

ESTTA Tracking number: **ESTTA172059**

Filing date: **10/31/2007**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	OLD NASSAU IMPORTS, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	1 Cotswald Lane Princeton, NJ 08540 UNITED STATES		

Attorney information	Frank J. Colucci COLUCCI & UMANS 218 East 50th Street New York, NY 10022 UNITED STATES email@colucci-umans.com, rjacobson@colucci-umans.com Phone:(212) 935-5700
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Applicant Information

Application No	77148109	Publication date	10/09/2007
Opposition Filing Date	10/31/2007	Opposition Period Ends	11/08/2007
Applicant	CROSS FARMS, INC. 3511 SILVERSIDE RD STE 206 WILSON BLDG RF WILMINGTON, DE 19810 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. All goods and services in the class are opposed, namely: Chewing tobacco; Hand-rolling tobacco; Roll your own tobacco; Rolling tobacco; Smokeless tobacco; Smoking tobacco; Tobacco; Tobacco tins; Cigarette cases, not of precious metal; Cigarette papers; Cigarette rolling machines; Cigarette rolling papers; Cigarette tubes; Cigarettes; Lighters for smokers; Lighters not of precious metal; Matches; Pipe tobacco

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	78883904	Application Date	05/15/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DOUBLE CROSS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: distilled spirits

Attachments	78883904#TMSN.jpeg (1 page)(bytes) Notice of Opposition CROSS FARMS.PDF (3 pages)(143371 bytes)
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Signature	/fjc/
Name	Frank J. Colucci
Date	10/31/2007

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

In the Matter of the Application Serial No. 77/148,109
For the Mark: DOUBLE CROSS
Published in the *Official Gazette* on October 9, 2007

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OLD NASSAU IMPORTS, LLC	:	
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Opposer,	:	Opposition No.
	:	
v.	:	
	:	
CROSS FARMS, INC.,	:	
	:	
Applicant.	:	
	:	

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NOTICE OF OPPOSITION

OLD NASSAU IMPORTS, LLC (“Opposer”), a Delaware limited liability company, having its principal office and place of business at 1 Cotswald Lane, Princeton, New Jersey 08540, believes that it will be damaged by registration of the designation DOUBLE CROSS as shown in Application Serial No. 77/148,109, filed April 4, 2007, published in the Official Gazette of October 9, 2007, for the goods set forth therein in International Class 34 (“Applicant’s Goods”), and hereby opposes the same.

As grounds of opposition, it is averred that:

1. CROSS FARMS, INC. (hereinafter “Applicant”), having an address of 3511 Silverside Road, Suite 206, Wilson Building RF, Wilmington, Delaware 19810, is not now and never was entitled to register as a trademark the designation DOUBLE CROSS for which it seeks registration in its Application Serial No. 77/148,109, filed April

4, 2007, published in the Official Gazette of October 9, 2007, for Applicant's Goods. The application is based on intent to use under Section 1(b) of the Trademark Act.

2. Applicant is not entitled to use or register as a trademark the designation DOUBLE CROSS for which it seeks registration in its Application Serial No. 77/148,109, either on April 4, 2007, the date of filing of said application, or on October 9, 2007, the date of publication thereof in the Official Gazette.

3. Opposer is the owner of the trademark DOUBLE CROSS, referred to hereinafter as the "DOUBLE CROSS Mark." The DOUBLE CROSS Mark is the subject of Application Serial No. 78/883,904 in the United States Patent and Trademark Office, for distilled spirits. A notice of allowance for the DOUBLE CROSS mark issued on April 10, 2007, and the first extension of time for Opposer to file a statement of use was granted on September 7, 2007.

4. Applicant knew or should have known of Opposer's DOUBLE CROSS Mark when it applied to register the designation DOUBLE CROSS.

5. Applicant's adoption of the designation DOUBLE CROSS is without the license or permission of Opposer.

6. The goods for which Applicant seeks to register the designation DOUBLE CROSS are related to the goods set forth in Opposer's application to register the DOUBLE CROSS Mark.

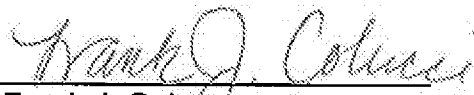
7. The designation Applicant seeks to register, namely, DOUBLE CROSS, so resembles Opposer's DOUBLE CROSS Mark, as to be likely, when applied to Applicant's Goods, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's Goods originate with or come from the same

source as Opposer's goods, or are endorsed by, or are sponsored by Opposer, or that Applicant and its goods are connected or associated in some way with Opposer, and the registration thereof would cause serious and irreparable harm to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 77/148,109 be rejected and that registration of the designation DOUBLE CROSS as a trademark to Applicant be refused and denied, and/or that Opposer have such other and further relief as the Board may deem just and proper.

Dated: New York, New York
October 31, 2007

COLUCCI & UMANS

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