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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	Garrett Gutierrez		
Entity	Individual	Incorporated or registered in	UNITED STATES
Address	606 S. HILL STREET, SUITE 606 LOS ANGELES, CA 90014 UNITED STATES		
Attorney information	ANNA RADKE BRAND COUNSEL 401 PARK AVE S 10TH FL NEW YORK, NY 10016 UNITED STATES Primary email: anna@brandcounselpc.com Secondary email(s): manoj@brandcounselpc.com, jody@brandcounselpc.com, emma@brandcounselpc.com No phone number provided		
Docket no.			

Registration subject to cancellation

Registration no.	6206145	Registration date	11/24/2020
Register	Principal		
Registrant	Evo Design LLC 1369 MAIN STREET WATERTOWN, CT 06795 UNITED STATES		

Goods/services subject to cancellation

Class 021. First Use: Sep 26, 2020 First Use In Commerce: Sep 26, 2020
All goods and services in the class are subject to cancellation, namely: Floor brushes, carpet brushes and brushes for household use; pads for household cleaning, pads of metal for household cleaning

Grounds for cancellation

Mark never used in commerce	Trademark Act Section 14(6)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Abandonment	Trademark Act Section 14(3)

Attachments	072324 Petition to Cancel SCRUBI FINAL OPTIMIZED2.pdf(4694653 bytes)
Signature	/Anna Radke/
Name	Anna Radke
Date	07/23/2024

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

In the matter of Registration No. 6206145

For the mark SCRUBI

Issued November 24, 2020

Garrett Gutierrez,

Petitioner,

vs.

Evo Design LLC,

Respondent.

Cancellation No.:

PETITION TO CANCEL

Garrett Gutierrez, (“Petitioner”), an individual based in the United States, with an address at 606 S. Hill Street, Suite 606, Los Angeles, CA 90014, believes he is and will continue to be damaged by continued U.S. Registration No. 6206145 for the design mark SCRUBI (“Respondent Mark” or “SCRUBI Mark”) in connection with “*Floor brushes, carpet brushes and brushes for household use; pads for household cleaning, pads of metal for household cleaning*” in International Class 21 (“Respondent Registration”) owned by Evo Design LLC (“Respondent”),

and hereby petitions for cancellation on grounds of abandonment and non-use, pursuant to the Lanham Trademark Act of 1946 (“Lanham Act”).

As grounds for this petition, Petitioner alleges as follows:

1. Petitioner is and has been in the business of selling various personal care products since at least March 18, 2020. In connection with his business, Petitioner offers and sells goods such as exfoliating cloths, exfoliating pads, loofahs for household purposes, bath sponges, bath products, namely, loofah sponges, cleaning cloth, facial cleansing sponges, scrub sponges, body lotion and other personal care products.

2. Petitioner has a *bona fide* intent to use the mark SCRUBI BY GOSHI in U.S. commerce in connection with “*Bath products, namely, loofah sponges; Bath sponges; Cleaning cloth; Exfoliating cloths; Exfoliating pads; Facial cleansing sponges; Loofahs for household purposes; Scrub sponges.*”

3. On September 27, 2021, Petitioner filed a trademark application, Serial No. 97046751, for the SCRUBI BY GOSHI standard character mark in connection with “*Bath products, namely, loofah sponges; Bath sponges; Cleaning cloth; Exfoliating cloths; Exfoliating pads; Facial cleansing sponges; Loofahs for household purposes; Scrub sponges*” in International Class 21 (“Petitioner Application”). Attached hereto as Exhibit A is a true and correct printout from the United States Patent and Trademark Office (“USPTO”) electronic database reflecting the pending Petitioner Application.

4. In the Nonfinal Office Action, dated June 28, 2022, and Final Office Action, dated January 24, 2023 (the “Office Actions”), the USPTO cited the Respondent Registration against the Petitioner Application asserting its position that registration of the Petitioner’s SCRUBI BY GOSHI mark is likely to cause confusion with the Respondent’s SCRUBI Mark, thereby

interfering with the Petitioner Application and causing harm to Petitioner. Petitioner, therefore, has a real interest in seeking cancellation of the Respondent Registration and the entitlement to a statutory cause of action to bring this action. Attached hereto as Exhibit B is a true and correct copy of the Office Actions.

5. Further, Petitioner has taken substantial steps towards using his SCRUBI BY GOSHI mark in connection with the relevant goods, including conducting research related to product development. In view of these steps, Petitioner is significantly invested and has a real interest in the SCRUBI BY GOSHI mark.

6. Petitioner's intent for SCRUBI BY GOSHI is to be used in connection with a more affordable product line than his famous GOSHI brand.

7. In fact, Petitioner obtained a registration for the GOSHI mark in standard characters, U.S. Registration No. 6168638, on October 6, 2020 ("GOSHI Registration"). GOSHI Registration was issued in connection with "*Exfoliating cloths; Exfoliating pads; Loofahs for household purposes; Bath sponges; Bath products, namely, loofah sponges; Cleaning cloth; Facial cleansing sponges; Scrub sponges*" in International Class 21. Attached hereto as Exhibit C is a true and correct copy from the USPTO electronic database reflecting GOSHI Registration.

8. Petitioner's registered GOSHI mark is a famous house mark for its namesake personal care brand, GOSHI. GOSHI brand has been featured in major media, including Byrdie, CNN, Complex, GQ and Hypebeast, among others. Petitioner has invested substantial resources into developing the products under the brand, which are available for sale at major retailers such as Amazon, Walmart, Ideana and Brain Dead. Attached hereto as Exhibit D is evidence that the GOSHI mark is famous within the meaning of Lanham Act § 43(c), 15 U.S.C. § 1125(c).

9. Respondent, Evo Design LLC, is a domestic limited liability company registered in

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