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Filing date: **09/25/2008**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91185261  |
| Party                  | Defendant<br>N.V. SUMATRA TOBACCO TRADING COMPANY   |
| Correspondence Address | Tara M. Vold<br>Fulbright & Jaworski, LLP<br>801 Pennsylvania Avenue, NW<br>Washington, DC 20004<br><br>wotrademark@fulbright.com |
| Submission             | Answer  |
| Filer's Name           | Valyncia R Simmons  |
| Filer's e-mail         | wotrademark@fulbright.com   |
| Signature              | /VRS/   |
| Date                   | 09/25/2008  |
| Attachments            | ANSWER.pdf ( 4 pages )(88261 bytes )  |

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

|                                      |   |                         |
|--------------------------------------|---|-------------------------|
| American Cigarette Company, Inc.     | ) |                         |
| Opposer,                             | ) |                         |
|                                      | ) | Opposition No. 91185261 |
| v.                                   | ) |                         |
|                                      | ) |                         |
| N.V. Sumatra Tobacco Trading Company | ) |                         |
| Applicant.                           | ) |                         |

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, N.V. Sumatra Tobacco Trading Company (“Applicant”), by and through undersigned counsel, hereby answers and responds to the Notice of Opposition filed by American Cigarette Company, Inc. (“Opposer”) as follows, with the numbered paragraphs below corresponding to the numbered paragraphs of the Notice of Opposition:

1. Applicant admits the allegations of this paragraph.
  
2. Applicant admits that it filed a U.S. application for the registration of UNION GOLD on June 7, 2002. Applicant admits it is currently relying on Indonesian registration No. 320784, which registered on December 29, 1994, as the basis for its UNION GOLD application in the U.S.
  
3. Applicant admits that the USPTO database reflects that American Cigarette Company, Inc. is the owner/assignee of the UNION registration (Reg. No. 2,972,594) for cigarettes in Class 34. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies same.
  
4. Applicant admits that the USPTO database reflects that Maryjane Cigarette Company, Inc. filed an application for UNION, Serial No. 78/066,805 on June 1, 2001.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies same.

5. Applicant admits that according to the USPTO database, an assignment of Reg. No. 2,972,594 was recorded on May 15, 2007, that according to the USPTO database the assignor was Maryjane Cigarette Company, Inc. and that the assignee was American Cigarette Company, Inc. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph, and therefore denies same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies same.

10. Applicant denies the allegations of this paragraph.

11. Applicant denies the allegations of this paragraph.

12. Applicant denies the allegations of this paragraph.

13. Applicant denies the allegations of this paragraph.

14. Applicant admits that if its application for UNION GOLD was allowed to proceed to registration, that Applicant would have the prima facie exclusive right to use the mark UNION GOLD on the goods for which it is designated in the application. Applicant denies all remaining allegations in this paragraph.


WHEREFORE Applicant respectfully requests that the opposition be dismissed and that the application to register UNION GOLD be approved.

Respectfully submitted,

Dated: September 25, 2008

N.V. Sumatra Tobacco Trading Company


By:

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer to Notice of Opposition was served upon counsel for American Cigarette Company, Inc. this 25th day of September, 2008, by certified and first class mail, postage prepaid, as follows:

Robert C. Kain, Jr.  
Kain & Associates, Attorneys at Law, P.A.  
750 Southeast Third Avenue  
Fort Lauderdale, FL 33316



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Beth Drucker