

ESTTA Tracking number: **ESTTA297366**

Filing date: **07/24/2009**

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

Proceeding	91177301
Party	Plaintiff Cake Divas
Correspondence Address	Anthony M. Keats, Esq. Keats, McFarland & Wilson LLP 9720 Wilshire Boulevard, Penthouse Suite Beverly Hills, CA 90212 UNITED STATES kgatien@kmwlaw.com, dorme@kmwlaw.com, akeats@kmwlaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	Konrad K. Gatien
Filer's e-mail	kgatien@kmwlaw.com, dorme@kmwlaw.com, akeats@kmwlaw.com, mklafter@kmwlaw.com
Signature	/kkg/
Date	07/24/2009
Attachments	Req to Withdraw & Suspend - Amended.pdf (3 pages)(95115 bytes)

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

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
)	Opposition No. 91177301
Opposer,)	
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Respondent.)	
)	
)	
)	

AMENDED REQUEST TO WITHDRAW AS ATTORNEYS OF RECORD
AND
REQUEST TO SUSPEND PROCEEDINGS FOR 30 DAYS

I. Request to Withdraw as Attorneys of Record.

Counsel for Opposer Cake Divas (“Opposer”) hereby submit their Amended Request to Withdraw as Attorneys of Record (“Amended Request”) pursuant to TBMP 116.02(c)(5); 37 C.F.R. 2.19; and 37 C.F.R. 10.40(c)(5) in response to the Interlocutory Attorney’s order issued on July 6, 2009, denying without prejudice Plaintiff’s counsel’s request to withdraw as attorneys of record, which was filed with the Trademark Trial and Appeal Board (the “Board”) on June 4, 2009.

Counsel for Opposer hereby notifies the Board that they have taken reasonable steps to avoid foreseeable prejudice to the rights of Opposer, including providing notice of this Amended

Request to Opposer and counsel for Applicant via first class mail as indicated by the proof of service attached hereto, and initially obtaining the consent of Applicant's counsel to suspend these proceedings for sixty (60) days. In addition, Opposer's counsel has delivered to Opposer all papers and property to which Opposer is entitled in connection with these proceedings. Any fees paid in advance by Opposer to Opposer's counsel that have not been earned have been refunded to Opposer.

Opposer's counsel respectfully submits that granting their application is proper and appropriate pursuant to Trademark Rule of Practice 10.40(c)(1)(vi) and based on the fact that Opposer has knowingly and freely assented to the termination of the employment of its attorneys.

II. Request to Suspend Proceedings for 30 Days.

In order to provide Opposer with sufficient time to prepare for the continued prosecution of this matter, counsel for Opposer respectfully requests that the Director suspend these proceedings for thirty (30) days to allow sufficient time for Opposer to appoint a new attorney or other authorized representative (and inform the Board thereof), or to file a paper stating that it desires to represent itself. See TBMP § 510.03(a); 37 C.F.R. 2.117(c).

Respectfully submitted,



Dated: July 24, 2009

Konrad K. Gatien
Keats McFarland & Wilson LLP
Attorneys for Opposer, Cake Divas
9720 Wilshire Blvd., Penthouse Suite
Beverly Hills, CA 90212
Telephone: (310) 248-3830

CERTIFICATE OF SERVICE
In the Matter of Application Serial No. 76/529,077
Cake Divas v. Charmaine V. Jones
Opposition No. 91177301

I hereby certify that on July 24, 2009, I served the following document(s)

1. **Opposer's Amended Request to Withdraw as Attorneys of Record and Request to Suspend Proceedings for 30 Days**

upon counsel for Applicant named below:

Karin Segall
Foley & Lardner LLP
90 Park Avenue
New York, NY 10016
E-Mail: ksegall@foley.com

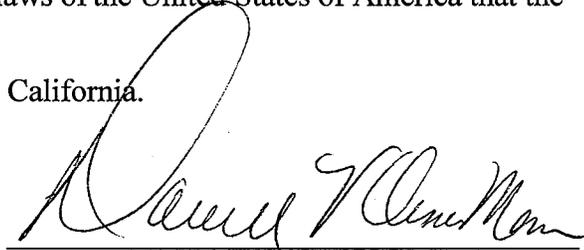
upon Opposer named below:

Cake Divas
9626 Venice Boulevard
Culver City, California 90232

by placing a true and correct copy thereof in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 24, 2009, in Beverly Hills, California.



Darrell V. Orme