

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

Mailed: July 2, 2002

Opposition No. 91118765

STERLING SOFTWARE, INC.

v.

COOL PARTNERS, L.L.C.

David Mermelstein, Attorney:

On May 31, 2002, proceedings herein were suspended when the Board learned of applicant's bankruptcy. Now before the Board is the June 20, 2002, motion of applicant's counsel of record, to withdraw as counsel in this matter.

Counsel's request to withdraw will not be considered at this time because the paper was not accompanied by a certificate evidencing service of the paper on all other parties to the proceeding.¹ In addition to the other parties, a request to withdraw in the circumstances presented here must be served on both applicant and the bankruptcy trustee. While service upon a withdrawing attorney's client is always required, it is particularly

¹ Trademark Rule 2.119(a) requires service of all papers filed in an opposition proceeding - with the exception of the notice of opposition - before the paper may be considered. The Board will strictly enforce its rules respecting the service and filing of papers.

important when the client is in bankruptcy and the assets of the bankrupt are held in trust for the benefit of creditors.

In an effort to move this matter forward, however, the Board encloses a copy of the request to withdraw with this order. The parties and the trustee in bankruptcy are allowed until THIRTY DAYS to respond, if desired. The trustee is requested to confirm its address for correspondence and to indicate whether it will serve as applicant's attorney of record in this matter.

Proceedings herein remain otherwise SUSPENDED.

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