

ESTTA Tracking number: **ESTTA576871**

Filing date: **12/16/2013**

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

Proceeding	91212202
Party	Defendant Ivan Vargas
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	12/16/2013
Attachments	Motion to Withdraw as Counsel.pdf(85964 bytes )

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

Serial No. 85/778,731  
For the mark SOUR DIESEL

Diesel S.p.A.,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91212202
	:	
Ivan Vargas,	:	
	:	
Applicant.	:	

**WITHDRAWAL OF COUNSEL**

COMES NOW the Applicant, Ivan Vargas (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 is no longer receiving directives from Applicant as to litigation decisions, strategy, and the like required to continue its representation in this matter. Despite numerous attempts to communicate with the Applicant, counsel certifies that Applicant has 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 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. All papers and other materials that relate to the case have been delivered to the Applicant to allow them to continue with this matter if they so choose;
2. There are no unearned fees to be refunded to the Applicant; and
3. 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:

Ivan Vargas  
9560 Queens Blvd.  
Suite 105  
Rego Park, NY 11374

Respectfully submitted this 16<sup>th</sup> day of December, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/  
Matthew H. Swyers, Esq.  
344 Maple Avenue West, Suite 151  
Vienna, VA 22180  
Tel. (800) 906-8626 x704  
Facsimile (270) 477-4574  
mswyers@TheTrademarkCompany.com

Serial No. 85/778,731  
For the mark SOUR DIESEL

Diesel S.p.A.,

Opposer,

vs.

Ivan Vargas,

Applicant.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Opposition No. 91212202

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 16<sup>th</sup> day of December 2013, to be served, via first class mail, postage prepaid, upon:

Ivan Vargas  
9560 Queens Blvd.  
Suite 105  
Rego Park, NY 11374

And:

John C. Holman  
Robert S. Pierce  
Jacobson Holman PLLC  
400 7<sup>th</sup> St., NW  
Washington, DC 20004

/Matthew H. Swyers/  
Matthew H. Swyers