

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

Mailed: May 27, 2008

Cancellation No. 92048989

Top Tobacco, LP

v.

Van Nelle Tabak Nederland BV

**Robert H. Coggins,  
Interlocutory Attorney:**

This cancellation was instituted against U.S. Registration Nos. 1686628, 2950896, and 3328623. It has come to the attention of the Board that U.S. Registration No. 1686628 should have been cancelled by the Director before the institution of the instant cancellation proceeding. However, do to Office error, U.S. Registration No. 1686628 was not automatically cancelled. The error has been corrected and U.S. Registration No. 1686628 has now been cancelled by the Director under Section 8 of the Trademark Act of 1946, 35 U.S.C. §1058.

In view thereof, the cancellation proceeding will move forward on U.S. Registration Nos. 2950896 and 3328623 only; the portion of petitioner's filing fee relating to U.S. Registration No. 1686628 will be refunded; and respondent's motion (filed April 14, 2008) to dismiss the petition to cancel in part as to U.S. Registration No. 1686628, and

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petitioner's motion (filed May 6, 2008) for partial judgment on the pleadings as to U.S. Registration No. 1686628 are moot.

Conferencing, discovery, disclosure, and trial deadlines are reset on the schedule below.

Deadline for Discovery Conference	6/22/2008
Discovery Opens	6/22/2008
Initial Disclosures Due	7/22/2008
Expert Disclosures Due	11/19/2008
Discovery Closes	12/19/2008
Plaintiff's Pretrial Disclosures	2/2/2009
Plaintiff's 30-day Trial Period Ends	3/19/2009
Defendant's Pretrial Disclosures	4/3/2009
Defendant's 30-day Trial Period Ends	5/18/2009
Plaintiff's Rebuttal Disclosures	6/2/2009
Plaintiff's 15-day Rebuttal Period Ends	7/2/2009