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

Proceeding	91218461
Party	Defendant Sales, David
Correspondence Address	MICHAEL J THOMAS DOWNEY BRAND LLP 621 CAPITOL MALL, 18TH FLOOR SACRAMENTO, CA 95814 UNITED STATES trademark@downeybrand.com
Submission	Request to Withdraw as Attorney
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Signature	/michaeljthomas/
Date	02/24/2016
Attachments	MotionToWithdrawalAsCounselOfRecord_912118461.pdf(90124 bytes )

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

Athleta, Inc.	)	Opposition No.: 91218461
	)	
Opposer,	)	
v.	)	Serial Nos. 86097195, 86098697
	)	
David Sales	)	
	)	
Applicant	)	
_____	)	

**Motion to Withdrawal as Counsel of Record**

Counsel for Applicant hereby moves to withdraw as counsel for Applicant in this Opposition Proceeding.

Applicant, David Sales, retained Downey Brand LLP to represent him in this opposition proceeding after Opposer filed of the Notice of Opposition.

Applicant no longer desires Downey Brand LLP to represent him in this matter and has provided his consent to Counsel to file this Motion to Withdrawal as Counsel of Record.

Withdrawal by Counsel can be accomplished without material adverse effect on the interests of the Applicant (37 CFR § 11.116(b)(1)).

The continued representation of Applicant will result in an unreasonable financial burden on Counsel. Applicant has informed Counsel that it will be an unreasonable financial burden on Applicant if the undersigned continues as counsel of record in this opposition proceeding at its standard billing rates (37 CFR § 11.116(b)(1)).

Counsel is taking steps to the extent reasonably practicable to protect Applicant's interests. Counsel has given notice to David Sales that this Motion will be filed with the Trademark Trial and Appeal Board and Applicant has provided his consent to its filing. Counsel

has obtained consent from Opposer's counsel for a 30-day extension of time to allow time for filing and granting of this Motion and also to allow time for employment of other counsel or appearance by Applicant. The consent motion to extend was granted by the TTAB on February 24, 2016. Counsel has already provided all papers and property to which the Applicant is entitled in this proceeding and will surrender any additional materials pursuant to 37 CFR § 11.1116(d) upon termination of representation. There are not advance fees for Counsel to refund to Applicant.

The Trademark Trial and Appeal Board is requested to grant this Motion to Withdrawal and extend the current deadlines pursuant to TMEP § 502(3)(a), to allow David Sales time to appoint new counsel or appear in Pro Per.

DATED: February 24, 2016

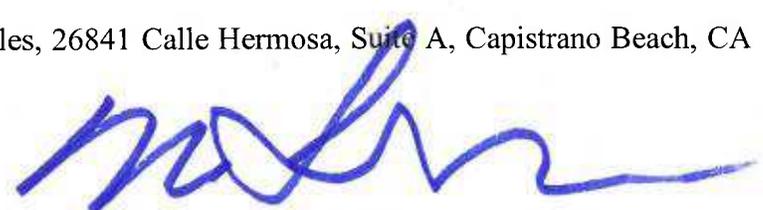
DOWNEY BRAND LLP

By: 

MICHAEL J. THOMAS  
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Attorneys for Applicant

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Withdraw as Counsel of Record is being served on Opposer's counsel James D. Weinberger and Applicant, by mailing said copy on February 24, 2016, via first class mail, postage prepaid to 1) James D. Weinberger, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, 6th Floor, New York, NY 10017 and 2) Dr. David Sales, 26841 Calle Hermosa, Suite A, Capistrano Beach, CA 92624.

  
MICHAEL J. THOMAS