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Filing date: **02/21/2007**

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

Proceeding	78554967
Applicant	Cuban Cigar Brands, N.V.
Applied for Mark	MONTECRISTO CLASSIC COLLECTION
Correspondence Address	CHARLES W. GRIMES GRIMES & BATTERSBY, LLP 488 MAIN AVE STE 3 NORWALK, CT 06851-1008 UNITED STATES mgrimes@gandb.com
Submission	Reply Brief
Attachments	MONTECRISTO CLASSIC COLLECTION Reply Brief.pdf (43 pages)(1543573 bytes)
Filer's Name	Charles W. Grimes
Filer's e-mail	grimes@gandb.com, rutherford@gandb.com, schlesinger@gandb.com
Signature	/cwg/
Date	02/21/2007

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

In the Matter of Trademark Application Serial No. 78/554,967
For the Mark MONTECRISTO CLASSIC COLLECTION
By Applicant Cuban Cigar Brands, N.V.
Filed on January 27, 2005

EX PARTE REPLY BRIEF

GRIMES & BATTERSBY, LLP
Charles W. Grimes, Esq.
Jessica S. Rutherford, Esq.
488 Main Avenue, Third Floor
Norwalk, CT 06851
(203) 849-8300

Attorneys for Applicant Cuban Cigar
Brands, N.V.

INDEX OF CITED CASES

Cases

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ARGUMENT

THE TERM “CLASSIC” IS TOO BROAD AND AMORPHOUS TO BE CONSIDERED MERELY DESCRIPTIVE OF APPLICANT’S GOODS

Relying on numerous internet articles, in which the term “classic cigar” appears, the Examining Attorney asserts that the term “classic” is merely descriptive of Applicant’s goods. *Examining Attorney’s Appeal Brief* at 3. According to the Examining Attorney, it indicates a characteristic of Applicant’s goods, namely, that they are “of a well-known type.” *Id.* In response to Applicant’s assertion that this term is so general it could relate to any number of different goods, the Examining Attorney went on to state that the internet evidence demonstrates that term “classic” “ha[s] meaning to potential purchasers of the applicant’s goods.” *Examining Attorney’s Appeal Brief* at 5, note 2. Applicant maintains that the term “classic” has no particular meaning to potential purchasers in relation to Applicant’s goods. Hence, it cannot be considered merely descriptive within the meaning of the Trademark Act.

A term is merely descriptive of goods, pursuant to Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it “forthwith conveys an immediate idea of the ingredients, qualities or characteristics of the [relevant] goods.” *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215, 218 (CCPA 1978). Conversely, “if the mental leap between the word and the product’s attributes is not almost instantaneous, this strongly indicates suggestiveness, not direct descriptiveness.” 2 J. Thomas McCarthy, *McCarthy On Trademarks and Unfair Competition* §11:67 at p. 129 (4th ed. 2005). Put another way, if the mark “clearly does not tell the potential customer only what the goods are...then the mark is not ‘merely descriptive.’” *In re Intelligent Medical Systems*, 5 USPQ2d 1674, 1675 (TTAB 1987) (quoting 1 T. McCarthy, *McCarthy On Trademarks and Unfair Competition*, §11:18 at p. 481 (2d ed. 1984)). Therefore, a mark that

suggests a number of things but falls short of describing the goods with any “degree of particularity,” is not merely descriptive. *See In re TMS Corporation of the Americas*, 200 USPQ 57, 59 (TTAB 1978) (holding THE MONEY SERVICE not merely descriptive of financial services). Finally, the evidence proffered by the Examining Attorney must link the recognized meaning of the term to the Applicant’s goods. *In re Classic Beverage, Inc.*, 6 USPQ2d 1383, 1386 (TTAB 1988).

With particular regard to the term “classic,” the Board has recognized the suggestive nature of this word. For example, the Board held that “the term ‘classic’ does not impart any definite information about applicant’s [goods]” and reversed the requirement of a disclaimer of the term “classic” in the composite mark CLASSIC COLA for soft drinks. *In re Classic Beverage, Inc.*, at 1386.

Moreover, the term “classic” has previously been recognized by the PTO to be suggestive of cigars, tobacco and similar goods in numerous instances. Applicant respectfully requests that the Board consider the following live third-party registrations (Applicant’s Exhibit 2) on the Principal Register for trademarks incorporating the term “classic” for cigars, tobacco or similar goods without a disclaimer of “classic.”

<u>Mark</u>	<u>Registration No.</u>	<u>Goods</u>
ZIG ZAG CLASSIC AMERICAN BLEND	2,780,643	smoking tobacco
C ROYALE CLASSIC IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS 20 CLASS A CIGARETTES FILTER KINGS	2,628,887	cigarettes
C ROYALE CLASSIC IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS 20 CLASS A CIGARETTES FILTER KINGS	2,595,319	cigarettes
CLASSIC AMERICAN BLEND	2,989,935	cigarettes
C ROYALE CLASSIC	2,795,949	cigarettes

ROYALE CLASSIC	2,780,585	cigarettes
SOUTHERN CLASSIC	2,813,638	cigarettes, smoking tobacco, cigars, cigarillos
STOKER'S CLASSIC	2,511,474	smokeless tobacco
ZINO CLASSIC SUMATRA	2,026,864	cigars
ZINO CLASSIC BRAZIL	2,026,863	cigars
CLASSIC CANADIAN	1,922,338	tobacco
DUKE CLASSIC	1,410,839	cigarettes

In relation to the mark at hand, the suggestive nature of the term “classic” is compounded by the fact that it is unclear whether the term refers to the word that precedes it (i.e., “montecristo”) or the word that follows it (i.e., “collection”). As a result, prospective purchasers must make a leap of imagination to perceive the meaning of the term “classic” in the context of the mark as a whole. In this way, the term is too broad and amorphous to convey a particular meaning to potential purchasers.

More than likely, potential purchasers will perceive the term “classic” and the unitary phrase “classic collection” to refer to Applicant’s world-famous Montecristo brand. Clearly, the term “classic collection” is not merely descriptive of the famous MONTECRISTO mark. The inclusion of the term “montecristo” obviates any indication of descriptiveness. Just as ZINO CLASSIC SUMATRA (Reg. No. 2,026,864) and ZINO CLASSIC BRAZIL (Reg. No. 2,026,863) exist on the Principal Register without disclaimer of the term “classic,” MONTECRISTO CLASSIC COLLECTION is entitled to registration without disclaiming “classic.”

Importantly, for all of the Examining Attorney's evidence of use of the term "classic cigar," practically every single one of the 20 internet articles submitted with the Office Action, dated April 6, 2006, uses the term in a different way. The term variously refers to: cigars owned by Florida Marlin Manager, Jack McKeon; a store on North Market Street; a different store in Delaware; a type of store selling cigars; a type of cigar box labels; a liquor that commonly accompanies cigar smoking; and cigars named Montesino, Bering, Cisso Superior, Cisso Maduro, En El Punto, Partagas D4, Romeo Y Julieta Pyramides, Portofino [sic], Lonsdale, Belicoso, Robusto, Havana, Churchill, Veracruz and H. Upmann 2000. This utter lack of uniformity in the use of the term "classic cigar" belies the Examining Attorney's assertion that such cigars are of "a well-known type." Moreover, the evidence hardly indicates that prospective purchasers of applicant's cigars, little cigars, roll-your-own tobacco, pipe tobacco and smokeless tobacco would link the dictionary definition of "classic" to applicant's goods, since no such "well-known type" exists. The Examining Attorney fails to grasp that Montecristo refers to a brand of cigar, not a type. Likewise, Montesino, Bering, Cisso, En El Punto, Partagas, Romeo Y Julieta, Portofino, Veracruz and H. Upmann 2000 are competing brands of cigars, which could not possibly describe a characteristic of Applicant's goods. Most telling of all, there is a complete lack of evidence that Applicant's Montecristo brand cigars are ever referred to as "classic cigars." Contrary to the Examining Attorney's assertion, the term "classic," when used in connection with Applicant's goods, is so broad and amorphous that it cannot be considered merely descriptive. Therefore, the disclaimer requirement should be withdrawn.

SUMMARY

For the reasons stated herein, Applicant respectfully urges the Board to sustain this Appeal and grant registration of Applicant's Application Serial No. 78/554,967.

Dated: Norwalk, Connecticut
February 21, 2007

Respectfully submitted,

THE APPLICANT,

By: 
Charles W. Grimes, Esq.
Jessica S. Rutherford, Esq.
Grimes & Battersby LLP
488 Main Avenue, Third Floor
Norwalk, CT 06851
(203) 849-8300
Attorneys for the Applicant Cuban Cigar
Brands, N.V.

**APPLICANT'S
EXHIBIT 2**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:37:17 ET

Serial Number: 78084504 Assignment Information

Registration Number: 2780643

Mark (words only): ZIG ZAG CLASSIC AMERICAN BLEND

Standard Character claim: No

Current Status: A cancellation proceeding has been filed at the Trademark Trial and Appeal Board and is now pending.

Date of Status: 2004-04-22

Filing Date: 2001-09-19

Transformed into a National Application: No

Registration Date: 2003-11-04

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: SH0 -Office Of Public Record - Special Handling

Date In Location: 2006-11-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. North Atlantic Operating Co., Inc.

Address:

North Atlantic Operating Co., Inc.
257 Park Avenue South, 7th Floor
New York, NY 10010
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active
smoking tobacco

Basis: 1(a)

First Use Date: 1999-03-00

First Use in Commerce Date: 1999-03-06

ADDITIONAL INFORMATION

Disclaimer: "AMERICAN BLEND"

Prior Registration Number(s):

1133291
1472580
1512985
1775416
2122646
2512921

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 2004-04-22 - Cancellation Instituted No. 999999
- 2003-11-04 - Registered - Principal Register
- 2003-08-22 - Allowed for Registration - Principal Register (SOU accepted)
- 2003-08-19 - Assigned To Examiner
- 2003-08-18 - Case File In TICRS
- 2003-08-06 - Statement of use processing complete
- 2003-06-30 - Amendment to Use filed
- 2003-06-30 - PAPER RECEIVED
- 2003-06-13 - Extension 1 granted
- 2003-05-05 - Extension 1 filed
- 2003-05-05 - PAPER RECEIVED
- 2002-12-24 - Notice of allowance - mailed
- 2002-10-01 - Published for opposition
- 2002-09-11 - Notice of publication
- 2002-07-08 - Approved for Pub - Principal Register (Initial exam)
- 2002-06-10 - Communication received from applicant

2001-12-07 - Non-final action mailed

2001-11-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

KATHRYN GRANT BELLEAU

Correspondent

ARLANA S. COHEN
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799
Phone Number: 502/587-3707
Fax Number: 502/540-2268

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:38:46 ET

Serial Number: 76008192 Assignment Information

Registration Number: 2628887

Mark



(words only): C ROYALE CLASSIC IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS 20 CLASS A CIGARETTES FILTER KINGS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-10-01

Filing Date: 2000-03-23

Transformed into a National Application: No

Registration Date: 2002-10-01

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-10-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. I.T.C. LIMITED

Address:
I.T.C. LIMITED
37 J.L. NEHRU ROAD
Kolkata 700071
India

Legal Entity Type: Corporation

State or Country of Incorporation: Indi

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

Cigarettes

Basis: 1(a)

First Use Date: 2000-11-14

First Use in Commerce Date: 2000-11-14

ADDITIONAL INFORMATION

Disclaimer: "IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS" and "FILTER KINGS and 20 CLASS A CIGARETTES"

Design Search Code(s):

03.01.02 - Lion insignia (heraldic lion)

24.11.01 - Crowns closed at the top

26.11.21 - Rectangles that are completely or partially shaded

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-08-12 - TEAS Change Of Correspondence Received

2002-10-01 - Registered - Principal Register

2002-02-12 - Allowed for Registration - Principal Register (SOU accepted)

2002-02-08 - Assigned To Examiner

2002-02-06 - Statement of use processing complete

2002-01-25 - Amendment to Use filed

2002-01-15 - Notice of allowance - mailed

2001-10-23 - Published for opposition

2001-10-03 - Notice of publication

2001-03-08 - Approved for Pub - Principal Register (Initial exam)

2001-02-23 - Examiner's amendment mailed

Latest Status Info

2000-10-13 - Communication received from applicant

2000-09-08 - Non-final action mailed

2000-08-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

HOWARD B. BARNABY

Correspondent

Albert Robin

Cowan, Liebowitz & Latman, P.C.

1133 Avenue of the Americas

New York NY 10036

Phone Number: 212-790-9200

Fax Number: 212-575-0671

Domestic Representative

HOWARD B. BARNABY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:44:26 ET

Serial Number: 76010264 Assignment Information

Registration Number: 2595319

Mark



(words only): C ROYALE CLASSIC IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS 20 CLASS A CIGARETTES FILTER KINGS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-07-16

Filing Date: 2000-03-27

Transformed into a National Application: No

Registration Date: 2002-07-16

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-07-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. I.T.C. Limited

Address:

I.T.C. Limited
Virginia House 37 Chowringhee
Calcutta 700071
India

Legal Entity Type: Corporation

State or Country of Incorporation: Ind

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

cigarettes

Basis: 1(a)

First Use Date: 2000-11-14

First Use in Commerce Date: 2000-11-14

ADDITIONAL INFORMATION

Disclaimer: "FILTER KINGS", "20 CLASS A CIGARETTES" and "IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS"

Description of Mark: The mark consists of the design of a cigarette package having a red rectangle with a gold crest at the top, said crest containing the letter "C" in gold against a red background, with the words "ROYALE CLASSIC", "IMPECCABLE BLEND OF EXCLUSIVE TOBACCOS" and "20 CLASS A CIGARETTES" displayed horizontally within the red rectangle in the color gold, and having a narrow gold rectangle to the left of the red rectangle, and gold rectangle vertically displaying the words "FILTER KINGS" in darker gold.

Design Search Code(s):

03.01.02 - Lion insignia (heraldic lion)

19.07.03 - Boxes, cigarette

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-08-12 - TEAS Change Of Correspondence Received

2002-07-16 - Registered - Principal Register

2002-02-28 - Allowed for Registration - Principal Register (SOU accepted)

2002-02-21 - Assigned To Examiner

2002-02-17 - Statement of use processing complete

2002-01-25 - Amendment to Use filed

2002-01-08 - Notice of allowance - mailed

2001-10-16 - Published for opposition

2001-09-26 - Notice of publication

2001-03-08 - Approved for Pub - Principal Register (Initial exam)

2001-02-23 - Examiner's amendment mailed
2000-10-13 - Communication received from applicant
2000-09-08 - Non-final action mailed
2000-09-01 - Assigned To Examiner
2000-08-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
HOWARD B BARNABY

Correspondent
Albert Robin
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York NY 10036
Phone Number: 212-790-9200
Fax Number: 212-575-0671

Domestic Representative
HOWARD B BARNABY

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:39:07 ET

Serial Number: 76357525 Assignment Information

Registration Number: 2989935

Mark (words only): CLASSIC AMERICAN BLEND

Standard Character claim: No

Current Status: A cancellation proceeding has been filed at the Trademark Trial and Appeal Board and is now pending.

Date of Status: 2005-09-22

Filing Date: 2002-01-11

Transformed into a National Application: No

Registration Date: 2005-08-30

Register: Principal

Law Office Assigned: LAW OFFICE 115

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Current Location: 650 -Publication And Issue Section

Date In Location: 2005-07-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NORTH ATLANTIC OPERATING CO., INC.

Address:
NORTH ATLANTIC OPERATING CO., INC.
c/o James W. Dobbins, Esq. 257 Park Avenue South
New York, NY 10010
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 034
Class Status: Active
CIGARETTES
Basis: 1(a)
First Use Date: 1999-04-01

First Use in Commerce Date: 1999-04-0

ADDITIONAL INFORMATION

Disclaimer: "AMERICAN BLEND"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-09-22 - Cancellation Instituted No. 999999

2005-08-30 - Registered - Principal Register

2005-07-21 - Law Office Registration Review Completed

2005-06-17 - Assigned To LIE

2005-06-13 - Allowed for Registration - Principal Register (SOU accepted)

2005-06-02 - Statement of use processing complete

2005-06-02 - Amendment to Use filed

2005-06-02 - TEAS Statement of Use Received

2004-12-09 - Extension 3 granted

2004-12-03 - Extension 3 filed

2004-12-03 - TEAS Extension Received

2004-09-13 - TEAS Change Of Correspondence Received

2004-06-17 - Extension 2 granted

2004-06-03 - Extension 2 filed

2004-06-09 - Case File In TICRS

2004-06-03 - TEAS Extension Received

2003-12-01 - Extension 1 granted

2003-12-01 - Extension 1 filed

2003-12-01 - TEAS Extension Received

2003-06-03 - Notice of allowance - mailed

Latest Status Info

- 2003-03-11 - Published for opposition
- 2003-02-19 - Notice of publication
- 2003-01-17 - Approved for Pub - Principal Register (Initial exam)
- 2002-10-10 - Communication received from applicant
- 2002-10-15 - PAPER RECEIVED
- 2002-04-10 - Non-final action mailed
- 2002-03-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Eugene L. Flanagan III

Correspondent

MARK J. SPECINER
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6799
Phone Number: 212-790-9200
Fax Number: 212-575-0671

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:39:40 ET

Serial Number: 76975813 Assignment Information

Registration Number: 2795949

Mark



Royale
Classic

(words only): C ROYALE CLASSIC

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-12-16

Filing Date: 2000-03-23

Transformed into a National Application: No

Registration Date: 2003-12-16

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-12-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. I.T.C. Limited

Address:
I.T.C. Limited
Virginia House 37 Chowringhee
Calcutta 700071
India

Legal Entity Type: Corporation
State or Country of Incorporation: India

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

Cigarettes

Basis: 1(a)

First Use Date: 2000-11-14

First Use in Commerce Date: 2000-11-14

ADDITIONAL INFORMATION

Design Search Code(s):

03.01.02 - Lion insignia (heraldic lion)

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-08-31 - TEAS Change Of Correspondence Received

2003-12-16 - Registered - Principal Register

2003-10-17 - Allowed for Registration - Principal Register (SOU accepted)

2003-08-04 - Statement of use processing complete

2003-05-21 - Amendment to Use filed

2003-08-04 - Divisional processing completed

2003-05-21 - Divisional request received

2003-06-14 - Extension 4 granted

2003-05-21 - Extension 4 filed

2003-05-23 - PAPER RECEIVED

2003-05-21 - TEAS Extension Received

2002-12-06 - Extension 3 granted

2002-11-20 - Extension 3 filed

2002-11-20 - TEAS Extension Received

Latest Status Info

2002-05-06 - Extension 2 granted
2002-04-26 - Extension 2 filed
2002-04-25 - TEAS Extension Received
2001-10-19 - Extension 1 granted
2001-10-11 - Extension 1 filed
2001-05-22 - Notice of allowance - mailed
2001-02-27 - Published for opposition
2001-01-26 - Notice of publication
2000-09-14 - Approved for Pub - Principal Register (Initial exam)
2000-09-08 - Examiner's amendment mailed
2000-08-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

HOWARD B. BARNABY

Correspondent

Albert Robin
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York NY 10036
Phone Number: 212-790-9200
Fax Number: 212-575-0671

Domestic Representative

HOWARD B. BARNABY

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:40:09 ET

Serial Number: 76975775 Assignment Information

Registration Number: 2780585

Mark (words only): ROYALE CLASSIC

Standard Character claim: No

Current Status: Registered.

Date of Status: 2003-11-04

Filing Date: 2000-03-23

Transformed into a National Application: No

Registration Date: 2003-11-04

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-11-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. I.T.C. Limited

Address:

I.T.C. Limited
37 J.L. Nehru Road
Kolkata 700071
India

Legal Entity Type: Corporation

State or Country of Incorporation: India

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

cigarettes

Basis: 1(a)

First Use Date: 2000-11-14

First Use in Commerce Date: 2000-11-14

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 2004-08-12 - TEAS Change Of Correspondence Received
- 2003-11-04 - Registered - Principal Register
- 2003-09-04 - Allowed for Registration - Principal Register (SOU accepted)
- 2003-08-22 - Assigned To Examiner
- 2003-07-20 - Statement of use processing complete
- 2003-05-23 - Amendment to Use filed
- 2003-07-22 - Divisional processing completed
- 2003-05-23 - Divisional request received
- 2003-07-20 - Previous allowance count withdrawn
- 2003-06-30 - Allowed for Registration - Principal Register (SOU accepted)
- 2003-05-23 - PAPER RECEIVED
- 2003-05-21 - TEAS Extension Received
- 2003-01-14 - Extension 3 granted
- 2002-11-26 - Extension 3 filed
- 2002-11-26 - TEAS Extension Received
- 2002-05-06 - Extension 2 granted
- 2002-04-26 - Extension 2 filed
- 2002-04-25 - TEAS Extension Received
- 2001-10-19 - Extension 1 granted
- 2001-10-11 - Extension 1 filed
- 2001-05-29 - Notice of allowance - mailed

2001-03-06 - Published for opposition

2001-02-21 - Notice of publication

2000-09-15 - Approved for Pub - Principal Register (Initial exam)

2000-09-08 - Examiner's amendment mailed

2000-08-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Howard B. Barnaby

Correspondent

Albert Robin

Cowan, Liebowitz & Latman, P.C.

1133 Avenue of the Americas

New York NY 10036

Phone Number: 212-790-9200

Fax Number: 212-575-0671

Domestic Representative

Howard B. Barnaby

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:43:28 ET

Serial Number: 76342029 Assignment Information

Registration Number: 2813638

Mark (words only): SOUTHERN CLASSIC

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-02-10

Filing Date: 2001-11-28

Transformed into a National Application: No

Registration Date: 2004-02-10

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-02-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. H&B Trading Company

Address:

H&B Trading Company
110 Airport Road Suite B
Pearl, MS 39208
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Mississippi

Phone Number: 601-420-5121

Fax Number: 601-420-3568

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

Cigarettes, smoking tobacco, cigars, cigarillos

Basis: 1(a)

First Use Date: 2003-02-01

First Use in Commerce Date: 2003-02-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-02-10 - Registered - Principal Register

2003-11-13 - Allowed for Registration - Principal Register (SOU accepted)

2003-11-03 - Assigned To Examiner

2003-11-03 - Case File In TICRS

2003-10-10 - Statement of use processing complete

2003-10-10 - Amendment to Use filed

2003-10-10 - TEAS Amendment of Use Received

2003-07-08 - Notice of allowance - mailed

2002-10-16 - TEAS Preliminary Amendment Received

2002-06-12 - Extension Of Time To Oppose Received

2002-05-07 - Published for opposition

2002-04-17 - Notice of publication

2002-02-08 - Approved for Pub - Principal Register (Initial exam)

2002-02-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

STEPHEN J. CARMODY

Correspondent

STEPHEN J. CARMODY

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC

1400 TRUSTMARK BUILDING

248 EAST CAPITOL STREET

Latest Status Info

JACKSON, MISSISSIPPI 39201

Phone Number: 601-960-6890

Fax Number: 601-960-6902

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:46:17 ET

Serial Number: 75634673 Assignment Information

Registration Number: 2359709

Mark (words only): STOKER'S CLASSIC

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-01-23

Filing Date: 1999-02-04

Transformed into a National Application: No

Registration Date: 2000-06-20

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-03-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NATIONAL TOBACCO COMPANY, L.P.

Composed Of:
COMPOSED OF THE GENERAL PARTNER NATIONAL TOBACCO FINANCE CORPORATION, A DELAWARE CORPORATION

Address:
NATIONAL TOBACCO COMPANY, L.P.
257 PARK AVENUE SOUTH 7TH FLOOR
NEW YORK, NY 10010
United States

Legal Entity Type: Limited Partnership
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 034
Class Status: Active
SMOKELESS TOBACCO

Basis: 1(a)

First Use Date: 1998-01-00

First Use in Commerce Date: 1998-01-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

1904573

2071640

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-04-12 - Automatic Update Of Assignment Of Ownership

2006-03-23 - Case File In TICRS

2006-01-23 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-10-26 - Section 8 (6-year) and Section 15 Filed

2005-10-26 - TEAS Section 8 & 15 Received

2000-06-20 - Registered - Principal Register

2000-03-28 - Published for opposition

2000-02-25 - Notice of publication

1999-12-06 - Approved for Pub - Principal Register (Initial exam)

1999-11-30 - Examiner's amendment mailed

1999-11-29 - Previous allowance count withdrawn

1999-11-05 - Approved for Pub - Principal Register (Initial exam)

1999-08-12 - Communication received from applicant

1999-07-27 - Non-final action mailed

1999-07-15 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Amy B. Berge

Correspondent

Amy B. Berge
Greenebaum Doll & McDonald PLLC
3500 National City Tower
101 South Fifth Street
Louisville KY 40202

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:47:03 ET

Serial Number: 75026221 Assignment Information

Registration Number: 2026864

Mark (words only): ZINO CLASSIC SUMATRA

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2003-03-07

Filing Date: 1995-11-30

Transformed into a National Application: No

Registration Date: 1996-12-31

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-02-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Davidoff & Cie SA

Address:

Davidoff & Cie SA

2, rue de Rive

1200 Geneve

Switzerland

Legal Entity Type: Corporation

State or Country of Incorporation: Switzerland

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

cigars

Basis: 1(a)

First Use Date: 1984-03-00

First Use in Commerce Date: 1987-03-00

ADDITIONAL INFORMATION

Disclaimer: "SUMATRA"

Prior Registration Number(s):

1245948
1453815
1526049
1538769

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-17 - Combined Section 8 (10-year)/Section 9 filed
2006-11-17 - PAPER RECEIVED
2006-09-21 - Case File In TICRS
2003-03-07 - Section 8 (6-year) accepted & Section 15 acknowledged
2002-12-19 - Section 8 (6-year) and Section 15 Filed
2002-12-19 - PAPER RECEIVED
1996-12-31 - Registered - Principal Register
1996-09-13 - Assigned To Examiner
1996-07-23 - Published for opposition
1996-06-21 - Notice of publication
1996-05-17 - Approved for Pub - Principal Register (Initial exam)
1996-05-15 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan Upton Douglass

Correspondent

SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

Domestic Representative

Fross Zelnick & Lehrman, & Zissu, PC

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:47:34 ET

Serial Number: 75026219 Assignment Information

Registration Number: 2026863

Mark (words only): ZINO CLASSIC BRASIL

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2003-03-08

Filing Date: 1995-11-30

Transformed into a National Application: No

Registration Date: 1996-12-31

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-01-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Davidoff & Cie SA

Address:

Davidoff & Cie SA
2, rue de Rive
1200 Geneve
Switzerland

Legal Entity Type: Corporation

State or Country of Incorporation: Switzerland

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

cigars

Basis: 1(a)

First Use Date: 1984-03-00

First Use in Commerce Date: 1987-03-00

ADDITIONAL INFORMATION

Disclaimer: "BRASIL"

Prior Registration Number(s):

1245948
1453815
1526049
1538769

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-19 - Combined Section 8 (10-year)/Section 9 filed
2006-12-19 - PAPER RECEIVED
2006-09-21 - Case File In TICRS
2003-03-08 - Section 8 (6-year) accepted & Section 15 acknowledged
2002-12-19 - Section 8 (6-year) and Section 15 Filed
2002-12-19 - PAPER RECEIVED
1996-12-31 - Registered - Principal Register
1996-09-13 - Assigned To Examiner
1996-07-23 - Published for opposition
1996-06-21 - Notice of publication
1996-05-17 - Approved for Pub - Principal Register (Initial exam)
1996-05-15 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan Upton Douglass

Correspondent

SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

Domestic Representative
Weiss Dawid Fross Zelnick & Lehrman, PC

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:48:09 ET

Serial Number: 74336342 Assignment Information

Registration Number: 1922338

Mark (words only): CLASSIC CANADIAN

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2005-10-14

Filing Date: 1992-12-03

Transformed into a National Application: No

Registration Date: 1995-09-26

Register: Principal

Law Office Assigned: LAW OFFICE 9

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2005-10-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TOP TOBACCO LP

Address:

TOP TOBACCO LP
2301 RAVINE WAY
GLENVIEW, IL 60025
United States

Legal Entity Type: Limited Partnership

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

tobacco

Basis: 1(a)

First Use Date: 1992-09-30

First Use in Commerce Date: 1992-09-30

Latest Status Info

ADDITIONAL INFORMATION

Disclaimer: "CANADIAN"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-14 - First renewal 10 year

2005-10-14 - Section 8 (10-year) accepted/ Section 9 granted

2005-10-06 - Assigned To Paralegal

2005-09-16 - Combined Section 8 (10-year)/Section 9 filed

2005-09-16 - PAPER RECEIVED

2001-05-25 - Section 8 (6-year) accepted & Section 15 acknowledged

2001-03-01 - Section 8 (6-year) and Section 15 Filed

1995-09-26 - Registered - Principal Register

1995-06-16 - Opposition terminated for Proceeding

1995-06-16 - Opposition dismissed for Proceeding

1994-09-01 - Opposition instituted for Proceeding

1994-03-14 - Extension Of Time To Oppose Received

1994-02-08 - Published for opposition

1994-01-07 - Notice of publication

1993-12-10 - Approved for Pub - Principal Register (Initial exam)

1993-12-10 - Assigned To Examiner

1993-12-08 - Assigned To Examiner

1993-11-20 - Previous allowance count withdrawn

1993-11-05 - Approved for Pub - Principal Register (Initial exam)

1993-10-29 - Examiner's amendment mailed

1993-09-21 - Communication received from applicant

Latest Status Info

1993-09-09 - Communication received from applicant

1993-03-10 - Non-final action mailed

1993-02-24 - Assigned To Examiner

1993-02-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

NICOLE M. WALKER

Correspondent

NICOLE M. WALKER

NEAL, GERBER & EISENBERG LLP

TWO NORTH LA SALLE STREET

CHICAGO, IL 60602

Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-15 17:48:51 ET

Serial Number: 73586430 Assignment Information

Registration Number: 1410839

Mark

Duke Classic

(words only): DUKE CLASSIC

Standard Character claim: No

Current Status: A Section 8 affidavit has been accepted.

Date of Status: 1992-03-06

Filing Date: 1986-03-06

Transformed into a National Application: No

Registration Date: 1986-09-23

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-09-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. EVE HOLDINGS INC.

Address:
EVE HOLDINGS INC.
103 SPRINGER BUILDING 3411 SILVERSIDE ROAD
WILMINGTON, DE 19810

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 034
Class Status: Active
CIGARETTES
Basis: 1(a)
First Use Date: 1986-01-23
First Use in Commerce Date: 1986-01-23

ADDITIONAL INFORMATION

Prior Registration Number(s):
652970
652971

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-29 - Case File In TICRS
1992-03-06 - Section 8 (6-year) accepted
1991-10-23 - Section 8 (6-year) filed
1986-09-23 - Registered - Principal Register
1986-07-01 - Published for opposition
1986-06-01 - Notice of publication
1986-04-28 - Approved for Pub - Principal Register (Initial exam)

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
JOSIAH S. MURRAY, III

Correspondent
JOSIAH S. MURRAY, III
LIGGETT GROUP INC.
300 NORTH DUKE STREET
DURHAM, NC 27702
