

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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December 4, 2020

Opposition No. 91245272

Amer Group Inc.

v.

*Advanced New Technologies Co., Ltd.
(substituted for Alibaba Group Holding
Limited)*

Jill M. McCormack, Interlocutory Attorney:

ASSIGNMENT AND SUBSTITUTION

On November 2, 2020, Applicant notified the Board that involved application Serial No. 87628472 has been assigned from Alibaba Group Holding Limited to Advanced New Technologies Co., Ltd. (a corporation of the Cayman Islands), and moved to substitute the assignee as the party defendant in this proceeding.¹ In support of the motion to substitute, Applicant provided a copy of the recordation of its application to Advanced New Technologies Co., Ltd., which was recorded on June 16, 2020 with the USPTO Assignment Branch at Reel/Frame 6971/0325.

Inasmuch as Opposer has consented to Applicant's motion to substitute, Applicant's motion is **granted**, and Advanced New Technologies Co., Ltd. is

¹ Applicant's change of correspondence address filed August 5, 2020 is noted. Applicant has provided the bar membership information required by Trademark Rule 2.17(b)(3).

substituted as the party defendant in these proceedings. *See* Trademark Rule 2.127(a). The caption to this proceeding has been updated accordingly.

WITHDRAWAL OF COUNSEL

On November 4, 2020, Opposer's counsel filed a motion to withdraw as Opposer's counsel of record in this proceeding. The motion 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, or, if appropriate a statement that no fees have been paid in advance and not 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, counsel is allowed until **THIRTY (30) DAYS** from the 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 otherwise remain suspended.

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

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