

ESTTA Tracking number: **ESTTA256858**

Filing date: **12/22/2008**

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	Liggett Group LLC
Granted to Date of previous extension	12/20/2008
Address	100 Maple Lane Mebane, NC 27302 UNITED STATES

Attorney information	Lori Lee Yamato Knobbe, Martens, Olson & Bear LLP 2040 Main Street 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com, lly@kmob.com Phone:949-760-0404
----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	79975047	Publication date	10/21/2008
Opposition Filing Date	12/22/2008	Opposition Period Ends	12/20/2008
International Registration No.	0910281	International Registration Date	05/17/2006
Applicant	Fédération Internationale de Football Association (FIFA) FIFA-Strasse 20 CH-8044 Zurich, SWITZERLAND		

Goods/Services Affected by Opposition

<p>Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations for the treatment of wounds, respiratory illnesses, cancer; pharmaceutical preparations for the treatment of disorders of the mouth; pharmaceutical preparations for the treatment of sports-related disorders of the hip, back, knee, foot and ankle; anti-inflammatories; anti-inflammatory and antipyretic preparations; anti-arthritis compositions and preparations; pain relief medication; steroids; muscle relaxants; pharmaceutical preparations for the treatment of respiratory diseases and disorders; pharmaceutical preparations for wounds; medicated chewing gum; materials for dental fillings and for sealing purposes; moulding wax for dentists; sanitary preparations for medical purposes; sanitary products for menstruation included in this class, namely, menstruation tampons; menstruation bandages; fungicides; herbicides; medicinal preparations for the treatment of eye diseases and conditions; Herb teas for medicinal purposes; nutritional food additives for medical use; dietetic food additives for medical use; food for babies; vitamin preparations; products for purifying and refreshing air, namely, air freshener sprays; air freshening preparations for vehicles; deodorants other than for personal use, namely, household deodorant and room deodorants</p>

Class 009.

All goods and services in the class are opposed, namely: Spectacles, sunglasses, diving and swimming goggles, cords for diving and swimming goggles, cases and cords for spectacles and sunglasses; binoculars; magnets and decorative magnets; directional compasses; apparatus for recording, transmission or reproduction of sound and images; television apparatus, namely, television sets; radios; video recorders; compact disc players; DVD players; MP3 players; cassette players; mini-disc players; loudspeakers; headphones; earphones; microphones; remote controls for radios, televisions, electronic games consoles and stereos; voice-activated remote controls for radios, televisions, video game consoles and stereos; computers; data processors; computer keyboards; computer mice; mouse pads; computer screens; modems; computer accessories included in this class, namely, computer cables, computer carrying cases, and computer hardware; dictating machines; scanners; printers; photocopiers; facsimile machines; telephones; answering machines; video telephones; mobile telephones; accessories for cellular phones included in this class, namely, cell phone covers, devices for hands free use of mobile phones, earphones and headsets for mobile phones, keyboards for mobile phones, mobile phone straps, special bags for carrying mobile phones, cameras and video cameras for mobile phones; calculating machines, namely, calculators, data processors; electronic machines for reading credit cards and recording financial operations; machines for changing money; automated teller machines; camcorders, portable video cameras with built-in videocassette recorders; photographic equipment, namely, bags for cameras, exposed camera film, and flashbulbs; photographic cameras; cinematographic cameras; projectors, namely, movie and slide projectors; special cases and electronic cords made for cameras; electrical cells and batteries; batteries; videogames, namely, interactive video game programs; apparatus for video games, namely, joysticks; game consoles, namely, video output game machines for use with televisions; arcade games, namely, video game software for use with video arcade machines; voice-activated or manually operated joysticks; electric irons; alarms, namely, burglar alarms, fire alarms, smoke alarms, anti-intrusion alarms and personal security alarms; electronic vending machines; wind socks for indicating wind direction and intensity; distance measuring apparatus, namely, odometers; apparatus for measuring speed and speed indicators; protective gloves; sound receivers, amplifiers; liquid crystal display screens; television picture tubes; television cathode-ray tubes; floppy disk drives and hard drives for computers; video game machines with liquid crystal displays, namely, video game machines for use with external LCD display screen or monitor; protected semiconductors; rechargeable batteries; central processing units and converters for audio and visual data; cables for data transmission

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, shirts, knitted shirts, knitted caps, pullovers, sleeveless pullovers, t-shirts, singlets, sleeveless jerseys, dresses, skirts, underwear, bathing suits, shorts, trousers, jerseys, sashes for wear, scarves, shawls, tracksuits, sweatshirts, jackets and blazers; waterproof clothing, namely, waterproof coats, waterproof jackets, waterproof pants; coats; uniforms; ties; headbands against sweating; headbands; gloves; aprons; cloth bibs and cloth bibs having identifying information printed thereon for use by players in sports competitions; pajamas; play suits for infants and children; socks and stockings; garters; belts; braces for clothing; shoes; headwear; bonnets; caps; peaked caps; hats

Class 032.

All goods and services in the class are opposed, namely: non-alcoholic drinks, namely, non-alcoholic beverages containing fruit drinks and soft drinks syrups and powders for making non-alcoholic drinks in the nature of soft drinks, fruit drinks, energy drinks, lemonades; syrups and powders for making non-alcoholic beverages; mineral and carbonated waters; other non-alcoholic beverages, namely, diet soft drinks, soft drinks, energy drinks, low calories soft drinks, sports drinks, herbal juices, non-medicinal health and wellness drinks in the nature of fruit drinks and lemonades, flavored waters; isotonic beverages; fruit and vegetable juices; iced fruit beverages; beers; lagers

Class 034.

All goods and services in the class are opposed, namely: Matches; lighters for smokers; cigarette cases, ashtrays, smokers' articles not of precious metal, namely, cigar cutters, cigar cases, cigarette rolling machines and cigarette papers cigarettes; tobacco

Class 035.

All goods and services in the class are opposed, namely: Employment agencies; recruitment of personnel; advertising services; services of an advertising text publishing agency; advertising agency services; services of an advertising agency on a global computer network, the Internet and via

wireless electronic communication devices; dissemination of advertising matter; rental of advertising space; rental of advertising time in film credits; television advertising, radio advertising; advertising in the form of animated cartoons; promotional agency services, promotional agency services for sports and public relations; market study services; market research investigation services; public opinion polling services; organization of exhibitions for commercial or advertising purposes; advertising services, namely, organization and conducting trade fairs; database management services, namely, computer file management services; gathering and providing statistical information; advertising for sports events in connection with football; retail store services and on-line retail store services featuring a wide variety of consumer goods and general merchandise of others; retail store services and on-line retail store services featuring solvents, paraffin, waxes, bitumen and petrol; advertising and promotional services, information services concerning advertising and promotion, commercial information agencies, all the above services offered online from a computer databank or from a global computer network and via wireless electronic communication devices; advertising services, namely, design of advertisements for use as web sites in a global computer network or via wireless electronic communication devices; provision of space on web sites, for advertising goods and services; auctioneering on a global computer network and via wireless electronic communication devices; business information services, namely, the collection of data in connection with company names and details for publishing on the Internet and on wireless electronic communication device networks; administrative processing of purchase orders on a global computer network and via wireless electronic communication devices; administration of domain name registration programs; sales promotion, namely, implementing preferential discount programs for customers; administration of customer loyalty bonus programs for clients in stadiums by means of distributing loyalty and encoded member cards which may hold personal user data; customer loyalty services and customer club services for commercial, promotional and/or advertising purposes, namely, issuance of loyalty and bonus cards for fans, which hold personal data on the identity of the cardholder for controlling access to sports stadiums; compilation of information into computer databases and especially of fixed or animated images; electronic commerce services, namely, online services for provision of goods purchase and sales contracts on behalf of others; promotion of sports events in the field of football; promotion of goods and services of third parties, by means of contractual agreements, particularly sponsorship and licensing agreements, providing them with increased notoriety and enhanced image derived from cultural and sporting events, particularly international events; compilation and recording of data and information on sporting performances; employment agency services, namely, services for the provision of personnel, particularly for selling beverages and foods

Class 036.

All goods and services in the class are opposed, namely: Credit card services; issuing of credit cards; issuing of travelers' checks; financing services; banking services; credit inquiry and consultation; loan financing; insurance services, namely, insurance agency and brokerage; insurance underwriting services for all type of insurances; brokerage for hire-purchase; brokerage for hire-purchase of recordings containing image and sound; financial sponsoring of sports events for others; financial and insurance information provided online from a computerized database or on a global computer network, the Internet or via wireless electronic communication devices; home banking; banking services on a global computer network, the Internet or via wireless electronic communication devices

Class 039.

All goods and services in the class are opposed, namely: Services of a travel agency, namely, arranging of tours, travel reservation services; transport services by plane, train, bus and lorry; boat transport; boat outing services, namely, boat chartering, and boat cruises; tour organization services; vehicle rental services; parking space rental; taxi transport; goods delivery by all available means; distribution of water, heating, gas or electricity; distribution of films; distribution services, namely, delivery of image and sound recordings; distribution services, namely, delivery of interactive educational and entertainment products, interactive compact discs, CD-ROMs, computer programs and computer games; Postal services, namely, parcel delivery; messenger services; courier services and courier services, namely, delivery of newspapers and book transportation; delivery of packages and letters by various modes of transportation; warehousing; delivery of solvents, paraffin, waxes, bitumen and petrol, with the exception of liquid gases by various modes of transportation; transport and storage of waste

Grounds for Opposition

Torres v. Cantine Torresella S.r.l.Fraud

808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Other	NO BONA FIDE INTENT TO USE THE MARK IN COMMERCE IN CONNECTION WITH EACH GOOD/SERVICE IN THE APPLICATION
-------	---------------------------------------------------------------------------------------------------------

Related Proceedings	OPPOSITION NO. 91179160
---------------------	-------------------------

Attachments	EVEHOL.011M- Notice of Opposition.pdf (20 pages)(982709 bytes)
-------------	-------------------------------------------------------------------

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	/lori lee yamato/
Name	Lori Lee Yamato
Date	12/22/2008

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

Liggett Group LLC,

Opposer,

v.

Fédération Internationale de Football Association
(FIFA),

Applicant.

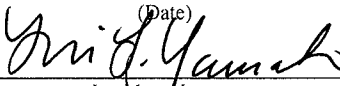
Opposition No.

Serial No.: 79/975,047

Mark: WORLD CUP 2010

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on

December 22, 2008

(Date)

Lori Lee Yamato

NOTICE OF OPPOSITION

United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Opposer, Liggett Group LLC, a Delaware limited liability company, having a place of business at 100 Maple Lane, Mebane, NC 27302 (“Opposer”) believes that it will be damaged by registration of the mark shown in U.S. Trademark Application Serial No. 79/975,047 (“Applicant’s Application”) filed on May 17, 2006 by Fédération Internationale de Football Association (FIFA) (“Applicant”), and hereby opposes the same.

A description of Applicant's Application is as follows:

Mark:	WORLD CUP 2010
Serial No.:	79/975,047
Filing Date:	May 17, 2006
Publication Date:	October 21, 2008
International Classes:	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of U.S. Application Serial No. 78/791,295 for the mark WORLD CUP for cigarettes, which was initially filed by Eve Holdings Inc. Eve Holdings Inc. assigned its rights in U.S. Application Serial No. 78/791,295 to Liggett Group LLC, and documentation of this assignment is recorded at Reel/Frame 3464/0826 in the United States Patent and Trademark Office. Information about this application is submitted herewith.

2. Eve Holdings Inc. was also the owner of U.S. Registration No. 1,379,457 for the mark WORLD CUP for cigarettes, which was filed on February 2, 1983 and registered on January 21, 1986. Information about this registration is submitted herewith.

3. Upon information and belief, Applicant organizes quadrennial soccer events. In conjunction with these events, it is believed that Applicant is engaged in certain efforts, including activities under the umbrella of "health promotion."

4. Upon information and belief, as a part of these efforts at "health promotion," Applicant supports and promotes campaigns that discourage the use of tobacco products.

5. Upon information and belief, Applicant supports initiatives to actively discourage smoking, especially among young people.

6. Upon information and belief, Applicant is a founding member of the Tobacco-Free Sports Initiative.

7. Upon information and belief, Applicant has partnered with the World Health Organization and the Centers for Disease Control and Prevention to promote tobacco-free messages worldwide, especially through its SmokeFree Soccer program.

8. Upon information and belief, in 2002, Applicant was the recipient of the World Health Organization's highest tobacco control prize, the Director General's Award, which was awarded for "exceptional courage and vision in tobacco control."

9. Upon information and belief, Applicant has not accepted sponsorships or advertising from a tobacco company since 1986.

10. Upon information and belief, in 2002, at Applicant's events in South Korea and Japan, Applicant banned all smoking.

11. Upon information and belief, in 2006, at Applicant's event in Germany, Applicant instituted a voluntary smoking ban. Additionally, it is believed that Applicant prohibited smoking along the sidelines during the 2006 matches.

12. Upon information and belief, Applicant has represented affirmatively to the Trademark Trial and Appeal Board that it desires no connection with the "unhealthy habit of cigarette smoking."

13. Upon information and belief, in light of Applicant's public stance and outspoken advocacy against smoking, any affiliation with tobacco products or tobacco use would be inconsistent with Applicant's image in the marketplace.

14. Upon information and belief, Applicant has not made the necessary federal and/or state filings to be a lawful importer, manufacturer, retailer, wholesaler, or distributor of tobacco products as required by law in the United States.

15. Applicant is the holder of International Registration No. 0910281 for the mark WORLD CUP 2010.

16. Applicant sought a Request for Extension of Protection in the United States for International Registration No. 0910281 under Section 66 of the Lanham Act (15 U.S.C. §1141f.),

which was assigned U.S. Application Serial No. 79/033,549 by the United States Patent and Trademark Office (“USPTO”).

17. Upon information and belief, in connection with Applicant’s Request for Extension of Protection to the United States, Applicant made a signed, verified declaration of Applicant’s bona fide intention to use the mark in commerce, on all of the identified goods and services, pursuant to Section 66 of the Lanham Act, 15 U.S.C. §1141f, 37 C.F.R. §2.34(a)(5); 37 C.F.R. §2.33(e), and TMEP §1904.01(c) (“Applicant’s Declaration”).

18. Pursuant to 37 C.F.R. §2.33(e), Applicant was required to declare the following in Applicant’s Declaration in IB Form MM18(E):

- a. Applicant had a bona fide intention to use the mark in commerce that the United States Congress can regulate on or in connection with the goods/services identified in the international application/subsequent designation;
- b. The signatory is properly authorized to execute this declaration on behalf of the applicant/holder;
- c. The signatory believes the applicant/holder to be entitled to use the mark in commerce that the United States Congress can regulate on or in connection with the goods/services identified in the international application/registration; and
- d. To the best of his/her knowledge and belief, no other person, firm, corporation, association, or other legal entity has the right to use the mark in commerce that the United States Congress can regulate, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, firm, corporation, association, or other legal entity, to cause confusion, or to cause mistake, or to deceive.

19. On July 31, 2008, Applicant filed a Request to Divide Serial No. 79/033,549 into two applications. As a result, the parent application, Serial 79/033,549, contains certain services in Class 43. The child application, which is Applicant’s Application, was assigned Serial No. 79/975,047 and contains certain goods and services in Classes 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42.

20. Applicant identified hundreds of goods and services in 36 different international classes in Applicant's Application, with which Applicant declared Applicant's bona fide intention to use the WORLD CUP 2010 mark.

21. Despite Applicant's outspoken advocacy against smoking, Applicant is attempting to register the mark WORLD CUP 2010, described above, for a variety of goods and services, including "[m]atches; lighters for smokers; cigarette cases, ashtrays, smokers' articles not of precious metal, namely, cigar cutters, cigar cases, cigarette rolling machines and cigarette papers; cigarettes; tobacco" in Class 34.

22. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with each and every one of the Class 34 goods identified in Applicant's Application or a bona fide intention to use the WORLD CUP 2010 mark in commerce in connection with each and every one of the Class 34 goods identified in Applicant's Application.

23. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with each and every one of the goods and services identified in Applicant's Application or a bona fide intention to use the WORLD CUP 2010 mark in commerce in connection with each and every one of the goods and services identified in Applicant's Application.

24. Applicant does not have in its possession any documentary evidence that establishes a genuine, good-faith intent to use the WORLD CUP 2010 mark on each and every one of the Class 34 goods identified in Applicant's Application that is contemporaneous with the date of Applicant's Declaration.

25. Applicant does not have in its possession any documentary evidence that establishes a genuine, good-faith intent to use the WORLD CUP 2010 mark on each and every one of the goods and services identified in Applicant's Application that is contemporaneous with the date of Applicant's Declaration.

26. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application, Applicant had no objectively-verifiable, good faith intention to use the WORLD CUP 2010 mark in connection with each and every one of the goods and services identified in Applicant's Application.

27. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with tobacco.

28. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with tobacco.

29. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on tobacco, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

30. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with cigarettes.

31. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with cigarettes.

32. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on cigarettes, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

33. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with cigarette rolling machines.

34. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with cigarette rolling machines.

35. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on cigarette rolling machines, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

36. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with cigarette papers.

37. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with cigarette papers.

38. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on cigarette papers, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

39. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with cigar cases.

40. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with cigar cases.

41. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on cigar cases, which it knew or should have known were false, such statements

were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

42. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with cigar cutters.

43. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with cigar cutters.

44. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on cigar cutters, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

45. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with steroids.

46. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with steroids.

47. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on steroids, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

48. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with materials for dental fillings and for sealing purposes.

49. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have

a bona fide intention to use the WORLD CUP 2010 mark in connection with materials for dental fillings and for sealing purposes.

50. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on materials for dental fillings and for sealing purposes, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

51. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with medicinal preparations for the treatment of eye diseases and conditions.

52. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with medicinal preparations for the treatment of eye diseases and conditions.

53. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on medicinal preparations for the treatment of eye diseases and conditions, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

54. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with television cathode-ray tubes.

55. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with television cathode-ray tubes.

56. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on television cathode-ray tubes, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

57. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with protected semiconductors.

58. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with protected semiconductors.

59. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on protected semiconductors, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

60. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with distribution of water, heating, gas or electricity.

61. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with distribution of water, heating, gas or electricity.

62. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on distribution of water, heating, gas or electricity, which it knew or should have

known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

63. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with delivery of solvents, paraffin, waxes, bitumen and petrol.

64. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with delivery of solvents, paraffin, waxes, bitumen and petrol.

65. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on delivery of solvents, paraffin, waxes, bitumen and petrol, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

66. When executing Applicant's Declaration, Applicant declared that Applicant had a bona fide intention to use the mark WORLD CUP 2010 in connection with transport and storage of waste.

67. At the time Applicant executed Applicant's Declaration in connection with Applicant's Application and at the time of filing Applicant's Application, Applicant did not have a bona fide intention to use the WORLD CUP 2010 mark in connection with transport and storage of waste.

68. In submitting Applicant's Declaration in connection with Applicant's Application, Applicant made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on transport and storage of waste, which it knew or should have known were false, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

69. At the time of filing Applicant's Application, Applicant did not have a bona fide intent to use the WORLD CUP 2010 mark in connection with each and every one of the goods and services identified in Applicant's Application. Accordingly, Applicant's Application is void *ab initio* and no registration may issue therefrom.

70. In submitting Applicant's Declaration, Applicant made material misrepresentations to the USPTO in order to obtain registration of its mark for all of the goods and services identified in Applicant's Application, including but not limited to the goods and services in Classes 5, 9, 25, 32, 34, 35, 36 and 39.

71. Applicant knowingly made false and/or fraudulent statements of Applicant's intention to use the WORLD CUP 2010 mark on the goods and services identified in Applicant's Application, such statements were material and relied upon by the USPTO, and Applicant's Application was published as a result of such false and/or fraudulent statements.

72. Applicant knew or should have known that its representation to the USPTO of Applicant's intention to use the WORLD CUP 2010 mark in connection with each and every good and service identified in Applicant's Application was false and/or fraudulent.

73. The USPTO relied upon Applicant's misrepresentations, and as a result, the USPTO published Applicant's Application. Had Opposer not filed this Opposition, Applicant's Application would have proceeded to registration.

74. Upon information and belief, Applicant made Applicant's Declaration with the intention of inducing registration by the USPTO of the WORLD CUP 2010 mark for all of the goods and services identified in Applicant's Application, including but not limited to the goods and services in Classes 5, 9, 25, 32, 34, 35, 36 and 39.

75. By virtue of the numerous material, false and/or fraudulent representations that Applicant made when submitting Applicant's Declaration in connection with Applicant's Application, Applicant committed fraud during the procurement of a trademark registration, and accordingly Applicant's Application is void *ab initio* and no registration may issue therefrom with respect to any of the goods and services in Applicant's Application.

76. Opposer believes it will be harmed by the registration of Applicant's Application in light of the fact that Applicant's Application is being procured by fraud and covers goods and services with which Applicant had no bona fide intent to use the WORLD CUP 2010 mark at the time of filing.

77. Opposer will also be harmed by the registration of Applicant's Application in light of the fact that the parent application to Applicant's Application is being relied upon by Applicant as a basis for opposing Opposer's Application Serial No. 78/791,295. In Opposition No. 91179160, Applicant has alleged a likelihood of confusion between the mark set forth in Opposer's Application Serial No. 78/791,295 and Applicant's Application Serial No. 79/033,549 (which is now the parent application to Applicant's Application). At the time Applicant filed Opposition No. 91179160, the goods and services identified in Applicant's Application had not been divided from Application Serial No. 79/033,549.

WHEREFORE, Opposer prays that Applicant's Application be rejected and stricken in its entirety, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 22, 2008

By: 

Lori Lee Yamato
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Opposer,
Liggett Group LLC

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-12-19 14:27:06 ET

Serial Number: 78791295 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

WORLD CUP

(words only): WORLD CUP

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-08-27

Filing Date: 2006-01-13

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
SUAREZ MARIA VICTORIA

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-03-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LIGGETT GROUP LLC

Address:

LIGGETT GROUP LLC
100 MAPLE LANE
MEBANE, NC 27302
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 034

Class Status: Active

Cigarettes

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-19 - Assignment Of Ownership Not Updated Automatically

2007-08-27 - Opposition instituted for Proceeding

2007-08-22 - Assignment Of Ownership Not Updated Automatically

2007-05-26 - Extension Of Time To Oppose Received

2007-05-01 - Published for opposition

2007-04-11 - Notice of publication

2007-03-08 - Law Office Publication Review Completed

2007-03-08 - Assigned To LIE

2007-02-07 - Approved for Pub - Principal Register (Initial exam)

2007-01-24 - Automatic Update Of Assignment Of Ownership

2007-01-08 - LETTER OF SUSPENSION E-MAILED

2007-01-08 - Suspension Letter Written

2006-07-10 - Non-final action e-mailed

2006-07-10 - Non-Final Action Written

2006-06-30 - Assigned To Examiner

2006-01-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Victoria Spier Evans

Correspondent

Lori Lee Yamato

Knobbe Martens Olson & Bear, LLP

2040 Main Street 14th Fl

Irvine, CA 92614

Phone Number: 919-990-3590

Fax Number: 919-990-3505

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-12-19 14:27:24 ET

Serial Number: 73411985 Assignment Information Trademark Document Retrieval

Registration Number: 1379457

Mark (words only): WORLD CUP

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 2006-10-28

Filing Date: 1983-02-02

Transformed into a National Application: No

Registration Date: 1986-01-21

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1993-07-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. EVE HOLDINGS INC.

Address:

EVE HOLDINGS INC.
3411 SILVERSIDE ROAD
WILMINGTON, DE 19810
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 034

Class Status: Section 8 - Cancelled

Cigarettes

Basis: 1(a)

First Use Date: 1983-01-26

First Use in Commerce Date: 1983-01-26

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-10-28 - Canceled Section 8 (10-year)/Expired Section 9

1991-05-22 - Section 8 (6-year) accepted

1991-02-04 - Section 8 (6-year) filed

1986-01-21 - Registered - Principal Register

1985-12-05 - Opposition terminated for Proceeding

1985-11-22 - Opposition dismissed for Proceeding

1985-02-19 - Opposition instituted for Proceeding

1984-08-28 - Published for opposition

1984-06-26 - Notice of publication

1984-04-06 - Approved for Pub - Principal Register (Initial exam)

1984-04-05 - Examiner's amendment mailed

1983-10-06 - Non-final action mailed

1983-09-01 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

J. Bowen Ross, Jr.

Correspondent

JOSIAH S. MURRAY, III
LIGGETT GROUP INC.
300 NORTH DUKE STREET
DURHAM, NC 27702

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant by depositing one copy thereof in the United States Mail, first-class postage prepaid on December 22, 2008, addressed as follows:

James R. Menker
Holley & Menker, P.A.
PO Box 331937
Atlantic Beach, FL 32233



Lori Lee Yamato