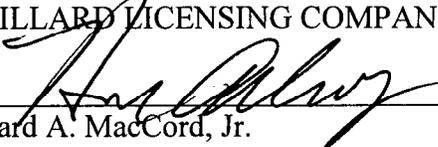


3. For many years, and long prior to Applicant's filing date, Opposer has used the Registered Mark in interstate commerce throughout the United States in connection with the sale of cigarettes.
4. Applicant has filed an intent-to-use application to register the mark NORTHPORT for cigarettes. That application was filed on April 8, 2003, and was assigned Serial No. 78/235,098.
5. Applicant's mark so resembles Opposer's previously used and Registered Mark NEWPORT as to be likely, when applied to cigarettes, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
6. The Registered Mark is famous, and use in commerce of Applicant's proposed NORTHPORT mark will cause dilution of the Registered Mark.
7. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, will dilute Opposer's Registered Mark, and will give color and exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

A duplicate copy of this Notice of Opposition and the fee required in 37 C.F.R. §2.6(a)(17) are enclosed herewith. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 501923.

Respectfully submitted,
LORILLARD LICENSING COMPANY, LLC

By: 
Howard A. MacCord, Jr.
MACCORD MASON, P.L.L.C.
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1600 First Union Tower
Greensboro NC 27401
(336) 273-4422

ATTORNEY FOR OPPOSER

Date: July 21, 2004

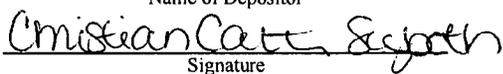
Opposer's Counsel's File No.: 4800-137

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS
BEING DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE VIA EXPRESS MAIL IN AN
ENVELOPE ADDRESSED TO: **BOX TTAB - FEE,**
ASSISTANT COMMISSIONER for TRADEMARKS,
2900 Crystal Drive, Arlington, VA 22202-3514, on

July 21, 2004.
(Date of Deposit)

Christian Carter Seyboth
Name of Depositor


Signature

Express Mail No.: EV 334439797 US