

**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.)

#76494031

Cancellation No.: 92050296

**REGISTRANT'S INITIAL DISCLOSURES AND
RENEWAL OF MOTION FOR SUMMARY JUDGMENT
DISMISSING THE WITHIN PETITION AS RES JUDICATA
AND LACKING A SCINTILLA OF MERIT**

Registrant, Wentworth E. Miller, acting and responding, *pro se*, submits the following initial disclosures of information reasonably available as of this date pursuant to Rule 26(a)(1) of the federal Rules of civil Procedure; 37 C.F.R. section 2.120 of the Rules of Practice in Trademark Cases; and the Trademark Trial and Appeal Board's Scheduling Order of December 8, 2008, noting and acknowledging that such document is belated, given the date of 3/18/09 set by this Board for the filing of Initial Disclosures, and requesting that with the indulgence of the Board that this filing be accepted nonetheless.

1. Individuals Likely to Have Discoverable Information

The following individual is likely to have discoverable information that Registrant may use to support its claims and any and all information appurtenant thereto:

(a) Wentworth E. Miller, REgistrant herein.

2. Documents in Registrant's Possession, Custody, or Control

Registrant has the following categories of documents and things within its possession, custody, or control to support its claims. All of these documents and things are located at Registrant's home at 823 Chestnut Street, Coraopolis, PA. The documents refer or relate to:



03-25-2009

- A. Registrant's trademark rights and registration;
- B. Sales and marketing of CIGARETTESAVER products.

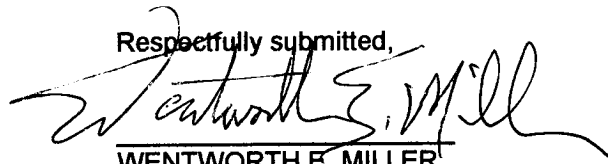
**RENEWAL OF MOTION FOR SUMMARY JUDGMENT
DISMISSING THE WITHIN PETITION AS RES JUDICATA
AND LACKING A SCINTILLA OF MERIT, FEES, AND RELIEF**

Registrant, having previously in his Answer to the within Petition moved for Summary Judgment dismissing said Petition as Res Judicata and Lacking a Scintilla of Merit, based on facts admitted and deemed admitted before this Board, and said Motion having been deemed premature by this Board "until the party has made its initial disclosures," and said disclosures now having been made, and based on the allegations and exhibits set forth in said Motion to Dismiss, which allegations and exhibits, with the indulgence of this Board, are hereby incorporated and set forth as if contained herein, excepting that Registrant would like to add in support of its arguments respecting points 6 and 7 of the thirteen tests for likelihood of confusion set forth in the guiding case herein, E.I. DuPont DeNemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973) (See Registrant's Exhibit 4, attached to the said Motion), that an internet search of CIGAR SAVOR brings up no mention of CIGARETTESAVER, nor indeed any mention of cigarettes in the first five internet reference pages examined, nor does a search of CIGARETTESAVER bring up any mention of CIGAR SAVOR, or, indeed, cigars in the first five internet reference pages examined, upon which signal circumstance it is requested that this Board take judicial notice that in the eight years that CIGAR SAVOR and CIGARETTESAVER have co-existed as trademarks, absolutely no confusion, mixing, parrallel use, or other problematic intermingling or mistaking of said marks has occurred or is likely to occur, further demonstrating that the within petition is but a spurious attempt to bully the Registrant by means of burdensome legal proceedings, and to make a mockery of the trademark process,

Registrant hereby renews his Motion for Summary Judgment dismissing the within Petition, and for reasonable attorneys fees and such other relief as this Board may deem appropriate, as set forth in Registrant's initial Answer to this Petition.

Dated: March 23, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wentworth E. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

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)