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

Proceeding	92060895
Party	Defendant Starbuzz Tobacco, Inc.
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IN THE UNITED STATES PATENT AND TRADE MARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,619,407

Mark: BLUE MIST

Registered: May 12, 2009

SIS RESOURCES LTD.,)	CANCELLATION NO: 92060895
)	
Petitioner,)	REGISTRANT STARBUZZ TOBACCO,
)	INC.'S REPLY TO OPPOSITION TO
)	MOTION TO DISMISS PETITION TO
)	CANCEL
v.)	
)	Petition Filed: February 17, 2015
)	
)	[RELATED OPPOSITION NO. 91213286]
STARBUZZ TOBACCO, INC.,)	
)	
Registrant.)	

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MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Petitioner, SIS Resources LTD. (“SIS Resources” or “Petitioner”), attempts to avoid dismissal of its meritless challenge to Registrant Starbuzz Tobacco, Inc.’s (“Starbuzz”) registration for BLUE MIST for tobacco products by presenting a lengthy pleading that makes irrelevant arguments and attempts to confuse the issues. In making its arguments, Petitioner repeatedly ignores the fact that this petition for cancellation (the “Petition”) only involves Starbuzz’s right to own and register the BLUE MIST trademark for tobacco products (Reg. No. 3619407). The entire Petition is based upon Starbuzz’s filing of a Section 15 affidavit for that registration during the pendency of the *Starbuzz Tobacco, Inc. v. Lorillard, Inc., et al.* action (the “Lorillard Action”). Petitioner alleges that since the Lorillard Action was pending, Starbuzz’s statement that there was no proceeding involving Starbuzz’s right to own and register the BLUE MIST mark was false and thus fraudulent. The Lorillard Action, however, concerned Starbuzz’s right to own and register the BLUE MIST mark for electronic cigarettes, not tobacco products. This is made abundantly clear by reviewing the plain allegations in the counterclaims (the “Counterclaims”) filed by LOEC, Inc. (“LOEC”), which are attached as exhibits to the Petition. As such, the Lorillard Action did not involve Starbuzz’s right to own and register the BLUE MIST mark for tobacco products, and Starbuzz’s Section 15 affidavit was not false.

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