

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

Mailed: April 8, 2011

Opposition No. 91198063

AlpinBreeze LLC

v.

Evertec Information
Technology Co., Ltd.

Robert H. Coggins,
Interlocutory Attorney:

Counsel for applicant's motion (filed April 1, 2011) for mandatory withdrawal under Patent and Trademark Rule 10.40(b)(4) (discharge by the client) is denied without prejudice because it fails to comply with all of the requirements of Patent and Trademark Rule 10.40. Specifically, the motion does not include a statement that, if any part of a fee paid in advance has not been earned, the unearned part has been refunded. See Patent and Trademark Rule 10.40(a). *Cf. In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, counsel is allowed **fifteen days** from the mailing date of this order to submit a motion which complies

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with Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40(a).

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.

In view of the prospective withdrawal of applicant's counsel, applicant will be allowed time to either appoint new counsel or file a paper stating that applicant chooses to represent itself. Applicant need not wait to signal its choice.

A copy of this order has been sent to each address below.

cc:

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