

ESTTA Tracking number: **ESTTA763644**

Filing date: **08/10/2016**

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

Proceeding	91224448
Party	Defendant Cuisine 365 LLC
Correspondence Address	PETER J KRAYBILL GIBBEL KRAYBILL & HESS LLP 2933 LITITZ PIKE, PO BOX 5349 LANCASTER, PA 17606-5349 UNITED STATES pkraybill@gkh.com,jstratton@gkh.com,smiller@gkh.com
Submission	Request to Withdraw as Attorney
Filer's Name	Peter J. Kraybill
Filer's e-mail	pkraybill@gkh.com,jstratton@gkh.com,smiller@gkh.com
Signature	/Peter J. Kraybill/
Date	08/10/2016
Attachments	Motion to Withdraw as Counsel TTAB 91224448 signed.pdf(530059 bytes )

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

In Re Serial No.: 86515424	:	
Filed: January 27, 2015	:	
Mark: CUISINE365	:	
Published: June 16, 2015	:	
	:	Proceeding No.: 91224448
Whole Foods Market IP, L.P.	:	
Opposer,	:	
	:	
v.	:	
	:	
Cuisine365 LLC,	:	
Applicant.	:	

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**MOTION TO WITHDRAW AS COUNSEL**

COMES NOW the Applicant Cuisine365 LLC (hereinafter “Applicant”), by counsel Peter J. Kraybill, Esquire, of Gibbel Kraybill & Hess LLP 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 of Applicant has been asked by Applicant to discontinue its representation in this matter.

**Certifications Required by TBMP § 513.01**

Counsel for the Applicant hereby certifies:

1. Counsel for Applicant notified the Applicant of his desire to withdraw from employment, and has allowed time for employment of another practitioner;

2. All papers and other materials that relate to the case have been delivered to the Applicant to allow the Applicant to continue with this matter if Applicant so chooses;
3. There are no unearned fees to be refunded to the Applicant; and
4. Proof of service of the instant motion is attached below.

WHEREFORE, for good cause shown counsel for the Applicant respectfully moves the Board for an order withdrawing as counsel of record for the Applicant and, in his place, substituting the following contact information with the Board for this matter:

Cuisine365 LLC  
c/o Frank J. Battista  
2655 Weir Road  
Aston, PA 19014

Respectfully submitted this 10th day of August, 2016.

GIBBEL KRAYBILL & HESS LLP



Peter J. Kraybill, Esquire  
2933 Lititz Pike  
PO Box 5349  
Lancaster, PA 17606-5349  
717-291-1700  
717-291-5547 (Fax)  
[pkraybill@gkh.com](mailto:pkraybill@gkh.com)

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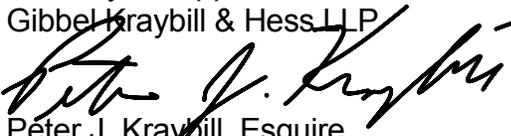
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and complete copy of the foregoing Motion to Withdraw as Counsel has been served on Opposer's attorney and Applicant by mailing a copy thereof by First Class Mail on this 10th day of August, 2016, addressed as follows:

S. Erik Combs IV, Esquire  
Christopher L. Graff, Esquire  
Wendy C. Larson, Esquire  
Pirkey Barber PLLC  
600 Congress Avenue, Suite 2120  
Austin, TX 78701

Cuisine365 LLC  
c/o Frank J. Battista  
2655 Weir Road  
Aston, PA 19014

Attorney for Applicant:  
Gibbel Kraybill & Hess LLP  
  
Peter J. Kraybill, Esquire  
2933 Lititz Pike  
PO Box 5349  
Lancaster, PA 17606-5349  
717-291-1700  
717-291-5547 (Fax)  
[pkraybill@gkh.com](mailto:pkraybill@gkh.com)