ESTTA Tracking number: **ESTTA466825**
Filing date: **04/12/2012**

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

Proceeding	91185261
Party	Plaintiff American Cigarette Company, Inc.
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Submission	Motion to Extend
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Date	04/12/2012
Attachments	UNION Reply in Support of Motion to Reset Deadlines.pdf (4 pages)(145101 bytes)

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

N.V. SUMATRA TOBACCO TRADING CO.	)	
	)	
Petitioner,	)	Opp. No. 91185261
	)	(Consolidated)
v.	)	
	)	
AMERICAN CIGARETTE COMPANY, INC.,	)	Reg. No. 2,972,524
	)	
Respondent.	)	
	)	

RESPONDENT'S REPLY IN SUPPORT OF ITS MOTION TO RE-SET DEADLINES AND MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT

Respondent American Cigarette Company, Inc. ("Respondent") hereby submits its reply in support of its motion to re-set the deadlines in this matter and extend the time for Respondent to respond to the Motion for Summary Judgment filed by Petitioner N.V. Sumatra Tobacco Trading Co. ("Sumatra").

In its Opposition to Respondent's motion, Sumatra does not dispute that Respondent should be granted an extension of time and agrees that Respondent should be granted 61 days, to June 2, 2012, to respond to Sumatra's Summary Judgment Motion. Rather, Sumatra contends that the additional 58 days (to July 30, 2012) requested by Respondent is "excessive." Tellingly, Sumatra does not claim that it will suffer any prejudice if Respondent's request is granted, and, as explained below, the additional 58 days is in no way "excessive."

Sumatra raises three arguments in support of its assertion that Respondent is requesting "excessive" time: (1) the Respondent previously employed attorneys from Troutman Sanders LLP in other matters and could have or should have engaged them in this matter earlier; (2) relatively few documents and pleadings have been produced in this matter; and (3) the summary judgment issue is relatively narrow. None of these arguments is availing.

First, the fact that Respondent has employed attorneys for Troutman Sanders in other matters has no bearing here. The simple fact is that Respondent did not engage the undersigned counsel for this matter until March 26, 2012, just a week before the Notices of Appearance were filed in this matter. Prior to that time, no attorneys with Troutman Sanders had any involvement or substantive knowledge of this dispute. The fact that other Troutman Sanders attorneys represent Respondent in other unrelated matters is of no moment. Soon after March 26, the undersigned counsel was able to review the publicly available record in this matter, but did not obtain access to any other documents or pleadings in this matter until April 2, 2012. Thus, to the extent that Sumatra is suggesting that the undersigned counsel had the opportunity to review and analyze the discovery and pleadings in this matter prior to April 2, 2012, this is not so.

Second, Sumatra argues that this case involves what it characterizes as an "extremely small" amount of files. In reality, roughly 4,000 documents – many of which are quite lengthy – have been produced. Reviewing and analyzing these documents is far from a minute task and supports the additional time requested by Respondent.

Finally, the fact that Sumatra's Summary Judgment Motion is on a narrow issue does not mean that it is a simple issue or one requiring little time to address. Indeed, Respondent has already found many of the statements made in the Summary Judgment Motion, and the scant affidavits on which those statements are based, quite problematic. Many of the statements in Sumatra's Motion for Summary Judgment cite to affidavits that do not actually support the proposition for which Sumatra has cited them. Respondent must assume that Sumatra would not deliberately make inaccurate or misleading statements in its Motion for Summary Judgment, so Respondent must make the extra effort and investigation to understand the basis for Sumatra's statements. The scant nature of the affidavits, rather than rendering Respondent's task simpler,

actually adds to the confusion and lack of clarity, thus increasing the burden on Respondent and supporting the need for additional time.

In short, the amount of time Respondent has requested is both necessary and reasonable in light of the circumstances. Sumatra will not be prejudiced by the additional 58 days requested by Respondent, and Sumatra does not contend otherwise. Thus, Respondent requests that the Board re-set the deadlines in this matter, grant Respondent an extension of time as set forth above, and set July 30, 2012 as the deadline by which Respondent must respond to Sumatra's Motion for Summary Judgment and file any other pleadings deemed necessary by Respondent.

This 12th day of April, 2012.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: /raa/

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Attorneys for Respondent

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

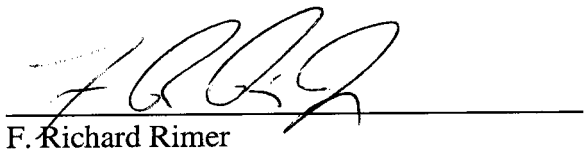
N.V. SUMATRA TOBACCO TRADING CO.,	)	
	)	
Petitioner,	)	Cancellation No. 92052621
	)	(Consolidated)
v.	)	
	)	
AMERICAN CIGARETTE COMPANY, INC.,	)	Reg. No. 2,972,524
	)	
Respondent.	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2012, I caused a true and correct copy of the foregoing RESPONDENT'S REPLY IN SUPPORT OF ITS MOTION TO RE-SET DATES AND MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT to be sent by Federal Express overnight delivery and by e-mail to Tara Vold, Counsel for Petitioner, as follows:

Tara Vold
Fulbright & Jaworski L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
tvold@fulbright.com

This 12th day of April, 2012.



F. Richard Rimer

Attorneys for Respondent