

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

nmt

Mailed: September 30, 2010

Opposition No. 91196073

Pasquale & Denise

v.

Dirty Beats, LLC

**M. Catherine Faint,  
Interlocutory Attorney:**

Plaintiff's motion (filed September 22, 2010) to withdraw as counsel of record in this case is hereby **denied without prejudice** because it fails to comply with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40.

Specifically, the motion does not include the following requirements: (1) 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; (2) if any part of a fee paid in advance has not been earned, **a statement** that the unearned part has been refunded. See Patent and Trademark Rule 10.40, 37 CFR § 10.40. *Cf. In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, counsel is allowed **THIRTY DAYS** from the mailing date of this order to submit a motion which complies with Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40.

Except to the extent indicated above, proceedings are suspended. The parties will be notified by the Board when proceedings are resumed, and appropriate dates will be rescheduled in due course.

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

cc:

JANET B. LINN  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
10 BANK STREET, SUITE 1061  
WHITE PLAINS, NY 10606

JOSHUA A. STOCKWELL  
BARLOW JOSEPHS & HOLMES, LTD.  
101 DYER STREET, 5TH FLOOR  
PROVIDENCE, RI 02903

PASQUALE AND DENISE DIPIPPA  
117 DERBYSHIRE DRIVE  
CRANSTON, RI 02921