

ESTTA Tracking number: **ESTTA776488**

Filing date: **10/13/2016**

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

Proceeding	91220707
Party	Defendant Dr. Latisha Rowe
Correspondence Address	J GOODWILLE PIERRE THE PIERRE FIRM PO BOX 925101 HOUSTON, TX 77292-5101 UNITED STATES goodwille.pierre@gmail.com, goodwille@goodwillepierre.com
Submission	Request to Withdraw as Attorney
Filer's Name	J GOODWILLE PIERRE
Filer's e-mail	GOODWILLE@GOODWILLEPIERRE.COM
Signature	/J GOODWILLE PIERRE/
Date	10/13/2016
Attachments	Opposition No 91220707 Motion to Withdraw.pdf(86082 bytes )

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

ClickAClinic.com, Inc.	§	
Petitioner	§	
	§	
v.	§	OPPOSITION No. 91220707
	§	
Dr. Latisha Rowe	§	
Applicant, Defendant	§	

Mark: CLICKITCLINIC W/ DESIGN

**MOTION TO WITHDRAW**

J. GOODWILLE PIERRE, Attorney for Applicant, Defendant, hereby move to withdrawal as counsel for Applicant, Defendant, Dr. Latisha Rowe. There have arisen conflicts between counsel and Defendant that requires counsel to withdrawal.

Due to the attorney-client privilege, counsel for Defendant cannot reveal the nature of the conflicts. Therefore, it would be futile for undersigned counsel to confer with opposing counsel prior to filing this motion as required by the Rules.

37 C.F.R. 10.40 states: “(a) A practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office (see §§ 1.36 and 2.19 of this subchapter). In any event, a practitioner shall not withdraw from employment until the practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to his or her client, allowing time for employment of another practitioner, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules. A practitioner who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned.”

In this matter: (A) reasonable steps have been taken to avoid foreseeable prejudice to the

rights of the client. Letters have been sent to the client indicating several irreconcilable conflicts between counsel (and counsel's law firm) and the client. The initial communication outlining these conflicts was sent in May 2016. The client did not resolve the conflict at that time nor in June or July 2016. Several follow-up letters and emails were sent in August and through September 20, 2016, which identified numerous reasons why several irreconcilable conflicts have arisen between counsel and client. Counsel met with client and sent a final letter dated September 23, 2016 and extended time for 23 additional days. Due to ethical rules of the Texas Bar and the USPTO, counsel is not permitted to identify these conflicts. The client has not resolved these conflicts with counsel.

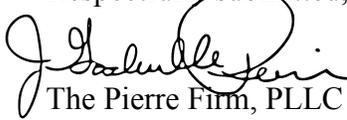
(B) Several attempts have been made to refer other lawyers to Defendant. Current counsel has sent the following list to client and has communicated by email to these lawyer: Norma N. Bennett, (nbennett@mcfall-law.com), Gordon T. Arnold, (garnold@arnold-iplaw.com), William P Glenn Jr., (bill.glenn@roystonlaw.com), and William P. Ramey, III, (wramey@rameyfirm.com). However, they have not indicated whether or not the client has retained these lawyers.

(C) The counsel has been given copies of all materials filed in the USPTO. Also, the client has copies of all discovery materials (other than attorneys-eyes-only material) and counsel's work product.. Counsel and client have a several written engagement letters, which set forth counsel's right to a retaining lien. Due to the privilege for attorney-client communications, counsel cannot submit these engagement letters to the TTAB. (

D) Counsel and his law firm do not have any fees paid in advance for this TTAB litigation. Mandatory withdraw is required because: "The practitioner knows or it is obvious that the practitioner's continued employment will result in violation of a Disciplinary Rule." See Representing a Client Zealously, 37 C.F.R. 10.84. Counsel represents multiple parties and believes a conflict has arisen with those parties. See 37 C.F.R. 10.66. Client's refusal to resolve the conflict since October 2011 through February 13, 2012 is adversely effecting counsel ability to prepare for the summary judgment in

this matter. See 37 C.F.R. 10.77(b). Permissive withdrawal is requested because: “By [client’s] other conduct [client] renders it unreasonably difficult for the practitioner to carry out the employment effectively,” 37 C.F.R. 10.40(c)(1)(iv), client has failed to pay bills 37 C.F.R. 10.40(c)(1)(vi), and counsel’s “continued employment is likely to result in a violation of a Disciplinary Rule.” 37 C.F.R. 10.40(c)(2). Counsel has been given notice of this motion to Defendant as indicated on the service list.

WHEREFORE, counsel for Defendant respectfully requests that the TTAB permit them to withdraw as counsel.

Respectfully submitted,  
  
The Pierre Firm, PLLC  
J. Goodwille Pierre  
SBOTN: 240-01-608  
PO Box 925101  
Houston, TX 77292  
(832) 224-6539  
(866) 235-9632 Fax  
goodwille@goodwillepierre.com  
Attorney for Applicant

### **Certificate of Service**

Counsel for Applicant certifies that a true and Correct Copy of this document titled “MOTION TO WITHDRAW” to Petitioner through its counsel of record on October 13, 2016 via email to Dan C. DeCarlo Dan.DeCarlo@lewisbrisbois.com pursuant to agreement by both parties

  
J. Goodwille Pierre