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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	Top Tobacco, L.P.		
Entity	limited partnership	Incorporated or registered in	Delaware
Address	2301 RAVINE WAY GLENVIEW, IL 60025 UNITED STATES		
Attorney information	ANTONY J. MCSHANE NEAL, GERBER & EISENBERG LLP 2 NORTH LASALLE STREET, SUITE 1700 CHICAGO, IL 60602 UNITED STATES Primary email: ecfdocket@nge.com Secondary email(s): amcshane@nge.com , afraker@nge.com , jshering@nge.com , temanuelson@nge.com , acrawford@nge.com , ecfdocket@nge.com 312-269-8000		
Docket no.	016471.0702		

Registration subject to cancellation

Registration no.	1946971	Registration date	01/09/1996
Register	Principal		
Registrant	SUTLIFF TOBACCO COMPANY, LLC 600 PERDUE AVENUE RICHMOND, VA 23224 UNITED STATES		

Goods/services subject to cancellation

Class 034. First Use: Sep 1993 First Use In Commerce: Sep 1993
All goods and services in the class are subject to cancellation, namely: pipe tobacco

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel TOP VALUE Design.pdf(15866 bytes)
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Signature	/Antony J. McShane/
Name	Antony J. McShane

Date	10/31/2024
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

)	Cancellation No.
)	
TOP TOBACCO, L.P.)	U.S. Reg. 1,946, 971
)	
)	Mark: TOP VALUE ALWAYS
)	THE BEST & Design
Petitioner,)	
)	Reg. Date: January 9, 1996
v.)	
)	
SUTLIFF TOBACCO COMPANY, LLC)	
)	
Registrant.)	
)	

PETITION FOR CANCELLATION

Pursuant to 15 U.S.C. § 1064, Top Tobacco, L.P. (“Petitioner”), a Delaware limited partnership having a place of business at 2301 Ravine Way, Glenview, Illinois 60025, believes it will be damaged by the continued registration of U.S. Federal Trademark Registration No. 1,946,971 for the mark TOP VALUE ALWAYS THE BEST & Design, and, accordingly, petitions to cancel the same. As grounds in support of this Petition for Cancellation, Petitioner alleges the following:

1. For many years, Petitioner has been engaged in the manufacture, distribution and sale of smoker’s articles, including, cigarette rolling papers, smoking tobacco, filter tubes, and cigarette machines. Petitioner’s products are distributed through tobacco shops, drugstores, tobacco outlets, convenience stores and other retail stores.

2. Petitioner owns multiple federal registrations for the mark TOP, as a word mark and as a prominent part of a design mark, in connection with smokers’ articles, including the following (collectively, the “TOP Marks”):

Mark	Registration No.	Registration Date	Goods and Services
TOP	2,739,466	July 22, 2003	Smoking tobacco
TOP	2,831,105	April 13, 2004	Cigarette rolling papers
TOP	3,407,400	April 1, 2008	Cigarette rolling paper booklets; roll-your-own smoking tobacco; cigarette rolling machines; cigarette tubes; injector machines for filling cigarette tubes for personal use; filter tips for cigarettes
TOP	3,918,139	February 8, 2011	Pocket machines for rolling cigarettes for personal use
TOP	7,339,824	March 26, 2024	Smokers' rolling trays

3. Upon information and belief, Sutliff Tobacco Company, LLC (“Registrant”) is a Virginia LLC with a place of business at 600 Perdue Avenue, Richmond, Virginia 23224. Registrant’s counsel of record is Robin C. Vance of McGuire Woods LLP, whose email address of record is trademarks@mcguirewoods.com.

4. Registrant is the owner of record of U.S. Registration No. 1,946,971 (the “Registration”) for the mark TOP VALUE ALWAYS THE BEST & Design (“Registrant’s Mark”), which is registered for pipe tobacco in International Class 34.

5. On information and belief, Registrant has not used Registrant’s Mark in interstate commerce with the goods identified in the Registration for more than three (3) years and has no intent to resume use of Registrant’s Mark in interstate commerce with the goods identified in the Registration in the future. As such, Registrant’s Mark has been abandoned pursuant to 15 U.S.C. §1064 and 15 U.S.C. §1127. Accordingly, the Registration should be cancelled.

6. Petitioner is being and will continue to be damaged in that the continuing presence of Registrant's Mark on the register will hinder Petitioner's ability to use and enforce its rights in the TOP Marks.

WHEREFORE, Petitioner requests that this Petition for Cancellation be granted and that the Registration be cancelled.

Date: October 31, 2024

Respectfully submitted,

By: /Antony J. McShane/
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