

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IBKUL UBHOT LTD.,**  
*Appellant*

v.

**ALFWEAR, INC.,**  
*Appellee*

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2020-2120

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Appeal from the United States Patent and Trademark Office, Trademark Trial and Appeal Board in No. 91233985.

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Decided: October 13, 2021

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DARREN J. QUINN, Law Offices of Darren J. Quinn, Del Mar, CA, argued for appellant.

S. BRANDON OWEN, Ray Quinney & Nebeker P.C., Salt Lake City, UT, argued for appellee. Also represented by ADAM RICHARDS; TRENT BAKER, Baker IP PLLC, Salt Lake City, UT.

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Before MOORE, *Chief Judge*, PROST and TARANTO, *Circuit Judges*.

PER CURIAM.

IBKUL UBHOT LTD. appeals a Trademark Trial and Appeal Board decision sustaining Alfwear, Inc.'s opposition to registration of a mark, "IBKÜL." *Alfwear, Inc. v. IBKUL UBHOT LTD.*, Opposition No. 91233985, 2020 WL 3429163, at \*1 (T.T.A.B. June 2, 2020). Although Alfwear alleged consumers would likely confuse IBKÜL with four of Alfwear's registered marks, the Board considered confusion with respect to only one of those marks, "KÜHL." *Id.* at \*8. After the Board's decision and while this appeal was pending, the KÜHL mark was cancelled because Alfwear failed to file a declaration of use under 15 U.S.C. § 1058. The parties agree that cancellation necessarily impacts the Board's findings. Accordingly, we vacate and remand for the Board to reconsider its findings in light of the cancellation.

**VACATED AND REMANDED**

COSTS

No costs.