UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: March 22, 2004

Opposition No. 91122816

RUSH MEDIA LLC

v.

KERRY COLIN KEANE

David Mermelstein, Attorney:

On October 20, 2003, applicant's counsel filed a motion to withdraw from its representation of applicant in this matter. The Board denied counsel's request by order dated February 11, 2004, because (1) counsel did not state that any of applicant's papers or other property have been returned and (2) because the motion did not bear a certificate, attesting to service of the paper upon applicant and the opposer.

Now before the Board is applicant's counsel's renewed motion to withdraw filed February 18, 2004. Counsel's current request does indicate that applicant's papers and other property has been returned. And while the request is accompanied by a cover letter to applicant (which was mailed Registered, Return Receipt Requested), the request still does not bear a certificate of service of the request upon

opposer. Trademark Rule 2.119(a); Patent and Trademark Rule 10.40(a).

Accordingly, counsel’s renewed request to withdraw is again DENIED. Counsel is allowed THIRTY DAYS from the mailing date of this order in which to file proof of service of its request to withdraw upon opposer, failing which counsel’s request will be finally denied, counsel will be retained, and proceedings will be resumed.

Proceedings remain otherwise suspended.

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