ESTTA Tracking number: **ESTTA586015**
Filing date: **02/06/2014**

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

Proceeding	92051963
Party	Defendant Even St. Productions, Ltd.
Correspondence Address	ROBERT A BECKER FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES rbecker@frosszelnick.com
Submission	Request to Withdraw as Attorney
Filer's Name	Robert A. Becker
Filer's e-mail	rbecker@frosszelnick.com
Signature	/Robert Becker/
Date	02/06/2014
Attachments	F1391872.PDF(152010 bytes)

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

In the Matter of Registration No. 2,920,734
Trademark: SLY AND THE FAMILY STONE
Registrant's Ref.: EVSP USA TC-1002164

SYLVESTER STEWART, Petitioner, v. EVEN ST. PRODUCTIONS, LTD., Registrant.	Cancellation No. 92051963

MOTION FOR WITHDRAWAL FROM EMPLOYMENT
AS COUNSEL FOR REGISTRANT

Pursuant to Trademark Rule of Practice 10.40 and Trademark Trial and Appeal Board Manual of Procedure § 513, Fross Zelnick Lehrman & Zissu, P.C. ("Fross Zelnick"), counsel for Registrant Even St. Productions, Ltd. ("Registrant") in the above proceeding, hereby moves to withdraw as counsel for Registrant.

Fross Zelnick requests permission to withdraw on the grounds that Registrant has failed to pay several bills rendered by Fross Zelnick "for an unreasonable period of time," *see* Trademark Rule of Practice 10.40(c)(1)(vi).

Fross Zelnick has notified Registrant of its desire to withdraw from employment, and has allowed time for employment of another practitioner. Specifically, on February 3, 2014, after providing several reminders concerning unpaid bills, Fross Zelnick advised

Registrant in writing that it had received no payments from Registrant since 2011, and advised Registrant of the amount outstanding. Fross Zelnick further advised Registrant that unless payment of the entire amount was made, Fross Zelnick would be withdrawing from this proceeding, and advised Registrant of the Board's February 3, 2014 Order and the March 5, 2014 deadline set in that Order.

Fross Zelnick understands from Registrant's principal and its bankruptcy counsel that Registrant is the subject of a bankruptcy proceeding and has also learned that Registrant did not list Fross Zelnick as a creditor when it filed for bankruptcy, even though there have been outstanding invoices in a significant amount since 2011. Fross Zelnick does not wish to continue further representation under these circumstances, including without any assurance that it will be paid for its efforts at the normal rates it charges.

All papers and property that relate to the proceeding and to which the client is entitled are in Registrant's possession,[1] and there is no unearned advance or fee paid by Registrant that need be returned to Registrant. *See* Trademark Rule of Practice 10.40(a).

[1] Pursuant to its rights under New York law, which governs the attorney-client relationship between Fross Zelnick and Registrant, Fross Zelnick has applied a lien on its files relating to its representation of Registrant in this proceeding and other matters pending Registrant's payment of outstanding bills. *See, e.g., First Nat'l Bank of Cincinnati v. Pepper*, 454 F.2d 626, 633 (2d Cir. 1972). Nevertheless, Fross Zelnick is informed and believes that Registrant possesses duplicate copies of all key papers and property that relate to the proceeding.

CONCLUSION

Based on the foregoing, Fross Zelnick requests that its Motion for Withdrawal from Employment as Counsel for Registrant be granted. Until Registrant appoints new counsel, Fross Zelnick suggests that the Board mail all correspondence relating to this matter to Registrant at the following addresses:

Mr. Jerry Goldstein
Even Street Productions, Ltd.
7095 Hollywood Blvd. Ste 810
Los Angeles, CA 90028

Mr. Jerry Goldstein
Even Street Productions, Ltd.
1801 Avenue of the Stars, Suite 421
Los Angeles, CA 90067

Respectfully,

Dated: New York, New York
February 6, 2014

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____
Robert A. Becker

866 United Nations Plaza
New York, New York 10017
(212) 813-5900
rbecker@frosszelnick.com

Attorneys for Registrant Even St. Productions, Ltd.

CERTIFICATE OF SERVICE

The undersigned counsel for Registrant Even St. Productions, Ltd. hereby certifies that a true and correct copy of the attached Motion for Withdrawal from Employment as Counsel for Registrant was served by First Class Mail, postage prepaid, on February 6, 2014, on the following:

Mr. Jerry Goldstein
Even Street Productions, Ltd.
7095 Hollywood Blvd. Ste 810
Los Angeles, CA 90028

Mr. Jerry Goldstein
Even Street Productions, Ltd.
1801 Avenue of the Stars, Suite 421
Los Angeles, CA 90067

Rod Rummelsburg, Esq.
Allan Law Group PC
23823 Malibu Road, Suite 50-378
Malibu, CA 90265
(Counsel for Petitioner)

Robert A. Becker