

ESTTA Tracking number: **ESTTA483169**

Filing date: **07/12/2012**

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

Proceeding	92054452
Party	Defendant Leonel Cisneros Amaya and Juan Valdez Sanchez
Correspondence Address	SUMA N RAMASWAMY-CANZIUS MATLOCK LAW GROUP PC 1485 TREAT BLVD , SUITE 200 WALNUT CREEK, CA 94597 UNITED STATES trademark@matlocklawgroup.com, ccamara@anki.com.mx
Submission	Request to Withdraw as Attorney
Filer's Name	Yue Xu (CA SBN 274744)
Filer's e-mail	trademark@matlocklawgroup.com, robertx@matlocklawgroup.com
Signature	/YUE XU/
Date	07/12/2012
Attachments	pos DM.pdf (1 page)(69215 bytes) jvs pos.pdf (1 page)(33573 bytes) Motion to withdraw 071212.pdf (3 pages)(141108 bytes)

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PROOF OF SERVICE BY FIRST CLASS MAIL

I declare that I am employed in the city of Walnut Creek, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1485 Treat Blvd., Suite 200, Walnut Creek, CA 94597. On the date this Proof of Service is signed, I caused the following documents:

REQUEST TO WITHDRAW AS THE ATTORNEY

to be served on the Plaintiff's counsel by email, to:

David M. Meeker
Freidemann Goldberg LLP
dmeeker@frigolaw.com

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 12, 2012 at Walnut Creek, CA.

Gerry Greenlaw

Gerry Greenlaw

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PROOF OF SERVICE BY FIRST CLASS MAIL

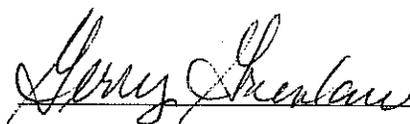
I declare that I am employed in the city of Walnut Creek, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is 1485 Treat Blvd., Suite 200, Walnut Creek, CA 94597. On the date this Proof of Service is signed, I caused the following documents:

REQUEST TO WITHDRAW AS THE ATTORNEY

to be served on the interested parties in this action by U.S. Mail, postage prepaid at Walnut Creek, CA, and placed in a sealed envelope addressed to the following named counsel or parties who were so served:

Juan Valdez Sanchez
1732 Rumrill Blvd. Ste. B
San Pablo, CA 94806

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 12, 2012 at Walnut Creek, CA.



Gerry Greenlaw

1 **Matlock Law Group, P.C.**
2 Anne-Leith W. Matlock (CA SBN 244351)
3 Suma N. Ramaswamy-Canzius (SBN 47882)
4 Yue Xu (CA SBN 274744)
5 1485 Treat Blvd., Suite 200
6 Walnut Creek, CA 94597
7 Telephone: 925.944.7131
8 Facsimile: 925.944.7138
9 Attorneys for Registrant,
10 Juan Valdez Sanchez

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

13 JOSE GUZMAN

14 Petitioner,

15 v.

16 JUAN VALDEZ SANCHEZ and
17 LEONEL CISNEROS AMAYA

18 Registrants.
19
20

CANCELLATION No. 92054452

**REQUEST TO WITHDRAW AS THE
ATTORNEY**

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22
23 1. Matlock Law Group, P.C. including its associated attorneys Anne-Leith W.
24 Matlock, Suma N. Ramaswamy-Canzius, and Yue Xu (the “Attorney”) hereby requests to
25 withdraw as attorney of Juan Valdez Sanchez (the “Client”) pursuant to 37 CFR 10.40(c) for the
26 reasons set forth as follows.

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1 2. According to Rule 10.40(c)(1)(iv), a practitioner may petition to withdraw if the
2 practitioner's Client by other conduct renders it unreasonably difficult for the practitioner to
3 carry out the employment effectively.

4 3. When Attorney received Plaintiff's discovery request of 5/3/2012, Attorney
5 called and scheduled an appointment with Client to meet to prepare an answer on 5/18/2012.
6 Client failed to appear for the appointment and did not provide any information to prepare the
7 answer. Attorney called and scheduled another appointment with Client on 6/22/2012 to prepare
8 the answer, but again the Client failed to appear without notice. Attorney sent a letter on
9 6/26/2012 via certified mail to Client, requesting information and a meeting to prepare an
10 answer. The letter was received by the Client, as indicated by the return receipt, but the Client
11 did not call to discuss or provide any information. As such, Attorney was unable to prepare an
12 answer to Plaintiff's discovery request.

13 4. Attorney explained the situation to the opposing counsel, and indicated that
14 Attorney was going to withdraw. Consequently, opposing counsel has not filed a motion to
15 compel and sanction.

16 5. Based on the above, petitioner's Client has failed to cooperate with his obligation
17 in the proceeding, which made it unreasonably difficult for Attorney to carry out his duties in
18 the trial, i.e. to prepare an answer to the Plaintiff's discovery request.

19 6. Additionally, according to Rule 10.40 (c)(1)(vi), a practitioner may withdraw if
20 the Client has failed to pay one or more bills rendered by the practitioner for an unreasonable
21 period of time. Here, Client has a balance of about \$12,773 that is more than six months
22 overdue, and has not paid a penny since the beginning of this year. Client has not indicated that
23 he is going to pay for any bill that is due to Attorney. According to the legal services agreement
24 between Attorney and the Client, the Client is supposed to pay his bills every month. Therefore,
25 the Client has failed to honor his agreement with Attorney and has failed to pay his bills for an
26 unreasonable period of time. As a result, Attorney's withdrawal is permissible.

27 7. Attorney has given due notice to the Registrant that the Attorney is withdrawing
28 from employment and will be filing the necessary papers with the Board, by a letter via certified

1 mail on 7/3/2012 (for which return receipt has been received by Attorney, indicating that the
2 letter was received), a phone call on 7/5/2012, and another letter on 7/5/2012.

3 8. In the same letters, Attorney advised Client to seek independent counsel with
4 regard to discharging Attorney. Attorney also notified the Registrant of any responses that may
5 be due and the deadline for response

6 9. Attorney, upon request, will deliver to the Client all papers and property in the
7 Attorney's file concerning this cancellation proceeding that the Registrant is entitled. There is no
8 advanced fee that remains unearned. When Attorney's assistant called Client on or about
9 7/5/2012, Client said he was going to Mexico for an extended period of time at the end of this
10 week. As a result, Attorney is hesitant to put the documents in the mail for fear that it will not
11 be received.

12 10. Currently, Client has an answer to discovery request that is overdue, which
13 attorney was unable to prepare because Attorney has insufficient information and because
14 Client refused to cooperate. The next item on the calendar is that Plaintiff's 30-day Trial Period
15 Ends on 10/05/2012.

16 11. Attorney has served this Request to Withdraw upon the Registrant and upon
17 every other party to the proceeding. Copies of Proof of Service are attached.

18
19 **RELIEF REQUESTED**

20 **WHEREFORE**, Matlock Law Group, P.C. requests that this request to withdraw as attorney
21 be granted.

22
23 Dated: July 12, 2012

MATLOCK LAW GROUP, PC

24
25 By: /YUE XU/
26 Yue Xu "Robert"
27 Attorney for Registrant,
28 Juan Valdez Sanchez