

ESTTA Tracking number: **ESTTA697570**

Filing date: **09/23/2015**

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

Proceeding	91221547
Party	Defendant Pure Cigar Group Incorporated
Correspondence Address	FRANK HERRERA H NEW MEDIA LAW 12008 SOUTH SHORE BLVD, SUITE 105 WELLINGTON, FL 33414 UNITED STATES fherrera@hnewmedia.com
Submission	Request to Withdraw as Attorney
Filer's Name	Frank Herrera
Filer's e-mail	fherrera@hnewmedia.com
Signature	/FH/
Date	09/23/2015
Attachments	Motion to Withdraw - Opp # 91221547 Cesar Espinal FINAL.pdf(77851 bytes )

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

J.C. NEWMAN CIGAR COMPANY	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.: 91221547
	)	
PURE CIGAR GROUP, INCORPORATED	)	
	)	
Applicant.	)	
	)	

**COUNSEL FOR APPLICANT'S MOTION TO WITHDRAW**

COMES NOW, Attorney Frank Herrera and the law firm of H New Media Law, and moves to withdraw as counsel of record in this matter.

Applicant Pure Cigar Group, Incorporated (“Applicant”) retained counsel to defend against the opposition against Applicant. Unfortunately, Applicant has failed to meet its obligations to this law firm as agreed, and therefore Applicant has made representation of this matter difficult. Because of this, the undersigned must request withdrawal from this matter. Applicant has been notified of the undersigned's intent to withdraw as counsel. However, Applicant has not taken the necessary actions to avoid the need for withdrawal. The action is in the early stages of litigation and therefore Applicant will not be prejudiced by the need to seek and retain new counsel.

Currently, proceedings were suspended through Sep 12, 2015.

The undersigned has delivered all necessary documents in the file concerning this Opposition to Applicant. The undersigned has also notified Applicant of all upcoming deadlines.

## MEMORANDUM OF LAW

Pursuant to 37 C.F.R. § 2.19(b), the undersigned may seek to withdraw from this matter under the following circumstances:

37 CFR § 2.19(b) Withdrawal of attorney. If the requirements of § 10.40 of this chapter are met, a practitioner authorized to represent an applicant, registrant, or party to a proceeding in a trademark case may withdraw upon application to and approval by the Director or, when applicable, upon motion granted by the Trademark Trial and Appeal Board. The practitioner should file the request to withdraw soon after the practitioner notifies the client of his/her intent to withdraw. The request must include the following:

- (1) The application serial number, registration number, or proceeding number;
- (2) A statement of the reason(s) for the request to withdraw; and
- (3) Either
  - (i) A statement that the practitioner has given notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office; that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable; that the practitioner has delivered to the client all documents and property in the practitioner's file concerning the application, registration or proceeding to which the client is entitled; and that the practitioner has notified the client of any responses that may be due, and of the deadline for response; or
  - (ii) If more than one qualified practitioner is of record, a statement that representation by co-counsel is ongoing.

The undersigned has complied with all of the requirements set forth above and respectfully requests that the Board enter an Order relieving the undersigned and his law firm from acting as further counsel in this matter.

WHEREFORE, the undersigned respectfully requests that it be withdrawn from this matter as counsel of record. A copy of this motion has been sent to Applicant's last known email and physical address.

Dated: September 23, 2015

Respectfully submitted,

/s/ Frank Herrera  
H NEW MEDIA LAW  
12008 South Shore Blvd.  
Suite 105  
Wellington, Florida 33414  
Tel.: 561-841-6380  
E-Mail: [fherrera@hnewmedia.com](mailto:fherrera@hnewmedia.com)  
Attorney for Applicant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on Opposer's counsel by electronic mail, and was served on Opposer's counsel by mailing, via U.S. first-class mail, postage paid, said copy on September 23, 2015, to:

Jordan S. Weinstein, Esq.  
BARNES & THORNBURG, LLP  
1717 Pennsylvania Avenue, N.W.  
Suite 500  
Washington, D.C. 20006  
Tel.: (202) 289-1313  
Fax.: (202) 289-1330  
[Docketingtm-dc@btlaw.com](mailto:Docketingtm-dc@btlaw.com)  
[jweinstein@btlaw.com](mailto:jweinstein@btlaw.com)

s/FRANK HERRERA  
September 23, 2015