ESTTA Tracking number: **ESTTA107837**

Filing date: **11/03/2006**

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

Proceeding	92043340
Party	Defendant SPIRITS INTERNATIONAL N.V. SPIRITS INTERNATIONAL N.V. 700 ANDERSON HILL ROAD PURCHASE, NY 10577
Correspondence Address	Lisa Pearson Kilpatrick Stockton LLP 31 West 52nd Street, 14th Floor NEW YORK, NY 10019 UNITED STATES lpearson@kilpatrickstockton.com, agarcia@kilpatrickstockton.com
Submission	Other Motions/Papers
Filer's Name	Lisa Pearson
Filer's e-mail	lpearson@kilpatrickstockton.com, agarcia@kilpatrickstockton.com
Signature	/s/
Date	11/03/2006
Attachments	SPI - RUSSKAYA - Motion On Consent To Extend Testimony Periods - 11-3-06.pdf (6 pages)(223226 bytes)

In the matter of Trademark Registration No. 1,487,042
For the mark: RUSSKAYA
Date registered: May 3, 1988
Respondent's Ref. No.: SPIG USA TC-04/23956

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

A.V. Imports, Inc., Petitioner, v. Spirits International, N.V., Respondent and Registrant	Cancellation No. 92043340 (Registration No. 1,487,042)

MOTION ON CONSENT TO EXTEND TESTIMONY PERIODS

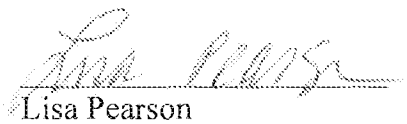
Pursuant to Rules 403.04 and 509 of the Trademark Rules of Practice, Petitioner A.V. Imports, Inc. and Respondent Spirits International, N.V. hereby jointly request an extension of testimony periods in the above proceeding by one week to permit the parties to complete their supplemental document productions and endeavor to resolve certain outstanding discovery issues, as follows:

30-day testimony period for party in position of plaintiff to close:	December 12, 2006
30-day testimony period for party in position of defendant to close:	February 10, 2007
15-day rebuttal testimony period to close:	March 27, 2007

Andrew Aitken, attorney for Petitioner, consented to this request in the annexed e-mail dated November 2, 2006.

Dated: New York, New York
November 3, 2006

Respectfully submitted,



Lisa Pearson
KILPATRICK STOCKTON LLP
31 West 52nd Street, 14th Floor
New York, New York 10019
(212) 775-8725 (telephone)
(212) 775-8825 (facsimile)
Attorneys for Respondent

Pearson, Lisa

From: Aitken, Andrew C. [ACAitken@Venable.com]
Sent: Thursday, November 02, 2006 3:08 PM
To: Pearson, Lisa
Subject: RE: AV Imports v. SPI: Outstanding Discovery Issues

Dear Lisa-

We will agree to a one week extension of the testimony periods. We expect to have our supplementary production completed tomorrow.

Andy

-----Original Message-----
From: Pearson, Lisa [mailto:lpearson@kilpatrickstockton.com]
Sent: Tuesday, October 31, 2006 9:52 AM
To: Aitken, Andrew C.
Subject: RE: AV Imports v. SPI: Outstanding Discovery Issues

Dear Andrew:
Thank you for your e-mail below. We are also endeavoring to supplement our document production by the end of the week. It will consist primarily of updates on the worldwide litigations since the date of our last response.

We have to date received only a handful of documents from AV Imports. As discussed at length in our motion to compel and in my letters to Justin Pierce dated October 3, 2006 and October 28, 2005, this causes us to question the sufficiency of your document collection efforts across the board. The items we identified were representative, not exhaustive, and we seek production of all responsive documents or confirmation that there are none.

Given that motions to compel must be filed before Petitioner's Testimony Period opens next Monday, and your proposed production date of next Friday November 3 will not give us sufficient time to review the production, seek to resolve any deficiencies, and renew our motion to compel as needed, we suggest that the parties stipulate to a short extension of the current schedule to permit discovery to conclude in an orderly fashion. If we are forced to renew our motion to compel due to the lateness of your production in order to preserve our rights, this will automatically suspend the proceedings again, and the delay will undoubtedly be far longer.

Please advise me whether you will agree to an extension of the current schedule under the circumstances.

Very truly yours,
Lisa

KILPATRICK STOCKTON LLP
Attorneys at Law

Lisa Pearson
Kilpatrick Stockton LLP
31 West 52nd Street
14th Floor
New York, NY 10019
t 212 775 8725
f 212 775 8825
lpearson@kilpatrickstockton.com

Confidentiality Notice:
This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the author of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. Please contact us immediately by return e-mail or at 404 815 6500, and destroy the original transmission and its attachments without reading or saving in any manner.

From: Aitken, Andrew C. [mailto:ACAitken@Venable.com]
Sent: Monday, October 30, 2006 6:33 PM
To: Pearson, Lisa
Subject: RE: AV Imports v. SPI: Outstanding Discovery Issues

Dear Lisa-

My client was not been available Friday or today to allow me to follow-up in connection with your request for the COLA and to see if there are any discoverable communications between them and FKP that are responsive to your requests.

In the meantime, I am putting together the file histories for our applications and our privileged document list.

As of today, we have not identified any further documents that we plan to use during the proceedings. However, we may use the agreement that A.V. Imports reached with FKP.

We will agree to produce all non-privileged correspondence with FKP relating to the subject mark (all of which, I believe is dated after the close of discovery and your motion) and an agreement with FKP which I understand was negotiated substantially after the date of your motion.

Please let me know what additional materials that you believe that we owe you.

We would propose that we exchange privilege lists by the end of this week. We should be in a position to produce any further materials by the same time.

Regards,

Andy

Andrew C. Aitken, Esq.
Venable, LLP
575 7th Street, N.W.
Washington, DC 20004-1601
Telephone (202) 344-8165
Facsimile (202) 344-8300

ACAitken@Venable.com

-----Original Message-----
From: Pearson, Lisa [mailto:lpearson@kilpatrickstockton.com]
Sent: Thursday, October 26, 2006 4:55 PM
To: Aitken, Andrew C.
Subject: AV Imports v. SPI: Outstanding Discovery Issues

Dear Andrew:
I am writing to follow-up on your promised response to my attached letter dated October 3, which I have not yet received although you indicated I would have it mid-week at the latest. As your testimony period is to open shortly, we either need to resolve the issues, make another motion to compel (which will postpone the proceedings indefinitely) or stipulate to an extension of the current schedule promptly. Can you please advise how you wish to proceed by the close of business tomorrow?
Thank you.
Lisa

KILPATRICK STOCKTON LLP
Attorneys at Law

Lisa Pearson
Kilpatrick Stockton LLP
31 West 52nd Street
14th Floor
New York, NY 10019
t 212 775 8725
f 212 775 8825
lpearson@kilpatrickstockton.com

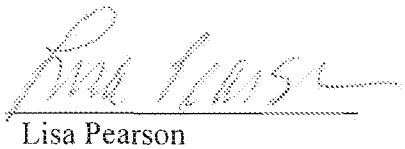
Confidentiality Notice
This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. Please contact us immediately by return e-mail or at 404 815 6500, and destroy this original transmission and its attachments without reading or saving in any manner.

****
U.S. Treasury Circular 230 Notice: Any tax advice contained in this commun
****
****
This electronic mail transmission may contain confidential or privileged i
****

****
U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (i
****
****
This electronic mail transmission may contain confidential or privileged information
****

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing MOTION ON CONSENT TO EXTEND TESTIMONY PERIODS is being filed electronically with the TTAB via ESTTA on this day, November 3, 2005.

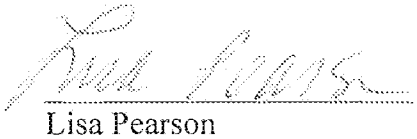


Lisa Pearson

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2006 the foregoing MOTION ON CONSENT TO EXTEND TESTIMONY PERIODS was served via first class mail, postage prepaid, upon the following:

Andrew C. Aitken, Esq.
Venable LLP
575 7th Street N.W.
Washington, D.C. 20004
Attorneys for Petitioner



Lisa Pearson