

ESTTA Tracking number: **ESTTA448023**

Filing date: **12/22/2011**

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

Proceeding	91202542
Party	Defendant LJRD, LLC
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Date	12/22/2011
Attachments	LJR-901 Answer.pdf (4 pages)(76401 bytes)

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

In the Matter of
Application Serial No. 85/093462 for THE FUTURE OF SMOKING
Filed: July 27, 2010
Published in the *Official Gazette*: July 19, 2011

Star Scientific, Inc.

Opposer,

v.

LJRD, LLC

Applicant.

Opposition No. 91202542

ANSWER AND AFFIRMATIVE DEFENSES

LJRD, LLC (“Applicant”), by its attorneys, hereby answers the Notice of Opposition filed by Star Scientific, Inc. (“Opposer”) as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1, and therefore denies same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2, and therefore denies same.
3. Applicant admits a TARR printout and USPTO assignment record printout accompany the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3, and therefore denies same.
4. Applicant admits it filed the application at issue on July 27, 2010 for THE FUTURE OF SMOKING listing first use dates of at least as early as April 27, 2010. Applicant denies the remaining allegations of paragraph 4.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5, and therefore denies same.

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

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

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

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

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10, and therefore denies same.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11, and therefore denies same.

AFFIRMATIVE DEFENSES

12. Opposer has failed to state a claim upon which relief can be granted.

13. Opposer's claims are barred by the doctrine of laches, acquiescence and/or equitable estoppel.

WHEREFORE, Applicant respectfully requests that this Opposition be dismissed, and Applicant's mark be permitted to proceed to registration.

The Commissioner is hereby authorized at any time to charge any fees required, or credit any overpayment, to Deposit Account No. 18-0350.

Respectfully submitted,

RatnerPrestia

By: /jwm/
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Attorneys for Applicant

Dated: December 22, 2011

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the document identified below was served on December 22, 2011 by first class mail to the correspondence address of record in the USPTO:

Title of Document: ANSWER AND AFFIRMATIVE DEFENSES

Names of Parties Served: Kathryn Jennison Shultz
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