

ESTTA Tracking number: **ESTTA600298**

Filing date: **04/24/2014**

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	AKTIONERNO DROUJESTVO; "BULGARTABAC-HOLDING"		
Entity	JOINT STOCK COMPANY	Citizenship	Bulgaria
Address	"Graf Ignatiev" Str. 62 Sofia, BG-1000 BULGARIA		

Attorney information	Alexander Lazouski Lazouski IP LLC 14726 Bowfin Ter., Suite 1 Lakewood Ranch, FL 34202 UNITED STATES info@lzlawoffice.com Phone:2016455616		
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Registration Subject to Cancellation

Registration No	4025418	Registration date	09/13/2011
Registrant	InLife, LLC 17551 Von Karman Ave Irvine, CA 92614 UNITED STATES		

Goods/Services Subject to Cancellation

Class 034. First Use: 2008/05/01 First Use In Commerce: 2008/05/01 All goods and services in the class are cancelled, namely: Electronic cigarettes, namely, electronic nicotine delivery device

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	THE PRESTIGE Cancellation Petition.pdf(121081 bytes) Exhibit 1.pdf(3365754 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	04/24/2014
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**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.: 4,025,418
Mark: THE PRESTIGE

InLife, 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. 4,025,418 for the mark THE PRESTIGE ("Respondent's Mark") by InLife, LLC, ("Respondent"), and hereby petitions to cancel same on the basis of that use of the mark in the 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. 4,025,418.
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 Californian limited liability company, with a business address of 17551 Von Karman Ave, Irvine, CALIFORNIA 92614, 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.myinlife.com/> (Exhibit 1), online or at brick and mortar stores.
9. During the course of the investigation, Respondent's customer service representative officially confirmed that Respondent no longer offers any products under "THE 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 4,025,418 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: April 24, 2014

Alexander S. Lazouski
Lazouski IP LLC
14726 Bowfin Ter., Suite 1
Lakewood Ranch 34202, FL
(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 April 24, 2014 by first class mail, postage prepaid to:

InLife, LLC
17551 Von Karman Ave
Irvine, California 92614
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 April 24, 2014 by first class mail, postage prepaid to:

Christopher A. Schmidt
7225 Magnolia Hills Dr
Nashville, Tennessee 37221-3977
United States

Date: April 24, 2014



Alexander S. Lazouski
Lazouski IP LLC
14726 Bowfin Ter., Suite 1
Lakewood Ranch 34202, FL
(201) 645-5616



The inLife Electronic Cigarette

The Electronic Cigarette is the most important breakthrough technology to come along in recent memory. It represents the greatest option ever for the logical delivery of a smoker's desire for nicotine. inLife is one of the founding companies that helped introduce this marvelous technology to the United States. Back in 2007, when inLife was formed, there were only a handful of units being sold. Today, there are over 2.5 million Americans using the "e-cig". That number is expected to quadruple in the next two years. This not only brings validation to "e-cig" it also helps create an opportunity for our customers to partner with us and benefit financially simply by referring others to our product (see Opportunity Page for further details).

The inLife electronic cigarette works by delivering a desired level of nicotine to the user in the form of a vapor mist. It looks, tastes and feels very similar to a traditional cigarette. They contain four basic elements: Propylene Glycol and Glycerol (both food additives), water and nicotine. There is no lingering smell to worry about, no ashes and they deliver rich, tobacco flavor.

The inLife Electronic Cigarette

The inLife Electronic Cigarette has evolved to become the industry's most advanced and best performing unit. From the industry's first solid state battery, to its advanced "cartomizer" that combines the cartridge and atomizer into a single unit, the inLife Electronic Cigarette will provide to you a very pleasurable and consistent "Vaping" experience. Do not trust your desired nicotine satisfaction on just any company!

The inLife Menthol Electronic Cigarette

inLife's Electronic Cigarette technology is THE industry leader in performance and reliability. The inLife Menthol unit comes with one solid state battery, two standard high Menthol cartridges and 1 USB charger. This unit delivers a very smooth Menthol taste.

SheVapes Electronic Cigarette

For Women Only!! The electronic cigarette is now being used by over 2.5 million users in the U.S. and our SheVapes brand is the only brand designed specifically for women. SheVapes comes with one solid state battery, one standard high Cherry cartridge, 1 standard high cartridge and 1 usb charger

The Greatest Products inLife



Product Warning