

ESTTA Tracking number: **ESTTA771474**

Filing date: **09/19/2016**

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	Republic Technologies (NA) LLC
Granted to Date of previous extension	10/12/2016
Address	2301 Ravine Way Glenview, IL 60025 UNITED STATES

Attorney information	Antony J. McShane NEAL, GERBER & EISENBERG, LLP 2 North LaSalle Street, Suite 1700 Chicago, IL 60602 UNITED STATES amcshane@ngelaw.com, jcohen@ngelaw.com, temanuelson@ngelaw.com, lpalumbo@ngelaw.com, ECFDocket@ngelaw.com Phone:312.269.8000
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Applicant Information

Application No	86877115	Publication date	06/14/2016
Opposition Filing Date	09/19/2016	Opposition Period Ends	10/12/2016
Applicant	Musharbash, Bill 16720 foothill blvd. Fontana, CA 92335 UNITED STATES		

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: Electronic hookahs; Hookah parts, namely, hoses, bowls, mouthpieces, bases; Hookah tobacco; Hookahs; Smokers' articles, namely, hookah charcoal

Grounds for Opposition

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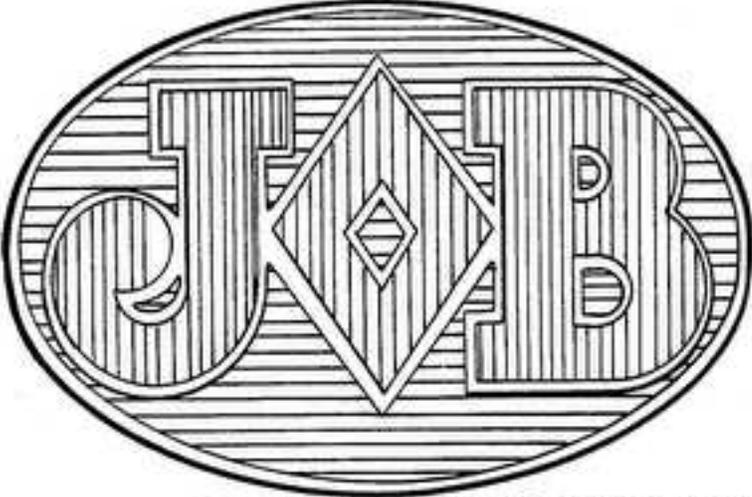
Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	73124	Application Date	10/27/1908
Registration Date	03/16/1909	Foreign Priority Date	NONE
Word Mark	JOB		

Design Mark	<h1>JOB</h1>		
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1856/00/00 First Use In Commerce: 1856/00/00 CIGARETTE PAPERS		

U.S. Registration No.	1341384	Application Date	06/06/1983
Registration Date	06/11/1985	Foreign Priority Date	NONE

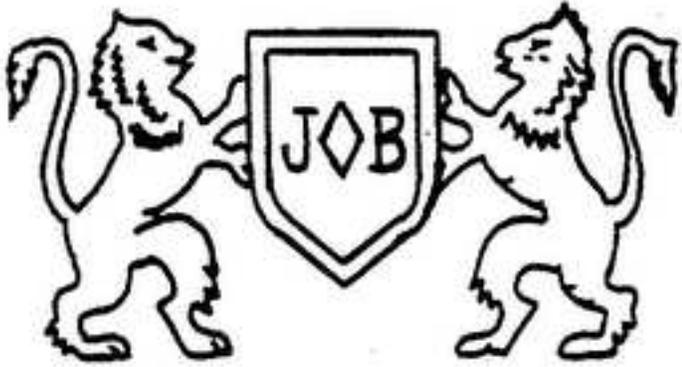
Word Mark	JOB
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Design Mark			
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Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 0 First Use In Commerce: 0 Cigarette Paper		

U.S. Registration No.	1357088	Application Date	10/09/1984
Registration Date	08/27/1985	Foreign Priority Date	NONE

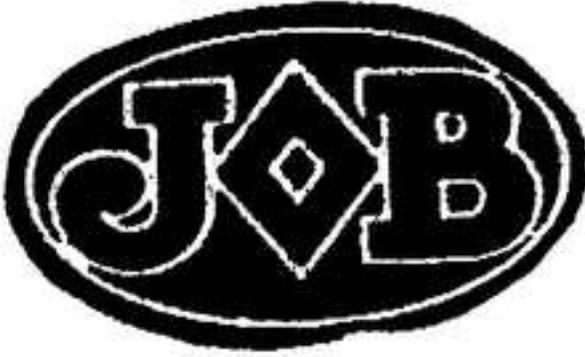
Word Mark	JOB
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1976/06/00 First Use In Commerce: 1976/06/00 CIGARETTE PAPERS		

U.S. Registration No.	2420646	Application Date	04/05/1999
Registration Date	01/16/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for-rolling cigarettes, all such machines being for personal use; filter tips for cigar-ettes		

U.S. Registration No.	2422747	Application Date	04/05/1999
Registration Date	01/23/2001	Foreign Priority Date	NONE
Word Mark	JOB		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for-rolling cigarettes, all such machines being for personal use; filter tips for cigar-ettes

U.S. Registration No.	2432868	Application Date	05/11/1999
Registration Date	03/06/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for-rolling cigarettes, all such machines being for personal use; filter tips for cigarettes
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U.S. Registration No.	3834324	Application Date	12/16/2009
Registration Date	08/17/2010	Foreign Priority Date	NONE

Word Mark	JOB
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Design Mark	
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Description of Mark	The mark consists of the word "JOB" stylized with a Diamond Design as the letter O.
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Goods/Services	Class 034. First use: First Use: 1993/00/00 First Use In Commerce: 1993/00/00 cigarette papers
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U.S. Registration No.	4019091	Application Date	02/03/2011
Registration Date	08/30/2011	Foreign Priority Date	NONE

Word Mark	JOB
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Design Mark	
Description of Mark	The mark consists of the word "JOB" stylized with a diamond design as the letter "O".
Goods/Services	Class 034. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Cigarette papers

U.S. Registration No.	4019093	Application Date	02/03/2011
Registration Date	08/30/2011	Foreign Priority Date	NONE

Word Mark	JOB
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Design Mark	
Description of	The mark consists of the word "JOB" in stylized font surrounded by an oval.

Mark	
Goods/Services	Class 034. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Cigarette papers

Attachments	71038276#TMSN.png(bytes) 73428884#TMSN.png(bytes) 73502899#TMSN.png(bytes) 75675676#TMSN.png(bytes) 75675677#TMSN.png(bytes) 75702556#TMSN.png(bytes) 77895077#TMSN.png(bytes) 85233099#TMSN.png(bytes) 85233103#TMSN.png(bytes) Notice of Opposition re JB TOBACCO_.pdf(48075 bytes) EXHIBIT A - Notice of Opposition re JB TOBACCO_.pdf(130777 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	/Antony McShane/
Name	Antony J. McShane
Date	09/19/2016

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

In the Matter of Application Serial No.
86/877,115 for JB TOBACCO and Design

Published in the Official Gazette
on June 14, 2016

REPUBLIC TECHNOLOGIES (NA), LLC,

Opposer,

v.

BILL MUSHARBASH,

Applicant.

NOTICE OF OPPOSITION

This Notice of Opposition is submitted in the matter of Application Serial No. 86/877,115 for registration by Bill Musharbash (“Applicant”) of JB TOBACCO and Design (the “JB TOBACCO Mark”). The application is based upon Applicant’s intent to use the mark in connection with “electronic hookahs; hookah parts, namely, hoses, bowls, mouthpieces, bases; hookah tobacco; hookahs; smokers' articles, namely, hookah charcoal” in International Class 34, which was published for opposition in the Official Gazette on June 14, 2016. Republic Technologies (NA), LLC, having a place of business at 2301 Ravine Way, Glenview, Illinois, 60025, believes that it would be damaged by the registration and therefore opposes the same.

The grounds for opposition herein are as follows:

1. Since 1856, Republic Technologies (NA), LLC, including its affiliates and predecessors (“Republic”), has been a preeminent manufacturer and distributor of smokers’ articles, including cigarette papers, cigarette filter tips, cigarette tubes, cigarette injector

machines and cigarette rolling machines to consumers across the United States through tobacco shops, drugstores, tobacco outlets, convenience and other retail stores.

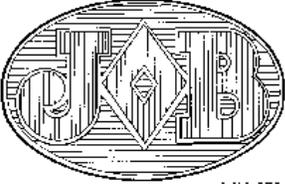
2. For more than 100 years, and long prior to the acts of Applicant herein alleged, Republic has devoted substantial resources, time and effort in developing, marketing and distributing its smokers' articles under and in connection with its JOB mark. In particular, Republic has distributed and sold, and continues to distribute and sell, cigarette papers, cigarette filter tips, cigarette tubes, cigarette injector machines and cigarette rolling machines under and in connection with the JOB mark.

3. As a result of its consistent and successful efforts to promote, distribute and sell such smokers' articles under and in connection with its JOB mark, and its continuous and exclusive use of the JOB mark with such smokers' articles, Republic has developed considerable consumer recognition and goodwill in its JOB mark, which has come to be recognized by customers as identifying and distinguishing Republic's smokers' articles, and Republic's smokers' articles alone.

4. As a result of the considerable consumer recognition and goodwill that Republic now owns and which is symbolized by its JOB mark, the JOB mark is now among Republic's most valuable assets.

5. To protect its rights, Republic owns and maintains the following federal registrations for its JOB Mark in the United States Trademark Office, many of which are now incontestable pursuant to 15 U.S.C. §1065:

Mark	Registration No.	Registration Date	Goods and Services
JOB	073,124	March 16, 1909	Cigarette papers
JOB (Design)	1,341,384	June 11, 1985	Cigarette papers

			
JOB (Design) 	1,357,088	August 27, 1985	Cigarette papers
JOB	2,420,646	January 16, 2001	Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, filter tips for cigarettes
JOB (Design) 	2,422,747	January 23, 2001	Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, filter tips for cigarettes
JOB (Design) 	2,432,868	March 6, 2001	Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, filter tips for cigarettes
JOB (Design) 	3,834,324	August 17, 2010	Cigarette papers
JOB (Design) 	4,019,091	August 30, 2011	Cigarette papers

JOB (Design) 	4,019,093	August 30, 2011	Cigarette papers
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Printouts from the U.S. Patent and Trademark Office website showing the current status and title of the above-listed registrations are attached hereto collectively as Exhibit A.

6. On January 15, 2016, more than a century after Republic began its use of its JOB Mark, Applicant filed an application to register the JB TOBACCO Mark based upon his intent to use the mark in connection with “electronic hookahs; hookah parts, namely, hoses, bowls, mouthpieces, bases; hookah tobacco; hookahs; smokers' articles, namely, hookah charcoal” in International Class 34.

7. As a result of the similarity of the parties’ marks, the similarity of the goods associated with the marks, the similarity in the channels of trade of such goods and the strength of the JOB marks, Applicant’s use and registration of the JB TOBACCO Mark would be likely to cause confusion or mistake, or to deceive purchasers, in that purchasers would be likely to believe Applicant’s goods are Republic’s goods, or are in some way legitimately connected with, sponsored by, or approved by Republic, in violation of 15 U.S.C. § 1052(d). Accordingly, Republic opposes registration of Applicant’s mark.

WHEREFORE, Republic requests that the registration sought by Applicant be refused and that this Notice of Opposition be sustained.

Republic requests that the requisite filing fee of \$300.00 be charged to the deposit account of Neal, Gerber & Eisenberg, Account No. 502261.

Respectfully submitted,

Date: September 19, 2016

By: /Antony McShane/
One of the Attorneys for
Republic Technologies (NA), LLC

Antony J. McShane
Jessica Rissman Cohen
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street
Chicago, Illinois 60602-3801
(312) 269-8000

CERTIFICATE OF SERVICE

I, Jessica Rissman Cohen, an attorney, state that, pursuant to 37 CFR §§ 2.101, 2.111, and 2.119, I caused a true and correct copy of the foregoing Notice of Opposition to be served upon:

Matthew H. Swyers
The Trademark Company
344 Maple Ave. W PMB. 151
Vienna, Virginia 22180

via U.S. Mail, first class, postage-prepaid, on September 19, 2016.

/Jessica Rissman Cohen /
Jessica Rissman Cohen

EXHIBIT A

**Trademarks > Trademark Electronic Search System (TESS)**

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JOB

Word Mark JOB

Goods and Services IC 034. US 008. G & S: CIGARETTE PAPERS. FIRST USE: 18560000. FIRST USE IN COMMERCE: 18560000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 71038276

Filing Date October 27, 1908

Current Basis 1A

Original Filing Basis 1A

Registration Number **0073124**

Registration Date March 16, 1909

Owner (REGISTRANT) MAISON PIERRE BARDOU-JOB COMPOSED OF JUSTIN JEAN PIERRE BARDOU-JOB, JEANNE EUGENIE FRANCOISE PAMS (NEE BARDOU-JOB), AND CAMILLE DUCUP DE SAINT-PAUL (NEE BARDOU-JOB), CITIZENS OF FRANCE FIRM FRANCE 13 RUE ST. SAUVEUR PERPIGNAN FRANCE

(LAST LISTED OWNER) Republic Technologies (NA) LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Matthew W. Walch

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 12C. SECT 15. SECTION 8(10-YR) 20090320.
Renewal 5TH RENEWAL 20090320
Live/Dead Indicator LIVE

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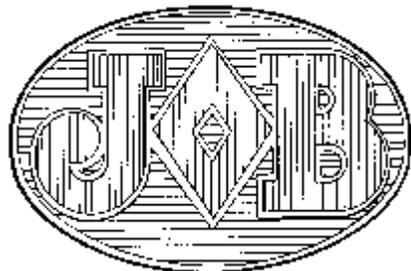
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Word Mark	JOB
Goods and Services	IC 034. US 008. G & S: Cigarette Paper
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.21 - Ovals that are completely or partially shaded 26.07.21 - Diamonds that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	73428884
Filing Date	June 6, 1983
Current Basis	44E
Original Filing Basis	44D;44E
Published for Opposition	April 2, 1985
Registration Number	1341384
Registration Date	June 11, 1985
Owner	(REGISTRANT) Societe Job, Anciens Etablissements Bardou-Job et Pauilhac CORPORATION FRANCE 15, rue Emile Zola Perpignan FRANCE 66000 (LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises 2301 Ravine Way Glenview ILLINOIS 60625
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Antony J. McShane
Priority Date February 22, 1983
Prior Registrations 0036970;1210458;AND OTHERS
Description of Mark The drawing is lined for the colors blue and red.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150519.
Renewal 2ND RENEWAL 20150519
Live/Dead Indicator LIVE

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Word Mark JOB

Goods and Services IC 034. US 008. G & S: CIGARETTE PAPERS. FIRST USE: 19760600. FIRST USE IN COMMERCE: 19760600

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 03.01.02 - Lion insignia (heraldic lion)
24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon

Serial Number 73502899

Filing Date October 9, 1984

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 18, 1985

Registration Number **1357088**

Registration Date August 27, 1985

Owner (REGISTRANT) SOCIETE JOB, ANCIENS ETABLISSEMENTS BARDOU-JOB ET PAULHAC CORPORATION
FRANCE 15 RUE EMILE ZOLA 66000 PERPIGNAN FRANCE

(LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises, 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED

Attorney of

Record ANTONY J. MCSHANE
Prior Registrations 0036970;0037640;0063177;0073124;1210458
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150610.
Renewal 2ND RENEWAL 20150610
Live/Dead Indicator LIVE

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JOB

Word Mark JOB

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75675676

Filing Date April 5, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 24, 2000

Registration Number **2420646**

Registration Date January 16, 2001

Owner (REGISTRANT) Bollore SOCIETE ANONYME FRANCE Odet 29500 Ergue Gaberic Commune D'Ergue Gaberic FRANCE

(LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises, 2301 Ravine Way GLENVIEW ILLINOIS 60625

Assignment ASSIGNMENT RECORDED

Recorded

Attorney of Record

Antony J McShane

Prior Registrations

0073124;1341384;1357088

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101104.

Renewal

1ST RENEWAL 20101104

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Word Mark JOB

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.07.01 - Diamonds with plain multiple line border; Diamonds with plain single line border
27.03.01 - Geometric figures forming letters, numerals or punctuation

Serial Number 75675677

Filing Date April 5, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 18, 2000

Registration Number **2422747**

Registration Date January 23, 2001

Owner (REGISTRANT) Bollre SOCIETE ANONYME FRANCE Odet 29500 Ergue Gaberic Commune D'Ergue Gaberic FRANCE

(LAST LISTED OWNER) Republic Technologies (NA), LLC c/o DRL Enterprises LIMITED LIABILITY COMPANY
DELAWARE 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Antony J McShane
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101103.
Renewal 1ST RENEWAL 20101103
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Word Mark JOB

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code
 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric
 26.03.21 - Ovals that are completely or partially shaded
 26.07.13 - Diamonds, exactly two diamonds; Two diamonds
 26.07.21 - Diamonds that are completely or partially shaded
 27.03.01 - Geometric figures forming letters, numerals or punctuation

Serial Number 75702556

Filing Date May 11, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 18, 2000

Registration Number **2432868**

Registration Date March 6, 2001

Owner (REGISTRANT) Bollore SOCIETE ANONYME FRANCE Odet 29500 Ergue Gaberic Commune D'Ergue Gaberic FRANCE

(LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Antony J McShane

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101206.

Renewal 1ST RENEWAL 20101206

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Word Mark	JOB
Goods and Services	IC 034. US 002 008 009 017. G & S: cigarette papers. FIRST USE: 19930000. FIRST USE IN COMMERCE: 19930000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.07.01 - Diamonds with plain multiple line border; Diamonds with plain single line border 27.03.01 - Geometric figures forming letters, numerals or punctuation
Trademark Search Facility Classification Code	LETTER-3-OR-MORE JOB Combination of three or more letters as part of the mark SHAPES-DIAMONDS Diamond shaped designs including shaded or more than one diamond
Serial Number	77895077
Filing Date	December 16, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 1, 2010
Registration Number	3834324
Registration Date	August 17, 2010
Owner	(REGISTRANT) Republic Technologies (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 Ravine Way Glenview ILLINOIS 60025
Attorney of Record	Antony J McShane

Prior Registrations	2420646;2422747;2616450;AND OTHERS
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the word "JOB" stylized with a Diamond Design as the letter O.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
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Word Mark	JOB
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigarette papers. FIRST USE: 20050721. FIRST USE IN COMMERCE: 20050721
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.07.21 - Diamonds that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	85233099
Filing Date	February 3, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 14, 2011
Registration Number	4019091
Registration Date	August 30, 2011
Owner	(REGISTRANT) Republic Technologies (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 Ravine Way Glenview ILLINOIS 60025
Attorney of Record	Antony J McShane
Prior Registrations	2420646;2422747;3834324;AND OTHERS
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the word "JOB" stylized with a diamond design as the letter "O".
Type of Mark	TRADEMARK
Register	PRINCIPAL

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Word Mark	JOB
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigarette papers. FIRST USE: 20050721. FIRST USE IN COMMERCE: 20050721
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric 26.03.21 - Ovals that are completely or partially shaded 26.07.21 - Diamonds that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	85233103
Filing Date	February 3, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 14, 2011
Registration Number	4019093
Registration Date	August 30, 2011
Owner	(REGISTRANT) Republic Technologies (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 Ravine Way Glenview ILLINOIS 60025
Attorney of Record	Antony J McShane
Prior Registrations	1341384;2420646;2432868;AND OTHERS
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the word "JOB" in stylized font surrounded by an oval.

Type of Mark TRADEMARK
Register PRINCIPAL
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