

ESTTA Tracking number: **ESTTA406355**

Filing date: **04/29/2011**

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	Lorillard Licensing Company, LLC
Granted to Date of previous extension	04/30/2011
Address	1601 Wachovia Tower, 300 N. Greene St. Greensboro, NC 27401 UNITED STATES

Correspondence information	Lorillard Licensing Company, LLC 1601 Wachovia Tower, 300 N. Greene St. Greensboro, NC 27401 UNITED STATES amaccord@maccordmason.com, sdavis@maccordmason.com Phone:(336) 273-4422
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Applicant Information

Application No	85121391	Publication date	03/01/2011
Opposition Filing Date	04/29/2011	Opposition Period Ends	04/30/2011
Applicant	sorsa holdings inc 719 Eastern Pk St3 Bklyn, NY 11213 UNITED STATES		

Goods/Services Affected by Opposition


Class 034. All goods and services in the class are opposed, namely: Electronic cigarettes; Electronic cigarettes' components and structural parts, namely, refill cartridges, cartomisers and atomisers
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77218338	Application Date	06/28/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEWPORT ICE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: Cigarettes

Attachments	77218338#TMSN.jpeg (1 page)(bytes) Short and plain statement.pdf (1 page)(9592 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	/Howard A. MacCord, Jr./
Name	Lorillard Licensing Company, LLC
Date	04/29/2011

1. Opposer is the owner of multiple trademarks for cigarettes and tobacco related items, particularly NEWPORT cigarettes and a pending application number 77/218338 filed June 28, 2007 to register NEWPORT ICE for cigarettes.

2. Opposer's NEWPORT brand of cigarettes is the industry leader in menthol cigarettes, having a market share of menthol cigarettes in excess of 34%.

3. Applicant filed an application to register MENTHOL ICE for Electronic cigarettes; Electronic cigarettes' components and structural parts, namely, refill cartridges, cartomisers and atomizers on September 2, 2010 (application number 85121391, which is the subject of this opposition), such application being based upon an intent to use.

4. Opposer believes that registration of MENTHOL ICE for Electronic cigarettes; Electronic cigarettes' components and structural parts, namely, refill cartridges, cartomisers and atomizers would mislead consumers into thinking that those products sold in connection with the mark MENTHOL ICE are from the menthol market leader – Lorillard, and create a false association with opposer.