UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

EJW

Mailed: August 22, 2014

Opposition No. 91211882

Knowledgent Group Inc.

v.

Greg Searle dba
Knowledgement Pty Ltd

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

The motion (filed August 20, 2014) to withdraw as counsel of record in this proceeding is noted.

Pursuant to Trademark Rule 11.116(b), a practitioner may withdraw from representing a client if "(1) withdrawal can be accomplished without material adverse effect on the interests of the client." It is noted that counsel filed its withdrawal request the day before applicant's discovery responses were due pursuant to the Board's order mailed on July 24, 2014. Although counsel's request asserts that counsel "has taken steps to avoid foreseeable prejudice to the rights of the Applicant," there is no information in counsel's request as to whether Applicant had complied or intended to comply with the Board's July 24, 2014 order. If Applicant has not complied with the Board's order, withdrawal of Applicant's counsel one day prior to the due date would clearly have a material adverse effect on Applicant's interests. Further, while the Board's practice is generally to allow a

brief time to secure new counsel if withdrawal is granted, a motion to withdraw cannot be used as a subterfuge to obtain an effective extension to a deadline to which a party would otherwise not be entitled.[1] *SFW Licensing Corp. v. Di Pardo Packing Ltd.*, 60 USPQ2d 1372, 1374 (TTAB 2001). *Cf. In re Legendary Inc.*, 26 USPQ2d 1478 (Comm'r 1992) ("To avoid prejudice to the applicant, the Office normally denies any request for withdrawal if there is less than 30 days remaining in the period for response to an outstanding Office action, so the applicant will have sufficient time to obtain new counsel") (internal citation omitted). In view of the foregoing, the Board finds that the subject request fails to comply with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116. Accordingly, the motion to withdrawal as counsel is **denied** *without prejudice.*

Due dates and trial dates remain as set in the Board's order mailed on July 24, 2014. A copy of this order has been sent to all persons listed below.

cc:

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[1] It is noted that the subject withdrawal is the second withdrawal filed by an attorney for Applicant in this proceeding.