

ESTTA Tracking number: **ESTTA150407**

Filing date: **07/11/2007**

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

Proceeding	92046688
Party	Defendant N.V. Sumatra Tobacco Trading Company N.V. Sumatra Tobacco Trading Company Jalan Pattimura No.3 Pematang Siantar, ID
Correspondence Address	J. Paul Williamson Fulbright & Jaworski LLP 801 Pennsylvania Ave NW Washington, DC 20004-2623 UNITED STATES wotrademark@fulbright.com
Submission	Answer
Filer's Name	J. Paul Williamson
Filer's e-mail	wotrademark@fulbright.com
Signature	/JPW/
Date	07/11/2007
Attachments	NVSU003 Answer.pdf ( 4 pages )(86144 bytes )

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

Cigars International, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92046688
	)	Reg. No. 2,793,356
N.V. Sumatra Tobacco Trading Company,	)	
	)	
Respondent.	)	
	)	
	)	

**ANSWER**

N.V. Sumatra Tobacco Trading Company (“NV Sumatra”), by its undersigned attorneys, answers the cancellation petition filed by Cigars International, Inc. (“CII”), against NV Sumatra’s Trademark Registration No. 2,793,356 for DOUBLE HAPPINESS (SONG HIE) & Design, as follows, with each numbered paragraph corresponding to the numbered paragraphs of the Petition for Cancellation:

1. NV Sumatra admits that Application Serial No. 78/771,649 was filed, for the mark shown in the petition, on December 12, 2005, claiming use for “cigars, cigar humidors, cigar cutters, cigar cases, cigar lighters and cigar ashtrays,” which list of goods was later amended to read just “cigars and cigar humidors.”

2. NV Sumatra is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

3. NV Sumatra is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

4. Admitted.

5. NV Sumatra repeats and incorporates by reference its responses to the allegations set out in paragraphs 1-4 above, as if fully set forth herein.

6. At present, NV Sumatra cannot clearly admit or deny the allegations of this paragraph as a fire in the offices of NV Sumatra in 2004 destroyed all then existing records and information. Further, NV Sumatra does conduct advertising for its DOUBLE HAPPINESS brand cigarettes in magazines such as Newsweek and TIME, but NV Sumatra has not yet been able to determine if these uses have circulated into the United States.

7. Admitted.

8. Denied.

9. Denied.

10. Denied.

11. NV Sumatra is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

12. NV Sumatra repeats and incorporates by reference its responses to the allegations contained in paragraphs 1-11 above, as if fully set forth herein.

13. NV Sumatra admits that it filed an application on October 18, 1995 which led to the issuance of Registration No. 2,793,356 for the goods listed in the registration and that this registration issued on December 16, 2003.

14. Admitted.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. NV Sumatra is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

20. NV Sumatra repeats and incorporates by reference its responses to the allegations contained in paragraphs 1-19 above, as if fully set forth herein.

21. Denied.

22. NV Sumatra is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the same.

#### **AFFIRMATIVE DEFENSES**

Further answering, NV Sumatra alleges as follows:

1. Upon information and belief, CII is barred under the equitable defenses of laches and unclean hands to assert its alleged rights in the DOUBLE HAPPINESS & Design mark shown in application Serial No. 78/771,649 against NV Sumatra's registration.

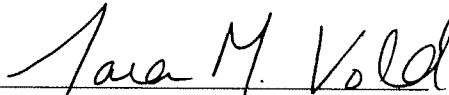
WHEREFORE, NV Sumatra prays that the Petition for Cancellation be dismissed, with prejudice.

Respectfully Submitted,

N.V. SUMATRA TOBACCO  
TRADING COMPANY

Date: 7/11/07

By:



Tara Vold  
J. Paul Williamson  
Fulbright & Jaworski L.L.P.  
801 Pennsylvania Ave, NW  
Washington, DC 20004  
(202) 662-4657  
Attorneys for Respondent

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing ANSWER was mailed by First Class mail, postage prepaid, this 11<sup>th</sup> day of July, 2007 to counsel for petitioner, David M. Perry, Esq., Blank Rome LLP, One Logan Square, 130 N 18<sup>th</sup> Street, Philadelphia, Pennsylvania, 19103-6998.

