

ESTTA Tracking number: **ESTTA704008**

Filing date: **10/22/2015**

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	Mombacho Cigars S.A.		
Entity	societe anonyme	Citizenship	Nicaragua
Address	422 Calle la Calzada Granada, NICARAGUA		

Attorney information	Peter S. Sloane Leason Ellis LLP One Barker Avenue, Fifth Floor White Plains, NY 10601 UNITED STATES sloane@leasonellis.com Phone:9148219073		
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Registration Subject to Cancellation

Registration No	4183397	Registration date	07/31/2012
Registrant	Tropical Tobacco, Inc. 3010 NW 79th Avenue Miami, FL 33122 UNITED STATES		

Goods/Services Subject to Cancellation

Class 034. First Use: 2004/01/04 First Use In Commerce: 2004/01/04 All goods and services in the class are cancelled, namely: Cigars

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	01391681.PDF(39547 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	/peter sloane/
Name	Peter S. Sloane
Date	10/22/2015

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

In the Matter of Registration No. 4,183,397
Registered Jul. 31, 2012

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MOMBACHO CIGARS S.A.,	:
	:
Petitioner,	:
	:
v.	:
	:
TROPICAL TOBACCO, INC.,	:
	:
Registrant.	:
-----X	

PETITION FOR CANCELLATION

Mombacho Cigars S.A. (“Petitioner”), a société anonyme organized and existing under the laws of Nicaragua, having an address at 422 Calle la Calzada, Granada, Nicaragua, believes that it will be damaged by the continued existence of Registration No. 4,183,397 of the mark MOMBACHO, issued July 31, 2012, and therefore petitions to cancel the same pursuant to Section 14(c) of the Lanham Trademark Act of 1946, 15 U.S.C. §1064(c).

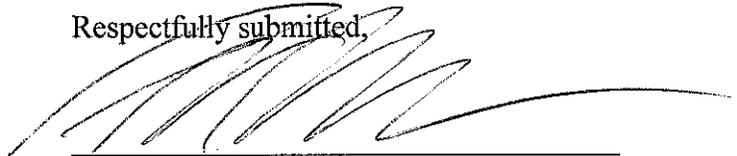
As grounds for its cancellation, Petitioner, by its attorneys Leason Ellis LLP, alleges as follows:

1. On information and belief, use of the mark MOMBACHO has been discontinued with intent not to resume use. Thus, the registrant, Tropical Tobacco, Inc., has abandoned its mark.
2. Petitioner Mombacho Cigars is being damaged by the continued registration of the mark at issue because it has a commercial interest in conducting business under its name in the U.S.

WHEREFORE, it is respectfully requested that this cancellation action be sustained and that Registration No. 4,183,397 be cancelled.

Dated: October 22, 2015

Respectfully submitted,



Peter S. Sloane

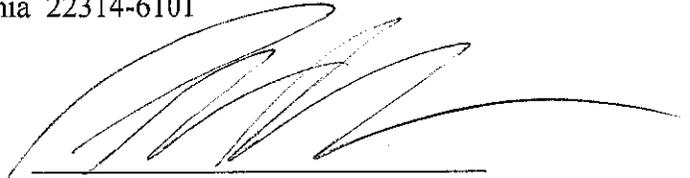
LEASON ELLIS LLP
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Tel.: (914) 821-9073

Attorneys for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **PETITION FOR CANCELLATION** was served upon counsel of record for Registrant, this 22nd day of October, 2015, by First-Class mail, postage prepaid, addressed as follows:

Stewart L. Gitler, Esq.
Welsh Flaxman & Gitler LLC
2000 Duke Street, Suite 100
Alexandria, Virginia 22314-6101

A handwritten signature in black ink, appearing to read 'Peter S. Sloane', written over a horizontal line.

Peter S. Sloane