

ESTTA Tracking number: **ESTTA649782**

Filing date: **01/13/2015**

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

Proceeding	91216725
Party	Plaintiff Zenith-Mart Inc.
Correspondence Address	ADAM S WEISS POL SINELLI PC 161 N CLARK STREET, SUITE 4200 CHICAGO, IL 60601-3316 UNITED STATES aweiss@polsinelli.com, kesullivan@polsinelli.com, uspt@polsinelli.com
Submission	Request to Withdraw as Attorney
Filer's Name	Adam S. Weiss
Filer's e-mail	aweiss@polsinelli.com, uspt@polsinelli.com, scason@polsinelli.com, tvan-buskirk@polsinelli.com
Signature	/Adam S. Weiss/
Date	01/13/2015
Attachments	Withdrawal as Counsel -- Zenith-Mart Inc.pdf(11993 bytes)

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

ZENITH-MART INC.,)	
)	
Opposer,)	
)	
v.)	Opposition: 91216725
)	
GODSWILL H. OLETU DBA ZENITHMART,)	
)	
Applicant.)	

**NOTICE OF MOTION REQUESTING PERMISSION TO WITHDRAW AS
COUNSEL OF RECORD FOR OPPOSER ZENITH-MART, INC.**

Pursuant to Trademark Rule 2.19(b), Counsel for Opposer Zenith-Mart, Inc. hereby files this Notice of Motion Requesting Permission to Withdraw as Counsel of Record for Opposer Zenith-Mart, Inc. (“Opposer”), showing the Board as follows:

1. Counsel for Opposer, Adam S. Weiss, Tedd W. Van Buskirk, Karin E. Sullivan¹ and the law firm of Polsinelli PC, desire to withdraw from representation of the Opposer in the matter of Opposition No. 91216725, filed on June 6, 2014 (the “Opposition”) against the trademark ZENITHMART.

2. The request to withdraw is based on 37 CFR §§ 11.116(b)(1) and (b)(5). Pursuant to 37 CFR §§ 11.116(b)(1), Counsel states that withdrawal can be accomplished without material adverse effect on the interests of the client. Here, Opposer’s Pretrial Disclosures are not due until March 28, 2015 and its 30-Day Trial Period does not end until May 12, 2015, which provides enough time such that the interests of the Opposer will not be materially adversely affected. Further, pursuant to 37 CFR §§ 11.116(b)(5), Counsel states that the client has failed substantially to fulfill an obligation to Counsel

¹ Karin E. Sullivan is no longer an attorney at Polsinelli PC.

regarding Counsel's services and has been given reasonable warning that Counsel will withdraw unless the obligation is fulfilled.

3. Counsel has notified Opposer of Counsel's intention to withdraw from representation, and has allowed time for Opposer to hire another practitioner if desired. Here, Opposer's Pretrial Disclosures are not due until March 28, 2015, and its 30-Day Trial Period does not end until May 12, 2015, which provides for enough time for Opposer to hire another practitioner.

4. All papers and property that relate to the Opposition and to which the Opposer is entitled have been delivered to the Opposer.

5. There is no part of the fee paid that has not been earned.

6. Attached is proof of service of the request to withdraw upon the Opposer and all other parties to the Opposition.

7. This request to withdraw from representation is not a subterfuge to obtain an extension or reopening of time to which Opposer would not be otherwise entitled.

/s/ _____
Adam S. Weiss
Tedd W. Van Buskirk
Polsinelli PC
161 N. Clark Street, Suite 4200
Chicago, IL 60601-3316
T: (312) 873-3644

CERTIFICATE OF FILING

I hereby certify that a copy of this NOTICE OF MOTION REQUESTING PERMISSION TO WITHDRAW AS COUNSEL OF RECORD FOR OPPOSER ZENITH-MART, INC. was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system, on January 13, 2015.

/s/_____
Adam S. Weiss
Tedd W. Van Buskirk
Polsinelli PC
161 N. Clark Street, Suite 4200
Chicago, IL 60601-3316
T: (312) 873-3644

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the attached NOTICE OF MOTION REQUESTING PERMISSION TO WITHDRAW AS COUNSEL OF RECORD FOR OPPOSER ZENITH-MART, INC has been served upon Applicant and Opposer by first class mail, postage prepaid, on January 13, 2015, addressed to the following (Applicant does not have an attorney of record):

Zenith-Mark, Inc.
30 Wall St, 8th Floor
New York, NY 10005
Opposer

Godswill H. Oletu
370 W Pleasantview Ave Ste 2-120
Hackensack, NJ 07601-8004
Applicant

/s/_____
Adam S. Weiss
Tedd W. Van Buskirk
Polsinelli PC
161 N. Clark Street, Suite 4200
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