

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

ey/RSC

February 10, 2025

Cancellation No. 92086661

Top Tobacco, L.P.

v.

*Pop Vapor Co., LLC (substituted after
assignment from Shenzhen Daosen Vaping
Technology Co., LTD)*

By the Trademark Trial and Appeal Board:

Pursuant to the USPTO Assignment Center records, the subject registrations were assigned from Shenzhen Daosen Vaping Technology Co., LTD to Pop Vapor Co., LLC. The assignment was recorded on May 8, 2020 at Reel/Frame 6933/0486.

When there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may be joined or substituted, as may be appropriate, upon motion granted by the Board, or upon the Board's own initiative. TBMP § 512.01. The assignment was executed prior to the October 29, 2024 commencement of this proceeding. Accordingly, **Pop Vapor Co., LLC** is hereby **substituted as the party defendant** in this cancellation proceeding. TBMP § 512.01.

Accordingly, the institution order is hereby mailed to Respondent Pop Vapor Co., LLC at the following address of record:¹

POP VAPOR CO., LLC
626 WILSHIRE BOULEVARD, SUITE 140
LOS ANGELES, CA 90017

In view of the assignment, the time for filing an answer to the petition to cancel is extended to **March 27, 2025**, as noted below in the reset proceeding schedule.

The Board's notice of default issued on December 24, 2024 is set aside.

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.114(b)(1).

The proceeding schedule, resetting all discovery and trial dates, is as indicated below:

Time to Answer	3/27/2025
Deadline for Discovery Conference	4/26/2025
Discovery Opens	4/26/2025
Initial Disclosures Due	5/26/2025
Expert Disclosures Due	9/23/2025
Discovery Closes	10/23/2025
Plaintiff's Pretrial Disclosures Due	12/7/2025
Plaintiff's 30-day Trial Period Ends	1/21/2026
Defendant's Pretrial Disclosures Due	2/5/2026
Defendant's 30-day Trial Period Ends	3/22/2026
Plaintiff's Rebuttal Disclosures Due	4/6/2026
Plaintiff's 15-day Rebuttal Period Ends	5/6/2026
Plaintiff's Opening Brief Due	7/5/2026
Defendant's Brief Due	8/4/2026
Plaintiff's Reply Brief Due	8/19/2026

¹ A copy of the petition to cancel can be viewed using TTABVUE at <http://ttabvue.uspto.gov>. Respondent must promptly file a change of correspondence through ESTTA if the address currently of record requires correction. Respondent is reminded of its responsibility to ensure that the Board has its current correspondence address and email address at all times. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. *See* Trademark Rule 2.18(b)(1); TBMP § 117.07.

Request for Oral Hearing (optional) Due

8/29/2026

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:**

Cancellation No. 92086661

Parties are strongly encouraged to check the entire document before filing.² The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

² To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.