

ESTTA Tracking number: **ESTTA586880**

Filing date: **02/12/2014**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lorillard Licensing Company LLC
Granted to Date of previous extension	02/12/2014
Address	300 North Greene Street, Suite 1601 Greensboro, NC 27401 UNITED STATES

Correspondence information	Lorillard Licensing Company LLC 300 North Greene Street, Suite 1601 Greensboro, NC 27401 UNITED STATES ipmail@dykema.com, efingerhut@dykema.com, jpisigan@dykema.com, smckeon@dykema.com
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Applicant Information

Application No	85932156	Publication date	10/15/2013
Opposition Filing Date	02/12/2014	Opposition Period Ends	02/12/2014
Applicant	Anwar, Abir 11398 Harry Hines Blvd. #102 Dallas, TX 75229 USX		

Goods/Services Affected by Opposition

Class 034. First Use: 2012/12/01 First Use In Commerce: 2013/03/01 All goods and services in the class are opposed, namely: Electronic cigarettes
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1198226	Application Date	05/22/1980
Registration Date	06/15/1982	Foreign Priority Date	NONE
Word Mark	TRUE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 1976/06/00 First Use In Commerce: 1976/06/00 Cigarettes

U.S. Registration No.	3769973	Application Date	02/16/2009
Registration Date	04/06/2010	Foreign Priority Date	NONE
Word Mark	TRUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1966/01/20 First Use In Commerce: 1966/01/20 Cigarettes		

Attachments	73263202#TMSN.gif(bytes) 77671334#TMSN.jpeg(bytes) 019956-09052014-02-12 12-27-19.pdf(166677 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/eric t. fingerhut/
Name	Lorillard Licensing Company LLC
Date	02/12/2014

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

Serial No.: 85/932156
Filed: May 14, 2013
Applicant: Abir Anwar
Mark: TRU-VAPOR
Class: 34

LORILLARD LICENSING COMPANY, LLC)
)
 Opposer)
 v.)
)
ABIR ANWAR)
)
 Applicant)

Opposition No. _____

NOTICE OF OPPOSITION

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, Lorillard Licensing Company LLC (hereinafter "Opposer") is the owner of the mark TRUE in connection with tobacco products, namely cigarettes, in use since at least 1966, and is the owner of U.S. Registrations 1,198,226 and 3,769,973.
2. Applicant, Abir Anwar (hereinafter "Applicant"), has submitted a use-based trademark application, assigned Serial No. 85932156, filed May 14, 2013, for TRU-VAPOR for electronic cigarettes in class 34. Applicant alleges first use of the mark anywhere as of December 1, 2012 and first use in commerce as of March 1, 2013. This application is the subject of this opposition. The application

was published for opposition on October 15, 2013 and Opposer obtained two extensions of time to oppose, up until February 12, 2014.

3. Long prior to Applicant's filing date and alleged first use of the mark TRU-VAPOR for electronic cigarettes in Class 34, Opposer has used its TRUE mark in interstate commerce throughout the United States in connection with the sale of tobacco products, namely cigarettes.
4. Applicant's mark so resembles Opposer's previously used and registered TRUE mark as to be likely, when applied to electronic cigarettes, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
5. Opposer's TRUE mark is famous and has been famous since prior to both Applicant's application filing date and alleged first use dates and the use in commerce of Applicant's TRUE mark causes dilution of Opposer's TRUE mark.
6. 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 TRUE 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.

The Commissioner is hereby authorized to charge the Notice of Opposition fees and any additional fees, which may be required, or credit any overpayment to Deposit Account No. 04-2223.

Dated: February 12, 2014

Respectfully submitted,

**LORILLARD LICENSING COMPANY
LLC**

By Counsel:



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Int. Cl.: 34

Prior U.S. Cl.: 17

United States Patent and Trademark Office

Reg. No. 1,198,226

Registered Jun. 15, 1982

TRADEMARK
Principal Register

TRUE



Loew's Theatres, Inc. (New York corporation), a.k.a.
Lorillard Division
666 5th Ave.
New York, N.Y. 10019

For: CIGARETTES, in CLASS 34 (U.S. Cl. 17).
First use Jun. 1976; in commerce Jun. 1976.
Owner of U.S. Reg. Nos. 886,524, 892,712 and
900,557.
Sec. 2(f).

Ser. No. 263,202, filed May 22, 1980.

R. S. BREN, Primary Examiner

United States of America

United States Patent and Trademark Office

TRUE

Reg. No. 3,769,973 LORILLARD LICENSING COMPANY, LLC (NORTH CAROLINA LIMITED LIABILITY
Registered Apr. 6, 2010 COMPANY)

1601 WACHOVIA TOWER, 300 N. GREENE ST.
GREENSBORO, NC 27402

Int. Cl.: 34

FOR: CIGARETTES, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 1-20-1966; IN COMMERCE 1-20-1966.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 900,557 AND 1,198,226.

SER. NO. 77-671,334, FILED 2-16-2009.

ROBERT STRUCK, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office