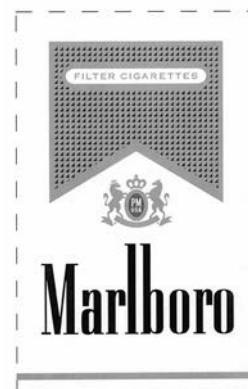


Generated on: This page was generated by TSDR on 2026-03-18 12:50:56 EDT

Mark: MARLBORO FILTER CIGARETTES



US Serial Number: 72430002

Application Filing Date: Jul. 17, 1972

US Registration Number: 1039413

Registration Date: May 11, 1976

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Oct. 21, 2016

Mark Information

Mark Literal Elements: MARLBORO FILTER CIGARETTES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S) /NUMBER(S)

Description of Mark: The mark consists of a roof design with dark stippling located at the top of the design. Within the roof is an oval with a with the words FILTER CIGARETTES. A crest with an oval center with the words PM USA is located directly under the middle of the roof design. The word MARLBORO is located in the lower portion of the design. There is a line located at the bottom of the design. The broken lines outlining the packaging is intended to show the position of the mark and is not part of the mark.

Disclaimer: "FILTER CIGARETTES" AND "USA"

Design Search Code(s): 03.01.02 - Lions shown with shields, seals, or with other heraldic styles or symbols
03.01.21 - Stylized felines, including cats of any size
19.07.03 - Boxes, cigarette
24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon
26.15.21 - Polygons that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 68502, 760533 and others

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Altria Client Services
v. Yiwu Jingangke Trading
PGR2026-00035
Patent No. D1,081,032
Ex. 1006

- Asterisks *..* identify additional (new) wording in the goods/services.

For: CIGARETTES

International Class(es): 034

U.S Class(es): 017 - Primary Class

Class Status: ACTIVE

First Use: Sep. 02, 1971

Use in Commerce: Sep. 02, 1971

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: PHILIP MORRIS USA INC.

Owner Address: 6601 West Broad Street
RICHMOND, VIRGINIA UNITED STATES 23230

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Robyn Ettricks

Attorney Primary Email Address: Trademarkgroup@altria.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ROBYN ETTRICKS
601 E JACKSON ST
RICHMOND, VIRGINIA UNITED STATES 23219

Correspondent e-mail: Trademarkgroup@altria.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 11, 2025	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 13, 2017	AMENDMENT UNDER SECTION 7 - PROCESSED	
Mar. 16, 2017	POST REGISTRATION ACTION MAILED - SEC. 7	
Jan. 10, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Oct. 21, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 21, 2016	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Oct. 21, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 19, 2016	TEAS SECTION 8 & 9 RECEIVED	
Jul. 25, 2016	POST REGISTRATION ACTION MAILED - SEC. 7	
May 05, 2016	POST REGISTRATION ACTION MAILED - SEC. 7	
May 02, 2016	TEAS SECTION 7 REQUEST RECEIVED	
May 02, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 16, 2015	NOTICE OF SUIT	
Jun. 01, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 01, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

May 11, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED
Apr. 16, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Apr. 16, 2014	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Feb. 12, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Feb. 12, 2014	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Sep. 24, 2013	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Sep. 24, 2013	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Dec. 10, 2010	NOTICE OF SUIT
Aug. 10, 2010	NOTICE OF SUIT
Aug. 10, 2010	NOTICE OF SUIT
Mar. 11, 2010	NOTICE OF SUIT
Mar. 08, 2010	NOTICE OF SUIT
Mar. 05, 2010	NOTICE OF SUIT
Feb. 19, 2010	NOTICE OF SUIT
Jan. 28, 2010	NOTICE OF SUIT
Dec. 31, 2009	NOTICE OF SUIT
Dec. 16, 2009	NOTICE OF SUIT
Dec. 16, 2009	NOTICE OF SUIT
May 14, 2009	NOTICE OF SUIT
May 07, 2009	NOTICE OF SUIT
May 07, 2009	NOTICE OF SUIT
Mar. 23, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Mar. 23, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Jan. 13, 2009	NOTICE OF DESIGN SEARCH CODE MAILED
Aug. 04, 2008	NOTICE OF SUIT
Jun. 23, 2008	NOTICE OF SUIT
Jun. 20, 2008	NOTICE OF SUIT
Jun. 20, 2008	NOTICE OF SUIT
Jun. 10, 2008	NOTICE OF SUIT
Jun. 06, 2008	NOTICE OF SUIT
May 27, 2008	NOTICE OF SUIT
May 27, 2008	NOTICE OF SUIT
May 27, 2008	NOTICE OF SUIT
May 20, 2008	NOTICE OF SUIT
May 19, 2008	NOTICE OF SUIT
Feb. 07, 2008	CASE FILE IN TICRS
Feb. 03, 2008	NOTICE OF SUIT
Feb. 03, 2008	NOTICE OF SUIT
Jul. 08, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)
Jul. 08, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED
Jul. 08, 2006	ASSIGNED TO PARALEGAL
May 03, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED
May 09, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED
May 05, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED
May 05, 2006	TEAS CHANGE OF OWNER ADDRESS RECEIVED
May 03, 2006	TEAS SECTION 8 & 9 RECEIVED
May 03, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED
Apr. 30, 1996	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)
Mar. 18, 1996	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8
May 10, 1982	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.

TM Staff and Location Information

TM Staff Information - None File Location
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Current Location: POST REGISTRATION

Date in Location: Jun. 13, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: PHILIP MORRIS INCORPORATED

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [2670/0347](#)

Pages: 17

Date Recorded: Feb. 12, 2003

Supporting Documents: <https://assignmentcenter.uspto.gov/ipas/search/api/v2/public/download/trademark/2670/0347>

Assignor

Name: [PHILIP MORRIS INCORPORATED](#)

Execution Date: Jan. 15, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGINIA

Assignee

Name: [PHILIP MORRIS USA INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGINIA

Address: 120 PARK AVENUE
NEW YORK , NEW YORK 10017

Correspondent

Correspondent Name: ALTRIA CORPORATE SERVICES, INC.

Correspondent Address: MAXINE FRYER HAYNES
800 WESTCHESTER AVENUE
RYE BROOK, NY 10573

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91268003](#)

Filing Date: Mar 03, 2021

Status: Terminated

Status Date: Jun 09, 2021

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: "International Masis Tabak" LLC

Correspondent Address: NICHOLAS D. WELLS
LEGENDS LAW GROUP, PLLC
330 MAIN ST.
KAYSVILLE UT UNITED STATES , 84037

Correspondent e-mail: nwells@legendslaw.com , docket@legendslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IMT MASTER		79270869	

Plaintiff(s)

Name: Philip Morris USA Inc.

Correspondent Address: ANN K. FORD
DLA PIPER LLP
500 EIGHTH STREET, NW

WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: dctrademarks@dlapiper.com , gregory.esau@dlapiper.com , ann.ford@us.dlapiper.com , eunice.chung@us.dlapiper.com , hajra.nashin@us.dlapiper.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MARLBORO MENTHOL FILTER CIGARETTES VENI-VIDI-VICI PM INC.		72241508	854007
MARLBOROFILTER CIGARETTES		72387884	938510
MARLBORO FILTER CIGARETTES		72430002	1039413
MARLBORO MENTHOL PM INC		73689962	1544782
MARLBORO FILTER CIGARETTES PM USA 20 CLASS A CIGARETTES		74075799	1651628
MENTHOL PM USA MARLBORO SMOOTH UNIQUELY RICH & SMOOTH		77049118	3289673
MENTHOL PM USA MARLBORO SMOOTH UNIQUELY RICH & SMOOTH		77049095	3407884
PM USA		77049167	3407885
MARLBORO SMOOTH 100'S MENTHOL UNIQUELY RICH & SMOOTH PM USA		77275616	3430525
MARLBORO SMOOTH 100'S MENTHOL UNIQUELY RICH & SMOOTH PM USA		77275625	3430526
MARLBORO SEVENTY-TWOS PM USA		77370932	3533467
MARLBORO SEVENTY-TWOS PM USA		77370719	3533463
PM USA		77370912	3533466
PM USA		77354685	3533419
		85464568	4170978
FILTER CIGARETTES		87103916	5155300
FILTER CIGARETTES		87103913	5155299
FILTER CIGARETTES		87103909	5194628

Prosecution History

Entry Number	History Text	Date	Due Date
7	TERMINATED	Jun 09, 2021	
6	BD DECISION: OPP SUSTAINED	Jun 09, 2021	
5	NOTICE OF DEFAULT	Apr 24, 2021	
4	NOTICE OF DEFAULT	Apr 24, 2021	
3	INSTITUTED	Mar 05, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 05, 2021	Apr 14, 2021
1	FILED AND FEE	Mar 03, 2021	

Type of Proceeding: Cancellation

Proceeding Number: [92076638](#)

Filing Date: Mar 03, 2021

Status: Terminated

Status Date: Jun 09, 2021

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: "International Masis Tabak" LLC

Correspondent Address: "INTERNATIONAL MASIS TABAK" LLC
10 HRANT VARDANYAN STR., MASIS
ARARAT REGION ARMENIA , 0802

Associated marks

Mark	Application Status	Serial Number	Registration Number
IMT INTERNATIONAL MASIS TABAK		79245486	5809450

Plaintiff(s)

Name: Philip Morris USA Inc.

Correspondent Address: ANN K FORD
DLA PIPER LLP (US)
500 8TH STREET NW
WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: dctrademark@us.dlapiper.com , gregory.esau@us.dlapiper.com , ann.ford@us.dlapiper.com , eunice.chung@us.dlapiper.com , hajra.nashin@us.dlapiper.com

mail: ashin@us.dlapiper.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MARLBORO MENTHOL FILTER CIGARETTES VENI-VIDI-VICI PM INC.		72241508	854007
MARLBOROFILTER CIGARETTES		72387884	938510
MARLBORO FILTER CIGARETTES		72430002	1039413
MARLBORO MENTHOL PM INC		73689962	1544782
MARLBORO FILTER CIGARETTES PM USA 20 CLASS A CIGARETTES		74075799	1651628
MENTHOL PM USA MARLBORO SMOOTH UNIQUELYRICH & SMOOTH		77049118	3289673
MENTHOL PM USA MARLBORO SMOOTH UNIQUELYRICH & SMOOTH		77049095	3407884
PM USA		77049167	3407885
MARLBORO SMOOTH 100'S MENTHOL UNIQUELY RICH & SMOOTH PM USA		77275616	3430525
MARLBORO SMOOTH 100'S MENTHOL UNIQUELY RICH & SMOOTH PM USA		77275625	3430526
MARLBORO SEVENTY-TWOS PM USA		77370932	3533467
MARLBORO SEVENTY-TWOS PM USA		77370719	3533463
PM USA		77370912	3533466
PM USA		77354685	3533419
		85464568	4170978
FILTER CIGARETTES		87103916	5155300
FILTER CIGARETTES		87103913	5155299
FILTER CIGARETTES		87103909	5194628

Prosecution History			
Entry Number	History Text	Date	Due Date
7	TERMINATED	Jun 09, 2021	
6	COMMR ORDER CANCELLING REG	Jun 09, 2021	
5	BD DECISION: CAN GRANTED	Jun 09, 2021	
4	NOTICE OF DEFAULT	Apr 29, 2021	
3	INSTITUTED	Mar 09, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 09, 2021	Apr 18, 2021
1	FILED AND FEE	Mar 03, 2021	

Type of Proceeding: Cancellation

Proceeding Number: [92063134](#)

Filing Date: Feb 08, 2016

Status: Suspended

Status Date: Nov 16, 2018

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: IP Services International Inc. and Sycuan Tribal Development Corporation

Correspondent PHILLIP C SAMOURIS

Address: HIGGS FLETCHER & MACK LLP
401 WEST A STREET, SUITE 2500
SAN DIEGO CA UNITED STATES , 92101

Correspondent e-mail: samouris@higgslaw.com , trademarks@higgslaw.com , akrueger@merchantgould.com , dockmpls@merchantgould.com , hkliebenstei@merchantgould.com , wongj@higgslaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CROSSROADS		76632345	3172861
NYC CLASSIC		76636811	3140971
CARPE DIEM		85243277	4218677
CARPE DIEM		85243276	4261884

Plaintiff(s)

Name: Philip Morris USA Inc.

Correspondent J. KEVIN FEE
Address: DLA PIPER LLP (US)
500 EIGHTH STREET, NW
WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: kevin.fee@us.dlapiper.com , dctrademarks@dlapiper.com , jane.wise@us.dlapiper.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MENTHOL PM USA MARLBORO BLEND NO. 54 20 CLASS A CIGARETTES		77786653	3786999
		85464568	4170978
		72241508	854007
MARLBORO MENTHOL FILTER CIGARETTES VENI-VIDI-VICI PM INC.		72387884	938510
MARLBOROFILTER CIGARETTES		72430003	1038989
MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VIDI VICI		77049167	3407885
PM USA		72430002	1039413
MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM		73689962	1544782
MARLBORO LIGHTS MENTHOL PM INC		74075799	1651628
MARLBORO FILTER CIGARETTES PM USA 20 CLASS A CIGARETTES		77049118	3289673
MENTHOL PM USA MARLBORO SMOOTH UNIQUELY RICH & SMOOTH		77049095	3407884
MENTHOL PM USA MARLBORO SMOOTH UNIQUELY RICH & SMOOTH		77275616	3430525
MARLBORO SMOOTH 100'S MENTHOL UNIQUELY RICH & SMOOTH PM USA		77275625	3430526
MARLBORO SMOOTH 100'S MENTHOL UNIQUELY RICH & SMOOTH PM USA		77370932	3533467
MARLBORO SEVENTY-TWOS FILTER CIGARETTES PM USA		77370719	3533463
MARLBORO SEVENTY-TWOS FILTER CIGARETTES PM USA		77370912	3533466
PM USA		77354685	3533419
		77646602	3697044
MARLBORO SNUS PEPPERMINT 6 SPIT-FREE TOBACCO POUCHES		77646616	3695121
MARLBORO SNUS RICH 6 SPIT-FREE TOBACCO POUCHES		77646599	3695118
MARLBORO SNUS SPEARMINT 6 SPIT-FREE TOBACCO POUCHES		77646656	3695125
		77786659	3760578
MENTHOL PM USA MARLBORO BLEND NO. 54 20 CLASS A CIGARETTES		77786665	3787000

Prosecution History			
Entry Number	History Text	Date	Due Date
106	D REPLY IN SUPPORT OF MOTION	May 27, 2025	
105	D REPLY IN SUPPORT OF MOTION	May 27, 2025	
104	P OPP/RESP TO MOTION	May 05, 2025	
103	CONFIDENTIAL - P OP/RESP TO MTOIN	May 05, 2025	
102	CONFIDENTIAL - D SUPPLEMENTAL BRIEF	Apr 14, 2025	
101	D SUPPLEMENTAL BRIEF	Apr 14, 2025	
100	D REQ TO W/DRAW AS ATTORNEY	Mar 31, 2025	
99	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 28, 2025	
98	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 02, 2025	
97	JOINT STATUS REPORT	Dec 26, 2024	
96	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 03, 2024	Jan 02, 2025
95	D REQ TO W/DRAW AS ATTORNEY	Sep 05, 2024	
94	P APPEARANCE / POWER OF ATTORNEY	Aug 16, 2024	
93	P CHANGE OF CORRESP ADDRESS	Aug 15, 2024	
92	RESPONSE DUE	Aug 09, 2024	
91	PET TO DIRECTOR DENIED	Aug 05, 2024	
90	SUSPENDED	Oct 03, 2022	
89	D REPLY IN SUPPORT OF MOTION	Jun 08, 2022	
88	CONFIDENTIAL - P OPP/RESP TO MOTION	May 19, 2022	
87	P OPP/RESP TO MOTION	May 19, 2022	

86	P OPP/RESP TO PET TO DIRECTOR	May 13, 2022	
85	PET TO DIRECTOR	Apr 29, 2022	
84	SUSP PEND DISP OF OUTSTNDNG MOT	May 03, 2022	
83	D REQ FOR RECON OF BD ORDER	Apr 29, 2022	
82	SUSPENDED	Mar 31, 2022	
81	P CONF REPLY IN SUPPORT OF MOTION	Dec 30, 2021	
80	P REPLY IN SUPPORT OF MOTION	Dec 30, 2021	
79	D OPP/RESP TO MOTION	Dec 20, 2021	
78	D CONF OPP/RESP TO MOTION	Dec 20, 2021	
77	P CONF MOT FOR DISCOVERY SANCTIONS	Nov 30, 2021	
76	P MOT FOR DISCOVERY SANCTIONS	Nov 30, 2021	
75	D CHANGE OF CORRESP ADDRESS	Nov 12, 2021	
74	SUSPENDED	Sep 30, 2021	
73	P CONF REPLY BRIEF IN SUPP OF MT TO COMPEL	Jun 28, 2021	
72	P REPLY IN SUPPORT OF MOTION	Jun 28, 2021	
71	D OPP/RESP TO MOTION	Jun 08, 2021	
70	D CONF OPP/RESP TO MOTION	Jun 08, 2021	
69	P CONF MOT TO COMPEL DISCOVERY	May 19, 2021	
68	P MOT TO COMPEL DISCOVERY	May 19, 2021	
67	SUSP PEND DISP OF OUTSTNDNG MOT	May 12, 2021	
66	SUSPENDED	Jan 30, 2021	
65	D CHANGE OF CORRESP ADDRESS	Dec 11, 2020	
64	SUSP PEND DISP OF OUTSTNDNG MOT	Dec 02, 2020	
63	P RESP TO BD ORDER/INQUIRY	Mar 26, 2020	
62	D RESP TO BD ORDER/INQUIRY	Mar 10, 2020	
61	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 25, 2020	Mar 26, 2020
60	SUSP PEND DISP OF CIVIL ACTION	Feb 21, 2019	
59	D CONF RESP TO P OPP TO MSJ	Jan 07, 2019	
58	D REPLY IN SUPPORT OF MOTION	Jan 07, 2019	
57	P OPP/RESP TO MOTION	Dec 17, 2018	
56	P CONF RESP TO D MSJ	Dec 17, 2018	
55	D APPEARANCE / POWER OF ATTORNEY	Dec 11, 2018	
54	D MOT FOR SUMMARY JUDGMENT	Nov 16, 2018	
53	D CONF MSJ BASED ON TRIAL IMMUNITY	Nov 16, 2018	
52	D RESP TO BD ORDER/INQUIRY	Nov 16, 2018	
51	TRIAL DATES RESET	Nov 13, 2018	
50	DISCOVERY CONFERENCE ORDERED BY BOARD	Nov 07, 2018	
49	D CONSENT MT FOR CONFERENCE CALL	Nov 05, 2018	
48	D APPEARANCE / POWER OF ATTORNEY	Nov 05, 2018	
47	P MOT FOR SUMMARY JGT DENIED	Sep 25, 2018	
46	BD ORDER-P CONF REPLY IN SUPP OF MSJ	Jun 28, 2018	
45	P REPLY IN SUPPORT OF MOTION	Jun 28, 2018	
44	D OPP/RESP TO MOTION	Jun 08, 2018	
43	D CONFI OPP TO P MSJ	Jun 08, 2018	
42	D REQ TO W/DRAW AS ATTORNEY	Jun 01, 2018	
41	SUSP PEND DISP OF OUTSTNDNG MOT	May 15, 2018	
40	P MOT FOR SUMMARY JUDGMENT	May 11, 2018	
39	P CONF MSJ	May 11, 2018	
38	D APPEARANCE / POWER OF ATTORNEY	Apr 04, 2018	
37	TRIAL DATES RESET	Mar 12, 2018	
36	D APPEARANCE / POWER OF ATTORNEY	Mar 07, 2018	
35	BD ORDER	Mar 08, 2018	
34	D ANSWER TO AMENDED PTC	Feb 09, 2018	
33	D CERT OF SERVICE	Feb 01, 2018	
32	D SWIT DECL OF OLIVER DUGGAL	Feb 01, 2018	

31	D SWIT DECL OF AARON SHOAF	Feb 01, 2018	
30	D EXHIBITS	Feb 01, 2018	
29	D RESP TO BD ORDER/INQUIRY	Feb 01, 2018	
28	PROCEEDINGS RESUMED	Jan 22, 2018	
27	D REPLY IN SUPPORT OF MOTION	Oct 30, 2017	
26	P OPP/RESP TO MOTION	Oct 09, 2017	
25	D REPLY IN SUPPORT OF MOTION	Sep 25, 2017	
24	D MOT FOR PROTECTIVE ORDER	Sep 18, 2017	
23	P OPP/RESP TO MOTION	Sep 05, 2017	
22	P REPLY IN SUPPORT OF MOTION	Sep 05, 2017	
21	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 23, 2017	
20	D MOT FOR PROTECTIVE ORDER	Aug 16, 2017	
19	D OPP/RESP TO MOTION	Aug 15, 2017	
18	P MOT TO AMEND PLEADING/AMENDED PLEADING	Jul 26, 2017	
17	P'S MTN FOR SANCTIONS DENIED; TRIAL DATES RESET	Jun 26, 2017	
16	P REPLY IN SUPPORT OF MOTION	Mar 31, 2017	
15	D OPP/RESP TO MOTION	Mar 13, 2017	
14	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 03, 2017	
13	P MOT FOR SANCTIONS (OTHER)	Feb 21, 2017	
12	P CONF MT FOR SANCTIONS	Feb 21, 2017	
11	TRIAL DATES RESET	Dec 27, 2016	
10	P REPLY IN SUPPORT OF MOTION	Oct 19, 2016	
9	D OPP/RESP TO MOTION	Oct 05, 2016	
8	CHANGE OF CORRESP ADDRESS	Oct 05, 2016	
7	D APPEARANCE / POWER OF ATTORNEY	Oct 05, 2016	
6	SUSP PEND DISP OF OUTSTNDNG MOT	Sep 23, 2016	
5	P MOT TO COMPEL DISCOVERY	Sep 15, 2016	
4	ANSWER	Mar 22, 2016	
3	PENDING, INSTITUTED	Feb 11, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 11, 2016	Mar 22, 2016
1	FILED AND FEE	Feb 08, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91054865](#)

Filing Date: Oct 02, 1973

Status: Terminated

Status Date: Mar 23, 1976

Interlocutory Attorney:

Defendant

Name: PHILIP MORRIS INCORPORATED

Associated marks

Mark	Application Status	Serial Number	Registration Number
MARLBORO LIGHTSFILTER CIGARETTES		72430002	1039413

Plaintiff(s)

Name: BROWN & WILLIAMSON TOBACCO CORPORATION

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
5	TERMINATED	Mar 23, 1976	
4	BOARD'S DECISION: DISMISSED	Mar 04, 1976	
3	ANSWER	Mar 27, 1975	
2	PENDING, INSTITUTED	Nov 16, 1973	

From: TMOOfficialNotices@USPTO.GOV
Sent: Sunday, May 11, 2025 01:31:54 EDT
To: XXXX
Subject: Official USPTO Notification: U.S. Trademark Application SN 72430002

USPTO COURTESY REMINDER

TRADEMARK REGISTRATION MAINTENANCE DOCUMENT(S) UNDER SECTIONS 8 AND 9 MUST BE FILED BEFORE DEADLINE OR REGISTRATION WILL BE CANCELLED/EXPIRED

U.S. Application Serial No. 72430002
U.S. Registration No. 1039413
U.S. Registration Date: May 11, 1976
Mark: MARLBORO FILTER CIGARETTES
Owner: PHILIP MORRIS USA INC.
Docket/Reference No.

Issue Date: May 11, 2025

Required submission. The owner of the trademark registration must file a [Declaration of Use and/or Excusable Nonuse and an Application for Renewal under Sections 8 and 9 of the Trademark Act](#) (Sections 8 and 9 Declaration) between now and May 11, 2026. For an additional fee, the owner can file within the 6-month grace period that ends on November 12, 2026.

If ownership of the registration or the owner's name has changed, the owner can use [Assignment Center](#) to record the change. More information on changes of ownership/owner name is available on the [USPTO website](#).

[Click here for more information about maintaining a trademark registration.](#)

Identity verification requirement. Registration maintenance documents must be filed using the trademark electronic filing system, [unless a limited exception applies](#). In order to use the trademark electronic filing system, [filers must allow adequate time to complete the identity verification process](#), which may require as long as three weeks to complete. For information about how to complete identity verification, please see the [Identity verification for trademark filers webpage](#).

Proof of Use Audit. The USPTO is conducting an audit program to promote the accuracy and integrity of the trademark register. If a registration is selected for audit, the owner will be required to submit proof of use for additional goods/services for which use is claimed in a Section 8 Declaration. Detailed information about the program is available on the [Proof of Use Audit Program webpage](#).

Determination of time of receipt by USPTO. Correspondence transmitted through the Trademark Electronic Application System (TEAS) is considered filed on the date the USPTO receives the transmission in Eastern Time.

If the owner fails to file a timely Sections 8 and 9 Declaration the registration will be CANCELLED/EXPIRED and cannot be reinstated.

This reminder notice is being sent only as a courtesy to trademark owners who maintain a current email address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a registration.

[Foreign-domiciled owners must have a U.S.-licensed attorney](#) represent them at the USPTO in any post-registration filing.

[Beware of misleading notices sent by private companies about registrations.](#) Private companies **not** associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices - most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain "@uspto.gov."**

Direct questions about this notice to the Trademark Assistance Center at 1-800-786-9199 (select option 1) or TrademarkAssistanceCenter@uspto.gov.

United States of America

United States Patent and Trademark Office



Reg. No. 1,039,413

Registered May 11, 1976

Amended Jul. 18, 2017

U.S. Cl.: 17

Trademark

Principal Register

PHILIP MORRIS USA INC. (VIRGINIA CORPORATION)
6601 West Broad Street
RICHMOND, VA 23230

CLASS 17: CIGARETTES

FIRST USE 9-2-1971; IN COMMERCE 9-2-1971

The mark consists of a roof design with dark stippling located at the top of the design. Within the roof is an oval with the words FILTER CIGARETTES. A crest with an oval center with the words PM USA is located directly under the middle of the roof design. The word MARLBORO is located in the lower portion of the design. There is a line located at the bottom of the design. The broken lines outlining the packaging is intended to show the position of the mark and is not part of the mark.

OWNER OF U.S. REG. NO. 0068502, 0760533

No claim is made to the exclusive right to use the following apart from the mark as shown: "FILTER CIGARETTES" AND "USA"

SER. NO. 72-430,002, FILED 07-17-1972



Joseph Matol

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

To: PHILIP MORRIS USA INC. (Trademarkgroup@altria.com)
Subject: TRADEMARK REGISTRATION NO. 1039413 - MARLBORO FILTER CIGARETTES - N/A
Sent: 03/16/17 02:53:12 PM
Sent As: PRG@uspto.gov
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT OWNER'S TRADEMARK REGISTRATION

U.S. REGISTRATION NO. 1039413

OWNER: PHILIP MORRIS USA INC.

72430002

CORRESPONDENT'S ADDRESS :

ROBYN ETTRICKS
601 E JACKSON ST
RICHMOND, VA 23219

MARK: MARLBORO FILTER CIGARETTES

CORRESPONDENT'S REFERENCE/DOCKET NO. N/A

CORRESPONDENT'S EMAIL ADDRESS :

Trademarkgroup@altria.com

CLICK ON THE LINK BELOW TO RESPOND TO THIS LETTER AND SELECT FORM NUMBER 11:

http://www.uspto.gov/trademarks/teas/reg_maintain.jsp

POST REGISTRATION OFFICE ACTION

ISSUE/MAILING DATE: 3/16/2017

U.S. Registration Number 1039413

Your response to the outstanding Office action regarding the Section 7 Amendment was received on January 10, 2017. After consideration of the response and the facts of record, the refusal to accept the Section 7 Amendment is continued for the reasons set forth below.

The Section 7 Amendment cannot be accepted because the response was not signed by the attorney of record.

Responses to Office actions must be properly signed. TMEP §605.02. If the owner has retained an attorney, the attorney must sign the response; the owner cannot sign the response. *Id.* However, if the owner was previously represented by an attorney, and the owner later retains a different attorney, the newly retained attorney cannot sign responses until a new power of attorney signed by the owner is filed. TMEP §602.01. Paralegals and secretaries cannot sign responses for attorneys. See TMEP §602.03.

The only attorneys who can practice before the USPTO in trademark matters are (1) attorneys in good standing with a bar of the highest court of any U.S. state (including the District of Columbia, Puerto Rico and other federal territories and possessions) or (2) Canadian agents/attorneys who have received reciprocal recognition by the USPTO under 37 C.F.R. §11.14(c), and who are representing trademark owners located in Canada. See 37 C.F.R. §§11.1 and 11.14. Foreign attorneys (other than authorized Canadian attorneys) cannot sign responses or otherwise represent registrants before the USPTO. See 37 C.F.R. §11.14(c).

If the owner is not represented by an attorney, the response must be signed by the owner or by someone with legal authority to bind the owner (i.e., a corporate officer of a corporate owner, the equivalent of an officer for unincorporated organizations or limited liability company owners, a

general partner of a partnership owner, each owner for registrations with multiple individual owners, etc.). TMEP §605.02.

A non-attorney who is authorized to verify facts on behalf of an owner under 37 C.F.R. §2.33(a)(2) (such as trademark administrators, accountants, business managers, administrative assistants, and personal assistants) cannot sign responses to Office actions unless he or she also has legal authority to bind the owner. See TMEP §§712.03 and 804.04.

Response Guidelines

The owner has six months from the issuance date of this letter to respond to all the issues raised in this letter. In order to expedite the processing of your Section 7 Amendment, the early submission of a response to this letter is encouraged. If a complete response is not received in the Office within this time period, then the Section 7 Amendment will be considered abandoned. 37 C.F.R. §2.176. The fee for filing the Section 7 Amendment will not be refunded.

/Deborah Ahmed/
Trademark Specialist
Post Registration Division
571 272-9122 phone
571 273-9122 fax
Deborah.Ahmed@uspto.gov

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) Response to Post-Registration Office action form number 11 at http://www.uspto.gov/trademarks/teas/reg_maintain.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the registration. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned specialist. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this registration will be placed in the official registration record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual owner or someone with legal authority to bind an owner (i.e., a corporate officer, a general partner, all joint owners). If an owner is represented by an attorney, the attorney must sign the response.

CHECK THE STATUS OF THE REGISTRATION: To check the status of your registration at any time, visit the Office's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: PHILIP MORRIS USA INC. (Trademarkgroup@altria.com)
Subject: TRADEMARK REGISTRATION NO. 1039413 - MARLBORO FILTER CIGARETTES - N/A
Sent: 03/16/17 02:53:12 PM
Sent As: PRG@uspto.gov
Attachments:

**IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 03/16/2017 FOR
REGISTRATION NO. 1039413**

Please follow the instructions below to continue the examination of your post registration filing:

VIEW OFFICE ACTION: Click on this link

<http://tsdr.uspto.gov/view.action?DDA=Y&sn=72430002&type=OOA&date=20170316>

(or copy and paste this URL into the address field of your browser), or visit <http://tsdr.uspto.gov/> and enter the registration number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required, (2) how to respond and (3) the applicable response time period your response deadline will be calculated from.

Do NOT hit 'Reply' to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For technical assistance in accessing the Office action, please e-mail tsdr@uspto.gov. Please contact the assigned examiner with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.
2. Failure to file any required response by the applicable deadline may result in the cancellation and/or expiration of your registration.



Marlboro

Response to Office Action for Post-Registration Matters

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/72430002/large
LITERAL ELEMENT	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM
FORM TEXT	
Registrant hereby requests (1) replacement of the current disclaimer with a disclaimer of "FILTER CIGARETTES" and "USA"; and (2) deletion of the translation statement.	
Registrant further requests that the following language be added to the description of the subject trademark: "the broken lines outlining the packaging is intended to show the position of the mark and is not part of the mark"	
Substitute specimen bypass warning provided	The filer has elected to bypass the checkbox indicating that a substitute specimen was in use in commerce during the relevant period for filing the 6-year or 10-year Section 8/71.
SIGNATURE SECTION	
DECLARATION SIGNATURE	The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
SUBMISSION SIGNATURE	/Thomas E. Zutic/
SIGNATORY'S NAME	Thomas E. Zutic
SIGNATORY'S POSITION	Attorney of record, DC Bar Member
DATE SIGNED	01/10/2017
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jan 10 16:57:08 EST 2017
TEAS STAMP	USPTO/TRS-XXX.XXX.XXX.XX- 20170110165708271222-1039 413-20170110150320907490- N/A-N/A-20170110150320907 490

Response to Office Action for Post-Registration Matters

To the Commissioner for Trademarks:

The following is submitted for registration number. **1039413**

FORM INFORMATION

Registrant hereby requests (1) replacement of the current disclaimer with a disclaimer of "FILTER CIGARETTES" and "USA"; and (2) deletion of the translation statement.

Registrant further requests that the following language be added to the description of the subject trademark: "the broken lines outlining the packaging is intended to show the position of the mark and is not part of the mark"

The filer has elected to bypass the checkbox indicating that a substitute specimen was in use in commerce during the relevant period for filing the 6-year or 10-year Section 8/71.

Warning: If you are providing a substitute specimen and do not provide the required statement verifying use, upon review of your response, if it is determined that verification is required, another Office action will issue requiring this statement to complete your response.

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the trademark owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the trademark owner/holder in this matter: (1) the trademark owner has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the trademark owner has filed a power of attorney appointing him/her in this matter; or (4) the trademark owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examiner could, upon later review, require a signed declaration.

Submission Signature

Signature: /Thomas E. Zutic/ Date: 01/10/2017

Signatory's Name: Thomas E. Zutic

Signatory's Position: Attorney of record, DC Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the trademark owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the trademark owner/holder in this matter: (1) the trademark owner has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the trademark owner has filed a power of attorney appointing him/her in this matter; or (4) the trademark owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 72430002

Internet Transmission Date: Tue Jan 10 16:57:08 EST 2017

TEAS Stamp: USPTO/TRS-XXX.XXX.XXX.XX-201701101657082

71222-1039413-20170110150320907490-N/A-N

/A-20170110150320907490

From: TMOOfficialNotices@USPTO.GOV
Sent: Friday, October 21, 2016 11:00 PM
To: XXXX
Subject: Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 1039413: MARLBORO LIGHTS FILTER CIGARETTES LOWERE etc. (Stylized/Design)

Serial Number: 72430002
Registration Number: 1039413
Registration Date: May 11, 1976
Mark: MARLBORO LIGHTS FILTER CIGARETTES LOWERE etc. (Stylized/Design)
Owner: PHILIP MORRIS USA INC.

Oct 21, 2016

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
017

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=72430002>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	1039413
REGISTRATION DATE	05/11/1976
SERIAL NUMBER	72430002
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
ATTORNEY SECTION (current)	
NAME	Robyn Ettricks
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
POSTAL CODE	23219
COUNTRY	United States
EMAIL	Trademarkgroup@altria.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY SECTION (proposed)	
NAME	Robyn Ettricks
FIRM NAME	Altria Client Services LLC
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
POSTAL CODE	23219
COUNTRY	United States
EMAIL	Trademarkgroup@altria.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
CORRESPONDENCE SECTION (current)	
NAME	Robyn Ettricks
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia

POSTAL CODE	23219
COUNTRY	United States
EMAIL	Trademarkgroup@altria.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
CORRESPONDENCE SECTION (proposed)	
NAME	Robyn Ettricks
FIRM NAME	Altria Client Services LLC
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
POSTAL CODE	23219
COUNTRY	United States
EMAIL	Trademarkgroup@altria.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
GOODS AND/OR SERVICES SECTION	
U.S. CLASS	017
GOODS OR SERVICES	CIGARETTES
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\724\300\72430002\xml1\S890002.JPG
SPECIMEN DESCRIPTION	a scanned image of packaging
OWNER SECTION (current)	
NAME	PHILIP MORRIS USA INC.
STREET	6601 West Broad Street
CITY	RICHMONS
STATE	Virginia
ZIP/POSTAL CODE	23230
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Virginia
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	400
GRACE PERIOD	200
TOTAL FEE PAID	600
SIGNATURE SECTION	
SIGNATURE	/Robyn Ettricks/

SIGNATORY'S NAME	Robyn Ettricks
SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	10/19/2016
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Wed Oct 19 10:34:02 EDT 2016
TEAS STAMP	USPTO/S08N09-XXX.XXX.XX.X -20161019103402106570-103 9413-570ddc02e6e718c50b40 ac832ba2b3a02bfb6b92f5db1 1ddbdba91359efa6029d5-CC- 8174-20161019100950757820

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 1039413

REGISTRATION DATE: 05/11/1976

MARK: (Stylized and/or with Design, MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (see, [mark](#))

The owner, PHILIP MORRIS USA INC., a corporation of Virginia, having an address of
6601 West Broad Street
RICHMONS, Virginia 23230
United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For U.S. Class 017, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: CIGARETTES ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) a scanned image of packaging.

[Specimen File1](#)

The registrant's current Attorney Information: Robyn Ettricks
601 E JACKSON ST
RICHMOND, Virginia 23219
United States

The registrant's proposed Attorney Information: Robyn Ettricks of Altria Client Services LLC
601 E JACKSON ST
RICHMOND, Virginia 23219
United States

The email address is Trademarkgroup@altria.com.

The registrant's current Correspondence Information: Robyn Ettricks
601 E JACKSON ST
RICHMOND, Virginia 23219
United States

The registrant's proposed Correspondence Information: Robyn Ettricks of Altria Client Services LLC
601 E JACKSON ST
RICHMOND, Virginia 23219
United States

The email address is Trademarkgroup@altria.com.

A fee payment in the amount of \$600 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use and/or Excusable Nonuse in Commerce

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services, or to indicate membership in the collective membership organization identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods/services/collective organization identified above.

Signature: /Robyn Ettricks/ Date: 10/19/2016

Signatory's Name: Robyn Ettricks

Signatory's Position: Senior Counsel

Mailing Address (current):

601 E JACKSON ST
RICHMOND, Virginia 23219

Mailing Address (proposed):

Altria Client Services LLC
601 E JACKSON ST
RICHMOND, Virginia 23219

Serial Number: 72430002

Internet Transmission Date: Wed Oct 19 10:34:02 EDT 2016

TEAS Stamp: USPTO/S08N09-XXX.XXX.XX.X-20161019103402

106570-1039413-570ddc02e6e718c50b40ac832

ba2b3a02bfb6b92f5db11ddbda91359efa6029d

5-CC-8174-20161019100950757820



ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 1039413**Serial Number:** 72430002**RAM Sale Number:** 1039413**RAM Accounting Date:** 20161019**Total Fees:** \$600

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
\$8 affidavit	7205	20161019	\$100	1	1	\$100
Application for Renewal (\$9)	7201	20161019	\$300	1	1	\$300
Grace period for \$8	7206	20161019	\$100	1	1	\$100
Grace period for renewal	7203	20161019	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20161019



To: PHILIP MORRIS USA INC. (Trademarkgroup@altria.com)
Subject: TRADEMARK REGISTRATION NO. 1039413 - MARLBORO LIGHTS FILTER CIGARETTES LOWERE - N/A
Sent: 07/25/16 12:21:13 PM
Sent As: PRG@uspto.gov
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT OWNER'S TRADEMARK REGISTRATION

U.S. REGISTRATION NO. 1039413

OWNER: PHILIP MORRIS USA INC.

72430002

CORRESPONDENT'S ADDRESS :

Robyn Ettricks
601 E JACKSON ST
RICHMOND, VA 23219

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERE

CORRESPONDENT'S REFERENCE/DOCKET NO. N/A

CORRESPONDENT'S EMAIL ADDRESS :

Trademarkgroup@altria.com

CLICK ON THE LINK BELOW TO RESPOND TO THIS LETTER AND SELECT FORM NUMBER 11:

http://www.uspto.gov/trademarks/teas/reg_maintain.jsp

POST REGISTRATION OFFICE ACTION

ISSUE/MAILING DATE: 7/25/2016

U.S. Registration Number 1039413

The Section 7 Amendment submitted on May 2, 2016 is not accepted for the reasons set forth below.

Conforming Amendments

The owner has requested that the mark in its registration be amended. The registration includes the following statement(s): a disclaimer and a translation. A request to amend a mark in a registration that includes such statements must also include a request to make the necessary amendments to these statements so that they agree with the amended mark. 37 C.F.R. §2.173(f); TMEP §1609.02(d). No such amendments were submitted with the Section 7.

Therefore, the owner is required to submit an amendment(s) of the statement(s) referenced above so that they agree with the amended mark. The owner's request to amend the mark cannot be accepted until the owner provides the required amendments to the mark statements.

Please note: The conforming amendments should be provided to (1) replace the current disclaimer with a disclaimer of "FILTER CIGARETTES" and "USA" and (2) delete the translation statement.

-

Description of the Mark

The description of the mark must make clear what the broken lines represent and include a statement that the matter shown in broken or dotted lines is not claimed as part of the mark. If the broken are not part of the mark, the following may be adopted:

The broken lines outlining the packaging is intended to show the position of the mark and is not part of the mark.

Response Guidelines

The owner has six months from the issuance date of this letter to respond to all the issues raised in this letter. In order to expedite the processing of your Section 7 Amendment, the early submission of a response to this letter is encouraged. If a complete response is not received in the Office within this time period, then the Section 7 Amendment will be considered abandoned. 37 C.F.R. §2.176. The fee for filing the Section 7 Amendment will not be refunded.

/Deborah Ahmed/
Trademark Specialist
Post Registration Division
Office of Trademark Services
(571) 272-9122 Fax (571) 273-9122
Deborah.Ahmed@uspto.gov

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) Response to Post-Registration Office action form number 11 at http://www.uspto.gov/trademarks/teas/reg_maintain.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the registration. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned specialist. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this registration will be placed in the official registration record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual owner or someone with legal authority to bind an owner (i.e., a corporate officer, a general partner, all joint owners). If an owner is represented by an attorney, the attorney must sign the response.

CHECK THE STATUS OF THE REGISTRATION: To check the status of your registration at any time, visit the Office's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: PHILIP MORRIS USA INC. (Trademarkgroup@altria.com)
Subject: TRADEMARK REGISTRATION NO. 1039413 - MARLBORO LIGHTS FILTER CIGARETTES
LOWERE - N/A
Sent: 07/25/16 12:21:13 PM
Sent As: PRG@uspto.gov
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 07/25/2016 FOR
REGISTRATION NO. 1039413

Please follow the instructions below to continue the examination of your post registration filing:

VIEW OFFICE ACTION: Click on this link

<http://tsdr.uspto.gov/view.action?DDA=Y&sn=72430002&type=OOA&date=20160725>

(or copy and paste this URL into the address field of your browser), or visit <http://tsdr.uspto.gov/> and enter the registration number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required, (2) how to respond and (3) the applicable response time period your response deadline will be calculated from.

Do NOT hit 'Reply' to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For technical assistance in accessing the Office action, please e-mail tsdr@uspto.gov. Please contact the assigned examiner with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline may result in the cancellation and/or expiration of your registration.**

To: PHILIP MORRIS USA INC. (Trademarkgroup@altria.com)
Subject: TRADEMARK REGISTRATION NO. 1039413 - MARLBORO LIGHTS FILTER CIGARETTES LOWERE - N/A
Sent: 05/05/16 08:26:35 AM
Sent As: PRG@uspto.gov
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT OWNER'S TRADEMARK REGISTRATION

U.S. REGISTRATION NO. 1039413

OWNER: PHILIP MORRIS USA INC.

72430002

CORRESPONDENT'S ADDRESS :

Robyn Ettricks
601 E JACKSON ST
RICHMOND, VA 23219

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERE

CORRESPONDENT'S REFERENCE/DOCKET NO. N/A

CORRESPONDENT'S EMAIL ADDRESS :

Trademarkgroup@altria.com

CLICK ON THE LINK BELOW TO RESPOND TO THIS LETTER AND SELECT FORM NUMBER 11:

http://www.uspto.gov/trademarks/teas/reg_maintain.jsp

POST REGISTRATION OFFICE ACTION

ISSUE/MAILING DATE: 5/5/2016

U.S. Registration Number 1039413

The Section 7 Amendment submitted on May 2, 2016, for this registration is denied. The registration is currently the subject of an inter partes proceeding before the Trademark Trial and Appeal Board ("Board") and can only be amended (1) with the consent of the other party or parties and the approval of the Board, or (2) upon motion granted by the Board. 37 C.F.R. §2.133; see TBMP §§514.01-514.03. Any fees submitted with the request will be refunded in due course.

The owner of the registration may file a motion to amend the registration with the Board, pursuant to Trademark Rule 2.133. 37 C.F.R. §2.133. This motion must be served, and must comply with the requirements of 37 C.F.R. §2.133 and the requirements for a proposed amendment to a registration under Section 7(e) of the Trademark Act, including the required fee. 15 U.S.C. §1057(e); 37 C.F.R. §§2.119(a), 2.173. Please contact the Board with any questions about filing such a motion.

Deborah Ahmed
/Deborah Ahmed/
Trademark Specialist
Post Registration Division
571 272-9122
Deborah.Ahmed@uspto.gov

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) Response to Post-Registration Office action form number 11 at http://www.uspto.gov/trademarks/teas/reg_maintain.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the registration. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned specialist. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this registration will be placed in the official registration record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual owner or someone with legal authority to bind an owner (i.e., a corporate officer, a general partner, all joint owners). If an owner is represented by an attorney, the attorney must sign the response.

CHECK THE STATUS OF THE REGISTRATION: To check the status of your registration at any time, visit the Office's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: PHILIP MORRIS USA INC. (Trademarkgroup@altria.com)
Subject: TRADEMARK REGISTRATION NO. 1039413 - MARLBORO LIGHTS FILTER CIGARETTES
LOWERE - N/A
Sent: 05/05/16 08:26:35 AM
Sent As: PRG@uspto.gov
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 05/05/2016 FOR
REGISTRATION NO. 1039413

Please follow the instructions below to continue the examination of your post registration filing:

VIEW OFFICE ACTION: Click on this link

<http://tsdr.uspto.gov/view.action?DDA=Y&sn=72430002&type=OOA&date=20160505>

(or copy and paste this URL into the address field of your browser), or visit <http://tsdr.uspto.gov/> and enter the registration number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required, (2) how to respond and (3) the applicable response time period your response deadline will be calculated from.

Do NOT hit 'Reply' to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For technical assistance in accessing the Office action, please e-mail tsdr@uspto.gov. Please contact the assigned examiner with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline may result in the cancellation and/or expiration of your registration.**

Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	1039413
SERIAL NUMBER	72430002
MARK SECTION (current)	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/72430002/large
LITERAL ELEMENT	MARLBORO LIGHTS FILTER CIGARETTES LOWERE
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
MARK SECTION (proposed)	
MARK FILE NAME	\\TICRS\EXPORT16\IMAGEOUT 16\724\300\72430002\xml7\ S7R0002.JPG
LITERAL ELEMENT	MARLBORO FILTER CIGARETTES
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a roof design with dark stippling located at the top of the design. Within the roof is an oval with a with the words FILTER CIGARETTES. A crest with an oval center with the words PM USA is located directly under the middle of the roof design. The word MARLBORO is located in the lower portion of the design. There is a line located at the bottom of the design.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	600 x 944
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\724\300\72430002\xml7\ S7R0003.JPG
SPECIMEN DESCRIPTION	an image of packaging The attached specimen was in use in commerce on or before the filing date of this request.
OWNER SECTION (current)	
NAME	PHILIP MOFFIS USA INC.
STREET	6601 West Broad Street
CITY	RICHMONS
STATE	Virginia
ZIP/POSTAL CODE	23230
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	Philip Morris USA Inc.

STREET	6601 West Broad Street
CITY	RICHMOND
STATE	Virginia
ZIP/POSTAL CODE	23230
COUNTRY	United States
EXPLANATION OF FILING	
Philip Morris USA Inc. submits this amendment request to 1) accept an updated drawing, 2) delete the disclaimer of LIGHTS and LOWERED TAR & NICOTINE, as appropriate from the updated drawing, and 3) modify the description of the mark.	
ATTORNEY SECTION	
ORIGINAL ADDRESS	Robyn Ettricks 601 E JACKSON ST RICHMOND Virginia United States 23219
NAME	
PHONE	
FAX	
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Robyn Ettricks 601 E JACKSON ST RICHMOND Virginia United States 23219
NEW CORRESPONDENCE SECTION	
NAME	Robyn Ettricks
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
ZIP/POSTAL CODE	23219
COUNTRY	United States
PHONE	
FAX	
EMAIL	Trademarkgroup@altria.com
AUTHORIZED EMAIL COMMUNICATION	Yes
PAYMENT SECTION	
SECTION 7 FEE	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Robyn Ettricks/
SIGNATORY'S NAME	Robyn Ettricks

SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	05/02/2016
REQUEST SIGNATURE	/Robyn Ettricks/
SIGNATORY'S NAME	Robyn Ettricks
SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	05/02/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 &15, OR 8 &9 FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 02 15:09:53 EDT 2016
TEAS STAMP	USPTO/S7R-XXX.XXX.XX.X-20 160502150953971907-103941 3-55081c38c8ad3aaeb5f1e12 1ad7fa9b078e5fd6e78fe6ec1 1ec1e893fd4f804a-CC-15462 -20160502145810803374

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1597 (Rev 11/2007)
OMB No. 0651-0055 (Exp 07/31/2018)

Section 7 Request Form

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **1039413** MARLBORO LIGHTS FILTER CIGARETTES LOWERE (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/72430002/large>) has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: MARLBORO LIGHTS FILTER CIGARETTES LOWERE (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/72430002/large>)

Proposed: MARLBORO FILTER CIGARETTES (Stylized and/or with Design, see [mark](#))

The applicant is not claiming color as a feature of the mark.

The mark consists of a roof design with dark stippling located at the top of the design. Within the roof is an oval with a with the words FILTER CIGARETTES. A crest with an oval center with the words PM USA is located directly under the middle of the roof design. The word MARLBORO is located in the lower portion of the design. There is a line located at the bottom of the design.

Registrant hereby submits a specimen for the mark that was in use in commerce on or before the filing date of this request. The specimen(s) submitted consists of an image of packaging. [Specimen File1](#)

EXPLANATION OF FILING

Philip Morris USA Inc. submits this amendment request to 1) accept an updated drawing, 2) delete the disclaimer of LIGHTS and LOWERED TAR & NICOTINE, as appropriate from the updated drawing, and 3) modify the description of the mark.

OWNER AND/OR ENTITY INFORMATION

Registrant proposes to amend the following:

Current: PHILIP MOFFIS USA INC., a corporation of Virginia, having an address of
6601 West Broad Street
RICHMONS, Virginia 23230
United States

Proposed: Philip Morris USA Inc., a corporation of Virginia, having an address of

6601 West Broad Street
RICHMOND, Virginia 23230
United States

CORRESPONDENCE ADDRESS CHANGE

Registrant proposes to amend the following:

Current: Robyn Ettricks 601 E JACKSON ST RICHMOND Virginia United States 23219

Proposed: Robyn Ettricks, having an address of 601 E JACKSON ST RICHMOND, Virginia United States 23219, whose e-mail address is Trademarkgroup@altria.com.

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Robyn Ettricks/ Date: 05/02/2016

Signatory's Name: Robyn Ettricks

Signatory's Position: Senior Counsel

Request Signature

Signature: /Robyn Ettricks/ Date: 05/02/2016

Signatory's Name: Robyn Ettricks

Signatory's Position: Senior Counsel

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: Robyn Ettricks
601 E JACKSON ST
RICHMOND, Virginia 23219

RAM Sale Number: 1039413

RAM Accounting Date: 05/03/2016

Serial Number: 72430002

Internet Transmission Date: Mon May 02 15:09:53 EDT 2016

TEAS Stamp: USPTO/S7R-XXX.XXX.XX.X-20160502150953971

907-1039413-55081c38c8ad3aeb5f1e121ad7f

a9b078e5fd6e78fe6ec11ec1e893fd4f804a-CC-

15462-20160502145810803374



Marlboro



ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 1039413**Serial Number:** 72430002**RAM Sale Number:** 1039413**RAM Accounting Date:** 20160503**Total Fees:** \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
\$7 request		20160502	\$0	0	0	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20160502



Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERE (stylized and/or with design, see http://tmng-al.uspto.gov/resting2/api/img/72430002/large)
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Robyn Ettricks 601 E JACKSON ST RICHMOND Virginia United States 23219 Trademarkgroup@altria.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	
SIGNATURE SECTION	
SIGNATURE	/Robyn Ettricks/
SIGNATORY NAME	Robyn Ettricks
SIGNATORY DATE	05/02/2016
SIGNATORY POSITION	Senior Counsel
SIGNATURE	/Robyn Ettricks/
SIGNATORY NAME	Robyn Ettricks
SIGNATORY DATE	05/02/2016
SIGNATORY POSITION	Senior Counsel
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 02 15:09:53 EDT 2016
TEAS STAMP	USPTO/S7R-XXX.XXX.XX.X-20 160502150953971907-103941 3-55081c38c8ad3aaeb5f1e12 1ad7fa9b078e5fd6e78fe6ec1 1ec1e893fd4f804a-CC-15462 -20160502145810803374

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following

☒ Trademarks or ☐ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 15-cv-03766-WHA	DATE FILED 10/22/2015	U.S. DISTRICT COURT Northern District of California
PLAINTIFF PAX Labs, Inc.		DEFENDANT Philip Morris USA Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <i>see attached</i>		Please see attached Schedule A.
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED 10/22/2015	INCLUDED BY <u>Answer/Cross Claim</u> ☐ Amendment ☐ Answer ☐ Cross Bill ☒ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		Please see attached Schedule A.
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK SUSAN Y SOONG	(BY) DEPUTY CLERK <i>D. Henry</i>	DATE 10/22/2015
------------------------	-----------------------------------	--------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TRADEMARK NO.	DATE OF TRADEMARK	HOLDER OF TRADEMARK
854007	August 6, 1968	Philip Morris USA Inc.
938510	July 25, 1972	Philip Morris USA Inc.
1038989	May 4, 1976	Philip Morris USA Inc.
1039413	May 11, 1976	Philip Morris USA Inc.
1544782	June 20, 1989	Philip Morris USA Inc.
1651628	June 23, 1991	Philip Morris USA Inc.
3289673	September 11, 2007	Philip Morris USA Inc.
3407884	April 8, 2008	Philip Morris USA Inc.
3407885	April 8, 2008	Philip Morris USA Inc.
3430525	May 20, 2008	Philip Morris USA Inc.
3430526	May 20, 2008	Philip Morris USA Inc.
3533467	November 18, 2008	Philip Morris USA Inc.
3533463	November 18, 2008	Philip Morris USA Inc.
3533466	November 18, 2008	Philip Morris USA Inc.
3533419	November 18, 2008	Philip Morris USA Inc.
3697043	October 13, 2009	Philip Morris USA Inc.
3697044	October 13, 2009	Philip Morris USA Inc.
3697045	October 13, 2009	Philip Morris USA Inc.
3697048	October 13, 2009	Philip Morris USA Inc.
3697046	October 13, 2009	Philip Morris USA Inc.
3695122	October 13, 2009	Philip Morris USA Inc.
3695123	October 13, 2009	Philip Morris USA Inc.
3695120	October 13, 2009	Philip Morris USA Inc.
3695121	October 13, 2009	Philip Morris USA Inc.
3695117	October 13, 2009	Philip Morris USA Inc.
3695118	October 13, 2009	Philip Morris USA Inc.
3695125	October 13, 2009	Philip Morris USA Inc.
3695124	October 13, 2009	Philip Morris USA Inc.
3760578	March 16, 2010	Philip Morris USA Inc.
3787000	May 11, 2010	Philip Morris USA Inc.
3786999	May 11, 2010	Philip Morris USA Inc.
4170978	June 12, 2010	Philip Morris USA Inc.

DLA PIPER LLP (US)
SAN FRANCISCO

SCHEDULE A TO REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A
PATENT OR TRADEMARK; 15-CV-03766
EAST\102796267.1

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
ATTORNEY SECTION	
ORIGINAL ADDRESS	Timothy G. Hofmeyer 601 E JACKSON ST RICHMOND Virginia (VA) 23219-1434 US TrademarkGroup@altria.com;dc trademarks@dlapiper.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Robyn Ettricks
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
COUNTRY	United States
POSTAL/ZIP CODE	23219
EMAIL	Trademarkgroup@altria.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW OTHER APPOINTED ATTORNEYS	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, and Eunice Chung
NEW CORRESPONDENCE ADDRESS	
NAME	Robyn Ettricks
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
COUNTRY	United States
POSTAL/ZIP CODE	23219
EMAIL	Trademarkgroup@altria.com;dc trademarks@dlapiper.com

AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, and Eunice Chung
SIGNATURE SECTION	
SIGNATURE	/Robyn Y. Ettricks/
SIGNATORY NAME	Robyn Y. Ettricks
SIGNATORY DATE	06/01/2015
SIGNATORY POSITION	Attorney of record, Pennsylvania bar member
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jun 01 13:36:51 EDT 2015
TEAS STAMP	USPTO/RAA-XXX.XXX.XXX.XX- 20150601133651973341-7748 6968-530de362cb22211a2710 5b1bd28dc3e83f28ab6971c86 9217218aad9b5cfb53ee6-N/A -N/A-20150527152711765296

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)

SERIAL NUMBER: 72430002

REGISTRATION NUMBER: 1039413

The original attorney

Timothy G. Hofmeyer

601 E JACKSON ST

RICHMOND Virginia 23219-1434

US

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

Original Correspondence Address :

Timothy G. Hofmeyer

ALTRIA CLIENT SERVICES INC.

601 E JACKSON ST

RICHMOND Virginia 23219-1434

US

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

Newly Appointed Attorney:

Robyn Ettricks

601 E JACKSON ST

RICHMOND, Virginia 23219

United States

Trademarkgroup@altria.com

Other Appointed Attorneys:

Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, and Eunice Chung

The following is to be used as the correspondence address:

Robyn Ettricks

601 E JACKSON ST

RICHMOND, Virginia 23219

United States

Trademarkgroup@altria.com;dctrademarks@dlapiper.com

Signature: /Robyn Y. Ettricks/ Date: 06/01/2015

Signatory's Name: Robyn Y. Ettricks

Signatory's Position: Attorney of record, Pennsylvania bar member

Serial Number: 72430002

Internet Transmission Date: Mon Jun 01 13:36:51 EDT 2015

TEAS Stamp: USPTO/RAA-XXX.XXX.XXX.XX-201506011336519

73341-77486968-530de362cb22211a27105b1bd

28dc3e83f28ab6971c869217218aad9b5cfb53ee

6-N/A-N/A-20150527152711765296

From: TMOOfficialNotices@USPTO.GOV
Sent: Monday, May 11, 2015 01:07 AM
To: XXXX
Cc: XXXX
Subject: Official USPTO Courtesy Reminder of Required Trademark Registration Maintenance Filings Under Section 8 and 9: U.S. Trademark RN 1039413: MARLBORO LIGHTS FILTER CIGARETTES LOWERE etc. (Stylized/Design)

U.S. Serial Number: 72430002
U.S. Registration Number: 1039413
U.S. Registration Date: May 11, 1976
Mark: MARLBORO LIGHTS FILTER CIGARETTES LOWERE etc. (Stylized/Design)
Owner: PHILIP MOFFIS USA INC.

May 11, 2015

**U.S. PATENT AND TRADEMARK OFFICE ("USPTO") COURTESY REMINDER
OF REQUIRED TRADEMARK REGISTRATION MAINTENANCE FILINGS UNDER SECTIONS 8 AND 9**

WARNING: Your trademark registration will be **CANCELLED** and will **EXPIRE** if you do not file the required documents below during the specified statutory time periods.

The above-identified registration registered on May 11, 1976. Therefore, the owner of the registration must file a Declaration of Use and/or Excusable Nonuse and an Application for Renewal under §§8 and 9 of the Trademark Act anytime between now and May 11, 2016. For an additional fee, the owner may file the documents within the six-month grace period that ends on Nov 14, 2016. See 15 U.S.C. §§1058, 1059. The current fee for a combined filing under §§8 and 9 is \$400 per class for filings submitted through the USPTO's official website using the Trademark Electronic Application System ("TEAS"), and the additional fee for filing during the six-month grace period is \$200 per class. 37 C.F.R. §2.6.

To expedite processing, the owner is encouraged to file through TEAS. Official forms for filing a Combined Declaration of Use and/or Excusable Nonuse and Application for Renewal under §§8 and 9 are available through TEAS at http://www.uspto.gov/trademarks/teas/reg_maintain.jsp.

For information regarding how to record ownership documents such as assignments, name changes and mergers, please see TMEP §503. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System ("ETAS") at <http://etas.uspto.gov>.

For further information regarding the maintenance of a trademark registration, including future maintenance filings, please consult the USPTO website at <http://www.uspto.gov/trademarks/process/maintain/prfaq.jsp>.

This reminder notice is being sent only as a courtesy to those trademark owners who have authorized e-mail communication and maintain a current e-mail address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a trademark registration. If a registration is cancelled and/or expired due to the failure to timely file required maintenance documents, it cannot be reinstated or revived.

To check the status of this registration, go to http://tsdr.uspto.gov/#caseNumber=72430002&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

Beware of Unofficial Trademark Solicitations: Please be aware that private companies not associated with the USPTO often use trademark registration information from the USPTO's database to mail or e-mail trademark-related solicitations. This is the only official reminder that you will receive from the USPTO about your upcoming required maintenance filings. For additional information about these private solicitations, please visit the USPTO website at http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

In order to be eligible for future e-mail reminders of maintenance filings, please remember to authorize e-mail communication when filing your maintenance documents through TEAS and ensure that you maintain a current e-mail address with the USPTO.

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
ATTORNEY SECTION	
ORIGINAL ADDRESS	Mary Margaret Murray 601 E JACKSON ST Richmond Virginia (VA) 23219-1434 US TrademarkGroup@altria.com;dc trademarks@dlapiper.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Timothy G. Hofmeyer
FIRM NAME	ALTRIA CLIENT SERVICES INC.
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
COUNTRY	United States
POSTAL/ZIP CODE	23219-1434
EMAIL	TrademarkGroup@altria.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW OTHER APPOINTED ATTORNEYS	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, and Eunice Chung
NEW CORRESPONDENCE ADDRESS	
NAME	Timothy G. Hofmeyer
FIRM NAME	ALTRIA CLIENT SERVICES INC.
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
COUNTRY	United States

POSTAL/ZIP CODE	23219-1434
EMAIL	TrademarkGroup@altria.com;dctrademarks@dlapiper.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, and Eunice Chung
SIGNATURE SECTION	
SIGNATURE	/Timothy G. Hofmeyer/
SIGNATORY NAME	Timothy G. Hofmeyer
SIGNATORY DATE	04/17/2014
SIGNATORY POSITION	Assistant General Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Apr 17 13:44:10 EDT 2014
TEAS STAMP	USPTO/RAA-XX.XXX.X.XX-201 40417134410918000-7748697 1-500ce61d45b1ba9a893e5ce 6433b55fa1a142d26334add79 14acaa1b7dc2347ec-N/A-N/A -20140416172107921483

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)

SERIAL NUMBER: 72430002

REGISTRATION NUMBER: 1039413

The original attorney

Mary Margaret Murray

601 E JACKSON ST

Richmond Virginia 23219-1434

US

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

Original Correspondence Address :

Mary Margaret Murray

Altria Client Services Inc.

601 E JACKSON ST

Richmond Virginia 23219-1434

US

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

Newly Appointed Attorney:

Timothy G. Hofmeyer

ALTRIA CLIENT SERVICES INC.

601 E JACKSON ST

RICHMOND, Virginia 23219-1434

United States

TrademarkGroup@altria.com

Other Appointed Attorneys:

Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, and Eunice Chung

The following is to be used as the correspondence address:

Timothy G. Hofmeyer

ALTRIA CLIENT SERVICES INC.

601 E JACKSON ST

RICHMOND, Virginia 23219-1434

United States

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

Signature: /Timothy G. Hofmeyer/ Date: 04/17/2014

Signatory's Name: Timothy G. Hofmeyer

Signatory's Position: Assistant General Counsel

Serial Number: 72430002

Internet Transmission Date: Thu Apr 17 13:44:10 EDT 2014

TEAS Stamp: USPTO/RAA-XX.XXX.X.XX-201404171344109180

00-77486971-500ce61d45b1ba9a893e5ce6433b
55fa1a142d26334add7914acaa1b7dc2347ec-N/
A-N/A-20140416172107921483

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
ATTORNEY SECTION	
ORIGINAL ADDRESS	Timothy G. Hofmeyer 601 E JACKSON ST RICHMOND Virginia (VA) 23219-1434 US TrademarkGroup@altria.com;dc trademarks@dlapiper.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Mary Margaret Murray
FIRM NAME	Altria Client Services Inc.
STREET	601 E JACKSON ST
CITY	Richmond
STATE	Virginia
COUNTRY	United States
POSTAL/ZIP CODE	23219-1434
EMAIL	TrademarkGroup@altria.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW OTHER APPOINTED ATTORNEYS	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, Radiance Harris, and Eunice Chung
NEW CORRESPONDENCE ADDRESS	
NAME	Mary Margaret Murray
FIRM NAME	Altria Client Services Inc.
STREET	601 E JACKSON ST
CITY	Richmond
STATE	Virginia
COUNTRY	United States

POSTAL/ZIP CODE	23219-1434
EMAIL	TrademarkGroup@altria.com;dctrademarks@dlapiper.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, Radiance Harris, and Eunice Chung
SIGNATURE SECTION	
SIGNATURE	/mary margaret murray/
SIGNATORY NAME	Mary Margaret Murray
SIGNATORY DATE	02/13/2014
SIGNATORY POSITION	Assistant General Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Feb 13 13:58:48 EST 2014
TEAS STAMP	USPTO/RAA-XX.XX.XXX.XX-20 140213135848267838-774869 71-500a32ce01e1981c562e98 3c9dddbac21346b16aab816ff 4fc62ca6349f0438b61-N/A-N /A-20140212214635070222

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)

SERIAL NUMBER: 72430002

REGISTRATION NUMBER: 1039413

The original attorney

Timothy G. Hofmeyer

601 E JACKSON ST

RICHMOND Virginia 23219-1434

US

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

Original Correspondence Address :

Timothy G. Hofmeyer

ALTRIA CLIENT SERVICES INC.

601 E JACKSON ST

RICHMOND Virginia 23219-1434

US

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

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Newly Appointed Attorney:

Mary Margaret Murray

Altria Client Services Inc.

601 E JACKSON ST

Richmond, Virginia 23219-1434

United States

TrademarkGroup@altria.com

Other Appointed Attorneys:

Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, Radiance Harris, and Eunice Chung

The following is to be used as the correspondence address:

Mary Margaret Murray

Altria Client Services Inc.

601 E JACKSON ST

Richmond, Virginia 23219-1434

United States

TrademarkGroup@altria.com;dctrademarks@dlapiper.com

Signature: /mary margaret murray/ Date: 02/13/2014

Signatory's Name: Mary Margaret Murray

Signatory's Position: Assistant General Counsel

Serial Number: 72430002

Internet Transmission Date: Thu Feb 13 13:58:48 EST 2014

TEAS Stamp: USPTO/RAA-XX.XX.XXX.XX-20140213135848267

838-77486971-500a32ce01e1981c562e983c9dd
dbac21346b16aab816ff4fc62ca6349f0438b61-
N/A-N/A-20140212214635070222

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
ATTORNEY SECTION	
ORIGINAL ADDRESS	Timothy G. Hofmeyer 601 East Jackson Street Law Department -- CRT Richmond Virginia (VA) 23219 US timothy.g.hofmeyer@altria.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Timothy G. Hofmeyer
FIRM NAME	ALTRIA CLIENT SERVICES INC.
STREET	601 E JACKSON ST
CITY	RICHMOND
STATE	Virginia
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EMAIL	TrademarkGroup@altria.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
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COUNTRY	

COUNTRY	United States
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EMAIL	TrademarkGroup@altria.com;dctrademarks@dlapiper.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, Radiance Harris, and Eunice Chung
SIGNATURE SECTION	
SIGNATURE	/TGH/
SIGNATORY NAME	Timothy G. Hofmeyer
SIGNATORY DATE	09/26/2013
SIGNATORY POSITION	Assistant General Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 26 12:21:10 EDT 2013
TEAS STAMP	USPTO/RAA-XX.XXX.X.XX-201 30926122110223302-8578003 8-500a4b1d7dab64229243219 407359a256cc9cbfb2c22466a 3127ddd56cd13aa24-N/A-N/A -20130924182445109623

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)

SERIAL NUMBER: 72430002

REGISTRATION NUMBER: 1039413

The original attorney

Timothy G. Hofmeyer
601 East Jackson Street
Law Department -- CRT
Richmond Virginia 23219
US
timothy.g.hofmeyer@altria.com

Original Correspondence Address :

Timothy G. Hofmeyer
601 East Jackson Street
Law Department -- CRT
Richmond Virginia 23219
US
timothy.g.hofmeyer@altria.com

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601 E JACKSON ST
RICHMOND, Virginia 23219-1434
United States
TrademarkGroup@altria.com

Other Appointed Attorneys:

Ann K. Ford, Thomas E. Zutic, Ryan C. Compton, John Nading, David Kramer, Radiance Harris, and Eunice Chung

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ALTRIA CLIENT SERVICES INC.
601 E JACKSON ST
RICHMOND, Virginia 23219-1434
United States
TrademarkGroup@altria.com;dctrademarks@dlapiper.com

Signature: /TGH/ Date: 09/26/2013
Signatory's Name: Timothy G. Hofmeyer
Signatory's Position: Assistant General Counsel

Serial Number: 72430002

Internet Transmission Date: Thu Sep 26 12:21:10 EDT 2013

TEAS Stamp: USPTO/RAA-XX.XXX.X.XX-201309261221102233
02-85780038-500a4b1d7dab6422924321940735
9a256cc9cbfb2c22466a3127ddd56cd13aa24-N/
A-N/A-20130924182445109623

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court District of New Jersey on the following Patents or ☒ Trademarks:

DOCKET NO. 09 Civ. 5843 (PGS)	DATE FILED November 18, 2009	U.S. DISTRICT COURT District of New Jersey
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT REYES GROCERY INC., a New Jersey corporation doing business as REYES GROCERY; MOHAMMED AHMED, individually, and doing business as SUNNY SUPERMARKET; and DOES ONE through TEN, inclusive,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	Amendment	Answer	Cross Bill
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Case dismissed 3/2/10
--

CLERK WILLIAM T. WALSH	(BY) DEPUTY CLERK <i>[Signature]</i>	DATE 11/18/2009
----------------------------------	---	--------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of New York on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 10 CV 3435	DATE FILED July 27 , 2010	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT ELMHURST MEXICAN GROCERY CORP., a New York corporation doing business as ELMHURST MEXICAN GROCERY COMPANY; EPIFANIO H. POLANCO, individually and doing business as SUTPHIN MINI MARKET; BUSHRA DELI & GROCERY INC., a New York corporation doing business as EMAN DELI GROCERY and BUSHRA DELI & GROCERY; LUIS CABRAL, individually and doing business as L&C GROCERY DELI; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK HOLDER OF PATENT OR TRADEMARK
1	
2	
3	
4	
5	

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK <i>P. Brumens</i>	DATE 7/28/10
-------	--	-----------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

American LegalNet, Inc.
www.USCourtForms.com

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Eastern District of New York on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 10 CV 3435	DATE FILED July 27 , 2010	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT ELMHURST MEXICAN GROCERY CORP., a New York corporation doing business as ELMHURST MEXICAN GROCERY COMPANY; EPIFANIO H. POLANCO, individually and doing business as SUTPHIN MINI MARKET; BUSHRA DELI & GROCERY INC., a New York corporation doing business as EMAN DELI GROCERY and BUSHRA DELI & GROCERY; LUIS CABRAL, individually and doing business as L&C GROCERY DELI; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
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3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
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4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK <i>P. Brumens</i>	DATE 7/28/10
-------	--	------------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

American LegalNet, Inc.
www.USCourtForms.com

JUDGE RICHWALD

10 CV 1623

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
--	--

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Southern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED March 1, 2010	U.S. DISTRICT COURT Southern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT PARKCHESTER FOOD MARKET CORP., a New York corporation doing business as MICKEY DELI GROCERY; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	Amendment	Answer	Cross Bill	Other Pleasing
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
2					
3					
4					
5					

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK <i>J. Michael McMahon</i>	(BY) DEPUTY CLERK <i>Maribel Becerra</i>	DATE <i>3/8/2010</i>
------------------------------------	---	-------------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

10

0886

GLASSER, J.

LEVY, M.J.

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Eastern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED March 1, 2010	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT HEMROUTIE BISNATH, individually and doing business as IDEAL WEST INDIAN GROCERIES AND HALAL MEAT and IDEAL GROCERY & HALAL; BURDIEZ GROCERY INC., a New York corporation doing business as 834 BURDIEZ GROCERY; ROZINA AKHTER, individually and doing business as RAJ Newsstand and Phone Card Center; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	Amendment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK				
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

ROBERT C. HEINEMANN

(BY) DEPUTY CLERK

DATE

K. Davis

3/2/2010

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



10 0886 GLASSER J. LEVY. M.J

AO 120 (Rev. 3/04) TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED March 1, 2010	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT HEMROUTE BISNATH, individually and doing business as IDEAL WEST INDIAN GROCERIES AND HALAL MEAT and IDEAL GROCERY & HALAL; BURDIEZ GROCERY INC., a New York corporation doing business as RM BURDIEZ GROCERY; ROZINA AKHTER, individually and doing business as RAJ Newsstand and Phone Card Center; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	Amendment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

ROBERT C. HEINEMANN

(BY) DEPUTY CLERK <i>R. C. Heinemann</i>	DATE 3/2/2010
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

FILED
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 22 2010 ★

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Eastern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
	January 22, 2010	Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT GEORGE JACKSON (aka GEORGE WATKINS), d/b/a GJ SMOKES; MUHAMMAD A. JACKSON, d/b/a GJ SMOKES; JAMES WATKINS, d/b/a GJ SMOKES; and DOES ONE through TEN, inclusive,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502 ✓	April 14, 1908	Philip Morris USA Inc.
2 938,510 ~	July 25, 1972	Philip Morris USA Inc.
3 1,039,412 —	May 11, 1976	Philip Morris USA Inc.
4 1,039,413 —	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	Amendment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

FILED
 IN CLERK'S OFFICE
 U.S. DISTRICT COURT E.D.N.Y.

★ JAN 22 2010 ★

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Eastern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED January 22, 2010	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT GEORGE JACKSON (aka GEORGE WATKINS), d/b/a GJ SMOKES; MUHAMMAD A. JACKSON, d/b/a GJ SMOKES; JAMES WATKINS, d/b/a GJ SMOKES; and DOES ONE through TEN, inclusive,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	Amendment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: <div style="text-align: center;"> Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 </div>	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Southern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED November 18, 2009	U.S. DISTRICT COURT Southern District of New York
PLAINTIFF <div style="text-align: center;">PHILIP MORRIS USA INC.</div>		DEFENDANT <small>LOS CORAZONES DELI GROCERY INC., a New York corporation doing business as FERNANDEZ GROCERY CORP.; EL BARRIO GROCERY DELI CORP., a New York corporation doing business as EL BARRIO GROCERY DELI; ALOSHE MINI MARKET INC., a New York corporation doing business as ALOSHE MINI MARKET; HARLEM TOBACCO GROCERY INC., a New York corporation doing business as HARLEM TOBACCO & GROCERY; FANCY DELI & GROCERY CORP., a New York corporation doing business as FANCY DELI GROCERY; NEW FRIENDLY DELI-GROCERY CORP., a New York corporation doing business as SAEED DELI GROCERY and FRIENDLY DELI GROCERY; and DOES ONE through TEN, inclusive</small>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	Amendment	Answer	Cross Bill	Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK <i>R. D. [Signature]</i>	DATE 11/18/09
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Eastern District of New York on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 09 Civ. <u>5071</u>	DATE FILED November 18, 2009	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT CIRIACO RODRIGUEZ, individually and doing business as LOVERAS GROCERY/NAZARENO MINI MARKET; MARIA ROSA URENA, individually and doing business as MARIA'S DELI GROCERY; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK <i>P. Bowers</i>	DATE <i>11/19/09</i>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of New York on the following Patents or X Trademarks:

DOCKET NO. 09 Civ. 5071	DATE FILED November 18, 2009	U.S. DISTRICT COURT Eastern District of New York
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT CIRIACO RODRIGUEZ, individually and doing business as LOVERAS GROCERY/NAZARENO MINI MARKET; MARIA ROSA URENA, individually and doing business as MARIA'S DELI GROCERY; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	Amendment Answer Cross Bill Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK <i>P. Owens</i>	DATE 11/19/09
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

CV - 09 1899

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Eastern District of New York on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 09 Civ.	DATE FILED May 6, 2009	U.S. DISTRICT COURT Eastern District of New York	WEXLER, J.
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT TAMMY'S SMOKE SHOP, INC.; TAMMY EDWARDS; and DOES ONE through TEN, inclusive, ORENSTEIN, M.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 68,502	April 14, 1908	Philip Morris USA Inc. FILED IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y.	
2 938,510	July 25, 1972	Philip Morris USA Inc. ★ MAY 06 2009 ★	
3 1,039,412	May 11, 1976	Philip Morris USA Inc.	
4 1,039,413	May 11, 1976	Philip Morris USA Inc. LONG ISLAND OFFICE	
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK ROBERT C. HEINEMANN	(BY) DEPUTY CLERK <i>Sdy</i>	DATE 5/6/09
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

American LegalNet, Inc.
 www.USCourtForms.com

CV-09-1899

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of New York on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 09 Civ.	DATE FILED May 6, 2009	U.S. DISTRICT COURT Eastern District of New York	WEXLER, J.
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT TAMMY'S SMOKE SHOP, INC.; TAMMY EDWARDS; and DOES ONE through TEN, inclusive, ORENSTEIN, M.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 68,502	April 14, 1908	Philip Morris USA Inc.	FILED U.S. DISTRICT COURT E.D.N.Y.
2 938,510	July 25, 1972	Philip Morris USA Inc.	★ MAY 06 2009 ★
3 1,039,412	May 11, 1976	Philip Morris USA Inc.	
4 1,039,413	May 11, 1976	Philip Morris USA Inc.	LONG ISLAND OFFICE
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	☐ Amendment	☐ Answer	☐ Cross Bill	☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

American LegalNet, Inc.
www.USCourtForms.com

TO: Commissioner of Patents and Trademarks Washington, DC 20231	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Eastern District of Louisiana on the following ☐ Patents or ☒ Trademarks:

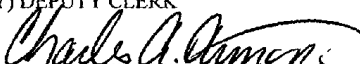
DOCKET NO. 03-1143 "F" (5)	DATE FILED 04/22/03	U.S. DISTRICT COURT Eastern District of Louisiana, 500 Camp St., Rm C-151, New Orleans, LA 70130
PLAINTIFF Philip Morris USA Inc.		DEFENDANT Ames Mart, Inc. d/b/a Ames Shell
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	4/14/08	Philip Morris Incorporated
2 938,510	7/25/72	Philip Morris Incorporated
3 1,039,412	5/11/76	Philip Morris Incorporated
4 1,039,413	5/11/76	Philip Morris Incorporated
5 1,544,782	6/20/89	Philip Morris Incorporated

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT CONSENT JUDGMENT & Permanent Injunction: Plaintiff and defendants have settled this action on the terms and conditions as set out in Order by Judge Martin L. Feldman Date Signed: 7/1/03 (CLOSED)

CLERK LORETTA G. WHYTE	(BY) DEPUTY CLERK 	DATE March 26, 2009
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
ATTORNEY SECTION	
ORIGINAL ADDRESS	Alisa D. Hurlburt Philip Morris USA Inc. 6601 West Broad Street Richmond VA 23261-6603 Alisa.D.Hurlburt@pmusa.com
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Alisa D. Hurlburt Philip Morris USA Inc. 6601 West Broad Street Richmond VA 23261-6603 Alisa.D.Hurlburt@pmusa.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Timothy G. Hofmeyer
FIRM NAME	Altria Client Services Inc.
INTERNAL ADDRESS	Law Department -- CRT
STREET	601 East Jackson Street
CITY	Richmond
STATE	Virginia
COUNTRY	United States
POSTAL/ZIP CODE	23219
EMAIL	timothy.g.hofmeyer@altria.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW CORRESPONDENCE ADDRESS	
NAME	Timothy G. Hofmeyer
FIRM NAME	Altria Client Services Inc.

INTERNAL ADDRESS	Law Department -- CRT
STREET	601 East Jackson Street
CITY	Richmond
STATE	Virginia
COUNTRY	United States
POSTAL/ZIP CODE	23219
EMAIL	timothy.g.hofmeyer@altria.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
SIGNATURE SECTION	
SIGNATURE	/Timothy G. Hofmeyer/
SIGNATORY NAME	Timothy G. Hofmeyer
SIGNATORY DATE	03/23/2009
SIGNATORY POSITION	Senior Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 23 16:36:18 EDT 2009
TEAS STAMP	USPTO/RAA-XXX.XXX.XXX.X-2 0090323163618253902-77164 847-4005cf86fcd343f5fb257 1fd485ecf45717-N/A-N/A-20 090323154904307658

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)

SERIAL NUMBER: 72430002

REGISTRATION NUMBER: 1039413

The original attorney

Alisa D. Hurlburt
Philip Morris USA Inc.
6601 West Broad Street
Richmond VA 23261-6603
Alisa.D.Hurlburt@pmusa.com

Original Correspondence Address :

Alisa D. Hurlburt
Philip Morris USA Inc.
6601 West Broad Street
Richmond VA 23261-6603
Alisa.D.Hurlburt@pmusa.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

Newly Appointed Attorney:

Timothy G. Hofmeyer
Altria Client Services Inc.
Law Department -- CRT
601 East Jackson Street
Richmond, Virginia 23219
United States

The following is to be used as the correspondence address:

Timothy G. Hofmeyer
Altria Client Services Inc.
Law Department -- CRT
601 East Jackson Street
Richmond, Virginia 23219
United States
timothy.g.hofmeyer@altria.com

Signature: /Timothy G. Hofmeyer/ Date: 03/23/2009

Signatory's Name: Timothy G. Hofmeyer

Signatory's Position: Senior Counsel

Serial Number: 72430002

Internet Transmission Date: Mon Mar 23 16:36:18 EDT 2009

TEAS Stamp: USPTO/RAA-XXX.XXX.XXX.X-2009032316361825

3902-77164847-4005cf86fcd343f5fb2571fd48

5ecf45717-N/A-N/A-20090323154904307658

From: TMDesignCodeComments
Sent: Tuesday, January 13, 2009 00:18 AM
To: XXXX
Subject: Notice of Design Search Code for Serial Number: 72430002, Registration Number:1039413

ATTORNEY REFERENCE NUMBER:

The USPTO may assign design search codes, as appropriate, to new applications and renewed registrations to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>.

Response to this notice is not required; however, to suggest additions or changes to the design search code(s) assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Design search codes assigned to the referenced serial number are listed below.

DESIGN SEARCH CODES:

03.01.02 - Lion insignia (heraldic lion)
19.07.03 - Boxes, cigarette
24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or
26.15.21 - Polygons that are completely or partially shaded

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450	SOLICITOR JUL 27 2007 U.S. PATENT & TRADEMARK OFFICE	REPORT OF THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV05-9014	DATE FILED December 29, 2005	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT YIU FAI WONG, an individual doing business as KIKY TOYS; (continued on Attachment A)
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	☐ Amendment	☐ Answer	☐ Cross Bill	☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
See attached		
CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK MADELINA GUERRERO	DATE JUL 24 2007

Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

ATTACHMENT A

WONGSON INTERNATIONAL, INC., a California corporation doing business as KIKY TOYS; 3 C&L INTERNATIONAL CORP., a California corporation doing business as KIKY TOYS; and DOES ONE through TEN, inclusive

LA 388146 v1 (22656.0120)

LOGGED

1 John C. Ulin (Bar No. 165524)
2 John.Ulin@hellerehrman.com
3 HELLER EHRMAN LLP
4 333 South Hope Street, 39th Floor
5 Los Angeles, CA 90071
6 Telephone: (213) 689-0200
7 Facsimile: (213) 614-1868

8 Samuel R. Watkins (Admitted *Pro Hac Vice*)
9 Samuel.Watkins@hellerehrman.com
10 Felix G. Luna (Admitted *Pro Hac Vice*)
11 Felix.Luna@hellerehrman.com
12 HELLER EHRMAN LLP
13 701 Fifth Street, Suite 6100
14 Seattle, WA 98104
15 Telephone: (206) 447-0900
16 Facsimile: (206) 447-0849

17 Attorneys for Plaintiff
18 PHILIP MORRIS USA INC.

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21 PHILIP MORRIS USA INC.,

22 Plaintiff,

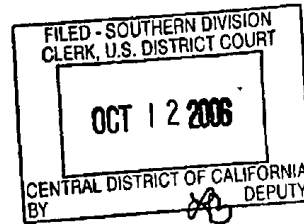
23 v.

24 YIU FAI WONG, an individual doing
25 business as KIKY TOYS; WONGSON
26 INTERNATIONAL, INC., a California
27 corporation doing business as KIKY TOYS;
28 3C and L INTERNATIONAL CORP., a
California corporation doing business as
KIKY TOYS; and DOES ONE through
TEN, inclusive,

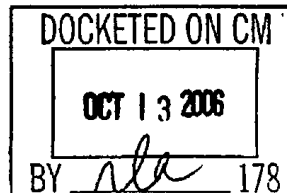
Defendants.

Case No. CV 05-9014 AG (JTLx)

[PROPOSED] JUDGMENT
PURSUANT TO ORDER GRANTING
MOTION OF PHILIP MORRIS USA
FOR DEFAULT JUDGMENT RE
DEFENDANTS YIU FAI WONG,
WONGSON INTERNATIONAL, INC.
AND 3C AND L INTERNATIONAL,
INC.



Priority send
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[PROPOSED] JUDGMENT PURSUANT TO ORDER GRANTING MOTION OF PHILIP MORRIS USA FOR DEFAULT JUDGMENT RE DEFENDANTS YIU FAI WONG, WONGSON INTERNATIONAL, INC. AND 3C AND L INTERNATIONAL, INC.

1 Upon consideration of Philip Morris USA's Application For Default Judgment re
2 Defendants Yiu Fai Wong, Wongson International, Inc., and 3C and L International Inc.,
3 Philip Morris USA's Motion to Reconsider Order Denying Philip Morris USA's Motion For
4 Default Judgment, and the Supplemental Showing of Fact Regarding Service on Defendants
5 Yiu Fai Wong, Wongson International, Inc. and 3C and L International, Inc., this Court finds
6 that entry of judgment is appropriate and it is hereby ORDERED, ADJUDGED, AND
7 DECREED that Judgment is hereby entered in favor of Philip Morris USA Inc. ("Philip
8 Morris USA") and against Defendants Yiu Fai Wong, Wongson International Inc. and 3C and
9 L International Inc. ("Defendants"), as follows:

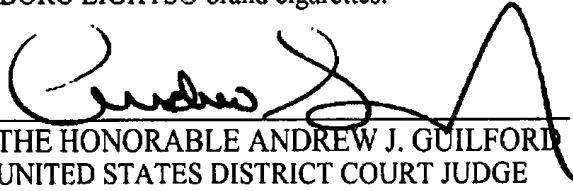
10 A. The Court grants Philip Morris USA \$4,000,000.00 in statutory damages,
11 for the willful infringement of four trademarks, the property of Philip Morris USA;

12 B. The Court grants Philip Morris USA \$83,600.00 in attorneys' fees
13 pursuant to the fee schedule set forth in Local Rule 55-3;

14 C. The Court enters a permanent injunction against Defendants prohibiting
15 the importation, purchase, distribution, sale, offering for sale, or other use in commerce
16 of any counterfeit cigarettes bearing Philip Morris USA's trademarks including,
17 without limitation, MARLBORO® and MARLBORO LIGHTS® brand cigarettes; and

18 D. The Court enters a permanent injunction against Defendants prohibiting
19 the assistance, aiding, or abetting of any other person or entity in importing, purchasing,
20 distributing, selling, offering for sale, or otherwise using in commerce any counterfeit
21 cigarettes bearing Philip Morris USA's trademarks including, without limitation,
22 MARLBORO® and MARLBORO LIGHTS® brand cigarettes.

23
24 DATED: 10/12/06


25 THE HONORABLE ANDREW J. GUILFORD
26 UNITED STATES DISTRICT COURT JUDGE
27
28

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court District of New Jersey on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 07 Civ. 4599	DATE FILED September 26, 2007	U.S. DISTRICT COURT District of New Jersey
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT DORTA BAR & LIQUORS INC., et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	☐ Amendment	☐ Answer	☐ Cross Bill	☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>Closed 5/15/08</i> <i>Consent Judgement and Permanent Injunction as to Ming Cheng</i>
--

WILLIAM T. WALSH (BY) DEPUTY CLERK <i>Leroy Dunbar</i>	DATE 9/26/2007
--	-------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

American LegalNet, Inc.
 www.USCourtForms.com

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court California Central District on the following Patents or ☒ Trademarks.

DOCKET NO. CV 08-02299		DATE FILED April 8, 2008	U.S. DISTRICT COURT Central District of California
PLAINTIFF Philip Morris USA Inc.		DEFENDANT DAMAKALI S.A. DE C.V., a Mexico corporation; and DOES ONE through TEN, inclusive	
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK	
1 68,502	04/14/1908	Philip Morris USA Inc.	
2 938,510	07/25/1972	Philip Morris USA Inc.	
3 1,039,412	05/11/1976	Phillip Morris USA Inc.	
4 1,039,413	05/11/1976	Philip Morris USA Inc.	
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY ____ Amendment ____ Answer ____ Cross Bill ____ Other Pleading	
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon Initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

ORIGINAL

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED December 29, 2005	U.S. DISTRICT COURT Central District of California
PLAINTIFF CV05-9013 VBF PHILIP MORRIS USA INC.		DEFENDANT ZAKARIYAOU NIMAGA , an individual doing business as NIMAGA AFRICAN IMPORT ; and DOES ONE through TEN inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

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 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES
 FILED

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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FILED ON CM
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In the above—entitled case, the following decision has been rendered or judgement issued:

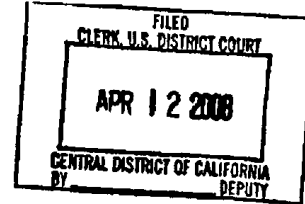
DECISION/JUDGEMENT

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK J. Lam	DATE 4/17/08
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JS-6



1 John C. Ulin (Bar No. 165524)
2 john.uln@hellerehrman.com
3 HELLER EHRMAN LLP
4 333 S. Hope Street, 39th Floor
5 Los Angeles, California 90071
6 Telephone: (213) 689-0200
7 Facsimile: (213) 614-1868

8 Samuel R. Watkins (admitted *Pro Hac Vice*)
9 samuel.watkins@hellerehrman.com
10 Andrew N. Sachs (admitted *Pro Hac Vice*)
11 andrew.sachs@hellerehrman.com
12 HELLER EHRMAN LLP
13 701 Fifth Avenue, Suite 6100
14 Seattle, Washington 98104
15 Telephone: (206) 447-0900
16 Facsimile: (206) 447-0849

17 Attorneys for Plaintiff
18 PHILIP MORRIS USA INC.

19 **IN THE UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 PHILIP MORRIS USA INC.,

22 Plaintiff,

23 v.

24 MIKE KO, an individual; KFI BEAUTY
25 SUPPLIES, INC., a California corporation;
26 and DOES ONE through TEN, inclusive,

27 Defendants.

Case No. CV 05-9013 VBF (RCX)

**[PROPOSED] ORDER
GRANTING SUMMARY
JUDGMENT AND PERMANENT
INJUNCTION AGAINST MIKE
KO**

The Honorable Valerie B. Fairbank

28 This Court, having considered Philip Morris USA Inc.'s ("Philip Morris
USA") notice of motion and motion for summary judgment ("Motion"); the
memorandum of points and authorities in support thereof; the statement of
uncontroverted facts; the declaration of Samuel R. Watkins and exhibits thereto; the
declaration of Kalai Lau Wineland, the declaration of Felix G. Luna, the declaration
of Zakariyaou Nimaga; any opposition and reply papers; the pleadings and papers on

1
[PROPOSED] ORDER GRANTING SUMMARY JUDGMENT AND PERMANENT INJUNCTION AGAINST
MIKE KO: CV 05-9013 VBF (RCX)

1 file in this case; the arguments and evidence presented by counsel at the hearing on
2 Defendants' motion for continuance on November 26, 2007; the arguments and
3 evidence presented by counsel at the hearing on the Motion on December 21, 2007;
4 the issues having been fully considered,

5 **IT IS HEREBY ORDERED** as follows:

6 1. Philip Morris USA's Motion is granted as to Defendant Mike Ko
7 ("Ko").

8 2. Philip Morris USA is entitled to judgment against Ko on the following
9 claims: (1) infringement of registered trademarks in violation of Section 32(1) of the
10 Lanham Act (15 U.S.C. § 1114(1)); (2) trademark and trade dress infringement in
11 violation of Section 43(a)(1)(A) of the Lanham Act (15 U.S.C. § 1125(a)(1)(A)); (3)
12 importation of goods bearing infringing trademarks in violation of Section 42 of the
13 Lanham Act (15 U.S.C. § 1124); (4) importation of goods bearing a U.S. trademark
14 in violation of Section 526(a) of the Tariff Act (19 U.S.C. § 1526(a)); and (5) unfair
15 competition in violation of California State common law.

16 3. Having found that Ko's infringement of Philip Morris USA's
17 trademarks was "willful" pursuant to 15 U.S.C. § 1117(c), KFI is liable to Philip
18 Morris USA for statutory damages in the amount of \$4,000,000.

19 4. Having found that this is an "exceptional" case pursuant to 15 U.S.C.
20 § 1117(a), Ko is liable to Philip Morris USA for reasonable attorneys' fees in this
21 case. Pursuant to Local Rule 55-3, "reasonable attorneys' fees" in this case are
22 \$83,600 (\$5,600 plus 2% of the amount over \$100,000).

23 5. Ko is liable to Philip Morris USA for costs in the amount of \$284.55
24 pursuant to 15 U.S.C. § 1117(a).

25 6. **IT IS FURTHER ORDERED THAT**, pursuant to 15 U.S.C.
26 § 1116(a), Ko and his agents, servants, employees, and attorneys, and all persons in
27 active concert or participation with Ko, are hereby **PERMANENTLY ENJOINED**
28 from:

- (a) purchasing, importing, selling, offering for sale, or otherwise using in commerce any counterfeit cigarettes bearing Philip Morris USA's trademarks, including without limitation the MARLBORO®, MARLBORO Red Label®, MARLBORO LIGHTS® and MARLBORO LIGHTS Label® trademarks; and
- (b) Assisting, aiding or abetting any other person or entity in purchasing, importing, selling, offering for sale, or otherwise using in commerce any counterfeit cigarettes bearing Philip Morris USA's trademarks, including without limitation the MARLBORO®, MARLBORO Red Label®, MARLBORO LIGHTS® and MARLBORO LIGHTS Label® trademarks.

7. The terms of this Order shall be enforceable against Ko, his successors in interest and assigns, and any persons or entities working in active concert or participation with Ko.

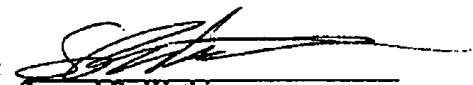
8. This Court shall retain jurisdiction to enforce this Order. If Ko breaches any of the terms of this Order, Philip Morris USA shall have the right to reopen this matter upon a motion to be filed and heard on an expedited basis. If this matter is so reopened, Philip Morris USA may pursue any remedies it may have against Ko.

DATE: April 12, 2008


HON. VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT JUDGE

Submitted by:

HELLER EHRMAN LLP

By: 
Samuel R. Watkins

Attorneys for Plaintiff
PHILIP MORRIS USA INC.

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	SOLICITOR AUG 22 2007 REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1113 you are hereby advised that a court action has been filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 06 4242	DATE FILED July 5, 2006	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT BLANCA GUERRERO, individually and doing business as LA MEXICANA, (Cont'd on Attachment "A")
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK GENEVA HUNT	DATE 4-20-07
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

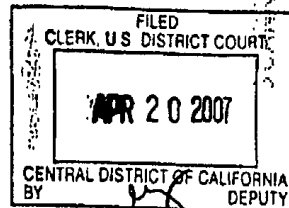
Attachment "A"

CARLOS GUERRERO, individually and doing business as LA MEXICANA; CARLOS ISIDORO, individually and doing business as EL TORITO; CARMEN FRANCO, individually and doing business as SANTA BARBARA MARKET; CHANTHA THONG, individually and doing business as DAILY DONUTS; DIONISIO T. MORALES, individually and doing business as LAS PLAYAS; FLORA MARTINEZ, individually and doing business as SONIA'S MARKET; HEEJA HAN, individually and doing business as FASHION SNACK SHOP; HIMANSHU SARVAIYA, individually and doing business as DIAMOND SERVICE STATION; JORGE CARRILLO, individually and doing business as SAVE MAX; KIET UNG, individually and doing business as DONUT FACTORY; MAXIMINO SOTO, individually and doing business as EL TORITO MEAT MARKET; MERCEDES SANCHEZ, individually and doing business as MECHE'S MINI MARKET; NAPOLEAN GALVAN, individually and doing business as AUTLAN MEAT MARKET; PATRICIA GUERRERO, individually and doing business as TIJUANA MARKET; SARORN PRAK, individually and doing business as DONUT KING; SUSAN TANG, individually and doing business as TOYS & GIFTS & MORE; TAKRITI BISHAR, individually and doing business as IMPERIAL 4 LESS; VALDEMAR CARRILLO, individually and doing business as CARNICERIA POPULAR; YAZMIN RAMIREZ NICOLAS, individually and doing business as PROGRESSO MEAT MARKET

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHILIP MORRIS USA INC.,

Plaintiff,

v.

BLANCA GUERRERO, *et al.*,

Defendants

Case No.: CV-06-4242-CAS (SHx)

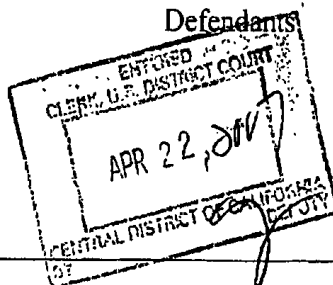
**[PROPOSED] DEFAULT
JUDGMENT AND PERMANENT
INJUNCTION AS TO DEFENDANT
HEEJA HAN, INDIVIDUALLY
AND DOING BUSINESS AS
FASHION SNACK SHOP**

Hearing Date: April 16, 2007
Time: 10:00 a.m.
Courtroom: 5

Honorable Christina A. Snyder

LOGGED

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES



Plaintiff Philip Morris USA Inc. ("Philip Morris USA"), having properly served a Summons and Complaint upon Defendant Heeja Han, individually and doing business as Fashion Snack Shop ("Defendant"), and Defendant having failed to respond timely to the complaint, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

1. This is an action for: (i) infringement of registered trademarks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114; (ii) false designation of origin and trademark and trade dress infringement in violation of Section 43(a) of the

[PROPOSED] DEFAULT JUDGMENT AND PERMANENT INJUNCTION AS TO DEFENDANT HEEJA HAN, INDIVIDUALLY AND DOING BUSINESS AS FASHION SNACK SHOP

1 Lanham Act, 15 U.S.C. § 1125(a); and (iii) unfair competition and trademark
2 infringement in violation of the common law of the State of California. This Court
3 has personal jurisdiction over Philip Morris USA and Defendant, and subject matter
4 jurisdiction of the matter in controversy between Philip Morris USA and Defendant.
5 Venue in this judicial district is proper.

6 2. Defendant has not made any objections regarding the sufficiency of
7 process or the sufficiency of service of process in this action. Any objections the
8 Defendant may have regarding the sufficiency of process or the sufficiency of service
9 of process in this action are hereby deemed waived.

10 3. Philip Morris USA manufactures cigarettes, including the famous
11 MARLBORO® brand, for sale in the United States. Philip Morris USA is the
12 registered owner of the following MARLBORO® and MARLBORO®-related
13 trademarks on the Principal Register of the United States Patent and Trademark
14 Office, all of which are valid, subsisting and incontestable pursuant to 15 U.S.C.
15 § 1065 (collectively "Philip Morris USA Marks"):

Registration Number	Registration Date	Trademark
68,502	April 14, 1908	MARLBORO
938,510	July 25, 1972	MARLBORO Red Label
1,039,412	May 11, 1976	MARLBORO LIGHTS
1,039,413	May 11, 1976	MARLBORO LIGHTS Label

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25 4. Philip Morris USA has spent substantial time, effort, and money
26 advertising and promoting the Philip Morris USA Marks throughout the United
27 States, and these marks have consequently developed significant goodwill, have
28 become distinctive, and have acquired secondary meaning. As a result of the sale of

1 counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes, Philip
2 Morris USA is suffering a loss of the enormous goodwill associated with the Philip
3 Morris USA Marks, and is losing profits from lost sales of genuine products.

4 5. Beginning on or about August 18, 2005, and subsequent to Philip Morris
5 USA's adoption and first use of the Philip Morris USA Marks, Defendant offered for
6 sale and sold to the general public counterfeit MARLBORO® and/or MARLBORO
7 LIGHTS® brand cigarettes.

8 6. Philip Morris USA filed the Complaint in this action on July 5, 2006.

9 7. Defendant was served with the Summons and Complaint on July 16,
10 2006. Under Federal Rule of Civil Procedure 4(e)(1) and California Code of Civil
11 Procedure § 415.20(b), service was complete on July 27, 2006. Entry of Default
12 against Defendant was recorded on October 13, 2006, for Defendant's failure to
13 respond timely to Plaintiff's complaint. On March 13, 2007, Plaintiff presented this
14 Court with its Application for Default Judgment against Defendant. Defendant has
15 not filed any opposition to that application.

16 8. Accordingly, it is hereby **ORDERED** that Defendant, and Defendant's
17 officers, agents, servants, employees, and attorneys, and all persons in active concert
18 or participation with Defendant, are hereby **PERMANENTLY ENJOINED** from

19 (i) purchasing, selling, offering for sale, or otherwise using in commerce
20 any counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand
21 cigarettes; and

22 (ii) assisting, aiding or abetting any other person or entity in purchasing,
23 selling, offering for sale, or otherwise using in commerce any
24 counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand
25 cigarettes.

26 (iii) interfering with or impeding in any way the inspections authorized by
27 paragraph 9 of this Order.
28

1 9. **IT IS FURTHER ORDERED THAT** Defendant cooperate in good
2 faith with Philip Morris USA in future investigations of counterfeit cigarette sales at
3 their retail establishments, including but not limited to (a) permitting representatives
4 of an investigative firm under contract with Philip Morris USA to conduct
5 inspections, without notice, of Defendant's inventory of cigarettes to determine
6 whether any cigarettes bearing the MARLBORO® and/or MARLBORO LIGHTS®
7 trademarks are counterfeit (such inspections may proceed at any Defendant retail
8 outlet between the hours of 9:00 a.m. and 5 p.m. on any day such Defendant is open
9 for business) and to retain possession of any such MARLBORO® and/or
10 MARLBORO LIGHTS® brand cigarettes determined to be counterfeit;
11 (b) responding to reasonable requests for information about Defendant's suppliers of
12 MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes; and
13 (c) cooperating with Philip Morris USA's representatives in their investigations of
14 any suppliers of MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes.

15 10. **IT IS FURTHER ORDERED THAT**, pursuant to 15 U.S.C.
16 § 1117(c), Defendant is liable to Plaintiff in the amount of \$2,000 for violations of
17 Sections 32 and 43(a) of the Lanham Act.

18 11. **IT IS FURTHER ORDERED THAT** Defendant is liable to Plaintiff
19 for attorneys' fees in the amount of \$400 and costs in the amount of \$69.81.

20 12. The terms of this Default Judgment and Permanent Injunction shall be
21 enforceable against Defendant, Defendant's successors in interest and assigns, and
22 any persons or business entities working in concert with Defendant.

23 13. There being no just reason for delay, the entry of this default judgment
24 by the United States District Court constitutes entry of final judgment as to all
25 remaining claims asserted in this action by Philip Morris USA against Defendant
26 pursuant to Federal Rule of Civil Procedure 54(b).

27 13. The Court shall retain jurisdiction to enforce this Default Judgment and
28 Permanent Injunction. If any Defendant shall be alleged to have breached the terms

1 of this Default Judgment and Permanent Injunction, Philip Morris USA shall have
2 the right to reopen this matter upon motion filed and heard on an expedited basis,
3 including by *ex parte* application. If this matter is so reopened, Philip Morris USA
4 may pursue any and all remedies it may have against the Defendant and shall also be
5 entitled to recover its attorneys' fees and costs for any further prosecution of this
6 action.

7
8 IT IS SO ORDERED

9
10 DATED: 4/20/07

Christina A. Sample
UNITED STATES DISTRICT JUDGE

11
12 Submitted by:

13 HELLER EHRMAN LLP

14 John C. Ulin (No. 165524)

15 333 S. Hope Street, 39th Floor

16 Los Angeles, California 90071

17 Telephone: (213) 689-0200

18 Facsimile: (213) 614-1868

19 By J.C. Ulin

John C. Ulin

20 Attorneys for Plaintiff
21 PHILIP MORRIS USA INC.
22
23
24
25
26
27
28

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO.	DATE FILED January , 2006	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.	DEFENDANT 51st PRODUCE INC., a California corporation doing business as 51st STREET PRODUCE also known as 51st MARKET, etc. (Cont'd on Attachment "A")	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK GENEVA HUNT	DATE 8-3-07

Copy 1— Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
 Copy 2— Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

American LegalNet, Inc.
 www.USCourtForms.com

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450	SOLICITOR AUG 13 2007	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290(a)(2) and 37 C.F.R. § 1.116 you are hereby advised that a court action has been filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV05-9012 PA (Ct)	DATE FILED December 29, 2005	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT NESTOR CALDERON, an individual doing business as NC TRADING; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

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CENTRAL DISTRICT COURT
LOS ANGELES
FILED

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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NOT RECORDED ON CM
JAN 5 2006

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>See Attach</i>

CLERK CHERRI R. CARTER	(BY) DEPUTY CLERK YVONNE [Signature]	DATE 8/8/07
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

TO: Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559	SOLICITOR AUG 13 2007 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

☒ ACTION ☐ APPEAL		COURT NAME AND LOCATION
DOCKET NO.	DATE FILED	U.S. District Court, Eastern District of Ky, London Division
PLAINTIFF		DEFENDANT
Philip Morris USA INC.		Spur Oil, Inc., Derby City South Truck Plaza And Jan Mitchell
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
1 68,502	Marlboro	Philip Morris USA
2 938,510	Marlboro Red label	
3 1,039,412	Marlboro Lights	
4 1,039,413	Marlboro Lights label	
5 1,544,782	Marlboro Lights Menthol Label	
6 1,651,628	Marlboro Ultra Lights label	

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY		
	☐ Amendment	☐ Answer	☐ Cross Bill
	☐ Other Pleading		
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK	
1			
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3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED		WRITTEN OPINION ATTACHED	DATE RENDERED
☒ Order	☐ Judgment	☐ Yes ☐ No	9/30/05
CLERK	(BY) DEPUTY CLERK	DATE	
Leslie G. Whitmer	Michelle Sliter / MS	8/8/07	

Copy 1 - Upon initiation of action, mail this copy to Register of Copyrights

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LONDON

CIVIL ACTION NO. 03-466-KKC

PHILIP MORRIS USA, INC.

PLAINTIFF

v.

ORDER OF DISMISSAL

SPUR OIL, INC., DERBY CITY SOUTH
TRUCK PLAZA and JIM MITCHELL,

DEFENDANTS

Contemporaneously herewith, the Court has entered a Default Monetary Judgment against Defendant Carol Hisel. All other defendants have previously entered into Consent Judgments and Agreed Permanent Injunctions. [R. 17 and 38] Thus, it appears that all of Plaintiff's claims against all defendants have been resolved. Accordingly, the Pretrial Conference currently scheduled for October 6, 2005, is hereby SET ASIDE. Within ten (10) days of entry of this order, Plaintiff shall advise the Court in writing of any matter remaining for adjudication by this Court. If no such notice is filed, the Clerk shall close the matter and strike it from the active docket.

Dated this 30th day of September, 2005.



Signed By:

Karen K. Caldwell *KKC*
United States District Judge

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 35 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central District of California on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV05-9012	DATE FILED December 29, 2005	COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT NESTOR CALDERON, an individual doing business as NC TRADING; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	☐ Amendment	☐ Answer	☐ Cross Bill	☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
See Attachment

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK DAVID J. HAYES	DATE 8/8/07
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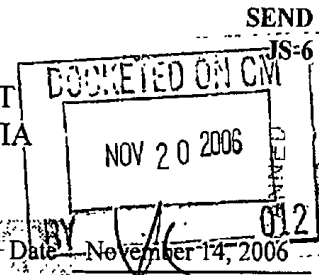
American LegalNet, Inc.
 www.USCourtForms.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 05-9012 PA (CTx)

Title Philip Morris USA, Inc. v. Yamato Ota, et al.



Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE

C. Kevin Reddick

Deputy Clerk

Not Reported

Court Reporter

N/A

Tape No.

Attorneys Present for Plaintiffs:

None

Attorneys Present for Defendants:

None

Proceedings: IN CHAMBERS—COURT ORDER

Before the Court is plaintiff Philip Morris USA, Inc.'s ("Plaintiff") Motion for Leave to File a Second Amended Complaint. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for November 20, 2006 is vacated, and the matter taken off calendar.

According to the Scheduling Order the Court issued on May 16, 2006, the last day to amend the pleadings was August 7, 2006. As the Scheduling Order warns, "[t]he deadline for joining parties and amending pleadings is ninety (90) days after the date of this Order. Any motions to join other parties or for leave to amend the pleadings shall be filed within sixty (60) days of the date of this order so that they can be heard and decided prior to the deadline." Plaintiff's current motion, filed on October 30, 2006, and scheduled for hearing on November 20, 2006, was therefore not filed within the deadline set by the Scheduling Order for amending the pleadings.

A motion seeking leave to amend after a scheduling order has been entered pursuant to Federal Rule of Civil Procedure 16 is governed in the first instance by the requirements of Rule 16(b). Only once "good cause" is shown in accordance with Rule 16(b) will the court proceed to consider the motion under Rule 15's more liberal standard. See Coleman v. Quaker Oats Co., 232 F.3d 1271, 1294 (9th Cir. 2000); see also Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992) ("A court's evaluation of good cause is not coextensive with an inquiry into the propriety of the amendment under ... Rule 15.") (quoting Forstmann v. Culp, 114 F.R.D. 83, 85 (M.D.N.C. 1987)).

"Rule 16(b)'s 'good cause' standard primarily considers the diligence of the party seeking to interpose an amendment." Johnson, 975 F.2d at 609. Good cause can be shown if the pretrial schedule "cannot reasonably be met despite the diligence of the party seeking the extension." Id. (quoting Fed. R. Civ. P. 16 advisory committee notes (1983 amendment)). "[C]arelessness is not compatible with a finding of diligence and offers no reason for a grant for relief." Id. "If that party was not diligent, the inquiry should end." Id.

37

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No: CV 05-9012 PA (CTx) Date: November 14, 2006
Title: Philip Morris USA, Inc. v. Yamato Ota, et al.

CANNED

Plaintiff's Motion does not mention Rule 16(b) and is instead based solely on Rule 15. Perhaps because it relies on an incorrect standard, the Motion fails to make any showing that, in the exercise of diligence, this motion could not reasonably have been filed prior to the deadline. Indeed, this is the second time Plaintiff has attempted to amend the Complaint. Plaintiff never even served the defendant it named in the First Amended Complaint. As with its prior effort, Plaintiff now admits that it no longer believes that the defendant it named in the First Amended Complaint, Yamato Ota ("Ota"), is liable for the claims asserted against him. Indeed, Plaintiff seeks to dismiss Ota, as it did with Nestor Calderon previously, and instead assert claims against Cuong Minh Vo ("Vo"). Importantly, Plaintiff does not indicate that amendment of the Complaint in this action is the only manner in which Plaintiff could pursue its claims against Vo. Specifically, there appears to be no reason why Plaintiff could not file a new action against Vo.

For all of the foregoing reasons, the Court finds no reason why Plaintiff's motion could not have been reasonably filed at an earlier date. Without such a showing, the Scheduling Order may not be amended. The Court will, however, as Plaintiff wishes, dismiss the claims against Ota. Accordingly, Plaintiff's motion is denied and this action is dismissed without prejudice. The pretrial conference and trial dates are vacated. Nothing in this order shall be construed to prejudice Plaintiff's rights to pursue its claims against Vo.

IT IS SO ORDERED.

Initials of Preparer

CS

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	SOLICITOR AUG - 3 2005 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court CA Central Dist on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CV 05 3278	DATE FILED May 2, 2005	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC CAS (SMA)		DEFENDANT HOGAN HOSKIN, individually and doing business as ARCO AM/PM, etc. (Cont'd. on Attachment "A")
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502		Please see Attachment "B"
2 938,510		
3 1,039,412		
4 1,039,413		
5 1,544,782		

In the above-entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 1,651,628		
2		
3		
4		
5		

In the above-entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Default Judgment and Permanent Injunction entered 4/4/06

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK <i>Pat Bar</i>	DATE JUL 30 2007
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

ATTACHMENT "A"

JUAN RIVERA, individually and doing business as CARNICERIA PARAISO;
MARICELA ZAVALA, individually and doing business as CARNICERIA
PARAISO; RICO SALES, INC., a California corporation doing business as
DISCOUNT RICO; RICO MERCHANDISE, INC., a California corporation doing
business as DISCOUNT RICO; MOHAMMED BIABANI, individually and doing
business as DOLLAR STORE; SING CHAU, individually and doing business as
DONUT KING; YOVENNE WONG, individually and doing business as DOUGH
BOY DONUTS & CROISSANTS; ALFREDO LEON, individually and doing
business as I LA; SOKHA PECHE, individually and doing business as KING
DONUTS; CELIA RIVAS, individually and doing business as LA MEJOR;
PANIAGUA GUADALUPE, individually and doing business as LUPITAS MINI
MARKET; MAY GROUP OF INVESTMENTS INC., a California corporation
doing business as MINH PHAT SUPERMARKET; NICK VASSEGHI,
individually and doing business as SANTA MONICA WORLD NEWS; DANIEL
PEREZ, individually and doing business as MARQUE LA PRECIOSA

ATTACHMENT "B"

**TO REPORT ON THE FILING OR DETERMINATION
OF AN ACTION REGARDING A PATENT OR TRADEMARK**

Registration Number	Registration Date
68,502	04/14/1908
938,510	07/25/1972
1,039,412	05/11/1976
1,039,413	05/11/1976
1,544,782	06/20/1989
1,651,628	07/23/1991

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CENTRAL DIST. OF CALIF.
LOS ANGELES

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CLERK, U.S. DISTRICT COURT
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CENTRAL DISTRICT OF CALIFORNIA
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CLERK, U.S. DISTRICT COURT
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CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHILIP MORRIS USA INC.,

Plaintiff,

v.

HOGAN HOSKIN, *et al.*,

Defendants.

Case No.: CV05-3278 CAS (SHx)

**[PROPOSED] DEFAULT
JUDGMENT AND PERMANENT
INJUNCTION AS TO
DEFENDANTS JUAN RIVERA
AND MARICELA ZAVALA,
INDIVIDUALLY AND DOING
BUSINESS AS CARNICERIA
PARAISO**

Hearing Date: April 3, 2006
Time: 10:00 a.m.
Courtroom: 5

Honorable Christina A. Snyder

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

Plaintiff Philip Morris USA Inc. ("Philip Morris USA"), having properly served a Summons and Complaint upon Defendants Juan Rivera and Maricela Zavala, individually and doing business as Carniceria Paraiso ("Defendants"), and Defendants having failed to timely respond to the complaint, it is hereby

ORDERED, ADJUDGED and DECREED as follows:

1. This is an action for: (i) infringement of registered trademarks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114; (ii) false designation of

[PROPOSED] DEFAULT JUDGMENT AND PERMANENT INJUNCTION AS TO DEFENDANTS JUAN RIVERA AND MARICELA ZAVALA, INDIVIDUALLY AND DOING BUSINESS AS CARNICERIA PARAISO

1 origin and trademark and trade dress infringement in violation of Section 43(a) of the
2 Lanham Act, 15 U.S.C. § 1125(a); and (iii) unfair competition and trademark
3 infringement in violation of the common law of the State of California. This Court
4 has personal jurisdiction over Philip Morris USA and Defendants, and subject matter
5 jurisdiction of the matter in controversy between Philip Morris USA and Defendants.
6 Venue in this judicial district is proper.

7 2. Defendants have not made any objections regarding the sufficiency of
8 process or the sufficiency of service of process in this action. Any objections the
9 Defendant may have regarding the sufficiency of process or the sufficiency of service
10 of process in this action are hereby deemed waived.

11 3. Philip Morris USA manufactures cigarettes, including the famous
12 MARLBORO® brand, for sale in the United States. Philip Morris USA is the
13 registered owner of the following MARLBORO® and MARLBORO®-related
14 trademarks on the Principal Register of the United States Patent and Trademark
15 Office, all of which are valid, subsisting and incontestable pursuant to 15 U.S.C.
16 § 1065 (collectively "Philip Morris USA Marks"):

Registration Number	Registration Date	Trademark
68,502	April 14, 1908	MARLBORO
938,510	July 25, 1972	MARLBORO Red Label
1,039,412	May 11, 1976	MARLBORO LIGHTS
1,039,413	May 11, 1976	MARLBORO LIGHTS Label

25
26 4. Philip Morris USA has spent substantial time, effort, and money
27 advertising and promoting the Philip Morris USA Marks throughout the United
28 States, and these marks have consequently developed significant goodwill, have

1 become distinctive, and have acquired secondary meaning. As a result of the sale of
2 counterfeit MARLBORO® and/or MARLBORO LIGHTS® cigarettes, Philip Morris
3 USA is suffering a loss of the enormous goodwill associated with the Philip Morris
4 USA Marks, and is losing profits from lost sales of genuine products.

5 5. Beginning on or about March 6, 2003, and subsequent to Philip Morris
6 USA's adoption and first use of the Philip Morris USA Marks, Defendants offered
7 for sale and sold to the general public counterfeit MARLBORO® and/or
8 MARLBORO LIGHTS® brand cigarettes.

9 6. Philip Morris USA filed the Complaint in this action on May 2, 2005,
10 and filed the First Amendment Complaint in this action on May 17, 2005.

11 7. Defendants were served with the Summons and First Amended
12 Complaint on June 26, 2005. Entry of Default against Defendants was recorded on
13 August 19, 2005, for Defendants' failure to timely respond to Plaintiff's complaint.
14 On March 6, 2006, Plaintiff presented this Court with its Application for Default
15 Judgment against Defendants. Defendants has not filed any opposition to this
16 application.

17 8. Accordingly, it is hereby **ORDERED** that Defendants, and Defendants'
18 officers, agents, servants, employees, and attorneys, and all persons in active concert
19 or participation with Defendants, are hereby **PERMANENTLY ENJOINED** from

20 (i) purchasing, selling, offering for sale, or otherwise using in commerce
21 any counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand
22 cigarettes; and

23 (ii) assisting, aiding or abetting any other person or entity in purchasing,
24 selling, offering for sale, or otherwise using in commerce any
25 counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand
26 cigarettes.

27 (iii) interfering with or impeding in any way the inspections authorized by
28 paragraph 9 of this Order.

1 9. **IT IS FURTHER ORDERED THAT** the Defendants cooperate in
2 good faith with Philip Morris USA in future investigations of counterfeit cigarette
3 sales at their retail establishments, including but not limited to (a) permitting
4 representatives of an investigative firm under contract with Philip Morris USA to
5 conduct inspections, without notice, of Defendants' inventories of to determine
6 whether any cigarettes bearing the MARLBORO® and/or MARLBORO LIGHTS®
7 trademarks are counterfeit (such inspections may proceed at any Defendant retail
8 outlet between the hours of 9:00 a.m. and 5 p.m. on any day such Defendant is open
9 for business) and to retain possession of any such MARLBORO® and/or
10 MARLBORO LIGHTS® brand cigarettes determined to be counterfeit;
11 (b) responding to reasonable requests for information about Defendants' suppliers of
12 MARLBORO® and/or MARLBORO LIGHTS® cigarettes; and (c) cooperating with
13 Philip Morris USA's representatives in their investigations of any suppliers of
14 MARLBORO® and/or MARLBORO LIGHTS® cigarettes.

15 10. **IT IS FURTHER ORDERED THAT**, pursuant to 15 U.S.C.
16 § 1117(c), Defendants are liable to Plaintiff in the amount of \$2,000 for violations of
17 Sections 32 and 43(a) of the Lanham Act.

18 11. **IT IS FURTHER ORDERED THAT** Defendants are liable to Plaintiff
19 for attorneys' fees in the amount of \$400 and costs in the amount of \$71.39.

20 12. Upon entry of this Default Judgment and Permanent Injunction, any
21 bond or undertaking Philip Morris USA has filed in this action as to Defendants shall
22 be deemed exonerated and the original of such bond or undertaking shall be returned
23 to Philip Morris USA.

24 13. The terms of this Default Judgment and Permanent Injunction shall be
25 enforceable against Defendants, Defendants' successors in interest and assigns, and
26 any persons or business entities working in concert with Defendants.

27 14. There being no just reason for delay, the entry of this default judgment
28 by the United States District Court constitutes entry of final judgment as to all

1 remaining claims asserted in this action by Philip Morris USA against Defendants
2 pursuant to Federal Rule of Civil Procedure 54(b).

3 15. The Court shall retain jurisdiction to enforce this Default Judgment and
4 Permanent Injunction. If any Defendant shall be alleged to have breached the terms
5 of this Judgment and Permanent Injunction, Philip Morris USA shall have the right to
6 reopen this matter upon motion filed and heard on an expedited basis, including by *ex*
7 *parte* application. If this matter is so reopened, Philip Morris USA may pursue any
8 and all remedies it may have against the Defendant and shall also be entitled to
9 recover its attorneys' fees and costs for any further prosecution of this action.

10
11 IT IS SO ORDERED

12
13 DATED: 4/3/06

Christina A. Snyder
Hon. Christina A. Snyder

14
15 Submitted by:

16
17 HELLER EHRMAN LLP
18 John C. Ulin (No. 165524)
19 Patricia K. Oliver (No. 193423)
20 Anna Buono-Zusman (No. 232753)
21 333 S. Hope Street, 39th Floor
22 Los Angeles, California 90071
23 Telephone: (213) 689-0200
24 Facsimile: (213) 614-1868

25 By *J. C. Ulin*
26 John C. Ulin

27 Attorneys for Plaintiff
28 PHILIP MORRIS USA INC.

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. CVU6-5486	DATE FILED August 31 2006 (MARK)	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT KOND ENTERPRISES, INC., et al. SOLICITOR AUG 21 2007 U.S. PATENT & TRADEMARK OFFICE
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK JENNY M. PHAN	DATE JUL 24 2007
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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES
BY

FILED
CLERK, U.S. DISTRICT COURT
JUL 23 2007
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).
IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHILIP MORRIS USA INC.,
Plaintiff,
v.
KOND ENTERPRISES, INC., et al.,
Defendants.

Case No.: CV 06-5486 JFW (MANx)
[PROPOSED] DEFAULT
JUDGMENT AND PERMANENT
INJUNCTION AS TO DEFENDANT
ABDUL SANEI RASOOL,
INDIVIDUALLY AND DOING
BUSINESS AS TOPANGA
CIGARETTES, ALSO KNOWN AS
TOPANGA NEWSSTAND

Hearing Date: July 30, 2007
Time: 1:30 p.m.
Courtroom: 16

Honorable John F. Walter

ENTERED
CLERK, U.S. DISTRICT COURT
JUL 24 2007
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Plaintiff Philip Morris USA Inc. ("Philip Morris USA"), having properly served a Summons and Complaint upon Defendant Abdul Sanei Rasool, individually and doing business as Topanga Cigarettes, also known as Topanga Newsstand ("Defendant"), and Defendant having failed to respond timely to the complaint, it is hereby **ORDERED, ADJUDGED and DECREED** as follows:

DOCKETED ON CM
JUL 24 2007
60

[PROPOSED] DEFAULT JUDGMENT AND PERMANENT INJUNCTION AS TO DEFENDANT ABDUL SANEI RASOOL, INDIVIDUALLY AND DBA TOPANGA CIGARETTES, ALSO KNOWN AS TOPANGA NEWSSTAND

1 1. This is an action for: (i) infringement of registered trademarks in
2 violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114; (ii) false designation of
3 origin and trademark and trade dress infringement in violation of Section 43(a) of the
4 Lanham Act, 15 U.S.C. § 1125(a); and (iii) unfair competition and trademark
5 infringement in violation of the common law of the State of California. This Court
6 has personal jurisdiction over Philip Morris USA and Defendant, and subject matter
7 jurisdiction of the matter in controversy between Philip Morris USA and Defendant.
8 Venue in this judicial district is proper.

9 2. Defendant has not made any objections regarding the sufficiency of
10 process or the sufficiency of service of process in this action. Any objections the
11 Defendant may have regarding the sufficiency of process or the sufficiency of service
12 of process in this action are hereby deemed waived.

13 3. Philip Morris USA manufactures cigarettes, including the famous
14 MARLBORO® brand, for sale in the United States. Philip Morris USA is the
15 registered owner of the following MARLBORO® and MARLBORO®-related
16 trademarks on the Principal Register of the United States Patent and Trademark
17 Office, all of which are valid, subsisting and incontestable pursuant to 15 U.S.C.
18 § 1065 (collectively "Philip Morris USA Marks"):

Registration Number	Registration Date	Trademark
68,502	April 14, 1908	MARLBORO
938,510	July 25, 1972	MARLBORO Red Label
1,039,412	May 11, 1976	MARLBORO LIGHTS
1,039,413	May 11, 1976	MARLBORO LIGHTS Label

1 4. Philip Morris USA has spent substantial time, effort, and money
2 advertising and promoting the Philip Morris USA Marks throughout the United
3 States, and these marks have consequently developed significant goodwill, have
4 become distinctive, and have acquired secondary meaning. As a result of the sale of
5 counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes, Philip
6 Morris USA is suffering a loss of the enormous goodwill associated with the Philip
7 Morris USA Marks, and is losing profits from lost sales of genuine products.

8 5. Beginning on or about January 30, 2006, and subsequent to Philip
9 Morris USA's adoption and first use of the Philip Morris USA Marks, Defendant
10 offered for sale and sold to the general public counterfeit MARLBORO® and/or
11 MARLBORO LIGHTS® brand cigarettes.

12 6. Philip Morris USA filed its Complaint in this matter on August 31,
13 2006, and its First Amended Complaint on March 1, 2007.

14 7. Defendant was served with the Summons and the First Amended
15 Complaint on March 29, 2007. Entry of Default against Defendant was recorded on
16 May 16, 2007, for Defendant's failure to respond timely to Plaintiff's complaint. On
17 June 28, 2007, Plaintiff presented this Court with its Application for Default
18 Judgment against Defendant. Defendant has not filed any opposition to that
19 application.

20 8. Accordingly, it is hereby **ORDERED** that Defendant, and Defendant's
21 officers, agents, servants, employees, and attorneys, and all persons in active concert
22 or participation with Defendant, are hereby **PERMANENTLY ENJOINED** from

23 (i) purchasing, selling, offering for sale, or otherwise using in commerce
24 any counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand
25 cigarettes; and

26 (ii) assisting, aiding or abetting any other person or entity in purchasing,
27 selling, offering for sale, or otherwise using in commerce any
28 counterfeit MARLBORO® and/or MARLBORO LIGHTS® brand

cigarettes.

(iii) interfering with or impeding in any way the inspections authorized by paragraph 9 of this Order.

9. **IT IS FURTHER ORDERED THAT** Defendant cooperate in good

faith with Philip Morris USA in future investigations of counterfeit cigarette sales at their retail establishments, including but not limited to (a) permitting representatives of an investigative firm under contract with Philip Morris USA to conduct

inspections, without notice, of Defendant's inventory of cigarettes to determine whether any cigarettes bearing the MARLBORO® and/or MARLBORO LIGHTS®

trademarks are counterfeit (such inspections may proceed at any Defendant retail outlet between the hours of 9:00 a.m. and 5 p.m. on any day such Defendant is open

for business) and to retain possession of any such MARLBORO® and/or

MARLBORO LIGHTS® brand cigarettes determined to be counterfeit;

(b) responding to reasonable requests for information about Defendant's suppliers of

MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes; and

(c) cooperating with Philip Morris USA's representatives in their investigations of

any suppliers of MARLBORO® and/or MARLBORO LIGHTS® brand cigarettes.

10. **IT IS FURTHER ORDERED THAT**, pursuant to 15 U.S.C.

§ 1117(c), Defendant is liable to Plaintiff in the amount of \$2,000 for violations of

Sections 32 and 43(a) of the Lanham Act.

11. **IT IS FURTHER ORDERED THAT** Defendant is liable to Plaintiff

for attorneys' fees in the amount of \$400 and costs in the amount of \$69.81.

12. The terms of this Default Judgment and Permanent Injunction shall be

enforceable against Defendant, Defendant's successors in interest and assigns, and

any persons or business entities working in concert with Defendant.

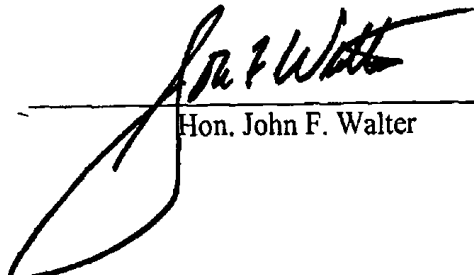
13. There being no just reason for delay, the entry of this default judgment

by the United States District Court constitutes entry of final judgment as to all

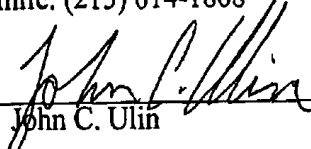
1 remaining claims asserted in this action by Philip Morris USA against Defendant
2 pursuant to Federal Rule of Civil Procedure 54(b).

3 14. The Court shall retain jurisdiction to enforce this Default Judgment and
4 Permanent Injunction.

5
6 **IT IS SO ORDERED**

7
8 DATED: 7/23/08 
9 Hon. John F. Walter

10 Submitted by:
11 HELLER EHRMAN LLP
12 John C. Ulin (No. 165524)
13 333 S. Hope Street, 39th Floor
14 Los Angeles, California 90071
15 Telephone: (213) 689-0200
16 Facsimile: (213) 614-1868

17 By 
18 John C. Ulin
19 Attorneys for Plaintiff
20 PHILIP MORRIS USA INC.

SOLICITOR

SEP - 6 2007

AO 120 (Rev. 3/04)

TO: Mail Stop 8 U.S. PATENT & TRADEMARK OFFICE Director of the U.S. Patent and Trademark Office P.O. Box 1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court California Central District on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 2005-9015	DATE FILED December 29, 2005	U.S. DISTRICT COURT Central District of California
PLAINTIFF PHILIP MORRIS USA INC.		DEFENDANT JOHN X. LIU, an individual; HENRY YUAN HENG TUNG, an individual; YINGHOUN TUNG, A/K/A CHRISTOPHER TUNG; and DOES ONE through TEN, inclusive
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris USA Inc.
2 938,510	July 25, 1972	Philip Morris USA Inc.
3 1,039,412	May 11, 1976	Philip Morris USA Inc.
4 1,039,413	May 11, 1976	Philip Morris USA Inc.
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1	
2	
3	
4	
5	

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK SHERRI R. CARTER	(BY) DEPUTY CLERK <i>[Signature]</i>	DATE 6-8-07
----------------------------------	---	-----------------------

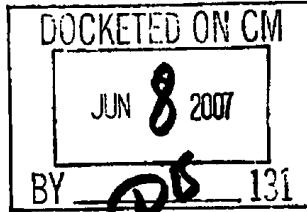
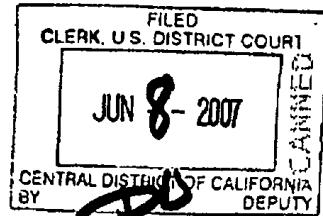
Copy 1—Upon initiation of action, mail this copy to Director Copy 3— Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

American LegalNet, Inc.
www.USCourtForms.com

1
2
3
4 ENTERED

5 JUN 8 2007

6
7 BY *PS* 131



17 UNITED STATES DISTRICT COURT

18 CENTRAL DISTRICT OF CALIFORNIA

19 PHILIP MORRIS USA INC.,

20 Plaintiff,

21 v.

22 JOHN X. LIU, HENRY YUAN

23 HENG TUNG, YINGHOUN

24 TUNG, and LI HE,

25 Defendants.

26 Case. No. CV 05-9015 ER

27 JUDGMENT

28 Priority ☒

Send ☒

Enter ☒

Closed ☐

JS-5/JS-6 ☐

JS-7/JS-3 ☐

Scan Only ☐

17 The Court having granted Plaintiff Philip Morris USA Inc.'s motion for

18 summary judgment now orders that judgment be entered as follows:

19 (1) Defendant John X. Liu is liable to Plaintiff for statutory damages

20 pursuant to 15 U.S.C. § 1117(c) in the amount of \$2,000,000;

21 (2) Defendant is liable to Plaintiff for attorneys' fees pursuant to 15 U.S.C.

22 § 1117(a), and the Court hereby directs Plaintiff to file and serve on Defendant,

23 within 14 calendar days, a detailed application for attorneys' fees, including

24 declarations and supporting evidence supporting the amount of such attorneys'

25 fees. Defendant shall have 7 days thereafter to file and serve an opposition.

26 Finally, Plaintiff shall have 7 days thereafter to file and serve a reply, if so desired;

27 (3) Pursuant to 15 U.S.C. § 1116(a), Defendant and his officers, agents,

28 servants, employees, and attorneys, and all persons in active concert or

58

1 participation with Defendant, are hereby permanently enjoined from:

2 (a) purchasing, importing, selling, offering for sale, or otherwise
3 using in commerce any counterfeit cigarettes bearing Philip Morris
4 USA's trademarks, including without limitation MARLBORO, the
5 MARLBORO Red Label, MARLBORO LIGHTS, and the
6 MARLBORO LIGHTS Label, and

7 (b) assisting, aiding, or abetting any other person or entity in
8 purchasing, importing, selling, offering for sale, or otherwise using in
9 commerce any counterfeit cigarettes bearing Philip Morris USA's
10 trademarks, including without limitation MARLBORO, the
11 MARLBORO Red Label, MARLBORO LIGHTS, and the
12 MARLBORO LIGHTS Label;

13 (4) The terms of this Judgment shall be enforceable against Defendant, his
14 successors in interest and assigns, and any other persons or entities working in
15 active concert or participation with him;

16 (5) Defendant is liable to Plaintiff for costs pursuant to 15 U.S.C. § 1117(a).
17

18 IT IS SO ORDERED.

19 IT IS FURTHER ORDERED that the Clerk of the Court shall serve, by United
20 States mail or by telefax or by email, copies of this Order on counsel for the
21 parties in this matter.

22
23 Dated: JUN 8 2007



24 EDWARD RAFFEDIE
25 Senior United States District Judge
26
27
28

AO 120 (Rev. 3/04)

TO:	Mail Stop 8	SOLICITOR	REPORT ON THE
	Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	U.S. PATENT & TRADEMARK OFFICE	FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court EDKY AT LEXINGTON on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 5:03-CV-531-KSF	DATE FILED 12/08/03	U.S. DISTRICT COURT EASTERN DISTRICT OF KENTUCKY-CENTRAL DIVISION- LEXINGTON
PLAINTIFF Philip Morris USA, Inc.		DEFENDANT B&B Liquidators, Inc. d/b/a Liquidators; Lots-A-Deals; and B&B Liquidators
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 68,502	April 14, 1908	Philip Morris & Co., Ltd. Cigarettes
2 938,510	July 25, 1972	Philip Morris Incorporated (Virginia Corporation)
3 1,039,412	May 11, 1976	Philip Morris Incorporated (Virginia Corporation)
4 1,039,413	May 11, 1976	Philip Morris Incorporated (Virginia Corporation)
5 1,544,782	June 20, 1989	Philip Morris Incorporated (Virginia Corporation)
6 1,651,628	July 23, 1991	Philip Morris Incorporated (Virginia Corporation)

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT 02/04/2007 - Agreed Consent Judgment & Agreed Permanent Injunction
--

CLERK Leslie G. Whitmer	(BY) DEPUTY CLERK <i>Lisa Moore</i>	DATE 09/07/07
----------------------------	--	------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

REGISTRATION NO. 1039413

SERIAL NO. 72/430002

PAPER NO.

MAILING DATE: 05/08/96

MARK: MARLBORO LIGHTS (AND DESIGN)
FILTER CIGARETTES

REGISTRANT: PHILIP MORRIS INCORPORATED

CORRESPONDENCE ADDRESS:

ROBERT J. ECK
PHILIP MORRIS MANAGEMENT CORP.
800 WESTCHESTER AVENUE
RYE BROOK, NY 10573

Please furnish the following
in all correspondence:

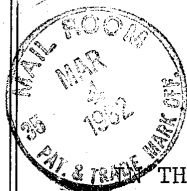
1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence
not containing fees should include
the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 9 OF THE TRADEMARK ACT AND 37 CFR SECS. 2.181-2.184.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND RENEWAL HAS BEEN
GRANTED.

WYE JEAN SMITH
AFFIDAVIT-RENEWAL EXAMINER
TRADEMARK EXAMINING OPERATION
(703) 308-9500 EXT. 38



1070 213 tm

#7

THE UNITED STATES PATENT AND TRADEMARK OFFICE
COMBINED AFFIDAVIT UNDER SECTIONS 8 AND 15

Mark: MARLBORO LIGHTS and design
Reg. No. 1,039,413
Class 34 (U.S. Cl. 17)

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

William J. O'Connor, being duly sworn, states that Philip Morris Incorporated owns the above identified registration issued May 11, 1976, as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five consecutive years from May 11, 1976 to the present on the following: cigarettes which are stated in the registration; that such mark is still in use in interstate commerce; that such mark is still in use as evidenced by the specimen included showing the mark as currently used; that there has been no final decision adverse to registrant's right to register the same or to keep the same on the register; and that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

The undersigned hereby appoints the members of the firm of Conboy, Hewitt, O'Brien & Boardman, Marvin F. Hartung, Thomas V. McMahon, George P. Kramer, Donald Fried, Myron D. Cohen, Axel P. Seyler, Anthony L. Fletcher, James W. Shea, Timothy C. Quinn, Jr., J. Nicholas Suhr, Kathleen Imholz, Robert M. Peet, Edward J. Murphy, Henry W. Herbert, Harrison D. Maas and David Rees Davies, and also Eugene L. Keogh, all members of the bar of the State of New York, and practicing at 20 Exchange

03/08/82 1039413 3:21p 10-000K

FILTER CIGARETTES

Marlboro
LIGHTS

FILTER CIGARETTES



Marlboro
LIGHTS

LOWERED TAR & NICOTINE



Marlboro
LIGHTS
FLIP-TOP BOX

M
MATERIAL
NUMBER

LOWERED TAR & NICOTINE

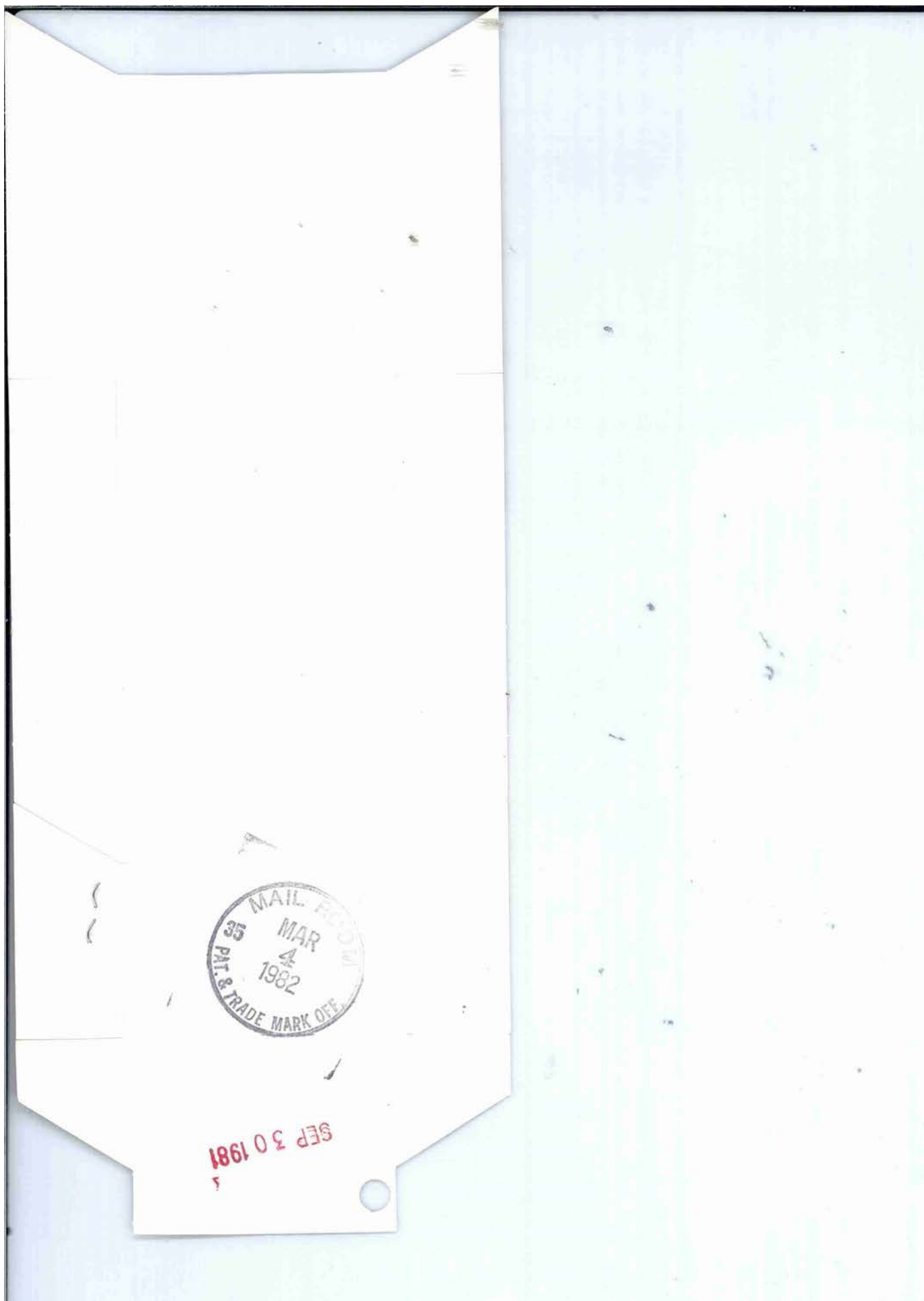
Marlboro
LIGHTS



Warning: The Surgeon General Has
Determined That Cigarette Smoking
Is Dangerous to Your Health



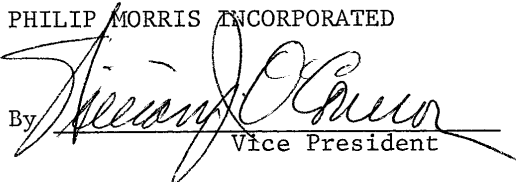
Marlboro LIGHTS
20 CLASS A CIGARETTES
SELECTED FINE TOBACCO
PHILIP MORRIS INC.
LOUISVILLE, KY 40201
MADE IN U.S.A.



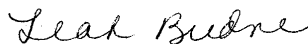
Place, New York, New York 10005 (or other locations in New York City) its attorneys to file this affidavit, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the notice of filing and acceptance.

PHILIP MORRIS INCORPORATED

By


Vice President

Subscribed and sworn to before me
this 25 day of February, 1982.

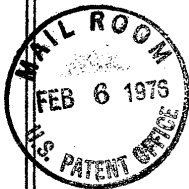


Notary Public

LEAH BUDNE
Notary Public, State of New York
No. 31-4736716
Qualified in New York County
Commission Expires March 30, 1983

(seal)

FEB 6 1976



TRADEMARK TRIAL
AND APPEAL BOARD

FEB 10 1976

PAT. & T.M. OFFICE

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

----- x
BROWN & WILLIAMSON TOBACCO CORPORATION, :
Opposer, : Opposition
-against- : No. 54,865
PHILIP MORRIS, INCORPORATED, : Serial No.
Applicant. : 430,003
002

#6/c

DISCLAIMER

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to Trademark Rule 2.133, the applicant Philip Morris Incorporated, with the opposer Brown & Williamson Tobacco Corporation's accompanying consent, hereby requests that this Board approve the amendment of Application Serial No. 430,003 to include the following statement in lieu of all other disclaimer matter therein:

C'

"Applicant expressly disclaims the word
LIGHTS apart from the mark in its entirety."

Respectfully submitted,

CONBOY, HEWITT, O'BRIEN & BOARDMAN

By

Anthony L. Fletcher
Attorneys for Applicant

February 4, 1976

PAPER No. 5

BRIEF OF INTER PARTES CASE

PROCEEDING No. Opp. # 54866
SERIAL No. 430002 FILED July 17, 1972
APPLICANT Philip Morris Incorporated
REGISTRATION No. _____ DATED _____
REGISTRANT _____
ADVERSE PARTY Brown & Williams Tobacco Corporation

DECISION

SUPERVISORY EXAMINER _____ DATED _____
TRADEMARK TRIAL AND APPEAL BOARD Op. dismissed DATED 3-4-76
COURT _____ DATED noted 9/24/76

REMARKS

All communications respecting this application should give the serial number, date of filing, and name of the applicant.



**U.S. DEPARTMENT OF COMMERCE
Patent Office**

Address Only: COMMISSIONER OF PATENTS
Washington, D.C. 20231

Paper No. 4

Conboy, Hewitt, O'Brien, et al
20 Exchange Place
New York, N. Y. 10005

**NOTICE OF PUBLICATION
UNDER SECTION 12(a)**

SERIAL NO. 430,002	PUBLICATION DATE JUL 8 1973	MAILED JUN 1 1973
APPLICANT Philip Morris Incorporated		
MARK		

MARLBORO LIGHTS AND DESIGN

The mark of the application above identified appears to be entitled to registration. The mark will in accordance with Section 12(a) of the Trademark Act of 1946, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13 of the Statute or by Rules 2.101 and 2.102 of the Trademark Rules, the Commissioner of Patents may issue a Certificate of Registration.

Copies of the Trademark portion of the Official Gazette containing the publication of the mark may be obtained at 40 cents each from the Superintendent of Documents, Government Printing Office.

By direction of the Commissioner.

C. M. WENDT

Mailed: MAY 7 1971 ✓
Ser. No.: 430,002 ✓
Filed: Jul. 17, 1972 ✓
Applicant: Philip Morris Incorporated



U.S. DEPARTMENT OF COMMERCE
Patent Office

Address Only: COMMISSIONER OF PATENTS
Washington, D.C. 20231

Paper No. 3 /B

All communications respecting
this application should give
the serial number, date of fil-
ing, and name of the applicant.

Conboy, Hewitt, O'Brien & Boardman
20 Exchange Place
New York, N.Y. 10005

The changes hereinafter specified have been made in the above identified application in accordance with the provisions of Order Number 5316 of November 24, 1964, which reads in part as follows:

Obvious informalities in the application, including the classification of goods or services, may be corrected but said correction must be in the form of an amendment in writing, approved by the examiner, entered in the file and made a part of the record.

If the changes set forth below are not satisfactory to the applicant, appropriate amendment may be submitted under the provisions of Rule 2.74, provided the printing of the registration has not been commenced at the time such amendment is approved.

The application has been amended as follows:

As was authorized by Mr. Fletcher, attorney of record, in a telephone interview on April 24, 1973, the following statement is made of record:

Applicant by this mark does not intend to, and claims no exclusive right to, use the word "Lights" to describe air-cured or Broadleaf tobaccos.

B/
per c

J.H. Webb:llj(703-557-3277)

J.H. Webb
Examiner Div I

(MARLBOR LIGHTS AND DESIGN)

#2
TRADE-MARK DIVISION
JAN 31 1973
U.S. PATENT OFFICE

IN THE UNITED STATES PATENT OFFICE
BEFORE THE EXAMINER OF TRADEMARKS

----- X
In re the Application of :
PHILIP MORRIS INCORPORATED ✓ :
To register the trademark : DIV. I
MARLBORO LIGHTS and design :
Serial No.: 430,002 ✓ :
Filed: July 17, 1972 :
----- X

R E S P O N S E

20 Exchange Place
New York, New York 10005
January 30, 1973

The Commissioner of Patents
Washington, D. C. 20231

Honorable Sir:

This is in response to the Office Action of November
30, 1972 (Paper No. 1).

I.

PRINT
a
(The words "Veni - Vidi - Vici" are Latin and mean
"I came, I saw, I conquered".)

II.

In Application Serial No. 401,870, Applicant has
filed a further response to the request for disclaimer of the
word LIGHTS. Applicant assumes that the position of the
Office as ultimately disclosed by the record in that case
will eventually be adhered to in this case also. Accordingly,
Applicant is unable to submit the requested disclaimer at
this time.

[] =
ENTERED
- JHW

III.

[The stippling on the drawing is part of the mark
and is not intended to represent color.]

CONCLUSION

Applicant prays for early passage of the mark to
publication.

Respectfully submitted,

CONBOY, HEWITT, O'BRIEN & BOARDMAN

By Anthony L. Fletcher
Anthony L. Fletcher
Attorneys for Applicant
(Telephone: 212-344-3131) ✓



**U.S. DEPARTMENT OF COMMERCE
Patent Office**

Address Only: COMMISSIONER OF PATENTS
Washington, D.C. 20231

Paper No. **1**

Conboy, Hewitt, et al
20 Exchange Place
New York, N.Y. 10005

(Please Furnish Your Zip Code In All Correspondence)

IN REPLY PLEASE REFER TO:

Serial No.
430,002

Mailed
NOV 20 1972

Mark
MARLBORO LIGHTS AND DESIGN

Applicant
Philip Morris Incorporated

✓ An English translation of all foreign words in the drawing should be inserted in the application.

Applicant is requested to submit a disclaimer of the descriptive word(s) "LIGHTS". Applicant's attention is directed to the record in Application Serial No. 401,870 wherein the request for a disclaimer of the word "LIGHTS" is likewise involved. Applicant is advised that the position of the Office as disclosed by the record in that case is adhered to.

✓ Applicant is requested to state that the stippling shown on the drawing is part of the mark and is not intended to represent color.

A search of the Office records fails to show that the mark, when used with applicant's goods and/or services, is confusingly similar to any registered mark.

JHW

JHWebb:1mt 557-3273

Lenore Lady
Examiner, Div. I

A proper response to this Office action must be received within 6 months from the date of this action in order to avoid ABANDONMENT.



430002

JUL-25-72 05721 B --231M

IN THE UNITED STATES PATENT OFFICE

Mark: MARLBORO LIGHTS label

Class 17 (International Class 34)

TO THE COMMISSIONER OF PATENTS

Philip Morris Incorporated, a Virginia corporation

Business address: 100 Park Avenue
New York, New York 10017
Corporate situs: 700 East Main Street
Richmond, Virginia 23219

The above-identified applicant has adopted and is using the trademark shown in the accompanying drawing for cigarettes, and requests that said mark be registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods not later than September 2, 1971; was first used in interstate commerce not later than September 2, 1971; and is now used in such commerce.

The mark is used by applying it to the containers for the goods and/or labels affixed thereto, and five specimens showing the mark as actually used are presented herewith.

[Applicant is the owner of related trademarks including Nos. 68,502, 848,109, 760,533 and many others.]

[Without waiving its common law rights thereto, applicant disclaims exclusive right to the phrases "Filter Cigarettes" and "Lowered Tar & Nicotine" apart from the mark as shown.]

Applicant appoints Conboy, Hewitt, O'Brien & Boardman, a firm composed of Edward F. Butler, Marvin F. Hartung, Thomas

Ans. B-10
[] =
PRINT
-JHW

J. Nevins, David J. Mountan, Jr., Thomas V. McMahon, George P. Kramer, Donald Fried, Myron D. Cohen and Axel P. Seyler, all members of the bar of the State of New York, 20 Exchange Place, New York, New York 10005, its attorneys to prosecute this application to register, to transact all business in the Patent Office in connection therewith, and to receive the certificate of registration.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

J. E. Lincoln , being duly sworn, states that he is a Vice President of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the mark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

PHILIP MORRIS INCORPORATED

By *J. E. Lincoln*
Vice President

Subscribed and sworn to before me
this 13th day of July, 1972.

Margaret W. Donnan
Notary Public

MARGARET W. DONNAN
Notary Public, State of New York
No. 24-0990190
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1973

(Seal)

Int. Cl.: 34

Prior U.S. Cl.: 17

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,039,413

Registered May 11, 1976

Renewal Term Begins May 11, 1996

**TRADEMARK
PRINCIPAL REGISTER**



PHILIP MORRIS INCORPORATED (VIR-
GINIA CORPORATION)
120 PARK AVENUE
NEW YORK, NY 10017

OWNER OF U.S. REG. NOS. 68,502,
760,533 AND OTHERS.

THE WORD "LIGHTS" IS EXPRESSLY
DISCLAIMED APART FROM THE
MARK IN ITS ENTIRETY.

THE WORDS "VENI-VIDI-VICI" ARE
LATIN AND MEAN "I CAME, I SAW, I
CONQUERED."

FOR: CIGARETTES, IN CLASS 17
(INT. CL. 34).

FIRST USE 9-2-1971; IN COMMERCE
9-2-1971.

SER. NO. 72-430,002, FILED 7-17-1972.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 11, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

ASSIGNMENTS

REG. NO.
1039413
SER. NO.

- ☒ No previous assignments of record as of 4-23-84
MC
- ☐ See Title Record for ownership information prior to this record

07/14/86
Sw

MAY 13 1987
R.H.

17

430002

Applicant: Philip Morris Incorporated
100 Park Avenue
New York, New York 10017

Goods: Cigarettes

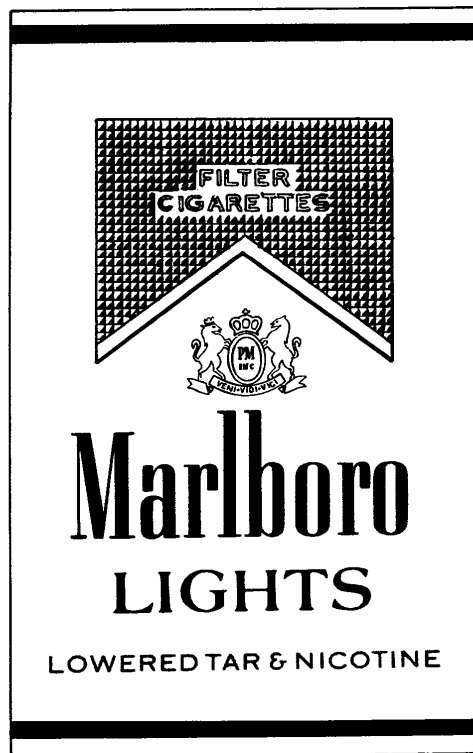
Date of first use: not later than September 2, 1971
interstate commerce: not later than
September 2, 1971

3-2-19

1039413 U

1039413

REGISTERED
MAY 11 1976
PATENT & TRADEMARK
OFFICE



8



B 157

PUBLISHED IN O. G.

JUL 3 1973

U. S. PATENT OFFICE

430002

FILING DATE
07/17/1972REGISTRATION #
1039413

CLASS.

17

CONTENTS

Application *J* papers.

1. NOV 30 1972
2. *Amtdt A Jan 31/73*
3. *Exams, Amtdt. B May 9/73 ✓*
4. *N O E E*
5. *Opp. Brief 54865 Dismissed 3-4-76*
6. *Amtdt C Feb. 6, 1976 ✓ by*
7. *CONF. AFF. SEC. 8 & 10. 2 MAR 1982*
8. *Ren. Pet Mar. 18, 1996*
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15-51581-6

50 The undersigned is granted access to this
file with the understanding that nothing
is to be released without authorization.

Date 11/2/72

Philip E. Under

Firm or _____
Address _____

At

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72 5/6/96

430002

RENEWAL

REG. NO. 1039413		MARK MARLBORO LIGHTS AND DESIGN		SER. NO. 430002	
Registered (date) 11 MAY 1976		Type of Mark		Examiner <i>17 Webb</i>	
Class 17	Filed Complete JULY 17, 1972	Serial No. 430,002		PRINCIPAL REGISTER	
Applicant and Post Office PHILIP MORRIS INCORPORATED VA. CORP. 100 PARK AVE. NEW YORK, N.Y. 10017				Amended.....	
☐ Assignee of ☐ By change of name from				Parts Filed { Application Verification Specimens Drawings Fee \$300.00 <i>Mar. 18, 1996</i>	
Mark MARLBORO LIGHTS AND DESIGN <i>INT. CI. - 34</i>				SUPERVISORY EXAMINER	
Send Correspondence to CONBOY, HEWITT, O'BRIEN & BOARDMAN 20 EXCHANGE PLACE NEW YORK, N.Y. 10005				EXAMINER	
Representative					
Attorney CONBOY, HEWITT, O'BRIEN AND BOARDMAN				Passed for Publication <i>James E. Truge</i>	
Associate Attorney				Passed for Registration <i>Webb</i>	
Other Data <i>See Inside Statement + (A')</i>				A Sec. 8 F F I Sec. 15 D A V Sec. 12c I T	
Claims Ownership of Registration Nos. 68,502 & 760,533 and others				Passed for Renewal <i>W. Smith</i>	
Goods—Services CIGARETTES <i>ok</i>				Renewed From May 11, 1996 <i>6/11</i>	
First Use NOT LATER THAN SEPT. 2, 1971				PUBLISHED IN O. G. JUL 3 1973 U. S. PATENT OFFICE	
In Commerce NOT LATER THAN SEPT. 2, 1971					

PO-102 (Aug. 1966)

KP 30280 AB

16-51581-2

U.S. GOVERNMENT PRINTING OFFICE

JUN 11 1996

REGISTRATION NO. 1,039,413

ISSUED May 11, 1976
12-C PUB

RECEIPT IS HEREBY ACKNOWLEDGED OF THE AFFIDAVIT FILED
BY Philip Morris Incorporated

ON March 4, 1982

☒ SEC. 8 - AFFIDAVIT ACCEPTED
☒ SEC. 15 - AFFIDAVIT FILED
BY DIRECTION OF THE COMMISSIONER

bw

MAY 5 1982

DIRECTOR, TRADEMARK EXAMINING OPERATION

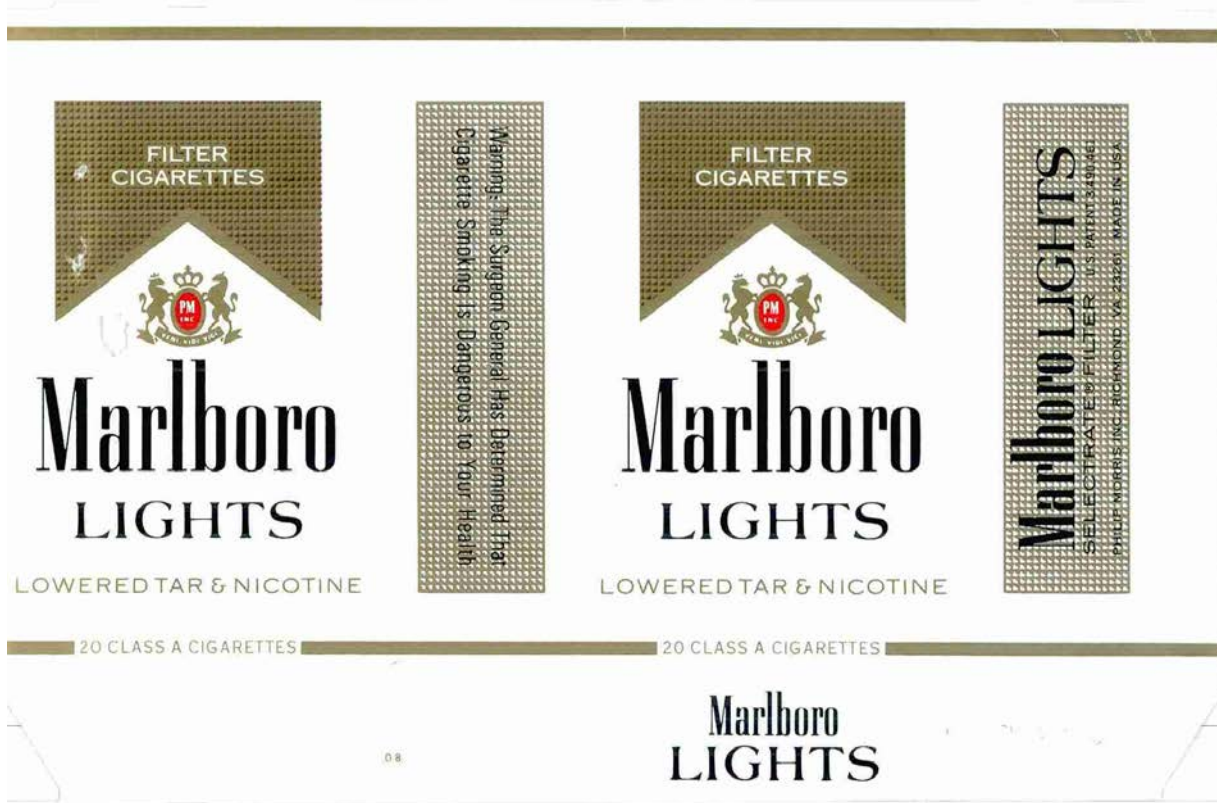
FORM PTOL-136 A
(REV. 8-76)

AFFIDAVIT

ACKNOWLEDGMENT

Conboy, Hewitt, et al
20 Exchange Place
New York, N. Y. 10005

U.S. DEPARTMENT OF COMMERCE - PATENT AND TRADEMARK OFFICE







UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 1039413 SERIAL NO: 72/430002 MAILING DATE: 07/08/2006
REGISTRATION DATE: 05/11/1976
MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERE ETC.
REGISTRATION OWNER: PHILIP MOFFIS USA INC.

CORRESPONDENCE ADDRESS:

Alisa D. Hurlburt
Philip Morris USA Inc.
6601 West Broad Street
Richmond VA 23261-6603

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
017.

AHMED, DEBORAH Y
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

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<LAW OFFICE ASSIGNED>
<CONTACT TYPE> Correspondent

<ORIGINAL ADDRESS> OLGA M. NEDELTSCHIEFF
PHILIP MORRIS MANAGEMENT CORP
800 WESTCHESTER AVE # 6N
RYE BROOK New York (NY) 10573-1322
United States (USX)
Alisa.D.Hurlburt@pmusa.com

<NEW ADDRESS>
 <CORRESPONDENT> Alisa D. Hurlburt
 <ORGANIZATION> Philip Morris USA Inc.
 <STREET ADDRESS> 6601 West Broad Street
 <CTIY> Richmond
 <STATE> VA
 <POSTAL CODE> 23261-6603
 <EMAIL> Alisa.D.Hurlburt@pmusa.com
 <EMAIL AUTHORIZED> Y
 <SUBMIT DATE> May 9, 2006

<SIGNATURE>
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 <SIGNATURE-ENTRY-NUMBER>
 <SIGNATURE-NAME> /Alisa D. Hurlburt/
 <SIGNATORY-DATE> 20060509
 <SIGNATORY-NAME> Alisa D. Hurlburt
 <SIGNATORY-POSITION> Senior Counsel

Change Of Owner's Address

The table below presents the data as entered.

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SERIAL NUMBER	72430002
REGISTRATION NUMBER	1039413
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
OWNER SECTION (current)	
NAME	PHILIP MORRIS INCORPORATED
STREET	120 PARK AVENUE
CITY	NEW YORK
STATE	New York
ZIP/POSTAL CODE	10017
COUNTRY	US
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	Alisa D. Hurlburt Philip Morris USA Inc. 6601 West Broad Street Richmond Virginia 23230 United States Alisa.D.Hurlburt@pmusa.com
NEW OWNER ADDRESS	
STREET	6601 West Broad Street
CITY	Richmond
STATE	Virginia
ZIP/POSTAL CODE	23261-6603
COUNTRY	United States
CURRENT CORRESPONDENCE ADDRESS	
NAME	OLGA M. NEDELTSCHIEFF
FIRM NAME	PHILIP MORRIS MANAGEMENT CORP
STREET	800 WESTCHESTER AVE # 6N
CITY	RYE BROOK
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10573-1322
SIGNATURE SECTION	

SIGNATURE	/Alisa D. Hurlburt/
SIGNATORY NAME	Alisa D. Hurlburt
SIGNATORY DATE	05/05/2006
SIGNATORY POSITION	Senior Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 05 11:42:53 EDT 2006
TEAS STAMP	USPTO/COA-XXX.XXX.XX.XX-2 0060505114253482156-76067 499-320dc371bff4494111a87 d837d03d7745e-N/A-N/A-200 60505112415557165

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	1039413
REGISTRATION DATE	05/11/1976
SERIAL NUMBER	72430002
MARK SECTION	
MARK	MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)
OWNER SECTION (current)	
NAME	PHILIP MORRIS INCORPORATED
STREET	120 PARK AVENUE
CITY	NEW YORK
STATE	NY
ZIP/POSTAL CODE	10017
COUNTRY	US
OWNER SECTION (proposed)	
NAME	Philip Morris USA Inc.
STREET	6601 West Broad Street
CITY	Richmond
STATE	Virginia
ZIP/POSTAL CODE	23230
COUNTRY	United States
ATTORNEY SECTION	
NAME	James H. Johnson, Jr.
FIRM NAME	Sutherland Asbill & Brennan LLP
STREET	999 Peachtree Street, NE
CITY	Atlanta
STATE	Georgia
ZIP/POSTAL CODE	30309-3996
COUNTRY	United States
PHONE	404-853-8000
FAX	404-853-8806
EMAIL	james.johnson@sablaw.com

AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET NUMBERS	24061
OTHER APPOINTED ATTORNEY(S)	Daniel J. Warren, Peter G. Pappas, Patricia B. Cunningham, William L. Warren
DESIGN MARK FILE NAME(S)	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=72430002
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	017
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT6\IMAGEOUT6\724\300\72430002\xml1\S8_90002.JPG
SPECIMEN DESCRIPTION	Packaging for the goods featuring the mark
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL AMOUNT	500
SIGNATURE SECTION	
SIGNATURE	/James H. Johnson, Jr./
SIGNATORY NAME	James H. Johnson, Jr.
SIGNATORY DATE	05/03/2006
SIGNATORY POSITION	Attorney for Registrant
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Wed May 03 21:27:01 EDT 2006
TEAS STAMP	USPTO/S08N09-XXXXXXXXXX-2 0060503212701995342-10394 13-200368e50e8acb6429cd93 338d9fb821ad0-DA-989-2006 0503211418951580

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 1039413

REGISTRATION DATE: 05/11/1976

MARK: MARLBORO LIGHTS FILTER CIGARETTES LOWERED TAR & NICOTINE VENI VEDI VICI PM (stylized and/or with design)

The owner, Philip Morris USA Inc., residing at 6601 West Broad Street, Richmond, Virginia United States 23230, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 017, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services , consisting of a(n) Packaging for the goods featuring the mark.

[Specimen-1](#)

The registrant hereby appoints James H. Johnson, Jr. and Daniel J. Warren, Peter G. Pappas, Patricia B. Cunningham, William L. Warren of Sutherland Asbill & Brennan LLP, 999 Peachtree Street, NE, Atlanta, Georgia United States 30309-3996 to submit this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is 24061.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /James H. Johnson, Jr./ Date: 05/03/2006

Signatory's Name: James H. Johnson, Jr.

Signatory's Position: Attorney for Registrant

Mailing Address:

Sutherland Asbill & Brennan LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996

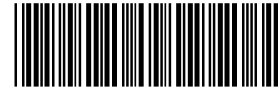
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RAM Accounting Date: 05/04/2006

Serial Number: 72430002

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ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 1039413**Serial Number:** 72430002**RAM Sale Number: 989****RAM Accounting Date: 20060504****Total Fees:** \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
§8 affidavit	7205	20060503	\$100	1	\$100
Application for Renewal (§9)	7201	20060503	\$400	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

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In TICRS (AM-FLG-IN-TICRS): False

Transaction Date: 20060503

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<ORIGINAL ADDRESS> ROBERT J. ECK
PHILIP MORRIS MANAGEMENT CORP.
800 WESTCHESTER AVENUE
RYE BROOK New York (NY) 10573
United States (USX)

<NEW ADDRESS>
 <CORRESPONDENT> Alisa D. Hurlburt
 <ORGANIZATION> Philip Morris USA Inc.
 <STREET ADDRESS> 6601 West Broad Street
 <CTTY> Richmond
 <STATE> VA
 <POSTAL CODE> 23230
 <EMAIL> Alisa.D.Hurlburt@pmusa.com
 <EMAIL AUTHORIZED> Y
 <SUBMIT DATE> May 3, 2006

<SIGNATURE>
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 <SIGNATURE-TYPE> D
 <SIGNATURE-ENTRY-NUMBER>
 <SIGNATURE-NAME> /James H. Johnson, Jr./
 <SIGNATORY-DATE> 20060503
 <SIGNATORY-NAME> James H. Johnson, Jr.
 <SIGNATORY-POSITION> Attorney for Registrant



PHILIP MORRIS

MANAGEMENT CORP.

800 WESTCHESTER AVENUE, RYE BROOK, N.Y. 10573-1301

PHILIP MORRIS INCORPORATED

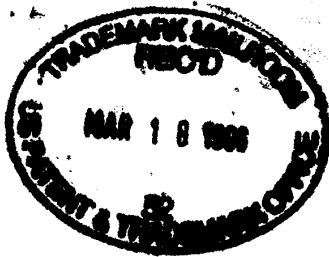
REG. NO.: 1,039,413

TRADEMARK: MARLBORO LIGHTS Label









PHILIP MORRIS

MANAGEMENT CORP.

800 WESTCHESTER AVENUE, RYE BROOK, NEW YORK 10573-1301 TELEPHONE (914) 335-5000 CABLE ADDRESS: POLD NEW YORK TELEX: 422609 FAX NO. (914) 335-1798
96/RN/USA 335-1799

TRADEMARK
DEPARTMENT

OUR Ref. _____

YOUR Ref. _____

MAR 1 5 1996

Honorable Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Registrant: Philip Morris Incorporated
Trademark: MARLBORO LIGHTS Label
Reg. No.: 1,039,413
Int. Class: 34

Sir:

Enclosed herewith are the following:

1. An application for renewal
2. Specimen
3. Check for \$300.00
5. An acknowledgement postcard.

Respectfully submitted,

Robert J. Eck
Philip Morris Management Corp.
800 Westchester Avenue
Rye Brook, NY 10573
(914) 335-7100

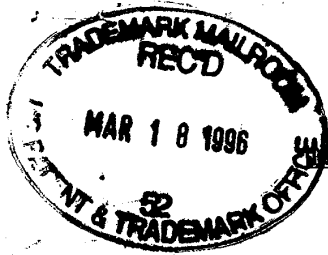
EM/ji
Enc.

I hereby certify that this correspondence is being deposited with the United States Postal Service first class in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

MARLBORO BENSON & HEDGES MERIT VIRGINIA SLIMS PARLIAMENT LIGHTS PLAYERS SARATOGA CAMBRIDGE ALPINE MULTIFILTER

300-314

PKU



THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR RENEWAL OF TRADEMARK

#8
Ren. Pet.

Trademark : MARLBORO LIGHTS Label
Reg. No. : 1,039,413
Int. Class : 34
Registrant : PHILIP MORRIS INCORPORATED

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

py

PHILIP MORRIS INCORPORATED is a corporation organized and existing under the laws of the Commonwealth of Virginia, located and doing business at 120 Park Avenue, New York, N.Y. 10017.

The above-identified registrant requests that Registration No. 1,039,413 granted to PHILIP MORRIS INCORPORATED, on May 11, 1976, which it now owns as evidenced by the Patent and Trademark Office records, be renewed in accordance with the provisions of Sec. 9 of the Act of July 5, 1946, as amended (15 U.S.C. § 1059).

The renewal fee is presented herewith.

AT

CD

Registrant hereby appoints Robert J. Eck member of the Bars of the States of Missouri and New York, Barry M. Krivisky and Scott E. Thompson, both members of the Bar of New York, all practicing at Philip Morris Management Corp., 800 Westchester Avenue, Rye Brook, New York, 10573, as its attorneys to prosecute the application for renewal with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Renewal.

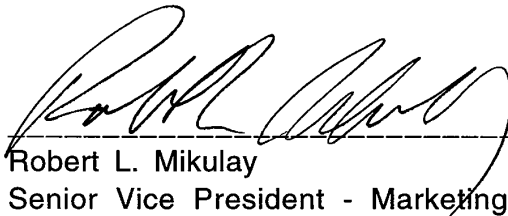
150 11 03/25/96 1039413

0 374 300.00 EX

DECLARATION

Robert L. Mikulay, the undersigned, declares that: he is Senior Vice President - Marketing of PHILIP MORRIS INCORPORATED, and is authorized to execute this declaration on behalf of said corporation; that he believes said corporation to be the owner of Registration No. 1,039,413 and that said mark shown therein is in use in interstate commerce in connection with the goods recited in the registration; that the attached specimen shows the mark as currently used; that all statements made herein of her knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any renewal of registration resulting therefrom.

PHILIP MORRIS INCORPORATED


Robert L. Mikulay
Senior Vice President - Marketing

Dated: **MAR 13 1996**
New York, New York

Int. Cl.: 34

Prior U.S. Cl.: 17

United States Patent Office

Reg. No. 1,039,413

Registered May 11, 1976

TRADEMARK

Principal Register



Philip Morris Incorporated (Virginia corporation)
100 Park Ave.
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).
First use not later than Sept. 2, 1971; in commerce not later than Sept. 2, 1971.
The word "Lights" is expressly disclaimed apart from the mark in its entirety.
The words "Veni-Vidi-Vici" are Latin and mean "I came, I saw, I conquered."
Owner of Reg. Nos. 68,502, 760,533, and others.

Ser. No. 430,002, filed July 17, 1972.

Int. Cl.: 34

Prior U.S. Cl.: 17

United States Patent Office

Reg. No. 1,039,413

Registered May 11, 1976

TRADEMARK

Principal Register



Philip Morris Incorporated (Virginia corporation)
100 Park Ave.
New York, N.Y. 10017

For: CIGARETTES, in CLASS 17 (INT. CL. 34).
First use not later than Sept. 2, 1971; in commerce not later than Sept. 2, 1971.

The word "Lights" is expressly disclaimed apart from the mark in its entirety.

The words "Veni-Vidi-Vici" are Latin and mean "I came, I saw, I conquered."

Owner of Reg. Nos. 68,502, 760,533, and others.

Ser. No. 430,002, filed July 17, 1972.

Int. Cl.: 34

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United States Patent and Trademark Office
10 Year Renewal

Reg. No. 1,039,413
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TRADEMARK
PRINCIPAL REGISTER



PHILIP MORRIS INCORPORATED (VIR-
GINIA CORPORATION)
120 PARK AVENUE
NEW YORK, NY 10017

OWNER OF U.S. REG. NOS. 68,502,
760,533 AND OTHERS.

THE WORD "LIGHTS" IS EXPRESSLY
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CONQUERED."

FOR: CIGARETTES, IN CLASS 17
(INT. CL. 34).

FIRST USE 9-2-1971; IN COMMERCE
9-2-1971.

SER. NO. 72-430,002, FILED 7-17-1972.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 11, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS