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

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Mailed: August 5, 2011

Opposition No. 91199018

Amylin Pharmaceuticals, Inc.

v.

Amlin Health, LLC

Cheryl S. Goodman, Interlocutory Attorney:

On July 6, 2011, applicant's attorneys filed a 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. Matthew H. Swyers and The Trademark Company no longer represent applicant in this proceeding.

In view of the withdrawal of applicant's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and 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 should not be entered against

applicant based on applicant's apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time. If proceedings are resumed, the Board will reset applicant's time for responding to the motion to compel, and proceedings will be suspended pending disposition of the motion.

Applicant also filed, on July 28, 2011, a motion to extend its time to serve initial disclosures and responses to discovery. Applicant (pro se) failed to include proof of service of a copy of this filing on opposer as required by Trademark Rule 2.119(a).[2] Applicant is allowed until TEN DAYS from the mailing date of this order to serve a copy of this filing on opposer and provide proof of service with the Board. Consideration of this filing is deferred.[3]

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

Applicant is also provided the following information in the event it determines that it determines that it will be proceeding without counsel, i.e., pro se.

Applicant should note that Patent and Trademark Rule

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

[2] For more information on the service requirements, see the information that follows below.

10.14 permits any person or legal entity to represent itself in a Board proceeding, though it is generally advisable for those unfamiliar with the applicable rules to secure the services of an attorney familiar with such matters.

If applicant does not retain counsel, then applicant will have to familiarize itself with the rules governing this proceeding. The Trademark Rules are codified in part two of Title 37 of the Code of Federal Regulations (also referred to as the CFR). The CFR and the Federal Rules of Civil Procedure, are likely to be found at most law libraries, and may be available at some public libraries.[4] Applicant can also reference the Board's manual of procedure "TBMP" at www.uspto.gov/web/offices/dcom/ttab/tbmp/.

The requirements for submissions to the Board are specified at Trademark Rule 2.126. Generally, a filing should be in at least 11 point type and double spaced. The filing should bear at its top the heading "IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD" followed by the name and number of the inter partes proceeding. The document should also

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[3] It is unclear whether this filing also constitutes a response to the motion to compel.

[4] On the World Wide Web, applicant may access most of these materials by logging onto <http://www.uspto.gov/> and making the connection to trademark materials.

Files of TTAB proceedings can now be examined using TTABVue, accessible at http://ttabvue.uspto.gov. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format.

include a title describing its nature. See TBMP Section 106 (3d ed. 2011).

Neither the Board nor opposer's counsel can advise/assist applicant in defending this case.

The parties have stipulated to e-mail service. If applicant determines that it will represent itself, it must file such notification with the Board and serve such notification also on opposer's counsel. The filing with the Board should include a statement that the paper was served on opposer's counsel as prima facie evidence of proof of service. See Trademark Rule 2.119.[5]

A copy of this order is sent to all persons below.

cc:

Linus Zhang, M.D.
Amlin Health, LLC
415 Hungerford Drive
Suite 119-132
Rockville, MD 20850

Jennifer Fraser

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[5] Trademark Rule 2.119 requires a party filing any paper with the Board during the course of a proceeding to serve a copy on its adversary, unless the adversary is represented by counsel, in which case, the copy must be served on the adversary's counsel. The party filing the paper must include "proof of service" of the copy. "Proof of service" usually consists of a signed, dated statement attesting to the following matters: (1) the nature of the paper being served; (2) the method of service (e.g., first class mail); (3) the person being served and the address used to effect service; and (4) the date of service. A suggested format for a certificate of service: *I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party). Signature:_____.*

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