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Filing date: **10/09/2012**

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

Proceeding	91204095
Party	Plaintiff Lorillard Licensing Company LLC
Correspondence Address	Howard A. MacCord, Jr. MacCord Mason PLLC P.O. Box 2974 Greensboro, NC 27402 UNITED STATES amaccord@maccordmason.com, sdavis@maccordmason.com
Submission	Answer to Counterclaim
Filer's Name	James L. Lester
Filer's e-mail	jlester@maccordmason.com, sdavis@maccordmason.com
Signature	/James L. Lester/
Date	10/09/2012
Attachments	Response to Counterclaim.pdf (3 pages)(9683 bytes)

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

Lorillard Licensing Company, LLC, Opposer

v.

The Safe Cig, LLC, Applicant

Opposition No. 91204095

Application Serial No.: 85/364718

RESPONSE TO COUNTERCLAIM

Opposer, Lorillard Licensing Company, LLC, hereby responds to the Counterclaim filed by Applicant THE SAFE CIG, LLC.

1. Admitted.
2. Admitted
3. Denied.
4. Admitted that Opposer ceased the manufacture and sale to wholesalers of MAX cigarettes in late 2010. Admitted that Exhibit A is an accurate depiction of pages from Opposer's website, which speak for themselves.
5. Denied that the MAX brand of cigarettes is no longer identified as one of Opposer's brands of cigarettes. Admitted that Exhibits A and B are accurate depictions of pages from Opposer's website, which speak for themselves.
6. Admitted that the search of the Lorillard.com website for "MAX" resulted in the reported result. Denied that the term MAX does not occur on the website, as evidenced by Exhibit A.
7. Denied.

8. Denied.
9. Denied.
10. Denied.
11. Denied.

WHEREFORE, Opposer prays that the Counterclaim be dismissed, with prejudice.

Respectfully submitted,

/James L. Lester/
James L. Lester
MACCORD MASON PLLC
300 N. Greene Street
P.O. Box 2974
Greensboro NC 27402
(336) 273-4422

ATTORNEY FOR OPPOSER

Date: October 9, 2012

Opposer's Counsel's File No.: 4800-291

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Response to Counterclaim has been served on opposing counsel by mailing said copy on October 9, 2012, via First Class

Mail, postage prepaid, and email, to:

Phillip J. Daman, Esq.
Daman LLC
17383 Sunset Boulevard, Suite A340
Pacific Palisades, CA 90272
phillip.daman@damanllc.com

/James L. Lester/
James L. Lester
MACCORD MASON PLLC
300 N. Greene Street
P.O. Box 2974
Greensboro NC 27402