

ESTTA Tracking number: **ESTTA494605**

Filing date: **09/14/2012**

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

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Philip Morris USA Inc.		
Entity	Corporation	Citizenship	Virginia
Address	6601 West Broad Street Richmond, VA 23230 UNITED STATES		

Attorney information	Roberta L. Horton Arnold & Porter LLP 555 12th Street, N.W. Washington, DC 20004 UNITED STATES trademarkdocketing@aporter.com Phone:2029425000		
----------------------	---	--	--

### Registration Subject to Cancellation

Registration No	133272	Registration date	07/20/1920
Registrant	LIGGETT GROUP LLC 100 MAPLE LANE MEBANE, NC 27302 UNITED STATES		

### Goods/Services Subject to Cancellation

Class U017 (International Class 034). First Use: 1893/09/00 First Use In Commerce: 1893/09/00  
All goods and services in the class are cancelled, namely: Cigarettes

### Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	VIRGINIA BRIGHTS PETITION.pdf ( 6 pages )(194955 bytes )
-------------	--

## 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	/RLH_dch/
Name	Roberta L. Horton
Date	09/14/2012

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

In re: Registration No. 133,272  
Issued: July 20, 1920

_____	)	
PHILIP MORRIS USA INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	CANCELLATION No. _____
	)	
LIGGETT GROUP, LLC,	)	
	)	
Respondent.	)	
_____	)	

PETITION TO CANCEL

Philip Morris USA Inc. (“Petitioner” or “PM USA”) believes that it is and will continue to be damaged by the registration of VIRGINIA BRIGHTS, which is the subject of Registration No. 133,272, and hereby petitions to cancel registration of the same in International Class 34 pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3) and Section 2.111 of the Trademark Rules of Practice.

As grounds for this Petition, PM USA alleges that:

1. Petitioner is a Virginia corporation with its principal place of business at 6601 West Broad Street, Richmond, Virginia 23230.
2. On information and belief, Liggett Group, LLC (“Respondent” or “Liggett”) is a Delaware limited liability company that lists, in its federal trademark registration, a correspondence address of 100 Maple Lane, Mebane, NC 27302.

3. Petitioner is the largest tobacco company and cigarette manufacturer in the United States. Petitioner manufactures and sells cigarettes under its well-known VIRGINIA SLIMS® brand.

4. To enhance its rights in the VIRGINIA SLIMS® mark, Petitioner has obtained several federal trademark registrations covering this mark, including Reg. No. 894,450. A copy of the registration certificate for this registration is attached hereto as Exhibit A.

5. On information and belief, Respondent Liggett also manufactures and sells tobacco products.

6. On information and belief, Liggett has discontinued use of the VIRGINIA BRIGHTS mark without an intent to resume use of the mark.

7. On information and belief, Liggett has not used the VIRGINIA BRIGHTS mark for at least three years, and at no point in at least those three years has Liggett manufactured, advertised, sold or distributed any cigarettes or other products under the mark VIRGINIA BRIGHTS or demonstrated an intent to do so.

8. Accordingly, Respondent has abandoned any rights that it may have acquired in the mark VIRGINIA BRIGHTS within the meaning of 15 U.S.C. § 1127.

WHEREFORE, PM USA states that it is and will be damaged by Registration No. 133,272, and petitions for cancellation thereof.

PHILIP MORRIS USA INC.

  
\_\_\_\_\_  
Roberta L. Horton  
Joanna G. Persio  
ARNOLD & PORTER

555 12th Street, N.W.  
Washington, D.C. 20004  
(202) 942-5000

Attorneys for Petitioner  
Philip Morris USA Inc.

Date: September 14, 2012

**EXHIBIT A**

# United States Patent Office

894,450  
Registered July 14, 1970

## PRINCIPAL REGISTER Trademark

Ser. No. 304,382, filed Aug. 5, 1968

### VIRGINIA SLIMS

Philip Morris Incorporated (Virginia corporation)  
100 Park Ave.  
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).  
First use July 24, 1968; in commerce July 24, 1968.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Petition to Cancel has been served on Liggett Group, LLC by mailing said copy on September 14, 2012 via First Class Mail, postage prepaid to the following:

Liggett Group, LLC  
c/o Clara E. Weaver  
100 Maple Lane  
Mebane, NC 27302

  
\_\_\_\_\_  
Roberta L. Horton  
ARNOLD & PORTER  
555 12th Street, N.W.  
Washington, D.C. 20004  
(202) 942-5000

Date: September 14, 2012