

ESTTA Tracking number: **ESTTA734570**

Filing date: **03/18/2016**

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	Scandinavian Tobacco Group Lane Limited		
Entity	Corporation	Citizenship	New York
Address	2280 Mountain Industrial Boulevard Tucker, GA 30084 UNITED STATES		

Attorney information	Janet F. SATTERTHWAIT Potomac Law Group 1300 Pennsylvania Avenue NW Suite 700 Washington, DC 20004 UNITED STATES tm@potomaclaw.com, jsatterthwaite@potomaclaw.com Phone:202-486-1578		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	4666868	Registration date	01/06/2015
Registrant	NICOPURE LABS, LLC 5909 NW 18TH DR. GAINESVILLE, FL 32653 UNITED STATES		

Goods/Services Subject to Cancellation


Class 001. First Use: 2011/06/08 First Use In Commerce: 2011/06/08 All goods and services in the class are cancelled, namely: Electronic cigarette liquid (e-liquid) comprised of propylene glycol


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	975345	Application Date	10/13/1972
Registration Date	12/25/1973	Foreign Priority Date	NONE
Word Mark	CAPTAIN BLACK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1939/00/00 First Use In Commerce: 1939/00/00		

	SMOKING TOBACCO		
U.S. Registration No.	1651215	Application Date	01/31/1990
Registration Date	07/16/1991	Foreign Priority Date	NONE
Word Mark	CAPTAIN BLACK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1990/06/27 First Use In Commerce: 1990/06/27 cigars		
U.S. Registration No.	1939898	Application Date	12/27/1994
Registration Date	12/05/1995	Foreign Priority Date	NONE
Word Mark	CAPTAIN BLACK LITTLE CIGARS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1990/06/27 First Use In Commerce: 1990/06/27 little cigars		
U.S. Registration No.	1845840	Application Date	07/30/1993
Registration Date	07/19/1994	Foreign Priority Date	NONE
Word Mark	CAPTAIN BLACK		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1939/00/00 First Use In Commerce: 1939/00/00 smoking tobacco		

U.S. Registration No.	4668461	Application Date	10/01/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE

Word Mark	CAPTAIN BLACK RED SKY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2014/02/01 First Use In Commerce: 2014/02/01 Pipe tobacco		

U.S. Registration No.	4668462	Application Date	10/01/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	CAPTAIN BLACK MIDNIGHT GOLD		

Design Mark	CAPTAIN BLACK MIDNIGHT GOLD
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 2014/02/01 First Use In Commerce: 2014/02/01 Pipe tobacco

U.S. Registration No.	4689511	Application Date	10/01/2013
Registration Date	02/17/2015	Foreign Priority Date	NONE
Word Mark	CAPTAIN BLACK BLACK SEA		
Design Mark	CAPTAIN BLACK BLACK SEA		
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2014/02/01 First Use In Commerce: 2014/02/01 pipe tobacco		

Attachments	74615628#TMSN.png(bytes) 74418812#TMSN.png(bytes) 86079716#TMSN.png(bytes) 86079724#TMSN.png(bytes) 86079714#TMSN.png(bytes) CAPTAIN JACK PET TO CANCEL.pdf(82505 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Janet F. Satterthwaite/
Name	Janet F. SATTERTHWAITE

Date	03/18/2016
------	------------

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

-----X		
Scandinavian Tobacco Group Lane Limited	:	
	:	
	:	
	:	
	:	
Petitioner	:	Cancellation No. _____
	:	Registration No. 4666868
	:	
v.	:	
	:	
Nicopure Labs, LLC	:	
	:	
	:	
Registrant.	:	
-----X		

Petition for Cancellation

Scandinavian Tobacco Group Lane Limited, a company organized and existing under the laws of New York, with an address of 2280 Mountain Industrial Boulevard, Tucker GA 30084, Petitions to cancel the referenced registration.

For the reasons set forth below, Petitioner will be damaged by continued Registration of Registration No. 4666868.

Petitioner’s grounds for opposition are as follows:

A. Priority

1. Petitioner owns the mark CAPTAIN BLACK in connection with tobacco.
2. Petitioner has used the mark CAPTAIN BLACK since at least 1939.
3. Petitioner owns the following U.S. registrations for the mark CAPTAIN BLACK (“Petitioner’s Marks.”

MARK	Reg. No	Goods	Reg. Date
CAPTAIN BLACK	0975345	Smoking Tobacco	12/25/1973
CAPTAIN BLACK	1651215	Cigars	07/16/1991
CAPTAIN BLACK LITTLE CIGARS and Design	1939898	Little Cigars	12/05/1995
CAPTAIN BLACK and Design	1845840	Smoking Tobacco	07/19/1994
CAPTAIN BLACK RED SKY	4668461	Pipe Tobacco	01/06/2015
CAPTAIN BLACK MIDNIGHT GOLD	4668462	Pipe Tobacco	01/06/2015
CAPTAIN BLACK BLACK SEA	4689511	Pipe Tobacco	02/17/2015

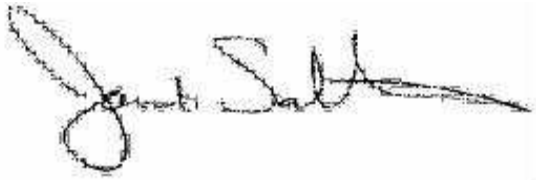
4. The captioned Registration was filed May 22, 2014, claiming a first-use date of June 8, 2011. Petitioner has used its marks in the United States since at least as early as 1939.
5. On information and belief, Registrant can show no priority before 2011.
6. On information and belief, Registrant can claim no use date prior to Petitioner’s common-law rights since 1939.
7. On information and belief, Registrant can claim no use prior to Registrant’s incontestable registered rights dating back as far as 1973.
8. Petitioner is damaged by the continued registration of the captioned Registration because Registrant’s mark so closely resembles Petitioner’s Marks as to cause likelihood of confusion as to association, sponsorship or origin between Petitioner’s and Registrant’s goods.

Petitioner respectfully requests that the subject registration be cancelled.

Petitioner appoints Janet F. Satterthwaite, Elissa Reese, and Bonny Plosker, along with the Potomac Law Group PLLC, to transact all business on its behalf in connection with this cancellation action.

Please conduct all correspondence with Janet F. Satterthwaite by email
jsatterthwaite@potomacclaw.com, tm@potomacclaw.com.

Respectfully submitted,



Date: March 18, 2016

Janet F. Satterthwaite

Potomac Law Group
1300 Pennsylvania Ave NW
Suite 700
Washington, DC 20004
202-486-1578

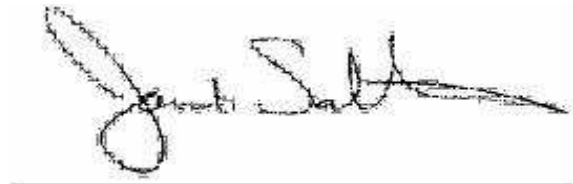
jsatterthwaite@potomacclaw.com,
tm@potomacclaw.com,
ereese@potomacclaw.com

Attorneys for Petitioner

Scandinavian Tobacco Group Lane Limited

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Petition for Cancellation to be served by first-class mail, postage prepaid on Registrant this 18th day of March, 2016:
Nicopure Labs, LLC
5909 NW 18th DR
Gainesville FL 32653

A handwritten signature in black ink, appearing to read "Janet Satterthwaite", written over a horizontal line.

Janet F. Satterthwaite