

ESTTA Tracking number: **ESTTA270287**

Filing date: **03/05/2009**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	BBK Tobacco & Foods, LLP		
Entity	Limited Liability Partnership	Citizenship	Arizona
Address	3315 W. Buckeye Rd., Ste. B Phoenix, AZ 85009 UNITED STATES		

Correspondence information	Joshua D. Kesselman Member BBK Tobacco & Foods, LLP 3315 W. Buckeye Rd., Ste. B Phoenix, AZ 85009 UNITED STATES marks@hbiinternational.com Phone:602-955-6688		
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Registration Subject to Cancellation

Registration No	3491619	Registration date	08/26/2008
International Registration No.	NONE	International Registration Date	NONE
Registrant	British American Tobacco The Netherlands B.V. Handelsweg 53a, 1181 ZA Amstelveen, NETHERLANDS		

Goods/Services Subject to Cancellation

Class 034. All goods and services in the class are cancelled, namely: CIGARS, CIGARILLOS, CIGARETTES, ROLLING TOBACCO, PIPE TOBACCO, TOBACCO

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SAMSON 3,491,619 - Petition for Cancellation.pdf (3 pages)(12775 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Joshua D. Kesselman/
Name	Joshua D. Kesselman
Date	03/05/2009

In the Matter of Registration No. 3,491,619
For the mark SAMSON
Date of Registration: August 26, 2008

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

In the Matter of Registration No. 3,491,619
For the mark SAMSON
Date of Registration: August 26, 2008

BBK Tobacco & Foods, LLP)
Petitioner,)
v.)
BRITISH AMERICAN TOBACCO THE)
NETHERLANDS B.V.)
Registrant.)

Cancellation No.:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner, BBK Tobacco & Foods, Inc. ("BBK"), an Arizona limited liability partnership having its principal address at 3315 W. Buckeye Rd., Ste. B, Phoenix, AZ 85009, believes that it is or will be damaged by Registration No. 3,491,619 and hereby petitions to cancel same.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is BRITISH AMERICAN TOBACCO THE NETHERLANDS B.V. ANDELSWEG 3A MSTELVEEN 1181 ZA, NETHERLANDS.

As grounds of this Petition, it is alleged that:

In the Matter of Registration No. 3,491,619
For the mark SAMSON
Date of Registration: August 26, 2008

1. Petitioner filed a U.S. Trademark Application (Serial No. 77/284,523) for the mark "SAMSON" on September 20, 2007, for the following goods and services: cigars, cigarillos, cigarettes, rolling tobacco, pipe tobacco and tobacco, in International Class 34.

2. On information and belief, BRITISH AMERICAN TOBACCO THE NETHERLANDS B.V. is no longer using the mark "SAMSON" for the goods recited in its registration, and therefore, has *abandoned* its mark.

3. A duplicate copy of this Petition is attached and the fee required in §2.6(a)(16).

WHEREFORE, Petitioner prays that Registration No. 3,491,619 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

Date: March 5, 2009

/Joshua D. Kesselman/

Joshua D. Kesselman
Petitioner
BBK Tobacco & Foods, LLP
3315 W. Buckeye Rd., Ste. B
Phoenix, AZ 85009
(602) 955-6688
FAX: (602) 955-3330

In the Matter of Registration No. 3,491,619
For the mark SAMSON
Date of Registration: August 26, 2008

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Petition for Cancellation has been served upon the correspondent for Applicant on March 5, 2009 by depositing same in the United States Mail, Express Mail postage prepaid, in an envelope addressed as follows:

Antonio Borrelli, Esq.
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York NY 10036

/Joshua D. Kesselman/

Joshua D. Kesselman, President
BBK Tobacco & Foods, Inc.