

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

dmd

Mailed: May 10, 2006

Opposition No. 91169077

Traditional Medicinals, Inc.

v.

Summerell, Troy G.

Denise M. DelGizzi, Paralegal Specialist

On April 11, 2006, applicant's attorneys filed a request to withdraw as applicant's counsel of record in this case.¹ The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. The law firm of Erik M. Pelton no longer represents applicant in this proceeding.

It is noted, by the affidavit submitted, that applicant intends to represent himself in this proceeding. While Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in inter partes proceedings before the Board to secure the services of an attorney who is familiar

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

with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

In addition, applicant should note that Trademark Rule 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which applicant may subsequently file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or appearing on the paper when filed, will be accepted as prima facie proof of service.

It is recommended that applicant obtain a copy of the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice, and is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Strict compliance with the Trademark Rules of Practice and where applicable, the Federal Rules of Civil Procedure,

is expected of all parties before the Board, whether or not they are represented by counsel.²

In view of the foregoing, applicant is allowed until **twenty days** from the mailing date of this order to file an answer to the notice of opposition, failing which notice of default will be entered.

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

cc:

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² The Trademark Trial and Appeal Board Manual of Procedure (TBMP) is available on the web at <http://www.uspto.gov>.