

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

In the Matter of Registration No. 3,233,835  
Issued on April 24, 2007

Altadis U.S.A. Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	
Wentworth E. Miller,	)	
	)	
Registrant.	)	

Cancellation No.: 92050296

76/494,031

**REGISTRANT'S RESPONSE TO PETITIONER'S  
FIRST SET OF INTERROGATORIES TO REGISTRANT**

Registrant, Wentworth E. Miller, acting and responding, *pro se*, declares that he is an attorney, retired status, duly admitted in 1978 to the bar of the State of New York, and as such affirms the truthfulness of the following, and responds to Petitioner's first set of interrogatories to Registrant as follows:

**No. 1**

Wentworth E. Miller as inventor, having the contact information in Petitioner's possession, and no fax number. Lori A. Peterson as co-inventor and partner, 1526 Vance Avenue, Coraopolis, PA, 15108, 412.264.7889, lori@leews.com, no fax number.

**No. 2**

In approximately 2001 Registrant and Ms. Peterson, a friend, conceived the idea of a product to "save" or preserve a cigarette she was vexed at having to extinguish before entering a store. From that point in time the name "cigarettesaver" came into being, and the only alternative designation considered, but quickly rejected, might have been "cigarettesave." No other designations or trademarks, when the latter became a consideration, were considered.

There were and are no documents or communications other than oral communications between Ms. Peterson and Registrant respecting the designation "cigarettesaver."

**No. 3**



06-05-2009

Repeat response to No. 2, and add that the term cigarettesaver seemed appropriate from the very outset.

No. 4

No services offered. The goods offered for sale in connection with CIGARETTESAVER are aluminum tubes in eight colors capped at each end with threaded, o-ringed caps. One cap has a hole for suspension of a lanyard that comes with each "saver," and there is also a pen clip for attachment to a pocket. Other items for sale related to the cigarettesaver, but not marketed under that trademark, *per se*, or any other mark are a plastic "clipcase," which is a plastic compartment, approximately 5" x 2" x 1", with a clip for fitting to a belt and intended to hold a disposable lighter, a cigarettesaver, and 2-3 cigarettes; and a tube similar to the cigarettesaver, but larger and in only three colors, for extinguishing and saving a standard sized cigar.

No. 5

Cigarettesavers only.

No. 6

The word "cigarettesaver" appeared on cigarettesaver tubes received in 2004, but without a "TM" or other trademark designation.

No. 7

Not familiar with URL. [www.cigarettesaver.net](http://www.cigarettesaver.net) is the website Registrant and Ms. Peterson have established for promotion of cigarettesavers and other described products, and no arrangements or connections with other sites presently exist.

No. 8

In addition to personal visits by Registrant and Ms. Peterson to some few retail establishments, including "smoke shops" in and around the Phoenix and Las Vegas area, personal contacts with sundry individuals, with none of whom a relationship has been established, and appearance at several gift items shows and flea markets, at which a few sales were made to individuals, of which no records were made, the only placement for sale that Registrant is aware of is with a Giant Eagle Grocery Store smoking section at the Moon

Township University Blvd. location several years ago, and that placement resulted in no sales or follow up communication other than a request for payment for items placed that was not responded to or further acted upon.

No. 9

None.

No. 10

None.

No. 11

None.

No. 12

Registrant hereby incorporates as if set forth here in full all allegations in this respect set forth in Registrant's Response to and Appeal from July 30, 2003 Office Action, Serial Number 76/494031 denying Registrant's mark, a copy of which document is attached as Exhibit 4 to Registrant's Answer to Petitioner's initial Cancellation Petition and motion for dismissal thereof.

No. 13

a. Registrant and Ms. Peterson became aware of Petitioner's trademark in 2003 when it was cited as a basis for initially denying Registrant's application for the CIGARETTESAVER mark.

b. Registrant considered this issue when the CIGARETTESAVER mark was initially denied, concluded "no," and the basis is that set forth in the document referred to in response to No. 12 hereing, and is incorporated herein.

No. 14

Object to No. 14 as overly vague and broad, but states that Registrant after practicing law as an assistant district attorney in Brooklyn, New York, and an assistant United States attorney in the Eastern District of New York in the period 1977-1983, has conducted for the last 29 years a program instructing exam writing preparation and technique to law students called "Wentworth Miller's Law Essay Exam Writing System (LEEWS), and as to the within matter has the intention of selling the products described

in response No. 4 in partnership with the said Ms. Peterson.

No. 15

None.

No. 16

None.

No. 17

None, excepting the present proceeding and the initial rejection of Registrant's application by the Trademark Office.

No. 18

None that Registrant is aware of.

No. 19

De minimus individual sales in Pennsylvania, Mississippi, Arizona, Nevada since 2003.

No. 20

None.

No. 21

Those set forth and referenced to in the response to No. 12, and Registrant reserves the right to identify others in connection with research into legal proceedings and precedents appurtenant hereto.

No. 22

None, and deny there is a CIGARSAVER mark.

No. 23

Requires clarification, but if "No. 23" was intended, none.

No. 24

Todo el mundo, respecting CIGARETTESAVER, there is no CIGARSAVER mark, and at such time as expansion or use may seem feasible.

No. 25

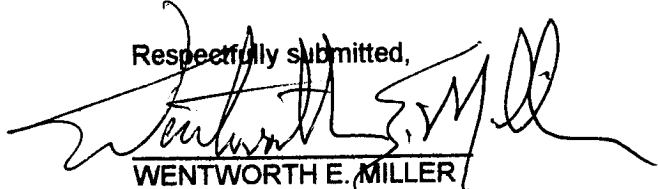
None on this end apart from Registrant and Ms. Peterson, but reserve the right to add names depending upon results of discovery addressed to Petitioner.

No. 26

None contemplated at this time, but reserve the right to supply names, documents  
at such later date as the need an applicability of same should emerge.

Dated: June 1, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wentworth E. Miller', written over a horizontal line.

WENTWORTH E. MILLER

Registrant, *pro se*

823 Chestnut Street

Coraopolis, PA 15108

Tel. No.: 412.264.7889

No FAX No.

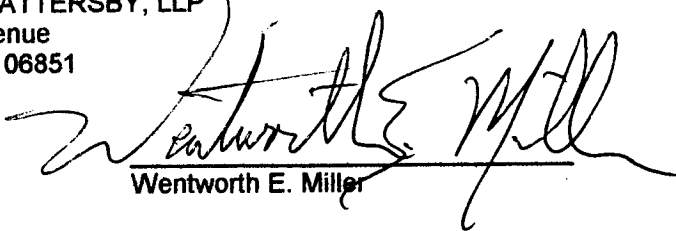
Email address: [wmiller@leews.com](mailto:wmill@leews.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Registrant's response to Petitioner's First Set of Interrogatories to Registrant was served on the Petitioner on the date indicated below by depositing same with the United States Postal Service as first-class mail, postage prepaid to:

Attn: Susan M. Schlessinger, Esq.  
GRIMES & BATTERSBY, LLP  
488 Main Avenue  
Norwalk, CT 06851

Dated: June 1, 2009



Wentworth E. Miller