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

Proceeding	91185261
Party	Defendant N.V. Sumatra Tobacco Trading Company
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Attachments	NVSU060.01 - Petitioners Motion for Order to Show Cause.pdf ( 4 pages ) (39594 bytes )

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

American Cigarette Company, Inc. and  
Smokers Best LLC

Opposers/Respondents,

v.

Opp. No. 91185261  
(Consolidated)

N.V. Sumatra Tobacco Trading Co.

Applicant/Petitioner.

**PETITIONER'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFAULT  
JUDGMENT SHOULD NOT BE ENTERED AGAINST RESPONDENTS**

Petitioner N.V. Sumatra Tobacco Trading Co. ("NV Sumatra") files the instant "Motion for Order to Show Cause why Default Judgment Should Not be Entered" against Respondents American Cigarette Company ("ACC") and Smokers Best LLC ("Smoker's Best") (collectively "Respondents") for failure to respond to the Board's Order dated June 5, 2012 allowing Respondents until July 5, 2012 to appoint new counsel or to file a paper stating that they choose to represent themselves.

On December 1, 2011, NV Sumatra filed a Motion for Summary Judgment in support of its Petition to cancel UNION Registration No. 2,972,594 (Canc. No 92052621) based on ACC's failure to commence use of the UNION mark in the ordinary course of business by the statutorily mandated deadline.

On December 28, 2011, ACC filed its first motion to extend by 30 days its time to respond to NV Sumatra's Motion for Summary Judgment. NV Sumatra consented to the extension.

On January 30, 2012, ACC filed a second motion to further extend its time to respond to NV Sumatra's Motion for Summary Judgment by an additional ninety days. NV Sumatra filed a brief in opposition thereto.

On February 23, 2012, ACC's former attorneys filed a renewed request to withdraw as attorney of record for ACC.

On March 2, 2012, the Board entered an Order granting counsel's Motion to Withdraw and allowing ACC 30 days to designate new counsel, at which time the Board stated it would reset ACC's time to respond to the Motion for Summary Judgment.

On April 2, 2012, ACC's new attorneys filed a Notice of Appearance along with a third motion to extend ACC's time to respond to Petitioner's Motion for Summary Judgment. NV Sumatra filed a brief in opposition thereto.

On April 19, 2012, the Board entered an order joining Smoker's Best as a party defendant in Cancellation Proceeding No. 92052621 due to the Board's recognition of the assignment of the subject Reg. No. 2972594 (See Reel 4665 Frame 0479) during the pendency of the proceeding. The Board further allowed Respondents until June 19, 2012, to respond to NV Sumatra's Motion for Summary Judgment.

On May 22, 2012, Respondents' new attorneys filed their own Motion to Withdraw as attorneys of record.

On June 5, 2012, the Board entered an Order granting counsel's Motion to Withdraw and allowed Respondents until July 5, 2012 to appoint new counsel or to file a paper stating that they choose to represent themselves. The Board reset the deadline to respond to the Motion for Summary Judgment at September 3, 2012.

The USPTO online records do not reflect any response having been filed by Respondents by the mandated July 5, 2012 deadline in response to the Board's request. Nor has NV Sumatra received notice of any such filing. NV Sumatra justifiably want to know if Respondents have lost interest in pursuing these proceedings.

In circumstances such as these, where the Board has granted a former attorney's Motion to Withdraw and the "unrepresented" party fails to timely respond to the Board's notice asking whether it wishes to appoint a new attorney or represent itself, the Board may issue an order to

show cause why default judgment should not be entered against that party based on the party's apparent loss of interest in the case. *See* TTAB Manual ¶510.03(b) and ¶513.01.

Of course, NV Sumatra's rights and ability to register its marks are directly impacted by whether Respondents maintain an interest in the proceeding and whether they intend to file a response to the Motion for Summary Judgment by the September 3, 2012 deadline.

Based on the foregoing, NV Sumatra requests the Board issue the requested Show Cause Order.

Respectfully submitted,

N.V. Sumatra Tobacco Trading Company

Date: July 24, 2012

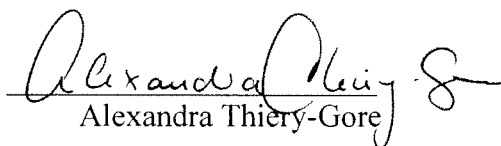
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Attorneys for Applicant/Petitioner  
N.V. Sumatra Tobacco Trading Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PETITIONER'S MOTION FOR ORDER TO SHOW CAUSE WHY DEFAULT JUDGMENT SHOULD NOT BE ENTERED AGAINST RESPONDENTS was served via first class mail on this 24th day of July 2012 upon the following:

Karen Kamperman American Cigarette Company 1291-B NW 65 <sup>th</sup> Place Fort Lauderdale FL 33309	
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Alexandra Thiery-Gore