

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

kk/gcp

Mailed: June 18, 2012

Opposition No. 91201430

Hornady Manufacturing
Company

v.

Central Holding Corporation

**George C. Pologeorgis,
Interlocutory Attorney:**

Opposer's motion (filed June 12, 2012) to suspend this opposition proceeding pending the final determination of a civil action between the parties in the United States District Court for the District of Nebraska¹ is hereby granted as well taken. It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).

Accordingly, proceedings herein are suspended pending final disposition of the civil action between the parties, except to the extent noted below.

¹ Civil Action No. 4:12-cv-03117, styled *Hornady Manufacturing Company v. Heizer Firearms, LLC, Heizer Defense, LLC and Central Holding Corp.*, filed on or about June 11, 2012.

Within twenty days after the final determination of the civil action, the parties shall so notify the Board and call this case up for any appropriate action. During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

As a final matter, the Board notes that applicant's counsel filed a motion to withdraw as counsel of record on June 7, 2012. Applicant's counsel's motion is **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 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 §

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10.40. Cf. *In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, applicant's 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, failing which the Law Office of Sanford J. Asman will remain as applicant's counsel of record in this case.

Except to the extent indicated above, proceedings are suspended pending the final disposition of the civil action between the parties. The parties will be notified by the Board when proceedings are resumed, and appropriate dates will be rescheduled, if necessary and appropriate.

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

cc:

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