UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: October 8, 2014

Opposition No. 91216061

RGB Systems, Incorporated

v.

Axtron Global LLC

George C. Pologeorgis,
Interlocutory Attorney:

Applicant's attorney's motion (filed September 25, 2014) to withdraw as counsel of record in this proceeding is hereby **DENIED without prejudice** because it fails to comply with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116.

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 documents 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* Trademark Rule 2.19(b). *Cf. In re Legendary Inc.,* 26 USPQ2d 1478 (Comm'r 1992).

In view thereof, Applicant's counsel is allowed until **thirty (30) days** from the mailing date of this order to submit a motion which complies with Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116, as indicated above.

Proceedings are otherwise **suspended** pending response to this order. The parties will be notified by the Board when proceedings are resumed, and dates will be reset, as appropriate.

As a final matter, the Board notes that Applicant, on September 23, 2014, filed an unconsented motion to amend the identification of goods of its involved application Serial No. 86063642. Opposer's response thereto, filed on September 30, 2014, contesting the motion to amend is also noted.

The Board generally will defer determination of a timely filed (i.e., pretrial) unconsented motion to amend, as is the case here, in substance until final decision, or until the case is decided upon summary judgment. *Enbridge Inc. v. Excelerate Energy L.P.,* 92 USPQ2d 1537, 1539 n.3 (TTAB 2009) (motion to amend identification of goods and dates of use deferred until final hearing).

Accordingly, consideration of Applicant's unconsented motion to amend the identification of goods of its involved application is hereby deferred until final decision, or until the case is decided upon summary judgment.