

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: December 9, 2011

Opposition No. 91185261

Opposition No. 91186841

American Cigarette Company,
Inc.

v.

N.V. Sumatra Tobacco Trading
Company

Cancellation No. 92052621

N.V. Sumatra Tobacco Trading
Company

v.

American Cigarette Company,
Inc.

Andrew P. Baxley, Interlocutory Attorney:

Proceedings herein are suspended pending disposition of the motion for summary judgment.¹ See Trademark Rule 2.127(d).

¹ Although the above-captioned proceedings were consolidated in an August 10, 2010 order with Opposition No. 91185261 identified as the "parent" case, the parties have filed several consented motions to extend dates herein in the above-captioned cancellation proceeding. Those motions to extend should have been filed in the Board file for Opposition No. 91185261.

In addition, because the parties are in opposite postures in the opposition and cancellation proceedings, the cancellation is analogous to a counterclaim. Accordingly, the parties should have either used a trial schedule for a proceeding that includes a counterclaim or prepared a schedule that reflects the parties' opposite postures.

Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration.