

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

Mailed: March 6, 2007

Cancellation No. 92043340

A.V. Imports, Inc.

v.

Spirits International N.V.

Cindy B. Greenbaum, Attorney:

Motions to Extend

Petitioner's consented motions (filed November 3, 2006 and November 10, 2006) to extend testimony periods are granted.¹ Trademark Rule 2.127(a).

Motion to Suspend

Trademark Rule 2.124(d)(2) requires the Board to suspend proceedings upon receipt of written notice that one or more testimonial depositions are to be taken upon written question. In view thereof, respondent's motion (filed February 16, 2007) to suspend is granted as modified. Proceedings are suspended to allow for the orderly

¹ The Board notes respondent's objections (filed December 28, 2006) to petitioner's first and second notices of reliance. The Board will address these substantive objections when it issues a final decision in this proceeding.

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completion of the depositions on written questions of Oleg Goussev and Alexey Oliynik.²

Notwithstanding the suspension, the Board will entertain a timely response from respondent regarding petitioner's objections (filed February 20, 2007) as to the viability of the deposition on written questions of Mikhail Tsyplakov in Switzerland. See Trademark Rule 2.127(a). Under the circumstances, the Board also will entertain a reply from petitioner, if petitioner believes one is warranted. Id.

² The date and time of a deposition on written question will be determined after the parties exchange questions, cross-questions and objections. Thus, contrary to petitioner's objection, respondent's notice of Mr. Tsyplakov's deposition on written questions is not deficient merely because it does not include a date and time for the deposition to occur.