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

Proceeding	92046157
Party	Defendant SOCIETE NATIONALE D'EXPLOITATION INDUSTRIELLE DES TABACS ET ALLUMETTES SOCIETE NATIONALE D'EXPLOITATION INDUSTRIELLE DES TABACS ET ALLUMETTES 182/188, Avenue de France FRX 75639 Paris Cedex 13,
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Attachments	ANSWER.pdf (4 pages)(270243 bytes)

**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)
))
v.)
))
SOCIETE NATIONALE D'EXPLOITATION)
INDUSTRIELLE DES TABACS ET)
ALLUMETTES)
))
Respondent.)

Cancellation No. 92046157

ANSWER

Pursuant to 37 C.F.R. § 2.114, **SOCIETE NATIONALE D'EXPLOITATION INDUSTRIELLE DES TABACS ET ALLUMETTES** (hereinafter "SEITA"), a corporation of France with principal offices located at 182/188 Avenue de France, F-75639 Paris Cedex 13, France, hereby answers the Consolidated Petition to Cancel filed by **BBK TOBACCO & FOODS, INC. D/B/A HBI INTERNATIONAL** (hereinafter "Petitioner"), as follows:

1. With respect to the averments of Paragraph 1, SEITA is without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefore denies the same.
2. SEITA admits the averments of Paragraph 2.
3. With respect to the averments of Paragraph 3, SEITA denies that Registration No. 1,879,990 is for "the mark GAULOSIES and design" but otherwise admits the averments of said paragraph..

4. With respect to the averments of Paragraph 4, SEITA denies that Registration No. 2,579,950 is for the mark “GAULOSIES BLONDES and design” but otherwise admits the averments of said paragraph.

5. With respect to the averments of Paragraph 5, SEITA denies that Registration No. 1,426,800 is for the mark “GAULOSIES CORPORAL 20 CIGARETTES and design” but otherwise admits the averments of said paragraph.

6. With respect to the averments of Paragraph 6, SEITA admits the averments in the first sentence of said paragraph and, with respect to the averments in the second sentence of said paragraph admits that Petitioner makes such averments but denies that Petitioner has properly identified SEITA’s marks, denies that SEITA’s marks should “be cancelled due to nonuse”, denies that cancellation due to nonuse is “one of the specifically enumerated grounds for cancellation of a registration that is over five years old” and otherwise denies the averments of said paragraph.

7. With respect to the averments of Paragraph 7, SEITA denies that Petitioner “has a pending intent to use application for the mark GAULOSIES” and is otherwise without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefor denies the same.

8. With respect to the averments of Paragraph 8, SEITA admits that shag type cigarettes are not currently being distributed in the U.S. under the mark in U.S. Registration No. 1,426,800 but otherwise denies the averments in the first sentence of said paragraph. SEITA is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in the second sentence of said paragraph and therefore denies the same. With respect to the averments in the third sentence of said paragraph, SEITA denies that it would not have been possible for Petitioner to purchase cigarettes sold under SEITA’s “GAULOISES” brand via “traditional distribution channels in the United States”.

With respect to the averments in the fourth sentence of said paragraph, SEITA admits that it is not selling any tobacco product under a "GAULOSIES" mark but denies the implication that it is not selling tobacco products under its "GAULOISES" mark in the United States and is otherwise without knowledge or information to form a belief as to the truth of what Petitioner's alleged "investigation" had "revealed" and therefore denies the same.

9. With respect to the averments, SEITA admits that Petitioner seeks to move to cancel "Registration Nos. 1,879,990, 2,579,950, and 1,426,800 based on non use" but otherwise denies the averments of the first sentence of said paragraph. With respect to the second sentence of said paragraph, SEITA admits that shag type cigarettes are not currently being distributed in the U.S. under the mark in U.S. Registration No. 1,426,800 but otherwise denies the averments in the second sentence of said paragraph.


AFFIRMATIVE DEFENSES

The Consolidated Petition to Cancel fails to state a claim upon which relief can be granted.

WHEREFORE, SEITA denies that Petitioner is entitled to the relief requested in its Consolidated Petition to Cancel and requests that the Consolidated Petition to Cancel be dismissed.

Respectfully Submitted,

STITES & HARBISON, PLLC




Brewster Taylor September 18, 2006

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER was *mailed via first class mail*, postage prepaid, to counsel for Petitioner, Chris P. Perque, Esquire, and Melissa S. LaBauve, Esquire, ADAMS & REESE LLP, 1221 McKinney Street, Suite 4400, Houston, Texas 77010 on this **18th day of September, 2006.**



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