ESTTA Tracking number: **ESTTA1365093**
Filing date: **06/14/2024**

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	Three Floyds Brewing LLC		
Entity	Limited Liability Company	Incorporated or registered in	Indiana
Address	9750 INDIANA PARKWAY MUNSTER, IN 46321 UNITED STATES		

Attorney information	GLENN A. RICE CLARK HILL PLC 130 E. RANDOLPH ST. SUITE 3900 CHICAGO, IL 60601 UNITED STATES Primary email: ipdocket@clarkhill.com Secondary email(s): grice@clarkhill.com, tward@clarkhill.com 312 701-6895
Docket no.	M0002/49285

Registration subject to cancellation

Registration no.	5845986	Registration date	08/27/2019
Register	Principal		
Registrant	Knot Normal LLC 16020 ST. CROIX TRAIL NORTH MARINE ON ST. CROIX, MN 55047 UNITED STATES		

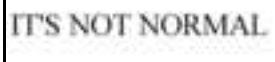
Goods/services subject to cancellation

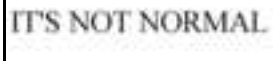
Class 025. First Use: Mar 1, 2019 First Use In Commerce: Mar 1, 2019
All goods and services in the class are subject to cancellation, namely: Athletic shirts; athletic apparel, namely, shirts, pants, hats and caps; baseball caps and hats; graphic t-shirts; hooded sweat shirts; hoodies; long-sleeved shirts; short-sleeved or long-sleeved t-shirts; sport shirts; sports caps and hats; sweat shirts; sweatpants for adults; sweatshirts for adults; t-shirts; tops; wearable garments and clothing, namely, shirts; women's clothing, namely, shirts

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)

Marks cited by petitioner as basis for cancellation

U.S. application no.	98292805	Application date	11/30/2023
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	IT'S NOT NORMAL		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Dec 31, 2011 First Use In Commerce: Dec 31, 2011 (Based on Use) Sweatshirts; T-shirts; Hooded sweatshirts (Based on Intent to Use) Hats		

U.S. registration no.	3853267	Application date	02/18/2010
Register	Principal		
Registration date	09/28/2010	Foreign priority date	NONE
Word mark	IT'S NOT NORMAL		
Design mark			
Description of mark	NONE		
Goods/services	Class 032. First use: First Use: 1996 First Use In Commerce: 1996 Beer		

Attachments	98292805#TMSN.png(bytes) 77938921#TMSN.png(bytes) Petition for Partial Cancellation of Registration.pdf(83685 bytes)

Signature	/Glenn Rice/
Name	Glenn A. Rice
Date	06/14/2024

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

In the matter of Trademark Registration No. 5845986

For the mark KNOT NORMAL

Date registered: August 27, 2019

THREE FLOYDS BREWING LLC,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	**Cancellation No. _____**
	)	
KNOT NORMAL LLC,	)	
	)	
Respondent.	)	

PETITION FOR PARTIAL CANCELLATION OF REGISTRATION

Petitioner is an Indiana limited liability company doing business at 9750 Indiana Parkway, Munster, Indiana 46321.

To the best of Petitioner's knowledge, the name of the current owner of the above-identified registration is Knot Normal LLC, whose last known addresses is 16020 St. Croix Trail North, Marine on St. Croix, Minnesota 55047.

Petitioner believes that it will be damaged by the continued registration of the above-identified registration for the goods in Class 25 only and hereby petitions to cancel the same on the grounds stated below:

1. Petitioner is engaged in the business of producing and selling craft beer and selling related merchandise, including various clothing apparel. Petitioner has used the trademark IT'S NOT NORMAL for beer since at least as early as 1996, and it is the owner of

U.S. Registration No. 3853267 for the mark IT'S NOT NORMAL for beer, which is valid, subsisting and incontestable.

2. Petitioner has used the IT'S NOT NORMAL mark for clothing since at least as early as 2011. Petitioner has applied to register the IT'S NOT NORMAL mark for "Sweatshirts; T-shirts; Hooded sweatshirts" and "Hats" in Class 25, Application Serial No. 98292805.

3. The IT'S NOT NORMAL mark is of significant value to Petitioner as an identification of the source of Petitioner's beer and clothing apparel.

4. The mark KNOT NORMAL, in Registration No. 5845986, which stands in the name of Respondent for "Athletic shirts; athletic apparel, namely, shirts, pants, hats and caps; baseball caps and hats; graphic t-shirts; hooded sweat shirts; hoodies; long-sleeved shirts; short-sleeved or long-sleeved t-shirts; sport shirts; sports caps and hats; sweat shirts; sweatpants for adults; sweatshirts for adults; t-shirts; tops; wearable garments and clothing, namely, shirts; women's clothing, namely, shirts" in Class 25, has been cited for refusing registration of Petitioner's IT'S NOT NORMAL trademark in an Office Action issued on Petitioner's Application Serial No. 98292805 pursuant to Section 2(d) of the Trademark Act.[1]

5. Assuming *arguendo* that the Office Action's position were correct, the mark shown in Registration No. 5845986 is likely to be confused within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), with Petitioner's IT'S NOT NORMAL trademark in Application Serial No. 98292805.

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[1] Reg. No. 5845986 for the KNOT NORMAL mark is also registered for: "Furniture; furniture made of wood; furniture, namely, sports bar and hospitality unit; furniture, namely, sales and display counters; residential and commercial furniture; seating furniture; tables" in Class 20. Because the KNOT NORMAL registration for the goods in Class 20 has not been cited to refuse registration of Application Serial No. 98292805 for Petitioner's IT'S NOT NORMAL mark, Petitioner seeks cancellation of Reg. No. 5845986 only as to the goods in Class 25 and it does not seek cancellation of Reg. No. 5845986 as to the goods in Class 20.

6. Petitioner has rights in its IT'S NOT NORMAL mark prior and superior to any alleged rights of Respondent and has priority by virtue of Registration No. 3853267 as well as Petitioner's use of the IT'S NOT NORMAL mark for both clothing and beer long before any date of first use of the KNOT NORMAL mark upon which Respondent may rely.

7. Because Petitioner possesses prior and superior rights in the IT'S NOT NORMAL trademark, Petitioner will be damaged by the continued registration of the Registration No. 5845986 for the goods in Class 25 as it has been cited to refuse registration of the IT'S NOT NORMAL mark in Application Serial No. 98292805 and such registration will mislead the public about the legality and proper scope of Respondent's registration, which has been cited as a basis for refusing Petitioner's Application.

8. By reason of the foregoing, Respondent's continued ownership of Registration No. 5845986 for the mark KNOT NORMAL for the goods in Class 25 is damaging to Petitioner.

WHEREFORE, Petitioner Three Floyds Brewing LLC requests that this Petition for Partial Cancellation of Registration be sustained in its favor and Registration No. 5845986 for the mark KNOT NORMAL for the goods in Class 25 be cancelled.

Respectfully submitted,

Dated: June 14, 2024

THREE FLOYDS BREWING LLC,
Petitioner

/Glenn Rice/
Attorney for Petitioner

Glenn A. Rice, Esq.
CLARK HILL PLC
130 East Randolph Street, Suite 3900
Chicago, Illinois 60601
(312) 701-6895
grice@clarkhill.com
Attorney for Petitioner