

ESTTA Tracking number: **ESTTA992908**

Filing date: **08/06/2019**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Republic Technologies (NA), LLC		
Entity	limited liability company	Citizenship	DELAWARE
Address	2301 RAVINE WAY GLENVIEW, IL 60025 UNITED STATES		

Attorney information	Antony J. McShane Neal, Gerber & Eisenberg LLP 2 North LaSalle St., Suite 1700 Chicago, IL 60602 UNITED STATES amcshane@nge.com, bnathan@nge.com, temauelson@nge.com, dcesek@nge.com, ecfdoCKET@nge.com 312-269-8000		
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Registration Subject to Cancellation

Registration No.	5812004	Registration date	07/23/2019
International Registration No.	NONE	International Registration Date	NONE
Registrant	Tabacalera Diamond Cigars, S.A. De la Clinica Provicional 1/2c. al Este Mano Derecha Esteli, 00000 NICARAGUA		

Goods/Services Subject to Cancellation

Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are subject to cancellation, namely: TOBACCO
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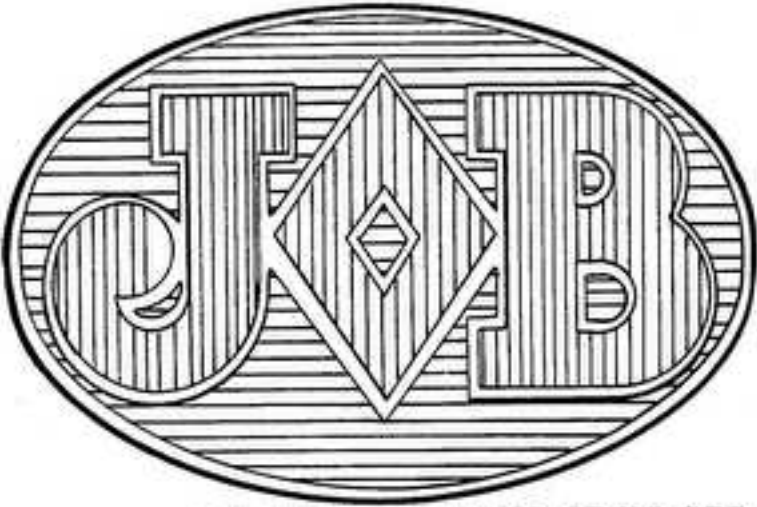
Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	73124	Application Date	10/27/1908
Registration Date	03/16/1909	Foreign Priority	NONE

		Date	
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1856/00/00 First Use In Commerce: 1856/00/00 CIGARETTE PAPERS		

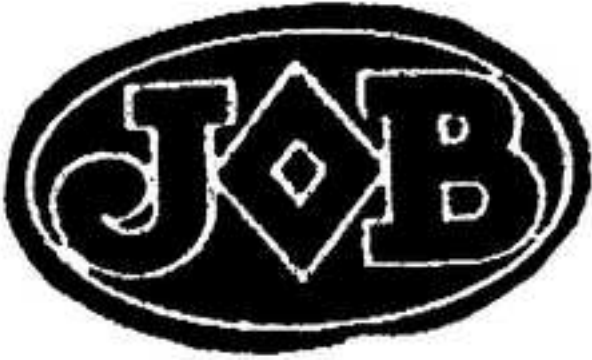
U.S. Registration No.	1341384	Application Date	06/06/1983
Registration Date	06/11/1985	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 0 First Use In Commerce: 0 Cigarette Paper		

U.S. Registration No.	2422747	Application Date	04/05/1999
Registration Date	01/23/2001	Foreign Priority Date	NONE


Word Mark	JOB
Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes

U.S. Registration No.	2420646	Application Date	04/05/1999
Registration Date	01/16/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes		

U.S. Registration No.	2432868	Application Date	05/11/1999
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Registration Date	03/06/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for-rolling cigarettes, all such machines being for personal use; filter tips for cigar-ettes		

U.S. Registration No.	4019093	Application Date	02/03/2011
Registration Date	08/30/2011	Foreign Priority Date	NONE
Word Mark	JOB		

Design Mark	
Description of Mark	The mark consists of the word "JOB" in stylized font surrounded by an oval.
Goods/Services	Class 034. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Cigarette papers

Attachments	71038276#TMSN.png(bytes) 73428884#TMSN.png(bytes) 75675677#TMSN.png(bytes) 75675676#TMSN.png(bytes) 75702556#TMSN.png(bytes) 85233103#TMSN.png(bytes) JB CIGARS cancellation.pdf(121058 bytes) EXHIBIT A - JB CIGARS cancellation.pdf(128321 bytes)
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Signature	/Antony J. McShane/
Name	Antony J. McShane
Date	08/06/2019

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

In the Matter of Registration No.:
5,812,004 for JB CIGARS

REPUBLIC TECHNOLOGIES (NA), LLC,

Petitioner,

v.

TABACALERA DIAMOND CIGARS, S.A.,

Registrant.

PETITION FOR CANCELLATION

This Petition for Cancellation is submitted in the matter of Reg. No. 5,812,004 for registration by Tabacalera Diamond Cigars, S.A., of the mark JB CIGARS for use in connection with tobacco in Class 34. Republic Technologies (NA), LLC, (“Republic Technologies”) a Delaware limited partnership, having a place of business at 2301 Ravine Way, Glenview, Illinois, 60025, believes that it would be damaged by the registration and therefore petitions to cancel the same.

The grounds for Cancellation herein are as follows:

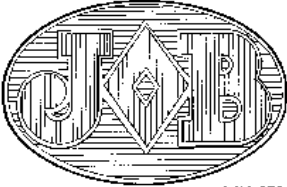

1. For many years, and long prior to the acts of Registrant herein alleged, Republic Technologies and its predecessors have been engaged, *inter alia*, in the distribution and sale of smokers’ articles under and in connection with its JOB trademark, including, cigarette rolling papers, cigarette filters, cigarette tubes, and cigarette rolling, injector and making machines. Such goods are distributed to consumers by Republic Technologies across the United States through tobacco shops, tobacco outlet drugstores, gas stations, mini-marts, convenience and other retail stores.



2. For more than 100 years, Republic has devoted substantial resources, time and effort in developing, marketing and distributing its smokers' articles under and in connection with its JOB mark.

3. As a result of its consistent and successful efforts to promote, distribute and sell such smokers' articles under and in connection with its JOB mark, and its continuous and exclusive use of the JOB mark with such smokers' articles, Republic has developed considerable consumer recognition and goodwill in its JOB mark, which has come to be recognized by customers as identifying and distinguishing Republic's smokers' articles, and Republic's smokers' articles alone.

4. As a result of the considerable consumer recognition and goodwill that Republic now owns and which is symbolized by its JOB mark, the JOB mark is now among Republic's most valuable assets.

5. To protect its rights, Republic owns and maintains the following federal registrations for its JOB mark in the United States Trademark Office, all of which are now incontestable pursuant to 15 U.S.C. §1065:

Mark	Registration No.	Registration Date	Goods and Services
JOB	73,124	March 16, 1909	cigarette papers
JOB (Design) 	1,341,384	June 11, 1985	cigarette papers
JOB (Design) 	2,422,747	January 23, 2001	Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes

JOB	2,420,646	January 16, 2001	Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes
JOB (Design) 	2,432,868	March 6, 2001	Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes
JOB (Design) 	4,019,093	August 30, 2011	Cigarette papers

Printouts from the U.S. Patent & Trademark Office website for the registrations listed

above are enclosed herewith as Exhibit A.

6. On December 6, 2018, long after Republic began its use of, and developed its rights in, its JOB mark, Applicant filed an application to register the mark JB CIGARS for use with tobacco in International Class 34, which registered on July 23, 2019.

7. Registrant's mark is substantially similar to Republic's JOB mark, particularly given that Registrant's mark incorporates two out of Republic's three characters ("J" and "B") Registrant's registration disclaims the term "cigars" apart from the mark as a whole, and Registrant's mark will be used in connection with the same or nearly the same goods sold and distributed through the same channels of trade as Republic's JOB products.

8. As a result of the similarity of the parties' marks, the similarity of the goods associated with the marks, the similarity in the channels of trade of such goods and the strength of the JOB mark, Registrant's use and registration of the JB CIGARS mark is likely to cause confusion or mistake, or to deceive purchasers, in that purchasers would be likely to believe

Registrant's goods are Republic's goods, or are in some way legitimately connected with, sponsored by, or approved by Republic, in violation of 15 U.S.C. § 1052(d). Accordingly, Republic seeks cancellation of the registration for Registrant's mark.

WHEREFORE, Republic requests that the registration owned by Registrant be refused and that this Petition for Cancellation be sustained. Republic requests that the requisite filing fee of \$400.00 be charged to the deposit account of Neal, Gerber & Eisenberg LLP, Account No. 502261.

Respectfully submitted,

Dated: August 6, 2019

By: /Antony J. McShane/
One of the Attorneys for Petitioner
Republic Technologies (NA), LLC
Antony J. McShane
Bari L. Nathan
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602-3801
(312) 269-8000

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing **PETITION FOR CANCELLATION** is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://esta.uspto.gov/> on the date noted below:

Date: August 6, 2019

By: /Bari L. Nathan/
One of the Attorneys for Petitioner,
Republic Technologies (NA), LLC

EXHIBIT A

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Tue Aug 6 04:51:44 EDT 2019

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JOB

Word Mark JOB

Goods and Services IC 034. US 008. G & S: CIGARETTE PAPERS. FIRST USE: 18560000. FIRST USE IN COMMERCE: 18560000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 71038276

Filing Date October 27, 1908

Current Basis 1A

Original Filing Basis 1A

Registration Number 0073124

Registration Date March 16, 1909

Owner (REGISTRANT) MAISON PIERRE BARDOU-JOB COMPOSED OF JUSTIN JEAN PIERRE BARDOU-JOB, JEANNE EUGENIE FRANCOISE PAMS (NEE BARDOU-JOB), AND CAMILLE DUCUP DE SAINT-PAUL (NEE BARDOU-JOB), CITIZENS OF FRANCE FIRM FRANCE 13 RUE ST. SAUVEUR PERPIGNAN FRANCE

(LAST LISTED OWNER) Republic Technologies (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Antony J. McShane

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 12C. SECT 15. SECTION 8(10-YR) 20180530.
Renewal 6TH RENEWAL 20180530
Live/Dead Indicator LIVE

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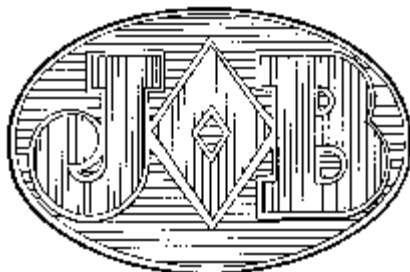
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TSDR | **ASSIGN Status** | **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	JOB
Goods and Services	IC 034. US 008. G & S: Cigarette Paper
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.21 - Ovals that are completely or partially shaded 26.07.21 - Diamonds that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	73428884
Filing Date	June 6, 1983
Current Basis	44E
Original Filing Basis	44D;44E
Published for Opposition	April 2, 1985
Registration Number	1341384
Registration Date	June 11, 1985
Owner	(REGISTRANT) Societe Job, Anciens Etablissements Bardou-Job et Pauilhac CORPORATION FRANCE 15, rue Emile Zola Perpignan FRANCE 66000 (LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises 2301 Ravine Way Glenview ILLINOIS 60625
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Antony J. McShane
Priority Date	February 22, 1983

Prior Registrations 0036970;1210458;AND OTHERS
Description of Mark The drawing is lined for the colors blue and red.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150519.
Renewal 2ND RENEWAL 20150519
Live/Dead Indicator LIVE

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Word Mark JOB

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.07.01 - Diamonds with plain multiple line border; Diamonds with plain single line border
27.03.01 - Geometric figures forming letters, numerals or punctuation

Serial Number 75675677

Filing Date April 5, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 18, 2000

Registration Number 2422747

Registration Date January 23, 2001

Owner (REGISTRANT) Bollre SOCIETE ANONYME FRANCE Odet 29500 Ergue Gaberic Commune D'Ergue Gaberic FRANCE

(LAST LISTED OWNER) Republic Technologies (NA), LLC c/o DRL Enterprises LIMITED LIABILITY COMPANY DELAWARE 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Antony J McShane
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101103.
Renewal 1ST RENEWAL 20101103
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JOB

Word Mark	JOB
Goods and Services	IC 034. US 002 008 009 017. G & S: Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75675676
Filing Date	April 5, 1999
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 24, 2000
Registration Number	2420646
Registration Date	January 16, 2001
Owner	(REGISTRANT) Bollre SOCIETE ANONYME FRANCE Odet 29500 Ergue Gaberic Commune D'Ergue Gaberic FRANCE (LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises, 2301 Ravine Way GLENVIEW ILLINOIS 60625
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Antony J McShane

Prior Registrations 0073124;1341384;1357088

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101104.

Renewal 1ST RENEWAL 20101104

Live/Dead Indicator LIVE

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Word Mark JOB

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes. FIRST USE: 19930101. FIRST USE IN COMMERCE: 19930101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric
 26.03.21 - Ovals that are completely or partially shaded
 26.07.13 - Diamonds, exactly two diamonds; Two diamonds
 26.07.21 - Diamonds that are completely or partially shaded
 27.03.01 - Geometric figures forming letters, numerals or punctuation

Serial Number 75702556

Filing Date May 11, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 18, 2000

Registration Number 2432868

Registration Date March 6, 2001

Owner (REGISTRANT) Bollre SOCIETE ANONYME FRANCE Odet 29500 Ergue Gaberic Commune D'Ergue Gaberic FRANCE
 (LAST LISTED OWNER) Republic Technologies (NA), LLC LIMITED LIABILITY COMPANY DELAWARE c/o DRL Enterprises 2301 Ravine Way Glenview ILLINOIS 60625

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Antony J McShane
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101206.
Renewal 1ST RENEWAL 20101206
Live/Dead Indicator LIVE

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Word Mark JOB

Goods and Services IC 034. US 002 008 009 017. G & S: Cigarette papers. FIRST USE: 20050721. FIRST USE IN COMMERCE: 20050721

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric
26.03.21 - Ovals that are completely or partially shaded
26.07.21 - Diamonds that are completely or partially shaded
27.03.01 - Geometric figures forming letters, numerals or punctuation

Serial Number 85233103

Filing Date February 3, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 14, 2011

Registration Number **4019093**

Registration Date August 30, 2011

Owner (REGISTRANT) Republic Technologies (NA) LLC LIMITED LIABILITY COMPANY DELAWARE 2301 Ravine Way Glenview ILLINOIS 60025

Attorney of Record Antony J McShane

Prior Registrations 1341384;2420646;2432868;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "JOB" in stylized font surrounded by an oval.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE