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Filing date: **05/02/2013**

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

Proceeding	91185261
Party	Plaintiff American Cigarette Company, Inc. and Smoker's Best Group, LLC
Correspondence Address	SMOKER'S BEST GROUP LLC 645 WESTMORELAND DRIVE TUPELO, MS 38801 UNITED STATES
Submission	Motion to Join/Substitute Party
Filer's Name	Juliet Alcoba
Filer's e-mail	jalcoba@miamipatents.com, alcoba@miamipatents.com
Signature	/Juliet Alcoba/
Date	05/02/2013
Attachments	Motion to Substitute and Exhibit 1.pdf (8 pages)(709802 bytes)

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

N.V. Sumatra Tobacco Trading Company)
Petitioner/Applicant)

v.)

Heritage Tobacco, LLC)

Cancellation No. 92052621

Opposition Nos. 91185261

91186841

For the Mark UNION

Registration Number: 2,972,594

Registration Date: July 19, 2005

Honorable Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

MOTION TO SUBSTITUTE AS RESPONDENT/OPPOSER

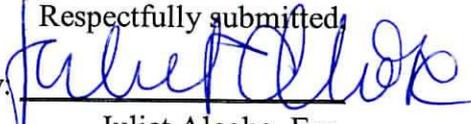
Heritage Tobacco, LLC (“Heritage”), a Florida Limited Liability company located at 8455 NW 74 Street, Miami, FL 33166, is the successor of interest to Respondent/Opposers, Smoker’s Best Group, LLC and American Cigarette Company, Inc. in this proceeding. Heritage hereby moves for an order substituting Heritage as the party Respondent/Opposers, pursuant to TMBP 512.01.

In support of this Motion, Heritage submits the following:

Smoker’s Best Group, LLC assigned all the right, title, and interest and associated good will with respect to the UNION trademark, which included any common law rights March 12, 2013. This assignment was recorded with the United States Patent and Trademark Office on March 13, 2013 on Reel: 004981 Frame: 0151. *See* Exhibit 1.

Because Smoker's Best Group, LLC's rights in the trademark have now been sold and assigned to Heritage, this proceeding no longer involves claims against Smoker's Best Group, LLC. Accordingly, Heritage respectfully submits that the substitution of Heritage for Smoker's Best Group, LLC is appropriate, and therefore, Heritage respectfully requests that this Motion to Substitute Respondent/Opposers be granted.

Date: May 2, 2013

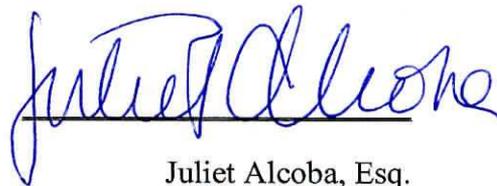
Respectfully submitted,
By: 

Juliet Alcoba, Esq.
Alcoba Law Group, P.A.
3399 NW 72 Avenue, Ste. 211
Miami, FL 33122
jalcoba@miamipatents.com
Attorney for Heritage Tobacco, LLC
Florida Bar No. 95502

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing memorandum has been duly served by e-mail to the following:

J. Paul Williamson, Esq.
Tara Vold
Fulbright & Jaworski L.L.P
801 Pennsylvania, Avenue, N.W.
Washington, D.C. 20004-2623
Tel: (202) 662-0200
Fax: (202) 662-4643

A handwritten signature in blue ink, appearing to read "Juliet Alcoba", written over a horizontal line.

Juliet Alcoba, Esq.
Attorney for Heritage Tobacco, LLC
Florida Bar No. 95502

EXHIBIT 1

TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Smoker's Best Group, LLC		03/05/2013	LIMITED LIABILITY COMPANY: MISSISSIPPI
RECEIVING PARTY DATA			
Name:	Heritage Tobacco, LLC		
Street Address:	8455 N. West 74 Street		
City:	Miami		
State/Country:	FLORIDA		
Postal Code:	33166		
Entity Type:	LIMITED LIABILITY COMPANY: FLORIDA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	2972594	UNION	
CORRESPONDENCE DATA			
Fax Number:	3054367429		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	305.362.8118		
Email:	jalcoba@miamipatents.com		
Correspondent Name:	Juliet Alcoba		
Address Line 1:	3399 NW 72 Avenue		
Address Line 2:	2#		
Address Line 4:	Miami, FLORIDA 33122		
ATTORNEY DOCKET NUMBER:	ASSIGNMENT UNION		
NAME OF SUBMITTER:	Juliet Alcoba		
Signature:	/Juliet Alcoba/		

OP \$40.00 2972594

Date:

03/13/2013

Total Attachments: 3

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ASSIGNMENT OF UNION TRADEMARK

THIS ASSIGNMENT OF TRADEMARK (the "Assignment") is made and entered into as of this 5 day of March, 2013, by and between SMOKER'S BEST GROUP, LLC, a Mississippi Limited Liability Company, and Heritage Tobacco, LLC, a Florida Limited Liability Company (the "Assignee").

RECITALS

WHEREAS, Assignor, as owner of trademark "UNION" recorded in the U.S. Patent and Trademark Office in the United States of America under registration number 2,972,594 dated July 19, 2005 a true copy of which is attached hereto as Composite Exhibit "A", (hereafter collectively "Trademark") desires transfer, and assigns in fee simple all of Assignors rights and interest in and to the Trademark to Assignee, including any common law rights, for \$20,000.00 U.S. dollars.

WHEREAS, Assignor is desirous of assigning of all of its right, title, interest and goodwill in the Trademark in favor of the Assignee, and the Assignee is desirous of succeeding to all of Assignor's right, title, interest and any associated goodwill under and with respect to the Trademark.

NOW THEREFORE, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. Assignor hereby expressly assigns, transfers, and sets over unto Assignee all of Assignor's right, title, and interest, in the Trademark.
3. Assignor further remises, releases, and quitclaims unto Assignee all of his right, title, and interest in and to the Trademark.
4. Assignor specifically waives any right or claim to entitlement or ownership in the Trademark based in common law.
5. The parties acknowledge and agree that this Assignment may be executed in multiple counterparts, and transmitted via telecopy each such counterpart (where transmitted via telecopy or otherwise), when executed, shall constitute an integral part of the one and the same agreement between the parties.
6. This assignment is contingent upon the execution of the Heritage Tobacco Litigation Support Agreement which is attached hereto as Composite Exhibit "B".

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the date first above written.

ASSIGNOR:

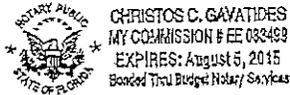
1  initials
 initials

TRADEMARK
REEL: 004981 FRAME: 0153

Signature [Handwritten Signature]
Print Name KAREN KAMPERMAN
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to or affirmed and signed before me on 5 day of May 2013 by
KAREN KAMPERMAN

This person is personally known to me or has produced identification. Type of identification produced: _____



[Handwritten Signature]
SIGNATURE NOTARY PUBLIC
CHRISTOS C. GAVATHIDES

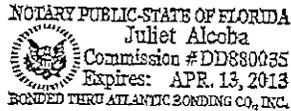
Print, type, or stamp commissioned name of notary or clerk

ASSIGNEE:
Signature [Handwritten Signature]
Print Name JOSE ESPINOSA

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to or affirmed and signed before me on 12 day of MARCH 2013 by
JOSE ESPINOSA

This person is personally known to me or has produced identification. Type of identification produced: _____



[Handwritten Signature]
SIGNATURE NOTARY PUBLIC
JULIET ALCOBA

Print, type, or stamp commissioned name of notary or clerk

2 [Handwritten Initials] initials
[Handwritten Initials] initials