

ESTTA Tracking number: **ESTTA605850**

Filing date: **05/22/2014**

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	General Cigar Co., Inc.
Granted to Date of previous extension	08/13/2014
Address	10900 Nuckols Road, Suite 100 Glen Allen, VA 23060 UNITED STATES
Attorney information	Janet F. Satterthwaite Venable LLP PO Box 34385 Washington, DC 20043-4385 UNITED STATES jfsatterthwaite@venable.com,pjwyles@venable.com,trademarkdocket@venable.com

Applicant Information

Application No	79131259	Publication date	04/15/2014
Opposition Filing Date	05/22/2014	Opposition Period Ends	08/13/2014
International Registration No.	0904542	International Registration Date	10/24/2006
Applicant	I.T.A. srl INTERNATIONAL; TOBACCO AGENCY Via G. Bortolan, 28 ITALY		

Goods/Services Affected by Opposition

Class 034. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Wicks for cigarette and cigar lighters;pocket cigar and cigarette lighters notof precious metal

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3169422	Application Date	03/05/2004
Registration Date	11/07/2006	Foreign Priority Date	NONE

Word Mark	CIAO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 2004/09/01 First Use In Commerce: 2004/09/01 Cigars

Attachments	78379482#TMSN.jpeg(bytes) ciaonotofopp.pdf(28116 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	/Janet F. Satterthwaite/
Name	Janet F. Satterthwaite
Date	05/22/2014

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
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General Cigar Co., Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
)	Serial No: 79131259
)	
)	Mark: CIAO
)	
I.T.A. srl International; Tobacco Agency) Applicant.)	
)	

Atty Ref. No.: 39240-366034

BOX: TTAB FEE

NOTICE OF OPPOSITION

In the matter of the applications for registration of the trademark CIAO, of I.T.A. srl International; (“Applicant,”) Application Serial No. 79131259, filed on March 21 2013, and published for opposition in the Official Gazette on April 15, 2014 , Opposer, General Cigar Co. Inc. , a Delaware Corporation, (“GCI”) believes that it will be damaged by registration of the mark shown in said Application and hereby oppose the same.

As grounds in support of this opposition, GCI asserts the following:

1. GCI manufactures and sells a variety of cigars, little cigars, and cigar accessories.
2. GCI owns the mark CIAO for Cigars. The mark has been in use in commerce since 2004 and is the subject of Incontestable Registration No. 3169422.
3. GCI has used the mark CIAO in the United States for many years prior to the earliest possible date upon which Applicant may rely.

4. The Subject Application covers “Wicks for cigarette and cigar lighters; pocket cigar and cigarette lighters not of precious metal”

5. These goods are highly related to GCI’s goods.

6. On information and belief, Applicant did not use its mark in commerce before the first date upon which GCI may rely.

LIKELIHOOD OF CONFUSION—FALSE ASSOCIATION OR SPONSORSHIP

7. GCI will be injured if the subject application is registered because the mark that is the subject of the application is so similar to the GCI’s CIAO mark as to be likely to cause confusion as to the source or sponsorship by GCI of Applicant’s goods.

Please deduct the opposition fees from Deposit Account 22-0261.

Please address correspondence to Janet F. Satterthwaite of Venable, LLP, P.O. Box 34385, Washington, D.C. 20045-9998.

Respectfully submitted,
General Cigar Co., Inc.



Dated: May 22, 2014

By: _____
Janet F. Satterthwaite
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22d day of May , 2014, I caused a copy of the foregoing Notice of Opposition to be served by first class mail to Applicant's counsel:

Dean R. Karau
Fredrikson & Byron, P.A.
200 S 6th St STE 4000
Minneapolis, MN 55402-1425



Janet F. Satterthwaite