

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WM17 Holding AG
Serial No: 79/151,778 Examiner: Frank J. Lattuca
Filed: June 24, 2014 Law Office 109
Mark: ON! Class: 34

CONSENT

1. WM17 Holding AG ("Applicant") is the owner of United States Trademark Application Serial No. 79/151,778 for the mark "ON!", for use in connection with:

Class 34: Smokeless tobacco products, namely, snuff and snus; pouches containing tobacco for oral use.

2. British American Tobacco (Brands) Limited, is the owner of United States Trademark Registration Number 3,983,224, for the mark "ON + Design" for use in connection with:

Class 34: Cigarettes; tobacco

3. The parties agree that there is no likelihood of confusion between these marks, and that the marks can co-exist on the United States Trademark Register for the following reasons:

- A) The overall commercial impressions of the marks, when applied to the goods/services of each party, are different.
- B) There have been no instances of actual confusion.
- C) The parties will use their best efforts to avoid confusion in the future.
- D) Based on the expertise of the parties in their fields, there is no likelihood that consumers encountering the respective marks and goods/services of the parties will believe that the products emanate from the same source.

4. Accordingly, British American Tobacco (Brands) Limited consents to registration of Applicant's mark as described above, and both parties mutually agree not to challenge each other's use and registration which conform to this Agreement.

5. This Agreement is contingent on Applicant's mark being issued to registration. If a registration does not issue, neither party will be bound by any terms or representations contained in this Agreement.

WM17 Holding AG


By: 

Name: _____

Title: _____

Date: _____

**British American Tobacco (Brands)
Limited**

By: 

Name: Hayley Stevens

Title: Authorised Attorney

Date: 29th June 2015