

ESTTA Tracking number: **ESTTA302914**

Filing date: **08/26/2009**

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	Arangold Corporation
Granted to Date of previous extension	08/26/2009
Address	3170 Commercial Avenue Northbrook, IL 60062 UNITED STATES

Correspondence information	Arangold Corporation 3170 Commercial Avenue Northbrook, IL 60062 UNITED STATES chicago_ip_docket@mwe.com, jgargano@mwe.com, mmorneault@mwe.com, ryoon@mwe.com, cvicino@mwe.com Phone:312.372.2000
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Applicant Information

Application No	77539601	Publication date	04/28/2009
Opposition Filing Date	08/26/2009	Opposition Period Ends	08/26/2009
Applicant	Gallaher Limited Members Hill, Brooklands Road Weybridge, KT130QU UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 034. All goods and services in the class are opposed, namely: Tobacco; smoking tobacco; pipe tobacco; cigarettes, cigars, snuff; cigarette papers, cigarette paper tubes; cigarette lighters not made of precious metal; and matches

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/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MAYFAIR		
Goods/Services	Cigars		

Attachments	MAYFAIR notice of opposition.pdf (6 pages)(469115 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	/Jeffrey R. Gargano/
Name	Arangold Corporation
Date	08/26/2009

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION)	
Mark:	MAYFAIR)
Applicant:	Gallaher Limited)
Serial No.:	77/539,601) Opposition No.
Filed:	August 5, 2008)
Published in the)
Official Gazette:	April 28, 2009)

NOTICE OF OPPOSITION

Arangold Corporation, an Illinois corporation with a principal place of business at 3170 Commercial Avenue, Northbrook, Illinois 60062 (“Opposer”), believes it will be damaged by the registration of the mark MAYFAIR in U.S. Application Serial Number 77/539,601 filed by Gallaher Limited (“Applicant”) and therefore opposes the same. The grounds for this Opposition are as follows:

1. Opposer, a distributor of tobacco and tobacco-related products, and/or its predecessor in interest have been using the MAYFAIR trademark for cigars throughout the United States since at least April 1999.
2. Upon information and belief, the MAYFAIR trademark has been in continuous use in interstate commerce for cigars since at least April 1999.
3. Opposer and its predecessor in interest have expended substantial sums and resources to advertise and promote cigars under the MAYFAIR trademark throughout the United States for more than ten years. As such, the MAYFAIR trademark has come to be recognized as identifying Opposer and the value of Opposer’s goods throughout the United States. Accordingly, Opposer has developed substantial goodwill in the MAYFAIR trademark.

4. Notwithstanding Opposer's prior use of and rights in the MAYFAIR trademark for cigars, on August 5, 2008, Applicant filed an intent-to-use based application, now U.S. Application Serial No. 77/539,601, for registration of the MAYFAIR mark for use in connection with "Tobacco; smoking tobacco; pipe tobacco; cigarettes, **cigars**, snuff; cigarette papers, cigarette paper tubes; cigarette lighters not made of precious metal; and matches" in International Class 34. (Emphasis added.) The mark was published in the Official Gazette (Trademarks) of the United States Patent and Trademark Office on April 28, 2009.

5. Applicant's MAYFAIR mark is identical to Opposer's MAYFAIR mark.

6. Upon information and belief, Applicant intends to use the MAYFAIR mark in connection with identical goods as Opposer's goods, namely, cigars.

7. Upon information and belief, Applicant intends to sell its goods bearing the MAYFAIR mark to the same customers as Opposer's goods. Applicant's MAYFAIR mark and associated goods, therefore, are highly likely to be confused with Opposer's MAYFAIR mark and its associated goods.

8. Applicant's registration and intended use of the MAYFAIR mark will interfere with Opposer's MAYFAIR trademark and will seriously damage Opposer and its goodwill and reputation.

WHEREFORE, Opposer respectfully requests that this Notice of Opposition be sustained and that the registration sought by Applicant be denied.

**UNITED STATES PATENT AND TRADEMARK OFFICE
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WHEREFORE, Opposer respectfully requests that this Notice of Opposition be sustained and that the registration sought by Applicant be denied.

This Notice of Opposition is being submitted electronically. Please charge our Deposit Account No.: 130206 for any fees which may be required.

Date: August 26, 2009

Respectfully submitted,

ARANGOLD CORPORATION

By: /s/ Jeffrey R. Gargano
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served on August 26, 2009, by first class mail, postage prepaid, to counsel for Applicant, as follows:

James M. Slattery
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Falls Church, VA 22040-0747

/s/ Jeffrey R. Gargano
Jeffrey R. Gargano

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