

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

cv

Mailed: May 6, 2004

Opposition No. 91151109

MARK D. TANNEN

v.

MACK, JAY

Frances S. Wolfson, Interlocutory Attorney:

On January 12, 2004, applicant's attorneys filed a request to withdraw as applicant's counsel of record in this case, and on February 26, 2004, opposer's attorneys filed a request to withdraw as opposer's counsel of record in this case.¹

The requests to withdraw as counsel are in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and are accordingly granted. The law firm of Davis & Schroeder PC no longer represents applicant in this proceeding. The law firm of Baker Botts LLP no longer represents opposer in this proceeding.

In view of the withdrawals of counsel, and in accordance with standard Board practice, proceedings herein are suspended, and both parties are allowed until thirty days from the mailing date of this order to appoint new counsel, or to file a paper

¹ A copy of each request has been placed in both the opposition file and the application file.

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stating that the party chooses to represent himself. If either party files no response, the Board may issue an order to show cause why default judgment should not be entered against said party based on said party's apparent loss of interest in the case.²

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time.

A copy of this order has been sent to all persons listed below.

cc:

Jay Mack
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Monterey, CA 93942-3080

² Because applicant's counsel indicates that applicant has appointed new counsel, a one-time courtesy copy of this order is being sent to applicant's new counsel. However, the fact that applicant's former counsel has advised the Board that applicant has appointed new counsel is not considered a response to this order and does not relieve applicant of its obligation to respond to this order to avoid the issuance of a show cause order directed to applicant. Moreover, correspondence will continue to be sent directly to applicant until a written change of correspondence address is received. See Trademark Rule 2.18.

³ Mr. Tannen's address was provided by Mr. Reilly's office in a telephone conference with the Board on May 5, 2004.

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New Developments at the Trademark Trial and Appeal Board

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers remain available for public access at the TTAB. For further information on file access, call the TTAB at (703) 308-9330.
- Papers can now be filed using ESTTA (Electronic System for Trademark Trials and Appeals). See <http://estta.uspto.gov/> regarding procedures for filing papers online using ESTTA.
- Parties should also be aware of recent changes in the rules affecting trademark matters, including the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf).