

ESTTA Tracking number: **ESTTA75656**

Filing date: **04/11/2006**

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

Proceeding	91169077
Party	Defendant Summerell, Troy G. Summerell, Troy G. 1819 Chantilly Court Virginia Beach, VA 23451
Correspondence Address	ERIK M. PELTON PO BOX 100637 ARLINGTON, VA 22210-3637
Submission	Request to Withdraw as Attorney
Filer's Name	Erik M. Pelton
Filer's e-mail	emp@tm4smallbiz.com
Signature	/ErikMPelton/
Date	04/11/2006
Attachments	smoothmoves-motiontowithdraw.pdf (4 pages)

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

TRADITIONAL MEDICINALS, INC.)	
Opposer,)	Opposition No. 91169077
v.)	Application. Serial No. 78616669
TROY G. SUMMERELL)	Mark: SMOOTHMOVE'S
Applicant.)	

MOTION FOR WITHDRAWAL OF COUNSEL

COMES NOW Counsel for Applicant, Erik M. Pelton (hereinafter "Counsel"), and submits this Motion to request withdrawal from employment as the attorney for Applicant Troy G. Summerell. before the Trademark Trial and Appeal Board pursuant to 37 CFR §1040 and TMBP §513.01. Counsel moves this Board to grant the Motion, and in support of its argument states the following:

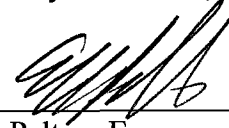
1. Counsel's representation of Applicant has been terminated by Applicant.
Pursuant to 37 CFR §10.40(b), the practitioner has been discharged by the client. The client has indicated its desire to pursue the matter without Counsel's assistance via e-mail on April 7, 2006.
2. Applicant has confirmed its desire to discharge Counsel in the attached affidavit.
3. Counsel was notified of this termination by Applicant prior to the entry of a default, and as a result Applicant has had plenty of time to employ another practitioner or to defend the opposition pro se.
4. All papers and property that relate to the proceeding have been delivered to the client.

5. Proof of service of this Motion upon the client and upon every other party to the proceeding follows below.

WHEREFORE, Counsel prays that the Trademark Trial and Appeal Board grants this Motion for Withdrawal of Counsel, and that Erik M. Pelton, Esq., be permitted to withdraw from representing Applicant in this matter.

Dated: April 11, 2006

Respectfully Submitted,

By: 
Erik M. Pelton, Esq.
Attorney for Applicant

Erik M. Pelton, Attorney at Law
PO Box 100637
Arlington, Virginia 22210

Ph: 703-525-8009
Fax: 703-525-8089

CERTIFICATE OF DEPOSIT

I hereby certify that this correspondence is being filed electronically with the Trademark Trial and Appeal Board, on this the 11 day of April, 2006.

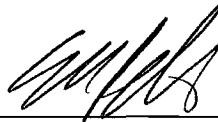
By: 
Erik M. Pelton, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion For Withdrawal of Counsel was deposited as First Class mail with the United States Postal Service on April 11, 2006 to the following:

Troy G. Summerell
610 Pintail Lane
Chesapeake, VA 23323

By:



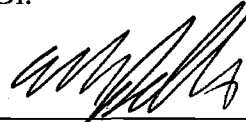
Erik M. Pelton, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion For Withdrawal of Counsel was deposited as First Class mail with the United States Postal Service on April 11, 2006 to the following:

Jay H. Geller
W. Tower, Suite 40002425 W. Olympic Bl.
Santa Monica, CA 90404

By:



Erik M. Pelton, Esq.

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

TRADITIONAL MEDICINALS, INC.)	
Opposer,)	Opposition No. 91169077
v.)	Application. Serial No. 78616669
TROY G. SUMMERELL)	Mark: SMOOTHMOVE's
Applicant.)	

AFFIDAVIT OF APPLICANT TROY G. SUMMERELL

By my signature below, I, Applicant Troy G. Summerell, confirm that I desire to pursue the above-referenced trademark matter without Counsel Erik M. Pelton's assistance and I hereby discharge the representation of Counsel Erik M. Pelton.

Respectfully Submitted,

By: 
Troy G. Summerell, Applicant