

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

Bucher

Mailed: May 8, 2010

Serial No. 76695792

In re USCANTEEN INC.

Before Bucher, Kuhlke and Walsh, Administrative Trademark
Judges.

In his submission dated March 15, 2010, Myron Amer advised the Board that he was withdrawing from legal representation in the above-captioned proceeding pursuant to an instruction from the law firm of Spirn & Spirn.¹ However, the reponse failed to follow the explicit conditions stated in our order of March 3, 2010 (attached) for dealing with a possible conflict of interest in this matter by submitting signed statements from applicant and registrant. In his request to withdraw as counsel, Mr. Amer also failed to confirm that he has complied with the conditions specified in 37 CFR § 10.40(a), specifically, that Mr. Amer has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to his client, allowing time for employment of another practitioner, delivering to the client all papers and

¹ According to Mr. Amer, the firm of Spirn & Spirn of Hauppauge, New York functions as general counsel for applicant, USCANTEEN INC.

property to which the client is entitled, and complying with all applicable laws and rules.

We cannot grant Mr. Amer's request to withdraw from the representation until we receive from applicant a signed revocation of Mr. Amer's power to represent applicant, due before May 28, 2010. If applicant so chooses, it may also appoint another attorney to act in this matter. Along with clarification regarding legal representation in this proceeding, applicant or its new counsel should advise the Board as to whether it wishes to proceed with this appeal on the basis of the positions taken by Mr. Amer to date.

In view of the circumstances, in addition to Mr. Myron Amer, the Board is also sending this notice both to applicant at its address of record, as well as to Mr. Lawrence F. Spirn of the firm of Spirn & Spirn.



Addressees:

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