

TJAB

Thomas J. Borchard, Esq., California SBN: 104008
James M. Hester, Esq., California SBN: 122133
BORCHARD & BAUR, APC
25909 Pala, Ste. 380
Mission Viejo, Ca. 92691
Telephone: (949) 457-9505
Facsimile: (949) 457-1666



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Platypus Wear, Inc.,)
)
 Opposer,)
)
v.)
)
Patricia Dobernic,)
)
 Applicant.)
)
)
)
)
)

Opposition No.: 120626

**MOTION TO WITHDRAW AS
ATTORNEY OF RECORD
FOR APPLICANT**

Applicant's Mark: BAD BONES
Serial No.: 75/811063
Filed: September 30, 1999
Published: In the Official Gazette on June 13, 2000

Pursuant to Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, Borchard & Baur, formerly Borchard & Associates, attorneys of record for the Applicant herein ("Practitioner"), hereby submits its motion to withdraw as counsel.

1. **Basis of the Request.** Applicant has refused to cooperate with Practitioner and provide responses to discovery propounded by Opposer, thereby making it unreasonably difficult, as set forth in Patent and Trademark Rule 10.40(c)(1)(iv), for Practitioner to carry out the employment effectively and comply with applicable statutes and regulations with respect to this

mo

Opposition Proceeding.

2. **Notification.** Practitioner's client, the Applicant herein, has been duly notified of Practitioner's desire and intent to withdraw as counsel of record, and has been rendered ample opportunity to retain new counsel.

3. **Delivery of File.** All papers and property that relate to this proceeding and to which the Applicant is entitled have been delivered by Practitioner to the Applicant.

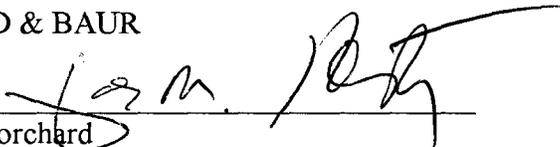
4. **Refund of Unearned Monies.** All monies to which Applicant is due, or may have been due, from Practitioner have been refunded to the Applicant.

5. **Proof of Service.** Applicant and all other parties to this proceeding, through counsel, have been provided with this motion as stated in the attached proof of service.

Based on the foregoing, and for good cause, Borchard & Baur requests that its motion to withdraw as counsel of record be granted.

Dated: December 5, 2001

BORCHARD & BAUR



Thomas J. Borchard
James M. Hester
Attorneys for Applicant

CERTIFICATE UNDER 37 C.F.R. § 1.10

I hereby certify that two copies of the foregoing **MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR APPLICANT** are being deposited with the United States Postal Service, under 37 C.F.R. § 1.10 on the date indicated below and addressed to United States Patent and Trademark Office, Trademark Trial and Appeals Board, 2900 Crystal Drive, Arlington, VA 22202-3513, and three copies are being deposited with the USPS and addressed to Robert H. Roe, LUCE, FORWARD, HAMILTON & SCRIPPS LLP, 600 W. Broadway, Suite 2600, San Diego, CA 92101; Steve Dobernic, 2367 Chasing Star Ave., Las Vegas, NV 89123; and Patti Dobernic, 11713 Quartz Ave., Fountain Valley, CA 92708 on the date indicated below.

Dated: December 6, 2001



Claire A. Stoneman