

ESTTA Tracking number: **ESTTA710526**

Filing date: **11/24/2015**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Scandinavian Tobacco Group Eersel B.V.
Granted to Date of previous extension	01/20/2016
Address	Nieuwstraat 75 Eersel, 5521CB NETHERLANDS

Name	General Cigar Co. Inc.
Granted to Date of previous extension	01/20/2016
Address	10900 Nuckols Road Suite 100 Glen Allen, VA 23060 UNITED STATES

Attorney information	JANET F SATTERTHWAITE Potomac Law Group 1300 Pennsylvania Ave NWSuite 700 Washington, DC 20004 UNITED STATES tm@potomaclaw.com, jsatterthwaite@potomaclaw.com Phone:2024861578
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Applicant Information

Application No	86602243	Publication date	09/22/2015
Opposition Filing Date	11/24/2015	Opposition Period Ends	01/20/2016
Applicant	David A. Castro 529 West South Street Frederick, MD 21701 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cigars

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Other	adoption in bad faith

Attachments	Inspirada Notice of Opp.pdf(68695 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	/Janet Satterthwaite/
Name	JANET F SATTERTHWAITE
Date	11/24/2015

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

General Cigar Company, Inc., and Scandinavian Tobacco Group Eersel, BV

Opposers

V

David Castro,

Applicant

Opposition No.:

Serial No.: 86602243

Mark: INSPIRADA

NOTICE OF OPPOSITION

General Cigar Company Inc. (“GC”) is a corporation organized and existing under the laws of Delaware, with an address of 10900 Nuckols Road, Suite 100 Glen Allen Virginia 23060. Scandinavian Tobacco group Eersel BV (“STGBV”) is a Corporation organized and existing under the law of the Netherlands with an address at Nieuwstraat 75, 5521 CB Eersel, Netherlands. (Collectively, “Opposers.”)

For the reasons set forth below, Opposers will be damaged by Registration of Serial No. for the 86602243 mark INSPIRADA owned by David Castro.

Opposers' grounds for opposition are as follows:

A. Priority

1. Opposer STGBV owns the mark MACANUDO INSPIRADO for cigars in numerous countries.
2. GCC and STGBCV are sister companies with the common Parent Scandinavian Tobacco Group A/S. ("STG")
3. GCC is STG's flagship subsidiary in the United States with respect to marketing and distribution of cigars.
4. Opposers intend for GCC to be the owner of the mark MACANUDO INSPIRADO in the United States.
5. GCC is the owner of Application Serial No. 86827304 for MACANUDO INSPIRADA for "cigars" in the United States.
6. Prior to Applicant's filing date of April 19, 2015, Opposers took steps preparatory to use in commerce extending the brand MACANUDO INSPIRADO into the United States market by introducing the brand at cigar events.
7. Prior to Applicant's filing date of April 19, 2015, Opposers' MACANUDO INSPIRADO brand had reputation in the United States among cigar consumers and professionals in the industry.

Bad Faith

8. Upon information and belief, Applicant is a principal of Davidus Cigars.
9. Davidus Cigars is a cigar retailer and smoking lounge in Maryland.
10. Opposers' MACANUDO INSPIRADO brand is well known around the world among consumers of cigars.
11. The MACANUDO INSPIRADO brand is featured in cigar-industry publications such as Cigar Magazine, Cigar World, and halfwheel.com
12. Upon information and belief, professionals in the Cigar industry such as Applicant are familiar with these publications.
13. Opposers believe that Applicant filed the subject application in bad faith with intent to trade upon the reputation of MACANUDO INSPIRADO and to falsely suggest a connection to Opposers.

14. Opposers will be damaged by registration of the INSPIRADA mark because it will pose a threat to their use and registration of their mark MACANUDO INSPIRADO in the United States.

False Connection

15. Because Opposers' mark is well known by the relevant consuming public, the subject mark falsely suggests a connection with Opposers, and registration is prohibited under Section 2(a) of the Lanham Act.

16. Opposers will be further damaged because consumers familiar with the MACANUDO INSPIRADO brand will be confused as to whether there is an association or sponsorship by Opposers, under Section 2(d) of the Lanham Act.

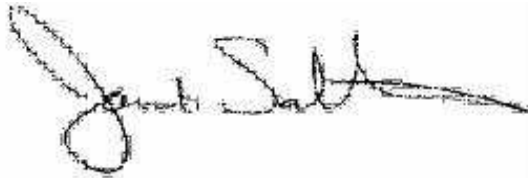
Therefore, Opposers respectfully request that the subject application be refused.

Petitioner appoints Janet F. Satterthwaite, Elissa Reese, and Bonny Plosker, along with the Potomac Law Group PLLC, to transact all business on its behalf in connection with this cancellation action.

Please conduct all correspondence with Janet F. Satterthwaite by email jsatterthwaite@potomaclaw.com, and tm@potomaclaw.com

Respectfully submitted,

Date: November __, 2015



Janet F. Satterthwaite
Attorney for Opposers

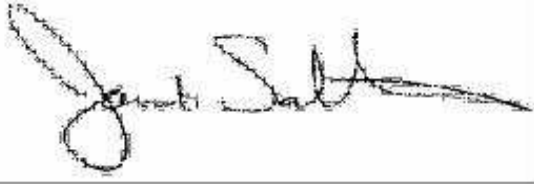
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Notice of Opposition to be served by first-class mail this 24th day of November, 2015, on Applicant:

Daniel Castro
529 West South Street
Frederick MD 21701



Janet F. Satterthwaite