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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	05/20/2010
Attachments	May 2010 Motion to Extend Response to Route 66.pdf ( 3 pages )(11916 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**

Petitioner, Top Tobacco, LP (“Top”), with the consent of Respondent, Van Nelle Tabak Nederland BV (“Van Nelle”), hereby moves for an additional extension of sixty (60) days, until August 10, 2010, of the time by which Top must file its brief in opposition to Van Nelle’s Motion to Compel.

As the Board is well-aware, on June 25, 2009, the Board issued an order directing Top to respond to a motion to compel discovery filed by Van Nelle. On June 30, 2009, Top filed a consented motion for an extension of time to respond to Van Nelle’s motion, because the parties were engaged in settlement discussions. Since that time, and given the continuing progress toward reaching a settlement, the parties have filed several joint motions to further extend the time for Top to file its response. Most recently, the Board issued an order on March 31, 2010, extending the deadline for Top to respond to the motion until June 11, 2010. See March 31, 2010 Order.

The settlement efforts between the parties have included reaching a global agreement that would resolve this and numerous other proceedings pending before the Trademark Office, as well as a civil action in federal district court, involving multiple trademarks and designations. Currently, the parties have scheduled an additional in-person meeting of the principals, some of whom are traveling internationally to attend the meeting, for later this month and are hopeful that they will reach a settlement at the meeting.

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 work toward finalizing a settlement in this matter. The requested extension would set the new date for Top's Response as August 10, 2010. Counsel for Top and Van Nelle conferred regarding this matter on May 19, 2010, and agreed to this request for an extension of time.

WHEREFORE, the parties respectfully request that this Board enter an order granting Top an extension of time until August 10, 2010 to respond to Van Nelle's Motion to Compel.

Date: May 20, 2010

Respectfully submitted,

/Hillary A. Mann/  
One of the Attorneys for Petitioner,  
Top Tobacco, L.P.

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**CERTIFICATE OF SERVICE**

I, Hillary A. Mann, 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:

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via U.S. Mail on May 20, 2010.

/Hillary A. Mann/  
Hillary A. Mann