

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

FSW/lg

Mailed: January 25, 2010

Opposition No. 91183342

Citrix Online LLC

v.

Adcuent, Inc.

**Lalita R. Greer, Paralegal Specialist:**

On December 10, 2009, applicant's attorneys filed a request to withdraw as applicant's counsel of record in this case.<sup>1</sup> 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 The law firm of Jacqueline Tadros, P.A. no longer represents applicant in this proceeding.

In view of the withdrawal of applicant's counsel, and in accordance with standard Board practice, applicant is allowed until **thirty days** from the mailing date of this order to appoint new counsel, or to file a paper stating that applicant chooses to represent itself. If applicant files no response, the Board may issue an order to show cause why default judgment

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

should not be entered against applicant based on applicant's apparent loss of interest in the case.

A review of the file reveals that there was an error in the trial schedule listed in the December 2, 2009 electronically generated motion to suspend. That motion incorrectly noted that plaintiff's rebuttal disclosure and trial rebuttal period remained open. Previously, however (on December 10, 2008), the Board had granted the parties' stipulation to reset the disclosure and trial dates. In that schedule, opposer's rebuttal period was set to end on November 18, 2009. Therefore, at the time opposer filed its December 2, 2009 motion, opposer's rebuttal period was already closed and the dates should have been reset starting with the due date for opposer's brief.

In view thereof, the Board's December 2, 2009 order is hereby vacated. Upon resumption of this proceeding, briefing dates will be reset starting with the due date for opposer's brief.

In view of the actual schedule in this case, the Board notes that plaintiff has allowed its testimony period to close without taking any testimony or submitting any evidence into the record. Opposer is reminded that it has the burden to prove its case and its failure to take testimony and submit evidence may result in a judgment being rendered against it,

absent a showing of good and sufficient case as to why it failed to prosecute its case. See Trademark Rule 2.132(a).

Proceedings remain suspended pending applicant's response to this order. Upon resumption, dates will be rescheduled as indicated above.

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

cc:

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