

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

Baxley

Mailed: March 8, 2010

Cancellation No. 92051910

American Cigarette Company,
Inc.

v.

El Sol Cigars¹

Andrew P. Baxley, Interlocutory Attorney:

The February 5, 2010 order is hereby vacated.

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to respondent but were returned by the Postal Service as undeliverable. A search of online telephone directories uncovered the following updated address for respondent:

**El Sol Cigars
1728 East 7th Avenue
Tampa, FL 33605**

Accordingly, the above notice and a copy of the petition to cancel are remailed to respondent at that address.

¹ Involved Registration No. 1232969 issued on March 29, 1983 to El Sol Cigars (partnership). A document reflecting the assignment of the involved registration from Anthony J. Saitta to Robert G. Saitta was recorded on December 21, 1998 with the USPTO's Assignment Branch at Reel/Frame No. 1832/0628. However, because there is no clear chain of title from El Sol Cigars to Anthony J. Saitta, El Sol Cigars remains the record owner of the involved registration and therefore must remain the party defendant herein. See Patent and Trademark Rules 3.71(d) and 3.73(b); TBMP Sections 310.01 and 512 (2d ed. rev. 2004).

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Respondent is allowed until April 13, 2010 to inform this Office of its correct address so that all records may be amended. Compliance with Patent and Trademark Rule 1.4(c) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, respondent must so advise the Board and respondent submit copies of appropriate documents which establish clear chain of title. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, dates herein are reset as follows.

Time to Answer	4/13/10
Deadline for Discovery Conference	5/13/10
Discovery Opens	5/13/10
Initial Disclosures Due	6/12/10
Expert Disclosures Due	10/10/10
Discovery Closes	11/9/10
Plaintiff's Pretrial Disclosures	12/24/10
Plaintiff's 30-day Trial Period Ends	2/7/11
Defendant's Pretrial Disclosures	2/22/11
Defendant's 30-day Trial Period Ends	4/8/11
Plaintiff's Rebuttal Disclosures	4/23/11
Plaintiff's 15-day Rebuttal Period Ends	5/23/11

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.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

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on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

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

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.