued to be damaged by the continued registration of the Registered Mark and hereby petitions to cancel the same due to perceived nonuse for the Limited Goods.

Respondent's Trademark Registration

6. Respondent, located at 1819 NW Washington Boulevard in Grant Pass, Oregon, is the current listed owner of the Registered Mark.
7. On November 25, 2008, Respondent was issued Registration No. 3536592 for the Registered Mark in International Class 12.
8. On February 2, 2018, Respondent submitted a Combined Declaration of Use for Renewal of Registration of a Mark under Sections 8 and 9 ("2018 Renewal"). The 2018 Renewal was accepted on February 23, 2018.

Abandonment Through Non-Use for the Limited Goods

9. Petitioner incorporates the allegations of the foregoing paragraphs as if fully set forth herein.
10. Petitioner, and its undersigned attorneys, conducted a reasonable investigation to determine if the Registered Mark has been used by Respondent in U.S. commerce in connection with the Limited Goods in the past three years. Petitioner, and its undersigned attorneys, have found no

indication that Respondent, since filing the 2018 Renewal, has continued to use the Registered Mark for the Limited Goods.

11. Petitioner, and its undersigned attorneys, reviewed Respondent's website for indicia of use of the Registered Mark for the Limited Goods and were unable to find evidence of use.
12. Upon information and belief and upon review of Respondent's website, Petitioner, and its undersigned attorneys, believe Respondent uses the Registered Mark as a trade name rather than as a source indicator for the Limited Goods.
13. Upon information and belief, Petitioner, and its undersigned attorneys, believe Respondent is not using the Registered Mark for any of the Limited Goods and has not used the Registered Mark in connection with the Limited Goods in commerce for at least three years.
14. Upon information and belief, Petitioner, and its undersigned attorneys, believe Respondent does not intend to resume use of the Registered Mark in connection with the Limited Goods.
15. Accordingly, Petitioner, and its undersigned attorneys, believe the Registered Mark should be deemed abandoned as to the Limited Goods and subject to cancellation pursuant to 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner respectfully requests that its cancellation be sustained, and that Respondent's Registration No. 3536592, be cancelled as to the Limited Goods.

Date: April 24, 2023

Respectfully submitted,

By: 

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Attorneys for Petitioner,
Holley Performance Products Inc.