

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



In the Matter of Application  
Serial No. 76/565,632  
Published in the Official Gazette  
Of April 19, 2005  
Mark: CUBAN CIGAR FACTORY EXPERIENCE THE TRADITION and DESIGN

CUBAN CIGAR BRANDS, N.V., )  
)  
Opposer, )  
)  
v. )  
)  
CUBAN CIGAR FACTORY, INC., )  
)  
Applicant. )

Opposition No. 91166296

ANSWER TO NOTICE OF OPPOSITION

Applicant, Cuban Cigar Factory, Inc. ("Applicant"), as its answer to the Notice of Opposition filed by Cuban Cigar Brands, N.V. ("Opposer"), states as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition.
4. Applicant admits that, on December 17, 2003, it filed an application to register its CUBAN CIGAR FACTORY EXPERIENCE THE TRADITION and DESIGN trademark, Serial No. 76/565,632, for "cigars made from Cuban seed tobacco" and that said application is based on use of the mark since January 1992. To the extent not admitted, Applicant denies the remaining allegations of paragraph 4 of the Notice of Opposition.

DOW, LOHNES & ALBERTSON, PLLC  
ATTORNEYS AT LAW  
1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800  
WASHINGTON, D.C. 20036-6802  
TELEPHONE 202-776-2000



5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Notice of Opposition.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Notice of Opposition.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations of the first, fifth and sixth sentences contained in paragraph 18 of the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations contained in paragraph 19 of the Notice of Opposition.

20. Applicant restates and incorporates its responses to Paragraphs 1 through 19 of the Notice of Opposition as if restated verbatim herein.

21. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations contained in paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations contained in paragraph 23 of the Notice of Opposition.

#### **FIRST AFFIRMATIVE DEFENSE**

The Notice of Opposition fails to state a claim upon which relief may be granted.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed and its application be allowed.

Respectfully submitted,

DOW, LOHNES & ALBERTSON, P<sup>Y</sup>LC

By: Mitchell H. Stabbe

Mitchell H. Stabbe

Suite 800

1200 New Hampshire Avenue, N.W.

Washington, D.C. 20036-6801

(202) 776-2929 (telephone)

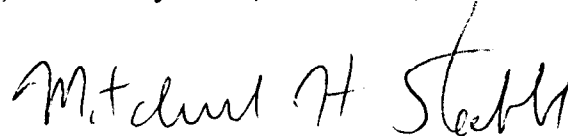
(202) 776-4929 (telecopier)

mstabbe@dowlohnes.com (email)

Counsel for Cuban Cigar Factory, Inc.

CERTIFICATE OF DELIVERY

I hereby certify that this Answer to Notice of Opposition is being hand-delivered to the Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, Madison East, Concourse Level Room C 55, 600 Dulany Street, Alexandria, VA 22314, this 27<sup>th</sup> day of September, 2005.



Mitchell H. Stabbe

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Answer to Notice of Opposition is being served by first class mail, postage prepaid, to the persons listed below, at their said address, this 27<sup>th</sup> day of September 2005:

Charles W. Grimes, Esq.  
Edmund J. Ferdinand, III, Esq.  
Russell D. Dize, Esq.  
Susan M. Schlesinger, Esq.  
Grimes & Battersby, LLP  
488 Main Avenue  
Norwalk, Connecticut 06851-1008



Mitchell H. Stabbe

DCLIB01:1486986-1|16717.0001