

ESTTA Tracking number: **ESTTA12882**

Filing date: **08/04/2004**

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

Proceeding	91156049
Party	Defendant Kehot Publication Society, a division of Merkos L'Inyonei Chinuch, Inc. Kehot Publication Society, a division of Merkos L'Inyonei Chinuch, Inc. 770 Eastern Parkway Brooklyn, NY 11213
Correspondence Address	ARTHUR J GREENBAUM COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036-6710
Submission	Request to Withdraw as Attorney
Filer's Name	Kieran G. Doyle
Filer's e-mail	kgd@c11.com
Signature	/Kieran G. Doyle/
Date	08/04/2004
Attachments	Merkos TTAB Motion.pdf (4 pages) Doyle Declaration Merkos.pdf (2 pages)

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

In The Matter of Application Serial No. 76/314,502
for the mark KEHOT & Design filed September 19, 2001

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OTSAR SIFREI LUBAVITCH, INC.,	:
	:
Opposer,	:
v.	:
	:

Opposition No. 91,156,049

	:
KEHOT PUBLICATION SOCIETY, a division	:
of Merkos L'Inyonei Chinuch, Inc.,	:
	:
Applicant.	:
-----X	

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VAAD HANOCHOS HATMIMIM,	:
	:
Opposer,	:
v.	:
	:

Opposition No. 91,156,050

(Opposition Terminated
May 8, 2004 Pursuant to Opposer's
April 1, 2004 Withdrawal of
Opposition)

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KEHOT PUBLICATION SOCIETY, a division	:
of Merkos L'Inyonei Chinuch, Inc.,	:
	:
Applicant.	:
-----X	

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VAAD L'HAFOTZAS SICHOS, INC.,	:
	:
Opposer,	:
v.	:
	:

Opposition No. 91,156,051

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KEHOT PUBLICATION SOCIETY, a division	:
of Merkos L'Inyonei Chinuch, Inc.,	:
	:
Applicant.	:
-----X	

Box TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION TO WITHDRAW AS ATTORNEYS OF RECORD FOR APPLICANT
WITH DECLARATION

Pursuant to 37 C.F.R. § 10.40 (c), the attorneys of record in the above-referenced consolidated proceeding, Arthur J. Greenbaum, Ronald W. Meister, Kieran G. Doyle and Susan R. Schick and all other attorneys at Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the

Americas, New York, New York 10036 ("CL&L "), respectfully request leave to withdraw as Applicant's attorneys of record.

As set forth in the attached declaration of Kieran G. Doyle, Esq., this request is being made pursuant to 37 C.F.R. 10.40(c)(1)(vi) on the ground that Applicant has failed to pay fees and disbursements to CL&L for an unreasonable period of time. There will be no foreseeable prejudice to the rights of Applicant as a consequence of CL&L's withdrawal. This matter is in suspense awaiting the outcome of a litigation in the United States District Court for the Eastern District of New York between some of the parties. CL&L had withdrawn from that litigation as well. Applicant has been notified several times, beginning in or about the winter of 2003, that CL&L would no longer represent Applicant in these circumstances, and Applicant has been advised to engage new counsel if it so desires. Applicant is aware that CL&L has the papers and property that relate to this proceeding, and will return them to Applicant upon Applicant's request. There were no fees paid in advance in connection with this matter that have not been earned.

WHEREFORE, CL&L, the attorneys of record, respectfully request the Trademark Trial and Appeal Board to issue an order granting CL&L leave to withdraw as Applicant's Attorneys of Record in the above-captioned consolidated opposition and directing that all future correspondence in this matter be addressed to Applicant at Applicant's address, namely:

Rabbi Mendel Sharfstein
Lubavitch World Headquarters
770 Eastern Parkway
Brooklyn, NY 11213

Kieran G. Doyle has been authorized by all other attorneys at Cowan, Liebowitz & Latman, P.C. to sign this motion to withdraw on their behalf.

Dated: New York, New York
August 4, 2004

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

By: /Kieran G. Doyle/
Arthur J. Greenbaum
Ronald W. Meister
Kieran G. Doyle
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2004, a copy of the foregoing MOTION TO WITHDRAW AS ATTORNEYS OF RECORD FOR APPLICANT WITH DECLARATION was served on Applicant by mailing a copy by first class mail, postage prepaid, in a sealed envelope addressed to:

Rabbi Mendel Sharfstein
Lubavitch World Headquarters
770 Eastern Parkway
Brooklyn, NY 11213

And to Opposer's attorney of record, by mailing a copy by first class mail, postage prepaid in a sealed envelope addressed to:

Jacob Laufer, Esq.
1660 60th Street
Brooklyn NY 11204

/Kieran G. Doyle/
Kieran G. Doyle, Esq.

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DECLARATION OF KIERAN G. DOYLE, ESQ.

KIERAN G. DOYLE, pursuant to 28 U.S.C. § 1746, declares:

