

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

MT

Mailed: August 21, 2012

Opposition No. 91204879

MasterCard International
Incorporated

v.

Konectome, Inc

Elizabeth A. Dunn, Attorney (571-272-4267):

On April 25, 2012, opposer filed its notice of opposition and the Board issued its institution and trial order requiring applicant's answer by June 4, 2012.

On June 2, 2012, in lieu of filing the answer or a request to withdraw in the opposition proceeding, applicant's attorney filed a withdrawal as applicant's counsel of record in the application file via the USPTO's TEAS electronic filing system.¹ The filing lacks proof of service on opposer as required by Trademark Rule 2.119.

In addition, the motion to withdraw as counsel of record in this case is hereby denied without prejudice because it fails to comply with the requirements of

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

Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40. Specifically, the motion does not include one or more of the following requirements: (1) a specification of the basis for the request; (2) a statement that the practitioner has notified the client of his or her desire to withdraw from employment, and 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; (4) if any part of a fee paid in advance has not been earned, a statement that the unearned part has been refunded; and (5) proof of service of the request upon the client and upon every other party to the proceeding. See Patent and Trademark Rule 10.40, 37 CFR § 10.40. *Cf. In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992). In fact, only (3) has been satisfied. Because counsel's reason for withdrawal is "unresponsive client", because the withdrawal was filed when the answer deadline was imminent, and because the withdrawal does not refer to the pending opposition, it is unclear if applicant has received actual notice of this proceeding.

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, which includes proof of service, and which indicates if

counsel has spoken to applicant, informed him of the pendency of this proceeding, and obtained current contact information.

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:

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