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

### Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

#### Petitioner Information

Name	BBK Tobacco & Foods, Inc. d/b/a HBI International		
Entity	Corporation	Citizenship	Arizona
Address	836 E. University Dr. # 101 Phoenix, AZ 85034 UNITED STATES		

Attorney information	Melissa LaBauve Adams and Reese, LLP 1221 McKinney Street Suite 4400 Houston, TX 77010 UNITED STATES melissa.labauve@arlaw.com Phone:713-308-0176
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#### Registrations Subject to Cancellation

Registration No	1879990	Registration date	02/21/1995
Registrant	SOCIETE NATIONALE D'EXPLOITATION INDUSTRIELLE DES TABACS ET ALLUMETTES 182/188, Avenue de France 75639 Paris Cedex 13, FRANCE		
Goods/Services Subject to Cancellation	Class 034. First Use: 1986/00/00 , First Use In Commerce: 1990/04/00 Goods/Services: cigarettes		
Grounds for Cancellation	The registered mark has been abandoned.		
Registration No	2579950	Registration date	06/11/2002
Registrant	SOCIETE NATIONAL D'EXPLOITATION INDUSTRIELLE DES TABACS ET ALLUMETTES 182/188, AVENUE DE FRANCE 75639 PARIS CEDEX 13, FRANCE		
Goods/Services Subject to Cancellation	Class 034. First Use: 1999/12/00 , First Use In Commerce: 2000/01/00 Goods/Services: CIGARETTES		
Registration No	1426800	Registration date	01/27/1987
Registrant	SOCIETE NATIONALE D'EXPLOITATION INDUSTRIELLE DES TABACS ET ALLUMETTES 53, QUAI D'ORSAY PARIS CEDEX, FRANCE		
Goods/Services Subject to	Class 034. First Use: 1947/10/00 , First Use In Commerce: 1953/12/00 Goods/Services: CIGARETTES		

Cancellation	
Grounds for Cancellation	The registered mark has been abandoned.

Attachments	consolidated petition to cancel GAULOISES.pdf ( 3 pages )(17371 bytes )
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Signature	/melissalabauve/
Name	Melissa LaBauve
Date	08/10/2006

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

BBK TOBACCO & FOODS, INC. d/b/a		
HBI INTERNATIONAL		
(Petitioner)		Trademark Registration Nos.: 1879990,
		2579950, 1426800
v.		Marks: GAULOISES,
		GAULOISES BLONDES and design,
		GAULOSIES CORPORAL 20
		CIGARETTES and design
SOCIETE NATIONALE		
D'EXPLOITATION INDUSTRIELLE		
DES TABACS ET ALLUMETTES		
		Registration Dates: 02/21/95,
		06/11/02, 01/27/87
(Respondent)		

CONSOLIDATED PETITION TO CANCEL

1. Petitioner, BBK Tobacco & Foods, Inc. d/b/a HBI International, an Arizona corporation located and doing business at 836 E. University Dr., # 101, Phoenix, Arizona 85034 hereby petitions to cancel trademark Registration Nos. 1879990, 2579950 and 1426800. A \$900.00 fee for full cancellation of the three Registrations in International Class 34 for use in conjunction with cigarettes accompanies this Petition.

2. To the best of Petitioner's knowledge, the name and address of the current owner of Registration Nos. 1879990 2579950 and 1426800 is Societe Nationale D'Exploration Industrielle es Tabacs Et Allumettes, a company organized under the laws of France and located at 182/188, Avenue De France 75639 Paris Cedex 13 France.

3. Respondent's Registration No. 1879990, filed on October 12, 1993, for the mark GAULOSIES and design, was registered on the Principal Register in International Class 034 for "cigarettes," and claims first use in commerce in the United States in April of 1990.

4. Respondent also has a registration for the mark, GAULOSIES BLONDES and design, Registration No. 2579950, which was also registered in International Class 34 for "cigarettes" and claims first use in commerce in the United States in January of 2000.

5. Finally, Respondent has a registration for the mark, GAULOSIES CORPORAL 20 CIGARETTES and design, Registration No. 1426800, which was registered in International Class 34 for "cigarettes" and claims first use in commerce in the United States in December, 1953.

6. Registration Nos. 1879990 and 1426800 have been registered for more than five years. But Petitioner asserts that the mark, GAULOSIES and design, GAULOSIES BLONDES and design and GAULOSIES CORPORAL 20 CIGARETTES and design should be cancelled due to nonuse, one of the specifically enumerated grounds for cancellation of a registration that is over five years old. See generally, 15 U.S.C. §§ 1064(3) and 1064(5).

7. Petitioner has standing to assert the claims herein because it believes it will be damaged by the continued registration of the '990 mark, the '950 mark and the '800 mark, as it has a pending intent to use application for the mark, GAULOSIES, for use in conjunction with cigarette rolling papers.

8. The products bearing the '990 mark, the '950 mark and the '800 mark are no longer being used in the United States, as those products are no longer distributed in the United States. Petitioner was told as early as July of 2003 that cigarettes bearing the Gauloises trademark were not available or were being discontinued. Since 2003, Petitioner has been unable to purchase Gauloises brand cigarettes via its traditional distribution channels in the United States. Moreover, further investigation into the use of the GAULOISES mark revealed that the Respondent is no longer selling a tobacco product bearing the GAULOSIES mark in the United States.

9. Petitioner hereby moves to cancel Registration Nos. 1879990, 2579950 and 1426800 based on non use of the mark in the United States. The marks are no longer in use in the United States in conjunction with cigarettes, and upon information and belief, the Respondent has no plans to offer the product for sale in the United States in the near future.

WHEREFORE, Petitioner prays that Registration Nos. 1879990 2579950 and 1426800 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Date: August 8, 2006

/Melissa LaBauve/  
Chris P. Perque  
Melissa S. LaBauve  
ADAMS AND REESE LLP  
4400 One Houston Center  
1221 McKinney  
Houston, Texas 77010  
(713) 652-5151 Telephone  
(713) 652-5152 Telecopier