

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Baxley

Mailed: September 15, 2016

Opposition No. 91228829

Brooks Sports, Inc.

v.

Alpha Beast, Inc.

**Andrew P. Baxley, Interlocutory Attorney:**

On September 14, 2016, in response to the notice of default that the Board issued on August 25, 2016, Applicant's attorney filed a request to withdraw as Applicant's counsel of record in this proceeding. That request is denied without prejudice because it fails to comply with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116.

Specifically, the motion does not include the following requirements: (1) a statement that all documents and property that relate to the proceeding and to which the client is entitled have been delivered to the client; (2) a statement that the unearned portion of any fee paid in advance has been refunded; and (3) proof of service of the request upon the client. *See* Trademark Rule 2.19(b). *Cf. In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, Applicant's attorney is allowed until thirty days from the mailing date of this order to submit a motion which complies with Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116, as indicated above.

Proceedings are otherwise suspended retroactive to September 14, 2016, pending response to this order. The parties will be notified by the Board when proceedings are resumed, and dates will be reset, as appropriate.

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

cc:

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