

NOTE: This disposition is nonprecedential.

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

IBKUL UBHOT LTD.,
Appellant

v.

ALFWEAR, INC.,
Appellee

2020-2120

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

Decided: October 13, 2021

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.

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.