

ESTTA Tracking number: **ESTTA563317**

Filing date: **10/05/2013**

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	AktSIONERNO DrouJestvo "Bulgartabac-Holding"		
Entity	JOINT STOCK COMPANY	Citizenship	Bulgaria
Address	"Graf Ignatiev" Str. 62 SOFIA, BG-1000 BULGARIA		

Attorney information	Alexander Lazouski Lazouski & Associates LLC 157 Third Avenue Suite 2C Westwood, NJ 07675 UNITED STATES info@lzlawoffice.com Phone:2016455616
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Registration Subject to Cancellation

Registration No	3389719	Registration date	02/26/2008
Registrant	SMOKER'S BEST GROUP, LLC 645 WESTMORELAND DRIVE TUPELO, MS 38801 UNITED STATES		

Goods/Services Subject to Cancellation

Class 034. First Use: 2007/09/25 First Use In Commerce: 2007/09/25 All goods and services in the class are cancelled, namely: cigarettes

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	PRESTIGE Cancellation Petition.pdf(120775 bytes) Exhibit 1.pdf(228535 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	/asl/
Name	Alexander Lazouski
Date	10/05/2013

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

Aksionerno Droujestvo "Bulgartabac-Holding",

Petitioner,

v.

Cancellation No.:
Registration No.: 3,389,719
Mark: PRESTIGE

Smoker's Best Group, LLC,

Respondent.

PETITION FOR CANCELLATION

Petitioner, Aksionerno Droujestvo "Bulgartabac-Holding", a Bulgarian-based company at "Graf Ignatiev" Str. 62 BG-1000, Sofia, Bulgaria ("Petitioner"), believes that it will be damaged by continued registration of Registration No. 3,389,719 for the mark PRESTIGE ("Respondent's Mark") by Smoker's Best Group, LLC, ("Respondent"), and hereby petitions to cancel same on the basis of that use of the mark in the PRESTIGE Registration has been discontinued with no intent to resume use of the mark.

As grounds for the cancellation, it is alleged that:

1. Petitioner is the largest and oldest manufacturer and exporter of cigarettes ("Petitioner's Goods") from Bulgaria to various countries, including the U.S. Petitioner has been in tobacco business for over 70 years.
2. Petitioner utilizes the PRESTIGE brand throughout the world as one of its flagship cigarette brands and the PRESTIGE brand is widely recognized as representing premium quality cigarettes.

3. In connection with Petitioner's Mark, Petitioner filed a Request for Extension Of Protection designating the U.S., and such designation was assigned U.S. Trademark Application Serial No. 79/126,278 ("Petitioner's Application").
4. During the examination of Petitioner's Application, the USPTO refused registration due to with likelihood of confusion with the Respondent's mark Registration Reg. No. 3,389,719.
5. According to an Office Action issued in connection with Petitioner's Application, the USPTO believes that the mark in Petitioner's Application so resembles the mark in the Respondent's Mark as to be likely to cause confusion, or to mistake or deceive.
6. Therefore, Petitioner is likely to be damaged by the continued registration of the Respondent's Mark.
7. Upon information and belief, Respondent is a Mississippi limited liability company, with a business address of 645 Westmoreland Drive, Tupelo, Mississippi 38801, United States.
8. After due investigation, Petitioner was not able to locate any information about Respondent's Mark on Respondent's website at <http://www.smokersbest.net/> (Exhibit 1), online or at brick and mortar stores.
9. After due investigation, Respondent's customer service representative confirmed that Respondent does not offer any products under "PRESTIGE" mark.
10. On information and belief, Respondent is no longer using Respondent's Mark, having abandoned said mark with no intent to resume use of such mark for more than three consecutive years.
11. According to TBMP §309.03(c)(11), such nonuse of Respondent's Mark for three consecutive years constitutes prima facie evidence of abandonment.
12. The PRESTIGE Registration grants to Respondent statutory rights, to the damage of Petitioner and others and has been identified by as a basis for refusal of Petitioner's Application

for Petitioner's Mark. Accordingly, Petitioner is likely to be damaged by the continued registration of the PRESTIGE Registration.

WHEREFORE, PETITIONER PRAYS THAT Registration Number 3,389,719 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner has complied with the requirements for filing the petition to the Director by submission of the \$300 petition fee filed herewith.

Respectfully submitted,



Date: October 5, 2013

Alexander S. Lazouski
Lazouski & Associates LLC
157 Third Avenue, Suite 2C
Westwood, NJ 07675
(201) 645-5616

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition for Cancellation upon Registrant by causing a true and correct copy thereof to be sent on October 5, 2013 by first class mail, postage prepaid to:

Smoker's Best Group, LLC
645 Westmoreland Drive
Tupelo, Mississippi 38801
United States

I hereby certify that I served the foregoing Petition for Cancellation upon Registrant's Attorney of Record/ Correspondent by causing a true and correct copy thereof to be sent on October 5, 2013 by first class mail, postage prepaid to:

Paul V. Nunes, Esq.
Underberg & Kessler LLP
300 Bausch & Lomb Place
Rochester, New York 14604
United States

Date: October 5, 2013



Alexander S. Lazouski

Smokers Best Group

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For more information please contact our principal distributor

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