

ESTTA Tracking number: **ESTTA954822**

Filing date: **02/18/2019**

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	Bell Sports, Inc.		
Entity	Corporation	Citizenship	California
Address	5550 Scotts Valley Drive Scotts Valley, CA 95066 UNITED STATES		

Attorney information	Julia K. Sutherland Seyfarth Shaw LLP 1075 Peachtree St NE, Suite 2500 Atlanta, GA 30309 UNITED STATES bcee@seyfarth.com, tmatlanta@seyfarth.com, vistatrademarks@seyfarth.com, ttabdocket@seyfarth.com, jsutherland@seyfarth.com 404-885-1500
----------------------	--

Registration Subject to Cancellation

Registration No.	4954510	Registration date	05/10/2016
Registrant	The Wheelhouse, LLC Unit 6 1375 East 6th Street Los Angeles, CA 90013 UNITED STATES		

Goods/Services Subject to Cancellation

Class 012. First Use: 2014/06/01 First Use In Commerce: 2014/06/01 All goods and services in the class are subject to cancellation, namely: Vehicles for locomotion on land, namely bicycles
Class 035. First Use: 2014/06/01 First Use In Commerce: 2014/06/01 All goods and services in the class are subject to cancellation, namely: Retail store services featuring bicycles and bicycle accessories, retail store services featuring bicycles

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	Petition to Cancel THE WHEELHOUSE.pdf(12480 bytes)
-------------	---

Signature	/Becki C. Lee/
-----------	----------------

Name	Becki C. Lee
Date	02/18/2019

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

In the Matter of Registration No. 4954510
Registration Date: May 10, 2016

Bell Sports, Inc.,

Petitioner,

v.

The Wheelhouse, LLC d/b/a The Wheelhouse,

Respondent.

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioner Bell Sports, Inc. (“Petitioner”), a California corporation, submits that it is being and will continue to be damaged by Registration No. 4954510. Accordingly, Petitioner petitions to cancel Registration No. 4954510. As grounds for its Petition, Petitioner alleges as follows:

1. Petitioner is a corporation organized and existing under the laws of the State of California, having its principal place of business at 5550 Scotts Valley Drive, Scotts Valley, California, 95066.
2. Petitioner is the owner of the intent-to-use trademark application, Serial No. 87/911,065 (“Petitioner’s Application”), for WHEELHOUSE (“Petitioner’s Mark”) in connection with bicycle parking installations (“Petitioner’s Goods”).
3. Petitioner has a bona fide intention to use Petitioner’s Mark in commerce in connection with Petitioner’s Goods.
4. Petitioner is a well-known American designer, manufacturer, and marketer of high-quality bicycle accessories.

5. Respondent The Wheelhouse, LLC d/b/a The Wheelhouse (“Respondent”) is a limited liability company created and existing under the laws of California, having its principal place of business at 1375 East 6th Street, Unit 6, Los Angeles, California 90013.

6. Respondent owns a U.S. Registration No. 4954510 (“Respondent’s Registration”) for the trademark THE WHEELHOUSE (“Respondent’s Mark”) for, in relevant part, “vehicles for locomotion on land, namely bicycles” in International Class 12 with an alleged date of first use in commerce of June 1, 2014, and “retail store services featuring bicycles and bicycle accessories, retail store services featuring bicycles” in International Class 35 with an alleged date of first use of June 1, 2014 (“Respondent’s Relevant Goods and Services”).

7. The USPTO has refused registration of Petitioner’s Application on the basis of a perceived likelihood of confusion with Respondent’s Registration.

8. Respondent has ceased use of Respondent’s Mark in connection with Respondent’s Relevant Goods and Services in the United States.

9. Respondent has no intent to resume use of Respondent’s Mark in connection with Respondent’s Relevant Goods and Services in the United States.

10. Respondent has abandoned Respondent’s Mark.

11. Petitioner will be damaged by the continued registration of Respondent’s Mark because Respondent’s Registration stands as a bar to Petitioner’s Application, and because registration gives Respondent *prima facie* evidence of its ownership of, and its exclusive nationwide right to use, a mark that is confusingly similar to Petitioner’s Marks.

WHEREFORE, for the foregoing reasons, Petitioner is being and will be damaged by the continued registration of Respondent’s Mark, and respectfully requests that judgment be entered

in its favor on this petition and that Registration No. 4954510 be cancelled with respect to Respondent's Relevant Goods and Services.

Dated: February 18, 2019

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ Julia K. Sutherland

Julia K. Sutherland

Becki C. Lee

1075 Peachtree Street NE

Suite 2500

Atlanta, Georgia

Telephone: (404) 885-1500

jsutherland@seyfarth.com

bcee@seyfarth.com

Attorneys for Petitioner Bell Sports, Inc.