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Filing date: **06/16/2009**

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

Proceeding	91162370
Party	Plaintiff De Boulle Diamond & Jewelry, Inc.
Correspondence Address	Dennis Griggs Griggs Bergen LLP 17950 Preston Road, Suite 1000 Dallas, TX 75252 UNITED STATES dennis@griggslaw.com, ptredoux@tredoux.com, scott@griggslaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	Scott T. Griggs
Filer's e-mail	scott@griggslaw.com
Signature	/Scott Griggs/
Date	06/16/2009
Attachments	Motion to Withdraw CoCounsel.pdf (7 pages)(279181 bytes)

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

DE BOULLE DIAMOND & JEWELRY, INC.,

Opposer,

v.

DE BEERS LV LTD.,

Applicant.

Consolidated Opposition No.: 91162370

Opposition No.'s: 91162370
91164615

**MOTION TO WITHDRAW
AS REPRESENTATIVE AND CO-COUNSEL**

The undersigned respectfully hereby files this Motion to Withdraw Scott T. Griggs as Representative and Co-Counsel and requests consideration and entry of the following:

1. Permission from the TTAB for Scott T. Griggs, of the firm of Griggs Bergen LLP, to withdraw as representative to and from employment of De Boule Diamond & Jewelry, Inc., Opposer, (“Opposer” and/or “De Boule”), and as co-counsel for Opposer in the above-captioned proceeding.
2. All reasonable steps haven been taken to avoid foreseeable prejudice to the rights of Opposer.
3. Formal written notice was provided on June 1, 2009 to both Opposer and Opposer’s outside general counsel and co-counsel in the above-captioned proceeding, Pieter J. Tredoux, Esq., of the intent to withdraw Scott T. Griggs as representative and co-counsel.

4. Opposer has been allowed time for employment of another practitioner. The undersigned understands that Mr. Tredoux has been evaluating opportunities to employ another practitioner since at least as early as May 6, 2009.

5. Opposer is refusing to accept delivery of all papers and property to which Opposer is entitled. All papers and property to which Opposer is entitled and that relate to the above-captioned proceeding have been made available and delivery attempted, but refused by Opposer.

6. More particularly, on June 4, 2009, the undersigned sent a formal written request to Opposer requesting a date and time at which delivery of all papers and property would be accepted. In subsequent communications, Opposer indicated that Opposer would **refuse delivery** of any papers and property from Griggs Bergen LLP. On June 12, 2009, Mr. Peter Harrop, CFO of De Boule Diamond & Jewelry, Inc., acting on behalf of Opposer, **refused delivery** of all papers and property as shown by the Affidavit of Darrell Mitchell, attached hereto with a true and correct copy of Mr. Mitchell's delivery log.

7. All papers and property will continue to be made available to Opposer.

8. Opposer has been notified of upcoming trial dates and, in particular, of the TTAB's order of May 29, 2009 re-setting discovery and trial dates. Additionally, co-counsel, Mr. Tredoux, has been intimately involved in this proceeding and is aware of the upcoming trial dates.

9. There are no parts of any fees paid in advance that have not been earned that require refund to Opposer. All other applicable laws and rules have been complied with relative to this Motion and withdrawal.

10. Circumstances have developed in the course of the representation that have caused an irremediable breakdown in the attorney-client relationship, the relationship between attorney and outside general counsel, and the relationship between attorney and co-counsel. The breakdown of these relationships prevents the undersigned from providing effective assistance as counsel.

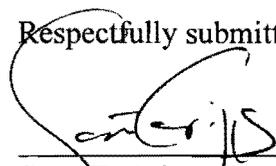
11. As a practitioner, I am unable to work with Pieter J. Tredoux, Esq., who is both outside general counsel to Opposer and co-counsel in this proceeding. This inability to work with outside general counsel and co-counsel makes it unreasonably difficult to carry out effective employment and indicates that the best interests of Opposer will be served by withdrawal of the undersigned.

12. Opposer has not granted assent to this Motion.

13. Permissive withdrawal of Scott T. Griggs is respectfully requested under 37 C.F.R. §§ 10.40(c)(1)(iv), (c)(3), (c)(6).

Dated this the 16th day of June 2009.

Respectfully submitted,



Scott T. Griggs
State Bar of Texas No. 24032254

Griggs Bergen LLP
17950 Preston Road, Suite 1000
Dallas, Texas 75252
972-447-4569
972-732-9218 Fax
CO-COUNSEL FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2009, a copy of the foregoing Motion to Withdraw Dennis T. Griggs as Representative and Lead Counsel was filed electronically through the Trademark Trial and Appeal Board Electronic Filing System. Notice of this filing will be sent electronically to all parties by operation of the TTAB's ESTTA system.

In addition a copy was served vial electronic mail and United States Mail, first class, postage prepaid, addressed as follows on June 16, 2009:

Darren W. Saunders, Esq.
Mark I. Peroff, Esq.
Hiscock & Barclay, LLP
Seven Times Square
New York, New York 10036

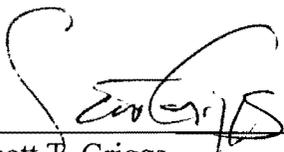
DSaunders@hblaw.com
MPeroff@hblaw.com

Mr. Denis J. Boulle
De Boulle Diamond & Jewelry, Inc.
6821 Preston Road
Dallas, Texas 75205

Denis@debouille.com

Pieter J. Tredoux, Esq.
901 Main Street, Suite 6300
Dallas, Texas 75202

Pieter@tredoux.com



Scott P. Griggs

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AFFIDAVIT OF DARRELL MITCHELL

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared **Darrell Mitchell**, who is personally known to me, and first being duly sworn according to the law upon his oath deposed and said:

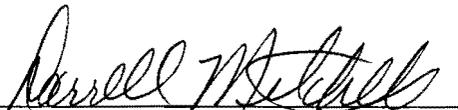
My name is Darrell Mitchell, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

1. I am employed as a special delivery courier for Dynamex.
2. At about 2 pm on June 12, 2009 I received three boxes of files from Griggs Bergen LLP for delivery to De Boule Diamond & Jewelry, Inc. at 6821 Preston Road, Dallas, Texas 75205.

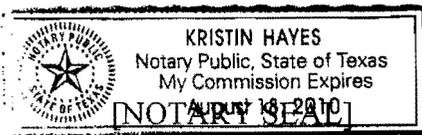
3. At about 3 pm on June 12, 2009, I arrived at De Boulle Diamond & Jewelry, Inc. at 6821 Preston Road, Dallas, Texas 75205 and attempted delivery of the three boxes of files.

4. An individual identifying himself as Peter Harrop refused delivery by so indicating verbally and writing "REFUSED" in the delivery log.

FURTHER AFFIANT SAYETH NAUGHT.


Darrell Mitchell

SUBSCRIBED AND SWORN TO BEFORE ME this 12th day of June 2009, to certify which witness my hand and official seal.




Notary Public, State of Texas

Driver Name: Darrell Mitchell Branch: _____



Driver ID Number: 1871 Phone Number: _____

#	JOB#	FROM	TO	P.C.S.	WGHT. LBS.	WAIT TIME	INITIAL	#	SIGNATURE	PRINT NAME	TIME
1	160029	Dennis T. Griggs 17950 Preston Rd. #1000 Dallas, TX. 75252	De Boullé Jewelry 6821 Preston Rd. Dallas, TX. 75205	3	30		Refused	1	<i>[Signature]</i>	Peter J Harrop	3:00pm
2		Deboullé Jewelry 6821 Preston Rd. Dallas, TX. 75205	Dennis T. Griggs 17950 Preston Rd. #1000 Dallas, TX. 75252	3	30			2	<i>[Signature]</i>	S. Maria Tedesco	4:00pm
3								3			
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MESSENGER # 1871 NAME D. Mitchell DATE 6-12-09 DAY Friday

The shipment will be insured by Dynamex during transit for loss or damage to actual fair market value (limit \$50). Any value declared on this shipment in excess of \$50 shall be at the shipper's own risk unless prior arrangements have been made by the shipper. All claims regarding loss or damage of any kind must be submitted in writing within 5 days after delivery of shipment to Dynamex. Dynamex shall not be responsible for shipments improperly packed or labeled or for loss or damage caused by delay, or for