

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 REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Registrant, Wentworth E. Miller, acting and responding, *pro se*, responds to Petitioner's first Request for Production of Documents and Things as follows:

No. 1

None. No copy was made of the request for payment referenced in No. 8.

No. 2

None.

No. 3

None.

No. 4

None.

No. 5

None.

No. 6

Attached hereto, being 1-- small notice to consumer for enclosure with a cigarettesaver; 2 -- banner announcing "Cigarettesavers!"; 3 -- red/tan/black/white flyer (also reproduced exactly, but larger, on point-of-purchase display cardboard 11" X 14" poster, not included); 4-A -- "Build a Business" solicitation advise printed in 2004, but few distributed, and no records thereof; 4-B



06-05-2009

-- Start a Business Ad; 5 -- Order Form for Cigarettesavers, Cigarsavers, Saver/lighter Clipcases;

6 -- Purchase Order Information Sheet; 7 -- Envelope bearing CIGARETTESAVER ad; 8 -- stationary bearing advertising; 10 (out of order!) -- Form introd. letter to possible business cust.

No. 7

Nothing beyond that listed in No. 6 response.

No. 8

See Exhibit 3 of Registrant's Answer to Petitioner's Cancellation Petition and Motion to Dismiss, being a copy of Office Action from the U.S. Patent and Trademark office denying Registrant's initial application for trademark, and referencing CIGAR SAVOR, dated June 30, 2003.

No. 9

None apart from written communications with the Patent and Trademark Office. See responses to No. 8 and also Exhibit 4 accompanying said Exhibit 3, being Registrant's appeal from the initial denial of application.

No. 10

None.

No. 11

None.

No. 12

None.

No. 13

See response to No. 8, and denies there is a CIGARSAVER mark.

No. 14

None.

No. 15

None, excepting Registrant's Appeal referenced in No. 9.

No. 16

None.

No. 17

None.

No. 18

None.

No. 19

None.

No. 20

None, except note that Registrant sought initially the domain name www.cigarettesaver.com, but determined that such was already taken.

No. 21

None.

No. 22

None.

No. 23

See response to No. 8.

No. 24

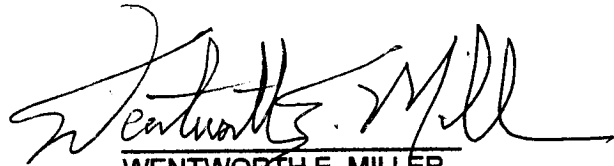
None.

No. 25

Copy of a letter from Eckerd Corporation rejecting placement of Cigarettesavers, marked as #9, and Respondent reserves the right to produce such additional documents as may be forthcoming, although none are presently known, including documents that may result from discovery requests to Petitioner.

Dated: June 1, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wentworth E. Miller". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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)

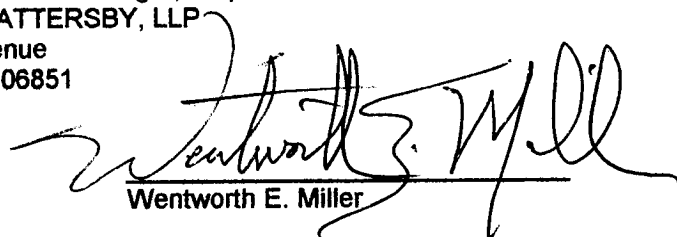
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Registrant's response to
Petitioner's First Request for Production of Documents and Things 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

#1

**Congratulations! Your
cigarettesaver is not only an
attractive conversation piece.
It will save you money the
very first cigarette you save.
(And help you smoke fewer
cigarettes.)**

**A couple tips: Dry soap or
a little oil eliminates any
squeak when screwing the
caps. Also, once the pen
clip is on, moving it will
likely scratch the paint.**

WE HAVE

Wanted

#3
NEW!!

If you smoke, why go broke?

Convenience Product • Money Saving Product

TM/PATENT PENDING

CIGARETTESAVER

PAYS FOR ITSELF IN 3-4 PACKS!!

\$

Given the cost of a single cigarette...

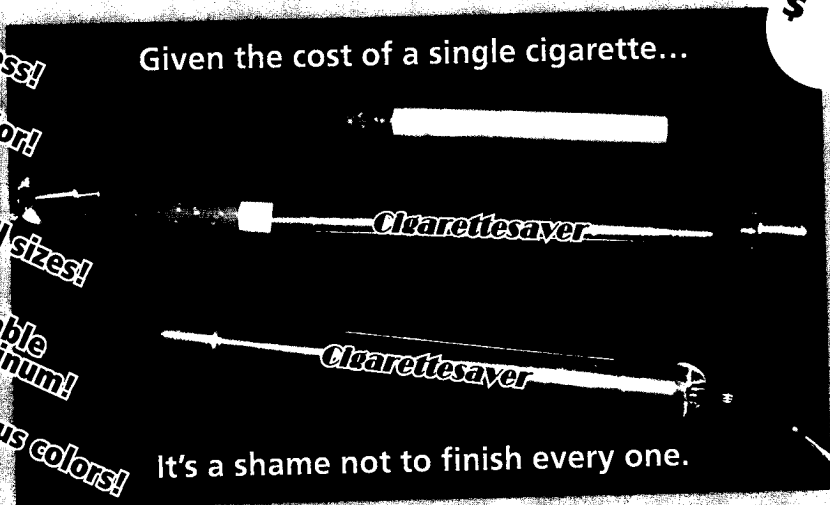
No mess!

No odor!

Fits all sizes!

Durable aluminum!

Various colors!



It's a shame not to finish every one.

A FEW PUFFS,... EXTINGUISH, PRESERVE,... FRESH FOR LATER

SIMPLE - Insert lit, partially smoked cigarette

SAFE - Capped or uncapped, extinguishes cigarette instantly

SECURE - Preserves cigarette fresh (like new!) for later use

COMPANION ITEM!

ALSO AVAILABLE FOR CIGARS!

TM/PATENT PENDING

SAVER/LIGHTER CLIPCASE

NO MORE FUMBLING!! Keep your CIGARETTESAVER and lighter together and handy in pocket or purse, or clipped to pocket, belt, or purse. (Keep a cigarette fresh and ready in the chamber!)

\$

BEING A BUSINESS OWNER

There are three things: 1) flyers advertising Cigarettesavers (primarily), 2) a coupon item, Saversaver Cigarettes (the flyer is also available in this form, off which Cigarettesavers may be hung); 3) an information sheet, prices, discounts, terms of purchase, and who we - Miller/Peterson Enterprises - are for taking orders and deposits. Suggest you make copies of the latter.

You may want to make up your own order form and delete our contact information.

This flyer is intended as an aid in getting you started in the process of taking orders and, should you want, setting up a network for repeat and growing business. There are nearly 100 million smokers in the US alone, well over a billion worldwide. Most of them would find a Cigarettesaver useful. It is not difficult to coordinate. The potential for sales is tremendous, and we are confident you can succeed. However, although these product names are trademarked and patents are pending, you will face out, copycat competition will emerge. Our job is to run hard, fast, and far NOW.

Get things up and running. 100,000 Cigarettesavers, 10,000 Cigsavers, and 25,000 Saversaver Cigarettes are in process for shipment to customers by the end of August. (Customers should order by mid-September.) It is our hope and expectation that these will be sold and a second order placed. That is, you must receive product in September. they must order now.

Based on the information sheet, for orders under 2500 the Cigarettesaver will be imprinted with "Miller/Peterson Enterprises." That website will be up in several weeks, and customers can go directly there to order. Naturally, you want them to come to you (assuming you want repeat business). You must process your orders (and deposits) so as to be able to order 2500+. Then each customer will have the imprinted "Cigarettesaver." Customers should be advised that they may want to have stickers made that can be applied (by them) to each Cigarettesaver. They will be working vehicles.

How to proceed: Obviously, when you get Savers, you can approach anyone who smokes - at a bar, at a car, on the street, etc. - and possibly make a sale at whatever price (\$7, \$8, \$10?). You may want to order for yourself. The pitch is convenience, and the thing PAYS FOR ITSELF. You want larger orders from businesses who must trust you to hold their product. (Obviously, you must trust us, too.) The sale closer is that these products are likely to backlog and be unavailable if the order does not get in line.

Optional: Orders will be given priority by date of receipt with deposit.

These are new products, businesses - smokeshops obviously, convenience and grocery stores, the management industry, hotels, casinos (!), etc. - will likely initially only order 20-25 units. You want orders so as to get, e.g., Savers for \$4 or even \$3, then businesses will be content to get them at \$5, then really for \$6.99, \$7.99, even \$10 in places like NYC, Vegas, Atlantic City. When you can sell 20 or more in a day, then they will up their orders to 100+, and you'll be pocketing \$1 from each of your customers (!).

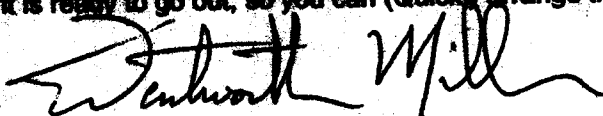
In any case, you work for yourself, not us. The business has to trust you. You trust us.

Obviously, some mistakes will be made. The important thing is to show the product, take orders, keep records, and get the product to customers. Everything else will fall into place.

We request you make copies of any orders, get a receipt book of some sort to provide anyone with a copy of your transactions, and keep your own record of expenses, etc. for tax purposes. As to your price, you set it. Depends on the deal you cut with your customers. If it is \$5 per unit with them, and we are selling units from us at \$4, you can take that \$1 when the deposit is received.

Order to you (or your customer) only when the 70 percent balance is received (them to you to order about a week before the shipment is ready to go out, so you can (Quick) arrange the shipment).

Sincerely,



Wentworth Miller for Miller/Peterson Enterprises

#4B

Given what cigarettes cost (\$3-10 a pack), tossing a half-smoked cigarette = tossing 7-25 cents. That's potentially \$1.40-\$5 per pack. A pack a day for a year could add up to over \$500 lost (!!). With a cigarettesaver you needn't waste a puff. Keeps half-smoked cigarettes fresh, convenient. You also smoke less, since you won't "power puff" or worry about finishing. That's more savings! What's an item worth that pays for itself in 3-4 packs -- \$7, \$8, \$10? It is also very attractive.

Biloxi Gift Show Business Starter Special!!

20 cigarettesavers, 6 cigarsavers, 6 clipcases, 2 5" X 15" red/white/blue "WE HAVE SAVERS" banners, 1 point-of-purchase 11"x14" stand-alone display poster (looks like the advertising flyer).

Over \$150 value -- only \$100

Get in on the ground floor selling these new, money-saving, convenience products.

Future orders: Contact Miller/Peterson Enterprises: mpe@cigarettesavers.net, 1.888.835.2888, 823 Chestnut Street, Coraopolis, PA 15108. Depending upon amount ordered, cigarettesavers = \$3-5; cigarsavers = \$4-7; clipcases \$2-3. You'll sell them for \$7-10, \$10-15, and \$5-7 respectively.

#5

ORDER FORM
For Cigarettesavers; Cigarsavers; Saver/lighter Clipcases

NAME (Person/firm ordering. Please print.) _____

TEL. NO. _____ E-MAIL ADDRESS _____

ORDER AMOUNT -- CIGARETTESAVERS

___ = number A group packets X 5 (colors = aluminum, gold, black, red, green)
___ = number B group packets X 5 (colors = aluminum, gold, turquoise, lilac, tangerine)
___ = total packets of Cigarettesavers ordered
X 5 = _____ (total number of Cigarettesavers ordered)

ORDER AMOUNT -- SAVER/LIGHTER CLIPCASES

___ = # red; ___ = # black; ___ # blue
___ = total number of Clipcases ordered

PRICE CALCULATION

___ (total number of Cigarettesavers) X \$5 (or apply discount amount) = \$ _____
___ (total number of Clipcases) X \$3 (or apply discount amount) = \$ _____
___ (# increments of 1-50 Savers. E.g., 1-50 = 1; 750 = 15) X \$4.95 = \$ _____
___ (# increments of 1-20 Clipcases) X \$4.95 = \$ _____

(Note: Shipping should be only \$4.95 for orders of under 40 Savers and 10 Clipcases.)

Total = \$ _____ (total for Savers, Clipcases, approx. shipping)

DEPOSIT AMOUNT (30 percent X above total) = \$ _____ (enclose or send with order [if
Check or money order. OR complete CC info below. Remainder due at shipment.)

CREDIT CARD NO. (amex, visa, mc, disc.) _____ Exp. _____

Street no. (only) and zip code of credit card billing address: _____ / _____

Make checks and money orders payable to Miller/Peterson Enterprises. Mail to Miller/Peterson Enterprises, 501 Broad Street, Ste. 201, Sewickley, PA 15143. FAX to MPE @ 412.741.7989. Call 1.888.835.2888 to place orders or ask questions. After mid August you can order, make payment by credit card, and communicate with us at cigarettesaver.net.

Additional instructions, comments: _____

SHIPMENT INSTRUCTIONS

Order to be shipped to: Name: _____
Street or POB: _____

City: _____ State: _____ Zipcode: _____

Country (if not USA): _____

Additional instructions: _____

MPE Notes: Order received on _____. Deposit amount \$ _____. Taken by _____

Remainder payment received ___ yes, ___ no; date _____. Shipment out on _____.

#6

PURCHASE ORDER INFORMATION SHEET for Cigarettesavers, Cigarsavers, Saver/lighter Clipcases

Cigarettesaver, Cigarsaver, and the Cigarettesaver companion item, Saver/lighter Clipcase, are brand new products. Neither has existed prior to now. They are attractive, they save money, they make a smoker's life easier, they are reasonably priced, and THERE IS NO COMPETITION (!!). What a great opportunity.

We – Miller/Peterson Enterprises – anticipate significant demand, and initial stock (anticipated to arrive in late August) will be limited. Orders will be shipped first come, first serve, until they run out. We anticipate a backlog. To be in line for shipment, we must have a 30 percent deposit. When your shipment is ready, you will be notified that the remaining 70 percent is due. Until that payment is received, your order will be delayed, and you will slip back in order of priority. Yes, you will have to trust us (and/or your contact) to secure your deposit and final payment, and fill your order in timely fashion.

TERMS: 30 percent deposit at time of order – cash, check, money order, credit card. (Secures place for limited supply.) Remainder (incl. shipment cost) payable upon notification of shipment ready (7-10 day shipment delay if payment made by non-certified check). All payments to MILLER/PETERSON ENTERPRISES. Upon receipt of final payment, shipments sent by priority mail, US Post Office, unless otherwise specified. Shipments should arrive in 7-10 business days.

MILLER/PETERSON ENTERPRISES ("MPE"): These products are offered wholesale exclusively by MPE. MPE is a proprietorship consisting of Wentworth Miller and Lori Peterson, inventors and developers of the products. Miller, 55, is a licensed attorney (New York, retired status) who has conducted Wentworth Miller's Legal Essay Exam Writing System ("LEEWS") for 23 years (see leews.com). LEEWS and Miller have been praised in such books as *Planet Law School I and II* and *The Princeton Review 2001 Buyer's Guide to Law Schools*. Peterson, 48, is a grandmother of ten, and has developed and conducted successful catering and cleaning businesses in Arizona, Nevada, and Utah.

PRODUCT DESCRIPTION – CIGARETTESAVER: 4½ X ½ inch attractive, durable aluminum tube capped at both ends. Extinguishes lit cigarette instantly and preserves it fresh for future use. Eight anodized color finishes (see color selection below). Each comes with a 28" black woven lanyard, 5/8" chrome key ring, and black metal pen clip (so Saver can be clipped to a shirt pocket).

PRODUCT DESCRIPTION – CIGARSAVER: Same as Cigarettesaver, but 5 5/8 X 7/8 inches. Three colors – silver, gold, black –, all imprinted with "Cigarsaver." Each comes with a ring and pen clip.

PRODUCT DESCRIPTION – SAVER/LIGHTER CLIPCASE: Approximate 5 x 2 x 3/4 inch plastic capped container with clip for affixing to pocket, belt, purse. Has compartments for Cigarettesaver and lighter.

COLOR SELECTION: Packets of (5) Cigarettesavers come in two color groups. A = aluminum, gold, black, red, green. B = aluminum, gold, pink, lilac, turquoise. A or B must be selected. No custom color selections (e.g., 10 black, 5 lilac) for orders below 500. Cigarsavers are silver, gold, or black. Saver/lighter Clipcase colors are black, red, and blue. The Clipcase and Cigarsaver may be ordered in any amount.

IMPRINTED MESSAGE/LOGO: Savers and Clipcases will be in the hands of owners constantly and typically shown to friends and associates. As such they are an excellent vehicle for advertising. All Cigarettesavers purchased in unit amounts below 2500 (500 for Clipcases) come imprinted with "Cigarettesaver.net." Orders of 2500 or more (500+ for Clipcases) can come without the ".net" or, at additional cost to be advised, a message, label, or logo of the purchaser's choosing (and supplying). However, this would delay receipt of product. All Cigarsavers will be imprinted with "Cigarsaver."

PRICING

Minimum order of Cigarettesavers is five. Basic unit price per Saver when ordered with this form or through the website – cigarettesaver.net – is \$5 US, \$7 per Cigarsaver, \$3 per Saver/lighter Clipcase. Cigarettesavers come in packets of five including lanyard, ring, pen clip. Therefore, \$29.95, which includes packaging/shipping (!!) is the minimum order. All orders must be in increments of five [e.g., 5, 10, ... 25, ... 125, ... 4,025, etc.]

(Suggested retail: Cigarettesaver = \$6.99-\$7.99 US; Cigarsaver = \$10-15; Clipcase = \$5.00 US.)

VOLUME DISCOUNTS – CIGARETTESAVER: 500-999 = \$4.50 US per; 1000-4999 = \$4.00; 5000-9999 = \$3.50; 10,000+ = \$3.00 per unit. **CIGARSAVER:** 50-500 = \$6.50 per; 501-2,500 = \$6; 2,500-5,000 = \$5.50; 5,000+ = \$5 per unit. **CLIPCASE:** 100-1,000 = \$2.50 per; 1000+ = \$2.00 per unit.

ADVERTISING FLYERS (viewable at website): Units of 10 at \$0.25 per, plus \$4.95 shipping per 1-100.

11" X 14" POINT-OF-SALE POSTERS (same as flyer): \$10 each (incl. First Class PO shipping).

SHIPPING: Orders of 100 or fewer Cigarettesavers will be shipped in 5-in-a-glassine-envelope units. Add \$4.95 shipping (Priority Mail, Post Office, unless otherwise arranged) for each increment of 1-50 Savers (and 1-20 Clipcases). Specify the number of A or B color configurations. For Cigarettesaver orders over 500, mix and match combinations may be specified (including all of one-color 5-packs). Each Saver comes with lanyard, ring, and pen clip. \$4.95 shipping for each order of up to 20 Cigarsavers. However, lower shipping costs will apply to larger orders.

★★★ *New Product* ★★★
CIGARETTES SAVER

(Save money! Convenience! Reduce smoking!)

Miller/Peterson Enterprises (MPE)

823 Chestnut Street ★ Coraopolis, PA 15108

7

#8

*** *New Product* ***

CIGARETTESAVER

(Save money! Convenience! Reduce smoking!)



Miller/Peterson Enterprises (MPE)

823 Chestnut Street ◆ Coraopolis, PA 15108

cigarettesaver.net

1.888.835.2888

#9



August 7, 2003

Mr. Wentworth Miller
501 Broad Street, Suite 201
Sewickley, PA 15143

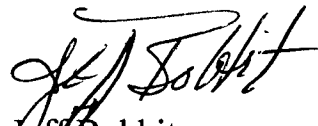
Dear Mr. Miller:

Thank you for considering us on your proposal for placing "Cigarettesaver". Since our merchandise assortments are constantly changing, we are always interested in new products and deals that are available.

At this time, your offering does not fit our merchandising plans; however, we will keep your information on file and should a potential opportunity arise, we will be in touch.

Thank you for your interest in the **Eckerd Corporation**.

Best regards,


Jeff Bobbit
Category Manager

JB/cc

#10

The Cigarettesaver Story

Just over a year ago I had just lit a cigarette when my partner, Went Miller, said "Come on. Let's get going."

He wanted me to enter a Lowe's store, and I was annoyed at having to extinguish a newly lit cigarette.

My partner is a non-smoker. Seeing my distress, he asked, "What do you people [meaning smokers] do when you can't finish a cigarette? Pretty expensive to throw away a partially lit cigarette, isn't it?"

I explained about stubbing it out and cupping it in one's hand. Or putting it in one's pocket or back in the pack. But oh, the smell! Once I even burned a hole in my pocket.

From that exchange was born cigarettesavers, cigarsavers, and the clipcase.

Never again does a smoker have to worry about when and where to light up, for fear of not having time to finish. No more smelly half-smoked cigarettes (or cigars).

Uh, oh! Here comes the rental car shuttle and I just lit a cigarette. No problem. Into the "saver" it goes, instantly extinguished (even before the cap is replaced!), "cherry" intact, ready to be smoked an hour, a day, a week later.

And guess what? Nearly as fresh as when it came out of the pack. That's the amazing and unexpected part. The instant extinction for lack of oxygen doesn't allow smoke to continue traveling through the cigarette to build up the usual brown residue in the filter. The half-smoked cigarette tastes pretty good, even a week later.

Plus, the saver looks nice. It's a handsome item of jewelry, a conversation piece. It says, "Yes, I'm a smoker. But now I can fight back against the cost and all the restrictions."

The best part? I'm smoking less! No more "power puffing" when I know I have to put out the cigarette. 2-3 hits is all a smoker needs to satisfy the craving. I now sometimes smoke the same cigarette three times. I've cut down from a half pack to 4-5 cigarettes a day. More savings!

Something else. Fewer butts tossed on the ground. I put them in my saver for proper disposal later. Cigarettesavers are environment friendly!

That's the deal!

Lori Ann Peterson
Smoker / Co-inventor
mpe@cigarettesaver.net