

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

AM

Mailed: February 21, 2012

Opposition No. 91185261

Opposition No. 91186841

American Cigarette Company,  
Inc.

v.

N.V. Sumatra Tobacco Trading  
Company

Cancellation No. 92052621

N.V. Sumatra Tobacco Trading  
Company

v.

American Cigarette Company,  
Inc.

**Andrew P. Baxley, Interlocutory Attorney:**

American Cigarette Company, Inc.'s ("American")  
attorneys' motions (filed February 14, 2012) to withdraw as  
counsel of record in this case is hereby denied without  
prejudice because those motions do not comply with Trademark  
Rule 2.19(b) and Patent and Trademark Rule 10.40.

Specifically, the motions do not include (1) a specification of the basis for the request;<sup>1</sup> (2) a statement that the practitioner has allowed time for employment of another practitioner; (3) 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 (4) a statement that the unearned part of any fee paid in advance has been refunded. See Patent and Trademark Rule 10.40. Cf. *In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, American's attorneys are allowed until thirty days from the mailing date set forth in this order to submit a renewed motion to withdraw which complies with Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40. Proceedings herein are otherwise **suspended**. The parties will be notified by the Board when proceedings are resumed, and appropriate dates, including resetting time for remaining briefing on American's motion to extend time to the motion for summary judgment in the above-captioned cancellation, will be rescheduled in due course.

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

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<sup>1</sup> Such specification is necessary so that the Board can determine whether the withdrawal is mandatory and, if not, whether the withdrawal is permissive. See Patent and Trademark Rules 10.40(b) and (c).

Opposition Nos. 91185261 and 91186841; Cancellation No. 92052621

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