

ESTTA Tracking number: **ESTTA1166339**

Filing date: **10/15/2021**

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	Kohler Co.		
Entity	Corporation	Citizenship	Wisconsin
Address	444 HIGHLAND DRIVE KOHLER, WI 53044 UNITED STATES		
Attorney information	BRADLEY L. COHN PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD 200 S. WACKER DRIVE SUITE 2900 CHICAGO, IL 60606 UNITED STATES Primary Email: blc@pattishall.com Secondary Email(s): ntp@pattishall.com, docket@pattishall.com, sxs@pattishall.com 3125548000		
Docket Number	2224-1881		

Registration Subject to Cancellation

Registration No.	4958322	Registration date	05/17/2016
Registrant	The Thymes, LLC 629 9TH STREET SE MINNEAPOLIS, MN 55414 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2014/08/31 First Use In Commerce: 2014/08/31 All goods and services in the class are subject to cancellation, namely: Soap

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	SPRIG Cancellation Petition.pdf(126864 bytes) SPRIG cancellation Exhibits.pdf(911456 bytes)
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Signature	/Novaira T. Paul/
Name	Novaira T. Paul

Date	10/15/2021
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:
Trademark Registration No. 4,958,322
For the mark SPRIG in International Class 3
Date Registered: May 17, 2016

)	
KOHLER CO.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
THE THYMES, LLC,)	
)	
Respondent.)	
)	

PETITION FOR CANCELLATION

Kohler Co., a Wisconsin corporation located and doing business at 444 Highland Drive, Kohler, Wisconsin ("Petitioner"), believes it is and will continue to be damaged by Registration No. 4,958,322 on the Principal Register and owned by The Thymes, LLC ("Respondent"), and hereby petitions for cancellation of the same.

In support thereof, Kohler Co. states as follows:

1. Petitioner, Kohler Co., sells a variety of products, including personal care products such as hand and body lotion, hair shampoo and conditioner, shower and bath gel, and massage and body oil.

2. Petitioner filed and owns a pending application to register SPRIG for "Essential oils; fragrances; non-medicated skin care treatments" in Class 3 and "Plumbing products, namely, shower and faucet attachments" in Class 11, Application Serial No. 90/514,000. On July 31, 2021, an Examining Attorney issued an office action for this application on § 2(d)

grounds, citing an existing registration for SPRIG for “soap” in Class 3, Registration No. 4,958,322. This cited registration is owned by The Thymes, LLC (“Registrant”). A print-out from the United States Patent and Trademark Office's TESS database showing the status and details of this registration, as well as a copy of the registration itself, are attached hereto as Exhibit A.

3. On information and belief, Registrant has ceased all use of the mark SPRIG for the goods identified in Registration No. 4,958,322. A search on Registrant’s website for “SPRIG” yields no results, confirming that Registrant no longer offers products under the mark SPRIG. A print-out of these search results is attached hereto as Exhibit B.

4. On information and belief, Registrant has no intention to resume use of the mark SPRIG for the goods identified in Registration No. 4,958,322.

5. Therefore, on information and belief, Registrant has abandoned the mark SPRIG for the goods identified in Registration No. 4,958,322.

6. On information and belief, Petitioner will be harmed by continued registration of the abandoned mark shown in Registration No. 4,958,322, as the United States Patent and Trademark Office is refusing to approve Petitioner’s application to register SPRIG because of likelihood of confusion concerns with Registrant’s Registration for SPRIG.

7. Accordingly, Registration No. 4,958,322 should be canceled on the ground of abandonment.

WHEREFORE, Petitioner prays that judgment be entered in favor of Petitioner and against Respondent, and that Registration No. 4,958,322 be cancelled.

Please address all correspondence to Bradley L. Cohn, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 200 South Wacker Drive, Suite 2900, Chicago, Illinois 60606.

Petitioner requests that the requisite filing fee of \$600.00 be deducted from Deposit Account No. 16-0650, the deposit account of Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: October 15, 2021

By: /Novaira T. Paul/
Bradley L. Cohn
Novaira T. Paul
200 South Wacker Drive, Suite 2900
Chicago, Illinois 60606
(312) 554-8000

Attorneys for Petitioner, Kohler Co.

EXHIBIT A



[Trademarks](#) > **Trademark Electronic Search System (TESS)**

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SPRIG

Word Mark	SPRIG
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Soap. FIRST USE: 20140831. FIRST USE IN COMMERCE: 20140831
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86553214
Filing Date	March 4, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 1, 2016
Registration Number	4958322
Registration Date	May 17, 2016
Owner	(REGISTRANT) The Thymes, LLC LIMITED LIABILITY COMPANY DELAWARE 629 9th Street SE Minneapolis MINNESOTA 55414
Attorney of Record	John Pickerill
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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United States of America
United States Patent and Trademark Office

SPRIG

Reg. No. 4,958,322

THE THYMES, LLC (DELAWARE LIMITED LIABILITY COMPANY)
629 9TH STREET SE
MINNEAPOLIS, MN 55414

Registered May 17, 2016

Int. Cl.: 3

FOR: SOAP, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK

FIRST USE 8-31-2014; IN COMMERCE 8-31-2014.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-553,214, FILED 3-4-2015.

DAVID COLLIER, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

EXHIBIT C

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