

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

Baxley

Mailed: October 5, 2012

Opposition No. **91185261**

Opposition No. 91186841

American Cigarette Company,  
Inc. and Smoker's Best  
Group, LLC

v.

N.V. Sumatra Tobacco Trading  
Company

Cancellation No. 92052621

N.V. Sumatra Tobacco Trading  
Company

v.

American Cigarette Company,  
Inc. and Smoker's Best  
Group, LLC

**By the Trademark Trial and Appeal Board:**

On December 1, 2011, N.V. Sumatra Tobacco Trading Company ("Sumatra") filed a motion for summary judgment in the above-captioned cancellation proceeding. In a June 5, 2012 order, American Cigarette Company, Inc.'s and Smoker's Best Group, LLC's (collectively "respondents") attorney's request to withdraw as counsel was granted, and respondents were allowed until September 3, 2012 to file a brief in

response thereto. In an August 9, 2012 order, the Board confirmed the due date for respondents' brief in response.

Although no brief in response is of record, the Board notes that the June 5, 2012 and August 9, 2012 orders do not appear to have been sent directly to Smoker's Best Group, LLC ("Smoker's Best"), who is identified in USPTO records as the record owner of Registration No. 2972594, the involved registration in the cancellation proceeding.<sup>1</sup> Accordingly, the Board is unwilling to grant Sumatra's motion for summary judgment is granted as conceded at this time.

Rather, respondents are allowed until **thirty days** from the mailing date set forth in this order to file a submission in which it appoints new counsel or states that it will represent itself. Whether or not respondents are represented by counsel, respondents are allowed until **ninety days** from the mailing date set forth in this order to file a brief in response to the motion for summary judgment.<sup>2</sup> Sumatra's reply brief in support of that motion is due in accordance with Trademark Rules 2.119(c) and 2.127(e)(1).

Proceedings herein otherwise remain suspended.

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<sup>1</sup> Sumatra's motion (filed July 24, 2012) for issuance of an order to show cause does not indicate proof of service upon Smoker's Best. See Trademark Rule 2.119(a). The certificate of service in that motion indicates that it was sent to American Cigarette Company, Inc. ("American") only, one year after American assigned the involved registration to Smoker's Best.

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<sup>2</sup> The Board will not grant any extensions of time to so file without either Sumatra's consent or a showing of extraordinary circumstances. See April 19, 2012 order.