

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

RK

Mailed: August 29, 2012

Cancellation No. **92054496**

Hat World, Inc.

v.

Pass the Roc Athletics, Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On August 28, 2012, respondent's attorney filed a motion to withdraw as counsel of record in this case. The motion to withdraw is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly **GRANTED**. Mark J. Ingber, Esq., no longer represents respondent in this proceeding.

In view of the withdrawal of respondent's counsel, and in accordance with standard Board practice, proceedings herein are **SUSPENDED**, and respondent is allowed until **SEPTEMBER 28, 2012**, to appoint new counsel, or to file a paper stating that respondent chooses to represent himself. If respondent files no response, the Board may issue an order to show cause why

default judgment should not be entered against respondent based on respondent's apparent loss of interest in the case.¹

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time, beginning with the deadline for the parties' discovery conference.

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

cc:

Jeffrey S. Molinoff
Nixon Peabody LLP
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¹ The Board notes that the petition to cancel was filed on August 4, 2011, and proceedings instituted on September 14, 2011. Since then, this case has proceeded in starts and stops for various reasons relating to respondent's health and inability to find proper representation. The Board held a telephone conference on February 14, 2012, to resolve a pending motion by respondent to again extend his time to answer. As part of that motion, respondent was advised that no further extensions or suspensions would be granted respondent for obtaining counsel. In view of the Board's order, counsel was retained and said counsel filed an appearance on May 15, 2012, and filed respondent's answer on May 24, 2012. Less than four months later, counsel has filed a motion to withdraw as respondent's attorney. Notwithstanding the Board's advisory of no further extensions and suspensions which the Board contemplated as applying to respondent in his attempt to retain counsel in the first instance and not the situation herein in which respondent finds himself, and in view of the timing of the withdrawal, i.e., one day prior to the deadline for discovery conference, the Board has allowed respondent an opportunity to retain substitute counsel. However, in view of the numerous extensions granted respondent and the resultant delay to these proceedings and drain on Board resources, **NO FURTHER EXTENSIONS OR SUSPENSIONS WILL BE GRANTED RESPONDENT DURING THE REMAINDER OF THIS PROCEEDING FOR THE PURPOSE OF RETAINING COUNSEL SHOULD THIS SITUATION REPEAT ITSELF.**

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