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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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Date	11/25/2009
Attachments	Consented Motion to Extend for ROUTE_66.pdf (4 pages)(25111 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.)	

**JOINT MOTION FOR EXTENSION OF TIME FOR PETITIONER TO FILE A
RESPONSE TO RESPONDENT’S MOTION TO COMPEL**

Petitioner, Top Tobacco, LP (“Top”), and Respondent, Van Nelle Tabak Nederland BV (“Van Nelle”), jointly move for an additional extension of sixty (60) days, until February 11, 2009, of the time by which Top must file its brief in opposition to Van Nelle’s Motion to Compel. In support thereof, the parties state as follows:

1. On January 2, 2009, the Board suspended these proceedings pending disposition of Top’s Motion to Compel discovery.

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

3. On June 25, 2009, the Board issued an Order denying Top’s Motion to Strike and directing Top to respond to Van Nelle’s Motion to Compel. *See* June 25, 2009 Order. As the

parties were engaged in settlement discussions, on June 30, 2009, Top filed a Consented Motion for Extension of Time for Petitioner to File a Response to Respondent's Motion to Compel, thereby giving Top until August 14, 2009 to file its Response, which the Board granted on July 2, 2009.

4. As settlement discussions have continued to progress, the parties filed joint motions to further extend the time for Top to file its Response on July 28, 2009, and again on September 29, 2009. In each case, the Board granted the joint motions, further extending the time to respond by sixty days in each case.

5. Though the parties are close to reaching settlement, they believe that still additional time is required to work out certain details. Accordingly, the parties jointly seek an additional extension of sixty (60) days for Top to respond to Van Nelle's Motion to Compel, so as to preserve resources and permit the parties to continue to focus their attention on settling this case. The requested extension would set the new date for Top's Response as February 11, 2009.

6. Counsel for Top and Van Nelle conferred regarding this matter on November 24, 2009, and agreed to this Joint Motion.

WHEREFORE, the parties respectfully request that this Board enter an order granting Top an extension of time until February 11, 2009 to respond to Van Nelle's Motion to Compel.

Date: November 25, 2009

Respectfully submitted,

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

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Date: November 25, 2009

Respectfully submitted,

/Brewster Taylor/
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CERTIFICATE OF SERVICE

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

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via U.S. Mail on this November 25th, 2009.

/Mike R. Turner/
Mike R. Turner