

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

In re Application Serial. No. 78/389287  
Mark: SMART BRAIN AMERICA (and design)

**TTAB**

Akademi Sempoa & Mental Aritmetik	)	
UC MAS Snd Bhd.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91172550
	)	
Smart Brain America, Inc.,	)	
	)	
Applicant.	)	

**PETITION TO WITHDRAW FROM  
EMPLOYMENT AS ATTORNEY FOR OPPOSER**

The Petitioner, BAKER & MCKENZIE, ("Petitioner"), pursuant to TBMP Section 513.01 and 37 CFR Section 10.40, petitions the Trademark Trial and Appeal Board to permit Petitioner to withdraw from employment as attorneys for the Opposer, Akademi Sempoa & Mental Aritmetik UC MAS Snd Bhd, ("UCMAS"), in this matter. In support of this petition, Petitioner states as follows:

1. TBMP Section 513.01 and 37 CFR Section 10.40(c)(1) permit withdrawal by a practitioner from employment as an attorney for a party in a proceeding before the Board in certain circumstances, including the client's failure to pay one or more bills rendered by the practitioner for an unreasonable period of time and conduct that renders it unreasonably difficult for us to carry out our employment in this matter.

2. UCMAS has failed to pay more than one bill rendered by Petitioner for an unreasonable period of time and, despite written requests, UCMAS has not paid these bills. In advance of this petition, Petitioner advised UCMAS of its intention to withdraw from employment if Petitioner was not paid.



02-23-2007

3. Petitioner requests that this matter be stayed for a reasonable amount of time to permit UCMAS to make arrangements for retention of counsel or otherwise resolve this proceeding.

4. As Applicant recently filed a pending Motion to Consolidate this Opposition with Opposition No. 91171679, and the discovery in this proceeding is not set to close until March 13, 2007, UCMAS will not be prejudiced by this withdrawal. UCMAS has been given written advance notice of Petitioner's intention to withdraw, and it has been provided with all papers and property to which it is entitled and are necessary to this action.

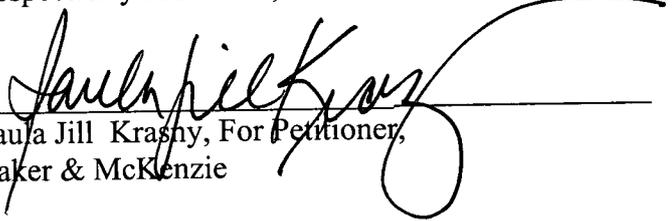
5. Petitioner has not been paid any fees in advance, and there are no fees, unearned or otherwise, to be refunded to UCMAS.

6. UCMAS has been served with this Petition by Federal Express, and this Petition has been filed with the Board and served upon Opposer by Express Mail.

WHEREFORE, for all the above-stated reasons, Petitioner, Baker & McKenzie, respectfully requests permission to withdraw from employment as attorney for Opposer, Akademi Sempoa and Mental Aritmetik UC MAS Snd Bhd. and asks that the Trademark Trial and Appeal Board enter an order withdrawing Petitioner's appearance in this matter.

Respectfully submitted,

Date: February 23, 2007

  
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Paula Jill Krasny, For Petitioner,  
Baker & McKenzie

BAKER & MCKENZIE, LLP  
Paula Jill Krasny  
John C. Filosa  
One Prudential Plaza  
130 East Randolph Drive  
Chicago, Illinois 60601  
312/861-8000

**CERTIFICATE OF MAILING AND PROOF OF SERVICE**

The undersigned hereby certifies that the foregoing **PETITION TO WITHDRAW FROM EMPLOYMENT AS ATTORNEY FOR OPPOSER** is being deposited with the United States Postal Service, utilizing the Express Mail Post Office to Addressee service, postage prepaid, in envelopes addressed to the following:

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451  
Express Mail No. EL500541407US

John G. Tutunjian, Esq.  
Keusey, Tutunjian & Bitetto, P.C.  
20 Crossways Park North, Suite 210  
Woodbury, NY 11797

and by Federal Express to:

Attn : Susan / Mr Ngew Khoo Hoe  
Akademi Sempoa & Mental Aritmetik U S MAS Sdn Bhd  
Wisma U C Mas  
Lot 14073, Jalan 14/26  
Taman Sri Rampai  
53300 Setapak  
Kuala Lumpur  
Malaysia

on this 23<sup>rd</sup> day of February, 2007.

  
Paula Jill Krasny

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