

TTAB

**UNITED STATES PATENT AND TRADEMARK
OFFICE**
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: June 2, 2004

WILLIAM A. FINKELSTEIN, ESQ.
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Cancellation No. 92043340
Reg. No. 1487042

ANDREW C. AITKEN
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06-14-2004

U.S. Patent & TMOfr/TM Mail Rpt Dt. #77

A.V. IMPORTS, INC.,

V.

SPIRITS INTERNATIONAL N.V.

TAMMY LOGAN, LEGAL ASSISTANT

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the

Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	June 22, 2004
Discovery period to close:	December 19, 2004
30-day testimony period for party in position of plaintiff to close:	March 19, 2005
30-day testimony period for party in position of defendant to close:	May 18, 2005
15-day rebuttal testimony period for plaintiff to close:	July 02, 2005

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may

be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Attorney Docket: 38793-199035

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

In the matter of trademark registration No.1,487,042

For the mark RUSSKAYA

Date registered May 3, 1988


A. V. Imports, Inc.,

Petitioner

v.

Spirits International, N.V.,

Respondent and Registrant.


05-19-2004
U.S. Patent & TMO/TM Mail Rpt Dt. #22

PETITION TO CANCEL A REGISTRATION OF A MARK

A. V. Imports, Inc., petitioner, is a corporation of Maryland, having a business address at 6450 Dobbin Road, Suite G, Columbia, Maryland 21045.

To the best of petitioner's knowledge, the name and address of the current owner of the registration are Spirits International N.V., World Trade Center, Unit TM 11 19, Piscadera Bay Willernstad, Curacao, Netherlands.

The above-identified petitioner believes that it is or will be damaged by the above-identified registration and hereby petitions to cancel the same.

The grounds for cancellation are as follows: Petitioner has a pending application Serial No. 76/573,600 filed January 30, 2004 for the mark RUSSKAYA for Vodka.

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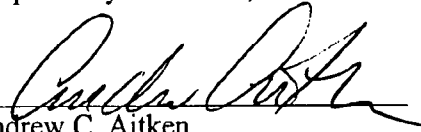
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On information and belief, the RUSSKAYA mark has not been in use for at least approximately seven years.

Petitioner believes it will be damaged by the registration and hereby petitions for cancellation of Registration No. 1,487,042 under 15 U.S.C. §1064(3) on the grounds that the registered mark has been abandoned.

May 19, 2004

Respectfully submitted,



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Attorney for Petitioner

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TTAB



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May 19, 2004

HAND-CARRIED



05-19-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3514

Re: U.S. Trademark Registration No. 1,487,042
Mark: RUSSKAYA
Our File No. 38793-199035

Dear Sir:

We are enclosing the following for filing:

1. Petition to Cancel a Registration of a Mark in duplicate.
2. \$300 Petition fee.

Please charge any deficiency or credit any overpayment to deposit account No. 22-0261 and notify the undersigned'.

Very truly yours,

Andrew C. Aitken

ACA:mo
Enclosures

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