

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Lykos

Mailed: January 30, 2003

Opposition No. 91151492

Vitality Foodservice,
Inc.

v.

Body Wise International,
Inc.

Angela Lykos, Interlocutory Attorney

On October 22, 2002, counsel for applicant sent a communication to the Board requesting that all further papers in this matter be forwarded to another attorney and law firm. The Board is interpreting counsel for applicant's communication as a motion to withdraw as counsel of record.

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 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

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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 view thereof, counsel for applicant 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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