

ESTTA Tracking number: **ESTTA81935**

Filing date: **05/23/2006**

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

Proceeding	92044780
Party	Defendant Donn L. Pierson and Kimberley L. Pierson Pierson, Donn L. 4404 CHANNEL PLACE Newport Beach, CA 92663
Correspondence Address	Donn L. Pierson and Kimberley L. Pierson 4404 CHANNEL PLACE Newport Beach, CA 92663  opposition@stetinalaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	Kit M. Stetina
Filer's e-mail	opposition@stetinalaw.com
Signature	/kms/
Date	05/23/2006
Attachments	Withdraw.pdf ( 9 pages )(187646 bytes )

ATTORNEY DOCKET NO: DONNP-001M  
REGISTRATION NO.: 2009440  
MARK: MOCEAN

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

BOX TTAB -- NO FEE  
Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

on May 3, 2006

  
(Signature)

Kimberly Carlsen  
(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Certificate of Mailing;
2. Transmittal (in triplicate);
3. Application for Withdrawal from Representation of Respondent with Proof of Service (in triplicate);
4. A Postcard To Acknowledge Receipt

LAW OFFICES  
**Stetina Brunda Garred & Brucker**  
A PROFESSIONAL CORPORATION  
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CALIFORNIA 92656

KIT M. STETINA  
BRUCE B. BRUNDA  
WILLIAM J. BRUCKER  
MARK B. GARRED  
MATTHEW A. NEWBOLES  
ERIC L. TANEZAKI  
LOWELL ANDERSON

SEAN O'NEILL  
JAMES C. YANG  
NATHAN S. SMITH  
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May 3, 2006

Box TTAB – No Fee  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

RE: Crossport Mocean v. Donn L. Pierson et al.  
Registration No.: 2009440  
Cancellation No.: 92044780  
Mark: MOCEAN  
Our Reference: DONNP-001M

Dear Sir/Madam:

Enclosed for filing are the following:

1. Certificate of Mailing;
2. Transmittal (in triplicate);
3. Application for Withdrawal from Representation of Respondent with Proof of Service (in triplicate); and
4. A Postcard To Acknowledge Receipt

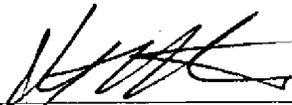
Please charge any additional cost to our Deposit Account Number 19-4330. This letter is enclosed herewith in triplicate.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Date: May 3, 2006

By:

  
\_\_\_\_\_  
Kit M. Stetina, Reg. No. 29,445  
Stephen Z. Vegh, Reg. No. 48,550  
Counsel for Respondent

Customer No.: 007663  
Encls.

Registration No.: 2,009,440  
Withdrawal from Representation  
Case: DONNP-001M

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Registration No. 2,009,440**

Crossport Mocean,	)	Cancellation No. 92044780
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
Donn L. Pierson and Kimberly L.	)	
Pierson,	)	
	)	
Respondent.	)	

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**APPLICATION FOR WITHDRAWAL FROM REPRESENTATION OF  
RESPONDENT**

**Box TTAB – No Fee**  
Commissioner For Trademarks  
P. O. Box 1451  
Alexandria, VA 22313-1451

Stetina Brunda Garred & Brucker (hereinafter "SBG&B") hereby applies for withdrawal from representation of the Respondent in connection with the above-identified cancellation proceeding. The basis for this request is 37 CFR §10.40(c)(vi) and is summarized as follows:

1. On September 26, 2005, Respondent met with Kit M. Stetina, counsel of record in this proceeding, to discuss the above-captioned matter.
2. On September 28, 2005 Respondent requested that SBG&B represent Respondent in the above-captioned matter and verbally agreed to execute a Retainer Agreement and provide SBG&B with a retainer fee.

3. On September 28, 2005 SBG&B forwarded, via first class mail, the Retainer Agreement, requesting that Respondent execute and return the same along with the agreed retainer fee.

4. Because of the deadline within which Respondent was required to file a responsive pleading, SBG&B prepared and filed an Answer to the Petition for Cancellation on behalf of Respondent, with the understanding that the Retainer would be forthcoming.

5. To date, the Retainer Agreement has not been returned and the Retainer fee remains unpaid.

6. On April 13, 2006, SBG&B sent correspondence via letter to Respondent requesting payment of its outstanding balance from 2005 to the present.

7. On or about April 21, 2006 SBG&B spoke with Respondent via telephone requesting payment of the outstanding balance.

8. On April 26, 2006, SBG&B sent another correspondence via letter to Respondent requesting payment of the outstanding balance and that Respondent execute an agreement approving SBG&B's withdrawal from representation if payment was not made.

9. Respondent currently has an outstanding balance for services rendered from 2005 to the present and has indicated that substantial payment towards this balance will not be made until the end of this year. Respondent has further stated that they require SBG&B to continue to perform work on behalf of Respondent in this matter.

10. To date the outstanding balance remains unpaid.

11. On May 2, 2006, Respondent, Donn Pierson spoke with SBG&B telephonically confirming that he would consider signing by May 3, 2006, the agreement approving SGB&B's withdrawal from this case. To date, the Respondent's executed agreement has not been returned to SBG&B.

12. The Petitioner and Respondent have both propounded and responded to written discovery in this matter. No motions to compel supplemental responses to written discovery are contemplated at this time. The cut-off date to complete written discovery is set to close in this matter on June 14, 2006. Petitioner's Testimonial period extends from August 13, 2006 to September 12, 2006. Respondents Testimonial Period extends from October 12, 2006 to November 11, 2006. Therefore, at this time, counsel's withdrawal from representation is not detrimental to Respondent's defense in this matter and Respondent has ample time to retain other counsel in this matter.

13. All papers and property that relate to the proceeding and to which Respondent is entitled have been sent to Respondent.

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Registration No.: 2,009,440  
Withdrawal from Representation  
Case: DONNP-001M

The undersigned affirms that I, Kit M. Stetina have taken reasonable steps to avoid foreseeable prejudice to the rights of the Respondent pursuant to 37 CFR 10.40(a). As evidenced by the attached Proof of Service, a copy of this Application for Withdrawal has been sent to the Respondent as well as counsel for Petitioner.

Respectfully submitted,

Date: 5/3/06 By: \_\_\_\_\_

Customer No.: 007663

  
\_\_\_\_\_  
Kit M. Stetina  
Stephen Z. Vegh  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246  
Fax: (949) 855-6371

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Registration No.: 2,009,440  
Withdrawal from Representation  
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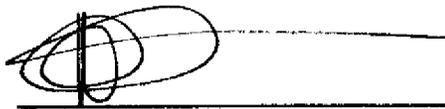
**PROOF OF SERVICE**

State of California    )  
                                  ) ss.  
County of Orange     )

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **May 3, 2006**, the attached **REQUEST TO WITHDRAW AS ATTORNEY OF RECORD WITH CONSENT** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Donn L. Pierson  
Kimberly L. Pierson  
330 Paseo Marguerite  
Vista, CA 92084

Executed on **May 3, 2006** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



\_\_\_\_\_  
Kimberly Carlsen

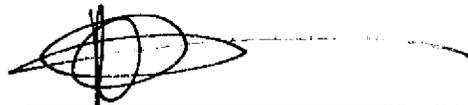
**PROOF OF SERVICE**

State of California    )  
                                  ) ss.  
County of Orange     )

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **May 3, 2006**, the attached **APPLICATION FOR WITHDRAWAL FROM REPRESENTATION OF RESPONDENT** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Kelly K. Pfeiffer, Esq.  
FRIEDMAN STROFFE & GERARD P.C.  
19800 Mac Arthur Blvd., Suite 1100  
Irvine, CA 92612

Executed on **May 3, 2006** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



\_\_\_\_\_  
Kimberly Carlsen

**FROM:**

LAW OFFICES

*Stetina Brunda Garred & Brucker*

PATENT, TRADEMARK, AND COPYRIGHT CAUSES

75 ENTERPRISE, SUITE 250

ALISO VIEJO, CALIFORNIA 92656

**TO:**

Kelly Pfeiffer  
 FRIEDMAN PETERSON STROFFE &  
 GERARD  
 19800 Mac Arthur Blvd., Suite 1100  
 Irvine, CA 92612

**FIRST CLASS MAIL****FROM:**

LAW OFFICES

*Stetina Brunda Garred & Brucker*

PATENT, TRADEMARK, AND COPYRIGHT CAUSES

75 ENTERPRISE, SUITE 250

ALISO VIEJO, CALIFORNIA 92656

**TO:**

Box TTAB -No Fee  
 Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1451

**FIRST CLASS MAIL****FROM:**

LAW OFFICES

*Stetina Brunda Garred & Brucker*

PATENT, TRADEMARK, AND COPYRIGHT CAUSES

75 ENTERPRISE, SUITE 250

ALISO VIEJO, CALIFORNIA 92656

**TO:**

Mr. Donn Pierson  
 Ms. Kimberley Pierson  
 330 Paseo Marguerite  
 Vista, CA 92084

**FIRST CLASS MAIL**

Dear Sir:

Please date stamp and return this card,  
 adding the serial number assigned where  
 applicable.

(KMS/kc)

Date Mailed: May 3, 2006

Docket Number: DONNP-001M

Registration No.: 2009440

Cancellation No.: 92044780

Title: Crossport Mocean v. Donn L. Pierson et al.

Papers transmitted herewith:

1. Certificate of Mailing;
2. Transmittal (in triplicate);
3. Application for Withdrawal from Representation of Respondent with Proof of Service (in triplicate); and
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