

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

Winter/rr

Mailed: December 22, 2008

Opposition No. 91186986

LOEST & McNAMEE, INC.

v.

SHAUN ROBERTS ALLEN

Elizabeth J. Winter, Interlocutory Attorney:

On December 11, 2008, applicant's attorney filed a revised 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. John A. Galbreath and the law firm of Galbreath Law Offices P.C. no longer represent applicant in this proceeding.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 (U.S. or otherwise authorized), or to file a paper stating that applicant chooses to

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

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represent itself. If applicant files no response, the Board may issue an order to show cause why default judgment should not be entered against applicant based on applicant's apparent loss of interest in the case.

This proceeding remains **SUSPENDED** pending applicant's response to this order and to the Board's previous order (mailed December 10, 2008), which allowed applicant time to file either a ratified answer or proof that applicant's New Zealand counsel has been approved by the USPTO Office of Enrollment and Discipline to represent applicant in this proceeding.

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:

Paulette R. Carey
Buchman Law Firm LLP
510 Thornall Street, Suite 200
Edison, NJ 08837

John A. Galbreath
Galbreath Law Offices, P.C.
2516 Chestnut Woods Ct.
Reiserstown, MD 21136-5523

Shaun Roberts Allen
P.O. Box 12133, Ahuriri
Napier, New Zealand



NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:
<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>