

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

am

Mailed: April 19, 2005

Cancellation No. 92043185

CONAIR CORPORATION

v.

UNITED STATES IDENTIFICATION
CARD, INC.

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

The motion (filed March 22, 2005) 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.

Although respondent's counsel states that it has complied with all rules and requirements regarding the withdrawal, the motion does not specify that counsel has complied with 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; and (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:

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