

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: February 11, 2004

Opposition No. 91122816

RUSH MEDIA LLC

v.

KERRY COLIN KEANE

David Mermelstein, Attorney:

The motion (filed October 20, 2003) to withdraw as counsel of record in this case is hereby denied without prejudice because it fails to comply with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40.

Specifically, the motion does not include a statement that all papers and property that relate to the proceeding and to which the client is entitled have been delivered to the client and that if any part of a fee paid in advance has not been earned, a statement that the unearned part has been refunded. Moreover, the paper does not evidence proof of service of the request upon the client and upon every other party to the proceeding. See Patent and Trademark Rule 10.40, 37 CFR § 10.40. *Cf. In re Legendary Inc.*, 26

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USPQ2d 1478 (Comm'r 1992). Finally, counsel has not provided the Board with applicant's current address for the mailing of further papers.

In view thereof, counsel is allowed **THIRTY DAYS** from the mailing date of this order to submit a motion which complies with Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40.

Except to the extent indicated above, proceedings are SUSPENDED. The parties will be notified by the Board when proceedings are resumed, and appropriate dates will be rescheduled in due course.

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