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

Proceeding	92048989
Party	Plaintiff Top Tobacco, LP
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Submission	Stipulated/Consent Motion to Extend
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Date	06/30/2009
Attachments	Motion for Extension.pdf (4 pages)(13275 bytes)

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

In the Matter of
Registration Nos. 2,950,896 and 3,328,623

TOP TOBACCO, LP,)	
)	
Petitioner,)	
v.)	Consolidated Cancellation No. 92048989
)	
VAN NELLE TABAK NEDERLAND BV,)	
)	
Respondent.)	

**CONSENTED MOTION FOR EXTENSION OF TIME FOR PETITIONER TO FILE A
RESPONSE TO RESPONDENT'S MOTION TO COMPEL**

NOW COMES the Petitioner, Top Tobacco, LP (“Top”), by and through its undersigned attorneys, and respectfully requests that this Honorable Court grant it an extension of time until August 14, 2009 to file a brief in opposition to Respondent’s, Van Nelle Tabak Nederland BV’s, Motion to Compel. In support thereof, Top states as follows:

1. On December 11, 2008, Top filed a Motion to Compel discovery. Subsequently, on January 2, 2009, the Board suspended these proceedings pending disposition of the Motion to Compel.

2. On January 16, 2009, Respondent filed a Motion to Compel discovery. In response, on January 27, 2009, Top filed a Motion to Strike Respondent’s Motion to Compel because the proceedings were suspended for all issues not germane to its earlier filed Motion to Compel and, it submitted, Respondent’s Motion to Compel was not germane.

3. On June 25, 2009, the Board issued an Order in an effort to conserve limited Board resources and to maintain efficiency in this proceeding, which denied Top’s Motion to

Strike. *See* June 25, 2009 Order. The Board, therefore, stated that Top would have twenty (20) days to respond to Respondent's Motion to Compel, thereby making its response due on July 15, 2009.

4. The parties to this dispute have entered settlement discussions that they are hopeful will resolve all matters at issue in this case. Accordingly, Top seeks an extension to respond to Respondent's Motion to Compel, thereby making its response due on August 14, 2009.

5. Top believes that settlement in this matter will be promoted by extending the time to respond to Respondent's Motion to Compel, as it will preserve resources and permit it to focus its attention on settling this case. This extension is, therefore, sought not for purposes of delay but to allow the parties the opportunity to resolve all matters at issue in this case and conserve the Board's resources in the event the parties are able to settle these proceedings before August 14, 2009.

6. During a telephone conversation and in an email exchange, counsel for Respondent agreed to this extension.

WHEREFORE, Petitioner, Top, respectfully requests that this Board enter an order granting its motion for an extension of time until August 14, 2009, to respond to Respondent's Motion to Compel.

June 30, 2009

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Respectfully submitted,

/Antony J. McShane/
One of the Attorneys for Petitioner,
Top Tobacco, L.P.

CERTIFICATE OF SERVICE

I, Lara V. Klapper, an attorney, state that I caused a copy of the foregoing, CONSENTED MOTION FOR EXTENSION OF TIME FOR PETITIONER TO FILE A RESPONSE TO RESPONDENT'S MOTION TO COMPEL to be served upon:

Brewster Taylor
STITES & HARBISON, PLLC
1199 North Fairfax Street
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via U.S. Mail on this June 30, 2009.

/Lara V. Klapper/
Lara V. Klapper