

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

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Mailed: March 2, 2012

Opposition No. 91185261

Opposition No. 91186841

American Cigarette Company,
Inc.

v.

N.V. Sumatra Tobacco Trading
Company

Cancellation No. 92052621

N.V. Sumatra Tobacco Trading
Company

v.

American Cigarette Company,
Inc.

Andrew P. Baxley, Interlocutory Attorney:

On January 30, 2012, American Cigarette Company, Inc. ("American") filed a motion to extend by ninety days its time to respond to N.V. Sumatra Tobacco Trading Company's ("N.V.") motion for summary judgment in the above-captioned cancellation proceeding in view of its attorney's involvement in other litigation. N.V. filed a brief in opposition thereto.¹

¹ Notwithstanding clear language of the Board's August 12, 2010 order, the parties have filed submissions for these consolidated proceedings, including N.V.'s brief in response to the motion to

After reviewing the parties' arguments and exhibits, the Board, keeping in mind its liberal policy toward granting extensions, the Board finds that there is good cause to extend briefly American's time to respond to the motion for summary judgment.² See Fed. R. Civ. P. 6(b)(1)(A); *Societa Per Azioni Chianti Ruffino Esportazione Vinicola Toscana v. Colli Spolentini Spoletoducale SCRL*, 59 USPQ2d 1383 (TTAB 2001); TBMP Section 509.01(a) (3d ed. 2011). The motion to extend is granted to the extent that American's time to respond to the motion for summary judgment will be reset upon resolution of the following.

On February 23, 2012, American's attorneys filed a renewed request to withdraw as American's counsel of record in this case.³ The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. Robert C. Kain, Jr., and the attorneys of the law firm of Kain

extend, in the Board file for Cancellation No. 92052621. The parties are reminded to file their submissions in these consolidated proceedings in the Board file for the parent case of these consolidated proceedings, i.e., Opposition No. 91185261.

² American's attorney's first request to withdraw as counsel was filed after the brief in opposition to the motion to extend and prior to the due date for a reply brief. The filing of the first request to withdraw effectively tolled American's time in which to file a reply brief. However, the Board, in its discretion, elects to decide the motion to extend at this time. See Trademark Rule 2.127(a).

³ American's attorney's first request (filed February 14, 2012) to withdraw as American's attorney was denied in a February 21, 2012 order.

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& Associates, Attorneys at Law, P.A. no longer represent American in this proceeding.

In view of the withdrawal of American's counsel, and in accordance with standard Board practice, proceedings herein are suspended. American is allowed until thirty days from the mailing date set forth to file a submission in which it appoints new counsel or states that it chooses to represent itself. If American files no response, the Board will presume that American intends to represent itself and will reset American's time to respond to N.V.'s motion for summary judgment in the above-captioned cancellation proceeding.

A copy of this order has been sent to all persons listed below.

cc:

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