

ESTTA Tracking number: **ESTTA410573**

Filing date: **05/24/2011**

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

Proceeding	91198116
Party	Defendant Rage Beverages, Inc.
Correspondence Address	MATTHEW H. SWYERS THE TRADEMARK COMPANY, PLLC 344 MAPLE AVENUE WEST, SUITE 151 VIENNA, VA 22180 UNITED STATES mswyers@TheTrademarkCompany.com
Submission	Request to Withdraw as Attorney
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	05/24/2011
Attachments	Motion to Withdraw as Counsel of Record.pdf (3 pages)(24677 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of Ser. No. 77/914,227,
For the mark RAGE AFFLICTION and design,

Affliction Holdings, LLC	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91198116
	:	
Rage Beverages, Inc.	:	
	:	
	:	
Applicant	:	

MOTION TO WITHDRAW AS COUNSEL OF RECORD

COMES NOW the Applicant Rage Beverages, Inc. (hereinafter “Applicant”), by counsel Matthew H. Swyers, Esquire, of The Trademark Company, PLLC and files the instant motion to withdraw as counsel of record in the above-captioned matter pursuant to TBMP § 513.01. In support of the instant motion counsel for the Applicant certifies as follows:

Basis of Request

Counsel of Applicant is no longer receiving directives from Applicant as to litigation decisions, strategy, and the like required to continue his representation in this matter. Despite numerous attempts to communicate with the Applicant counsel certifies that Applicant has ceased all communications with counsel for Applicant and/or has otherwise denied counsel for the Applicant the continued authority to proceed in his representative capacity in this matter. As such, counsel for the Applicant’s ability to represent Applicant has been severely compromised to the extent that he can no longer effectively represent Applicant.

Certifications Required by TBMP § 513.01

Counsel for the Applicant hereby certifies:

1. He has notified the Applicant of his desire to withdraw as counsel in this matter and has allowed the Applicant sufficient time to locate alternative counsel if it so chooses;
2. All papers and other materials that relate to the case have been delivered to the Registrant to allow them to continue with this matter if they so choose;
3. There are no unearned fees to be refunded to the Applicant; and
4. Proof of service of the instant motion is attached below.

Summary

WHEREFORE for good cause shown counsel for the Applicant respectfully moves the Board for an order withdrawing counsel as counsel of record for the Applicant and, in his place, substituting the following contact information with the Board for this matter:

Michel Myara
Rage Beverages, Inc.
5895 Chemin Saint-Francois
Saint-Laurent, QC H4S 1B6
Michel@rageliquidenergy.com

Respectfully submitted this 24th day of May, 2011.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, Suite 389
Vienna, VA 22180
Tel. (800) 906-8626 x100
Facsimile (270) 477-4574
mswyers@thetrademarkcompany.com

