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

The American Academy of Neurology,	)	Opposition No. 91168906
Opposer	)	Mark: BRAIN MATTERS
	)	Serial No. 78/321,810
v.	)	Filing Date: 10/31/2003
Brain Matters, Inc.,	)	
Applicant	)	Published: 12/20/2005

AMENDED REQUEST TO WITHDRAW AS ATTORNEY OF RECORD FOR APPLICANT, BRAIN MATTERS, INC.

COMES NOW, Thomas P. Howard and Garlin Driscoll Howard, LLC, and requests permission to withdraw as attorney of record for the Applicant, Brain Matters, Inc. pursuant to 37 CFR § 2.19 of the Trademark Trial and Appeal Board Manual of Procedure. In that regard, Thomas P. Howard states that:

1. Pursuant to CFR § 10.40(c)(1)(vi), grounds for permissive withdrawal exist because Applicant has failed to pay one or more bills rendered by this firm for an unreasonable period of time;

2. Applicant made a partial payment on July 16, 2007 and has made no payment since then although Applicant has received invoices monthly from August 2007 to present for services rendered;

3. Applicant has received repeated notice in writing that failure to provide payment will result in withdrawal of Thomas P. Howard and Garlin Driscoll Howard, LLC;

4. Applicant filed for bankruptcy February 15, 2008;

04-28-2008

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5. Counsel has given due notice to Applicant, allowing time for employment of another practitioner by Applicant;

6. Counsel hand-delivered all papers and property to Applicant to which Applicant is entitled on March 7, 2008; and

7. Counsel has complied with all applicable laws and rules.

Applicant, Brain Matters, Inc. is notified as follows:

1. Thomas P. Howard and Garlin Driscoll Howard, LLC wish to withdraw as your attorneys in the within action;

2. The Trademark Trial and Appeal Board retains jurisdiction;

3. You have the burden of advising the Trademark Trial and Appeal Board where notices, pleadings, or other documents may be served on you;

4. You have the obligation to prepare for oral hearing or hire other counsel to prepare for oral hearing;

5. If you fail or refuse to meet these burdens, you may suffer possible default;

6. Service of process may be served upon you at your last known address:

Brain Matters, Inc.
201 University Blvd., Suite 200
Denver, CO 80206

7. At the present time the following is pending before the Trademark Trial and Appeal Board:

a. Scheduling of date for oral hearing on opposition before the Trademark Trial and Appeal Board; and

b. Oral hearing on opposition before Trademark Trial and Appeal Board.

WHEREFORE, for the reasons set forth above, Thomas P. Howard and Garlin Driscoll Howard, LLC respectfully request that this Court grant them permission to withdraw as attorneys of record for the Applicant, Brain Matters, Inc.

DATED this 24th day of April, 2008.

GARLIN DRISCOLL HOWARD, LLC

s/Thomas P. Howard
Thomas P. Howard
Garlin Driscoll Howard, LLC
245 Century Circle, Suite 101
Louisville, CO 80027
Telephone: (303)926-4222
Facsimile: (303)926-4224

ATTORNEYS FOR APPLICANT
BRAIN MATTERS, INC.

SO ORDERED:

_____ _____

Date Trademark Trial and Appeal Board

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April, 2008, I caused to be served the attached document:

Amended Request to Withdraw as Attorney of Record for Applicant, Brain Matters, Inc. by placing a true and correct copy in the U.S. Mail addressed to the following:

Erika S. Koster, Esq.
Oppenheimer, Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402-1609

COUNSEL FOR OPPOSER

Mr. Chris Touscher
Brain Matters, Inc.
201 University Blvd., Suite 200
Denver, CO 80206

APPLICANT

I also certify that on the 24th day of April, 2008, one (1) copy of the foregoing document was filed with:

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

by placing a true and correct copy in the U.S. Mail.

Executed on the 24th day of April, 2008.

s/Thomas P. Howard
Thomas P. Howard