

ESTTA Tracking number: **ESTTA1107303**

Filing date: **01/12/2021**

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 N. LASALLE STREET, SUITE 1700 CHICAGO, IL 60602 UNITED STATES Primary Email: ecfdocket@nge.com Secondary Email(s): amcshane@nge.com , aflores@nge.com , temanuelson@nge.com , acrawford@nge.com , ecfdocket@nge.com 312.269.8000		
Docket Number	19126-6064		

Registration Subject to Cancellation

Registration No.	6231221	Registration date	12/29/2020
Registrant	Iudici, Gino 36 HIGHVIEW AVENUE TOTOWA, NJ 07512 UNITED STATES		

Goods/Services Subject to Cancellation

Class 034. First Use: 2018/03/01 First Use In Commerce: 2018/12/20 All goods and services in the class are subject to cancellation, namely: Cigarette rolling machines; Pocket apparatus for rolling cigarettes; Pocket devices for self-rolling of cigarettes; Pocket machines for rolling cigarettes; all of the foregoing exclusively for use with cannabidiol (CBD) products solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

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	1018268	Application Date	03/27/1972
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No.			
Registration Date	08/12/1975	Foreign Priority Date	NONE
Word Mark	E-Z WIDER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1972/01/20 First Use In Commerce: 1972/01/25 CIGARETTE PAPER		

U.S. Registration No.	2076230	Application Date	07/25/1995
Registration Date	07/01/1997	Foreign Priority Date	NONE
Word Mark	E-Z WIDER SLOW-BURNING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1996/09/13 First Use In Commerce: 1996/09/13 cigarette paper		

Attachments	EZROLLERZ Petition for Cancellation.pdf(118836 bytes) EXHIBIT A - EZROLLERZ Petition for Cancellation.pdf(309882 bytes)
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Signature	/Antony J. McShane/
Name	Antony J. McShane
Date	01/12/2021

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

In the Matter of Registration No.
6,231,221 for EZROLLERZ

REPUBLIC TECHNOLOGIES (NA), LLC.,

Petitioner,

v.

GINO IUDICI,

Registrant.

**PETITION FOR
CANCELLATION**

This Petition for Cancellation is submitted in the matter of Reg. No. 6,231,221 for registration by Gino Iudici, of the mark EZROLLERZ for use in connection with “cigarette rolling machines, pocket apparatus for rolling cigarettes, pocket devices for self-rolling of cigarettes, pocket machines for rolling cigarettes, all of the foregoing exclusively for use with cannabidiol (CBD) products solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis” in Class 34. Republic Technologies (NA), LLC, 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 before the acts of Registrant alleged herein, Republic Technologies (NA), LLC and its predecessors (“Republic”) have been engaged, *inter alia*, in the manufacture, distribution and sale of smokers’ articles, including cigarette papers, cigarette filters, cigarette tubes, and cigarette rolling, injector and making machines, which are distributed

throughout the United States through tobacco shops, drugstores, tobacco outlets, convenience and other retail stores.

2. For many years, Republic has devoted substantial resources, time and effort to marketing and distributing its products under and in connection with a number of well-known and industry-leading brands, including the mark E-Z WIDER, under which Republic offers and sells cigarette papers, which are sold for use with and alongside various smokers' articles, including tobacco and cigarette rolling machines, in tobacco shops, drugstores, tobacco outlets, convenience and other retail stores throughout the country.

3. As a result of Republic's consistent efforts to promote and protect its E-Z WIDER mark, Republic has developed considerable consumer recognition and goodwill in the mark, which is now among Republic's most valuable assets. To protect its rights in the mark, Republic maintains federal registrations for E-Z WIDER in the United States Patent & Trademark Office for cigarette papers (Reg. Nos. 1,018,268 and 2,076,230), which are incontestable pursuant to 15 U.S.C. § 1065. Printouts from the U.S. Patent and Trademark Office website showing the current status and owner of these registrations are attached as Exhibit A.

4. On August 29, 2019, long after Republic began its use of, and developed its rights in, its E-Z WIDER mark, Registrant filed an application to register the mark EZROLLERZ for use with "cigarette rolling machines, pocket apparatus for rolling cigarettes, pocket devices for self-rolling of cigarettes, pocket machines for rolling cigarettes, all of the foregoing exclusively for use with cannabidiol (CBD) products solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis" in International Class 34, which registered on December 29, 2020.

5. Registrant's mark is substantially similar to Republic's E-Z WIDER mark, particularly because Registrant's mark incorporates the descriptive term "roller," which is descriptive of rolling machines, which renders "EZ," as the dominant portion of the mark and gives the mark a sight, sound and meaning similar to Republic's E-Z WIDER mark, and because Registrant's mark will be used in connection with goods closely related to those with which Republic uses and has registered its E-Z WIDER mark.

6. As a result of the similarity of the parties' marks, the similarity of the goods associated with the marks, and the strength of the E-Z WIDER mark, Registrant's use and registration of the EZROLLERZ mark is likely to cause confusion or mistake, or to deceive purchasers, in that purchases 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) and 1114. Accordingly, Republic seeks cancellation of the registration for Registrant's mark.

WHEREFORE, Republic requests that the registration owned by Registrant be cancelled 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.

Date: January 12, 2021

Respectfully submitted,

By: /Antony J. McShane/
One of the Attorneys for Petitioner,
Republic Technologies (NA), LLC
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EXHIBIT A



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e-z wider

Word Mark	E-Z WIDER
Goods and Services	IC 034. US 008. G & S: CIGARETTE PAPER. FIRST USE: 19720120. FIRST USE IN COMMERCE: 19720125
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	72419506
Filing Date	March 27, 1972
Current Basis	1A
Original Filing Basis	1A
Registration Number	1018268
Registration Date	August 12, 1975
Owner	(REGISTRANT) ROBERT BURTON ASSOCIATES, LTD. CORPORATION NEW YORK 142 E. 16TH ST. NEW YORK NEW YORK 10003 (LAST LISTED OWNER) REPUBLIC TECHNOLOGIES (NA), LLC LIMITED LIABILITY COMPANY DELAWARE 2301 RAVINE WAY GLENVIEW ILLINOIS 60025
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) 20150817.
Renewal	3RD RENEWAL 20150817
Live/Dead Indicator	LIVE



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Typed Drawing

Word Mark	E-Z WIDER SLOW-BURNING
Goods and Services	IC 034. US 002 008 009 017. G & S: cigarette paper. FIRST USE: 19960913. FIRST USE IN COMMERCE: 19960913
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74705703
Filing Date	July 25, 1995
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 28, 1996
Registration Number	2076230
Registration Date	July 1, 1997
Owner	(REGISTRANT) Robert Burton Associates, Ltd. CORPORATION DELAWARE P.O Box 51587 900 Church Street Bowling Green KENTUCKY 42101 (LAST LISTED OWNER) REPUBLIC TECHNOLOGIES (NA), LLC LIMITED LIABILITY COMPANY DELAWARE 2301 RAVINE WAY GLENVIEW ILLINOIS 60025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Antony J. McShane
Prior Registrations	1018268;1226118;1399771;1399772;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SLOW-BURNING" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20170712.
Renewal	2ND RENEWAL 20170712
Live/Dead Indicator	LIVE