



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

A.V. BRANDS, INC., (by assignment)

Petitioner,

vs.

SPIRITS INTERNATIONAL, N.V.,

Respondent.

#73617598

Cancellation No. 92043340

Registration No. 1,487,042

Mark: RUSSKAYA

Attorney's Reference: 38793-199035

**PETITIONER'S OPPOSITION TO MOTION TO EXTEND TIME FOR FILING
RESPONDENT'S REPLY BRIEF**

A.V. Brands, Inc., through counsel, opposes Spirits International's motion for enlargement of time. As grounds for the opposition, A.V. Brands states as follows:

1. This opposition proceeding has been pending since May 19, 2004, now almost four years since Petitioner filed its Petition.
2. The delays in the proceedings are in large part attributable to Respondent Spirits International, including:
 - The filing of a motion to compel on the day of October 31, 2005, the eve of the close of fact discovery, which motion was subsequently denied by the Board on September 29, 2006 -- resulting in a delay of approximately one year.



04-28-2008

- Spirits International's decision to conduct trial testimony of its own employees, who reside in Russia, by written questions in England, rather than taking the depositions in the U.S., resulting in the suspension of proceedings from March 2007 through October of 2007 – reflecting a delay of approximately seven months.

- Spirits International's failure to timely advise the Board that its Trial Testimony by written questions was completed -- resulting in an additional delay of approximately two months.

3. There were no new issues raised in A.V. Brands' Trial Brief and, as reflected by A.V. Brands' trial testimony and Notice of Reliance filed in December of 2006, A.V. Brands reiterates its core contention that Spirits International abandoned the subject mark without a legally sufficient justification of non-use or any plans to resume use during the period of alleged term of abatement.

4. Kilpatrick Stockton, Spirits International's counsel, is a large international law firm that has numerous attorneys who are capable of preparing an Opposition Brief, including two partners who have been involved in the case. Counsel for Spirits International has been in the possession of the evidence presented at trial for more than a year, and these proceedings have been scheduled for months. Spirits International has not shown good cause why it is unable to file a brief in the time frame provided by the Board.

5. A.V. Brands agreed to an eleven-day enlargement of time, an enlargement that

was rejected by Spirits International.

6. A.V. Brands has agreed to numerous extensions of time throughout these four-year proceedings. The record reflects that the privilege of extensions has been invoked frequently by Spirits International throughout these proceedings, and Spirits International has repeatedly used procedural tactics that have resulted in the delay of the resolution of the dispute.

Wherefore, it is submitted that the request for enlargement of time should be denied.

Dated: April 28, 2008

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing PETITIONER'S TRIAL BRIEF to be served by first-class mail, postage pre-paid, on Respondent at the following address on April 28, 2008:

Lisa Pearson
Kilpatrick Stockton LLP
31 West 52nd Street
14th Floor
New York, NY 10019


John P. Shannon