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

Proceeding	91264929
Party	Defendant Potomac Tobacco Company Limited
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Submission	Answer
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Date	10/15/2020
Attachments	10-15-2020 Answer Opp. No. 91264929.pdf(1013086 bytes)

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

TOP TOBACCO, L.P.	:	
Opposer,	:	Opposition No. 91264929
v.	:	Serial No. 88917699
	:	Trademark: SUPERMATCH
	:	
POTOMAC TOBACCO COMPANY	:	
LIMITED,	:	
Applicant.	:	

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Applicant Potomac Tobacco Company Limited, by counsel, hereby responds to the grounds set out in the Notice of Opposition, filed September 22, 2020, by Opposer Top Tobacco, L.P., as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant denies the allegations set forth in paragraph 4 of the Notice of Opposition.
5. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant denies the allegations set forth in paragraph 6 of the Notice of Opposition.
7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 7 of the Notice of Opposition and therefore denies the same.

AFFIRMATIVE DEFENSES

In further answer to the notice of opposition, Applicant asserts that:

1. When Opposer filed applications to register its alleged mark SUPERMATIC for hand-held machines for injecting tobacco into cigarette tubes, machines allowing smokers to make cigarettes by themselves, cigarette tubes and hand-held machines and parts therefore for rolling cigarettes and for filling cigarettes paper tubes with tobacco, with the U.S. Patent and Trademark Office, Applicant's related company Potomac Tobacco Company, besloten vennootschap met beperkte aansprakelijkheid was the owner of active U.S. Registration No. 4434423 for the mark SUPERMATCH for tobacco, cigarettes and cigars.

2. Opposer has claimed ownership of U.S. Registration No. 3,022,409 issued December 6, 2005 for the mark SUPERMATIC for hand-held machines and parts therefor for rolling cigarettes and for filling cigarettes paper tubes with tobacco, which coexisted on the federal record with Applicant's related company's U.S. Registration No. 4,434,423 issued November 19, 2013, for the mark SUPERMATCH for tobacco, cigarettes and cigars.

3. Applicant is the owner of registrations for its SUPERMATCH trademark in twenty-nine (29) countries and jurisdictions throughout the world including some

jurisdictions where the Opposer's claimed mark SUPERMATIC and the subject applied-for mark coexist.

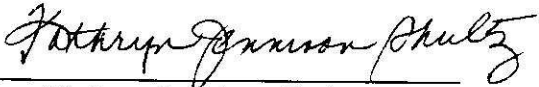
4. Applicant will rely on any and all valid defenses, which may be developed through discovery and/or the testimony periods in this opposition proceeding.

WHEREFORE, having fully answered the Notice of Opposition, Applicant Potomac Tobacco Company Limited respectfully requests that the Notice of Opposition be in all respects dismissed with prejudice, and that a registration is issued to Applicant for its mark.

Respectfully submitted,

POTOMAC TOBACCO COMPANY LIMITED

Date: October 15, 2020

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION was served upon Opposer by sending same to Opposer's attorneys of record, Anthony J. McShane of Neal, Gerber & Eisenberg LLP via email at ecfdocket@nge.com, amcshane@nge.com, aflores@nge.com, temanuelson@nge.com, acrawford@nge.com, this 15th day of October, 2020.



Kathryn Jennison Shultz