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Filing date: **03/30/2012**

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

Proceeding	91194706
Party	Plaintiff 1047406 Ontario Ltd. and Purifics ES, Inc.
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Date	03/30/2012
Attachments	2012.03.30 -- Motion to Withdraw and Suspend.pdf ( 4 pages )(166017 bytes )

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

1047406 ONTARIO LTD. and	)	
PURIFICES ES, INC.,	)	
	)	
Opposers,	)	
	)	
v.	)	Opposition. No. 91194706
	)	
UVCLEANING SYSTEMS, INC.,	)	
	)	
Applicant.	)	

**MOTION TO WITHDRAW AS COUNSEL AND CONSENTED MOTION TO SUSPEND**

Pursuant to 37 C.F.R. § 10.40 and T.B.M.P. § 513.01, counsel for Opposers, Robert W. Sacoff and the law firm Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, request that the Board permit them to withdrawal as counsel for Opposers in this proceeding and suspend the proceeding for thirty (30) days, as of the filing date of this Motion, to permit Opposers' replacement counsel an opportunity to review the file in this matter. In support of this request, the undersigned counsel states as follows:

1. On March 10, 2012, Opposers' president, Brian Butters, terminated his relationship with the undersigned counsel and indicated that he would find alternative representation in this proceeding.
2. On March 19, 2012, Mr. Butters indicated to the undersigned counsel that Opposers had retained Lisa H. Meyerhoff, of the law firm Baker & McKenzie LLP, as replacement counsel to represent Opposers in this proceeding.
3. On March 20, 2012, the undersigned counsel spoke with Opposers' replacement counsel and provided background on the case.

4. On March 22, 2012, the undersigned counsel sent all files related to this proceeding to Ms. Meyerhoff via Federal Express. Ms. Meyerhoff subsequently confirmed receipt of these files.

5. As of the filing of this Motion, the undersigned counsel understands that Ms. Meyerhoff is reviewing the file in this proceeding and intends to file her appearance as counsel in short order.

6. Opposers have not paid the undersigned counsel any advance fees that the undersigned counsel has not earned, so there are no unearned fees in the undersigned counsel's possession to return to Opposers.

7. In accordance with 37 C.F.R. § 1040(a), the undersigned counsel states that he has taken all reasonable steps to avoid foreseeable prejudice to Opposers' rights. As indicated above, Opposers already have retained replacement counsel to represent them in this proceeding.

8. The undersigned counsel requests that the Board permit the undersigned counsel to withdraw from employment in this matter on the ground that Opposers knowingly and freely assent to termination of the employment, pursuant to 37 C.F.R. § 1040(c)(5).

9. The undersigned counsel further requests that, in addition to permitting withdrawal as counsel, the Board suspend this proceeding for thirty (30) days as of the date of the filing of this Motion to permit replacement counsel to review the file in this proceeding and file appearance as counsel for Opposers. *See* T.B.M.P. § 513.01. ("If the request to withdraw is granted, the Board will suspend proceedings and allow the party a stated period of time (usually 30 days) in which to appoint a new attorney or other authorized representative (and inform the Board thereof) . . .").

10. The undersigned counsel understands that, on March 30, 2012, Myall Hawkins of Baker & McKenzie LLP, one of Opposers' replacement counsel, discussed this Motion with Applicant's counsel, Salumeh Loesch, and Ms. Loesch consented to the 30-day suspension of this proceeding requested herein.

For the foregoing reasons, the undersigned counsel for Opposers respectfully request that the Board grant this Motion to permit the withdrawal of counsel and suspend the proceeding for thirty (30) days, as of the filing date of this Motion.

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

Dated: March 30, 2012

By: 

Robert W. Sacoff  
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*Attorneys for Opposers, 1047406  
Ontario Ltd. and Purifics ES, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this **MOTION TO WITHDRAW AS COUNSEL AND CONSENTED MOTION TO SUSPEND** was served upon each of the following on March 30, 2012, as follows:

By electronic mail as mutually agreed by the parties pursuant to Trademark Rule 2.119(b)(6) to:

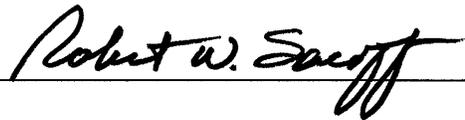
David P. Petersen and Salumeh R. Loesch  
Klarquist Sparkman, LLP  
121 SW Salmon St., Ste. 1600  
Portland, Oregon 97204-2988

By air mail to:

Brian Butters, President  
Purifics ES Inc.  
340 Sovereign Road  
London, Ontario N6M 1A8  
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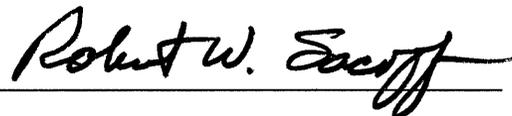
By first class mail to:

Lisa H. Meyerhoff  
Baker & McKenzie LLP  
711 Louisiana, Suite 3400  
Houston, Texas 77002

  
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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this **MOTION TO WITHDRAW AS COUNSEL AND CONSENTED MOTION TO SUSPEND** is being electronically transmitted to the Patent and Trademark Office on March 30, 2012.

  
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