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Filing date: **04/11/2008**

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

Proceeding	92043340
Party	Defendant Spirits International N.V.
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Date	04/11/2008
Attachments	RUSSKAYA Motion to Extend.pdf (4 pages)(382108 bytes)

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

A.V. Brands, Inc. (by assignment).

Petitioner,

v.

Spirits International, N.V.,

Respondent and Registrant.

Cancellation No.: 92043340

Registration No. 1,487,042

Mark: RUSSKAYA

MOTION TO EXTEND TIME FOR FILING RESPONDENT'S RESPONSE BRIEF

Respondent and Registrant Spirits International, N.V. ("Respondent"), pursuant to Fed. R. Civ. P. 6(b) and 37 C.F.R. § 2.116(a) and for good cause under TBMP § 509, respectfully moves the Board to extend the current deadline for Respondent to file its response brief in the above-captioned proceeding by thirty (30) days, to and including May 16, 2008.

In support of this request, Respondent shows the Board as follows:

1. This motion is made before the expiration of Respondent's period for filing its response brief (April 16, 2008).
2. On February 15, 2008, Petitioner filed a motion with the Board to extend the time to file Petitioner's trial brief by thirty days. Prior to that motion's filing, Respondent's counsel advised Petitioner's counsel that Respondent would not oppose Petitioner's motion, and Respondent did not oppose it.
3. Although the Board has not yet acted on Petitioner's February 15, 2008 motion, the parties have proceeded as if Petitioner's motion were granted.

4. Petitioner filed its trial brief with the Board on March 17, 2008. Respondent did not become aware of Petitioner's brief until March 20, 2008, via the Board's TTABVUE website, and received a service copy via U.S. Mail one day later. Respondent and Petitioner's prior counsel had an agreement whereby, as a courtesy, the parties exchanged papers that were filed with the Board via e-mail on the day that such papers were filed so that each side would not lose days to respond due to the delay in receiving papers via the U.S. Mail.

5. In the last two weeks, Respondent's counsel have been involved in preparation for an ongoing trial, an upcoming trial and mediation in connection with other matters; have had to attend an unexpected hearing in bankruptcy court in New Jersey; and have been involved in a discovery dispute that required an emergency motion to compel.

6. Respondent's counsel contacted Petitioner's counsel on April 2, 7 and 10, 2008, to determine whether Petitioner would extend the same courtesy that Respondent extended to Petitioner in February by consenting to this request. To date, Petitioner's counsel has not confirmed whether he will consent to this request.

7. If the prescribed period has not closed, the Board has taken a liberal position with regard to requests for extension of time:

Ordinarily, the Board is liberal in granting extensions of time before the period to act has lapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused.

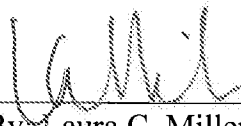
Am. Vitamin Prods., Inc. v. Dow Brand, Inc., 22 U.S.P.Q.2d 1313, 1315 (T.T.A.B. 1992). In this instance, Respondent has not been guilty of negligence or bad faith, and this is the first request to extend Respondent's deadline to file its brief in the merits of the action.

Respondent respectfully submits, therefore, that the liberal standard of “good cause” has been met in this instance.

WHEREFORE, Respondent respectfully moves that it be granted an extension of time, to and including May 16, 2008, in which to file its response brief on the merits of this proceeding.

Dated: April 11, 2008

Respectfully submitted,



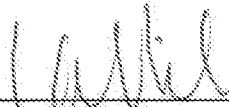
By: Laura C. Miller
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CERTIFICATE OF SERVICE

The undersigned, attorney for Respondent, hereby certifies that she caused to be served, by first class mail, postage fully prepaid, a copy of the foregoing **MOTION TO EXTEND TIME FOR FILING RESPONDENT'S RESPONSE BRIEF** upon:

John P. Shannon, Esq.
Merek, Blackmon and Voorhees, LLC
673 South Washington Street
Alexandria, VA 22314

This 11th day of April, 2008.



Laura C. Miller
Attorney for Respondent

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