

ESTTA Tracking number: **ESTTA643938**

Filing date: **12/11/2014**

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

Proceeding	92060353
Party	Defendant Aucera SA
Correspondence Address	JAMES M SLATTERY BIRCH STEWART KOLASCH & BIRCH LLP PO BOX 747 FALLS CHURCH, VA 22040-0747 UNITED STATES mailroom@BSKB.com
Submission	Request to Withdraw as Attorney
Filer's Name	James M. Slattery
Filer's e-mail	jms@bskb.com, mailroom@bskb.com, johnst@bskb.com, bg@bskb.com, efrimpon@bskb.com
Signature	/James M. Slattery/
Date	12/11/2014
Attachments	2014-12-11 Motion to Withdraw as Attorney - 2410-0262L.pdf(93440 bytes )

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

Mark: BENTLEY  
Registration Nos. 2007286, 2096184 and 2096186

_____	)	
BENTLEY MOTORS LIMITED	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.: 92060353
	)	
AUCERA SA	)	
Registrant.	)	
_____	)	

MOTION TO WITHDRAW AS COUNSEL

The undersigned attorney requests permission from the Board to withdraw from representation as the attorney for Registrant with regard to U.S. Registration No. 3578220 in the present Cancellation proceeding. This request to withdraw is based upon the grounds for terminating representation as set forth in 37 CFR §11.116(b)(5). Specifically, Registrant failed to fulfill the obligation to make payment to the undersigned's legal services for a significant period of time after reasonable warnings that the undersigned would withdraw unless the obligation is fulfilled in Cancellation No. 92060353.

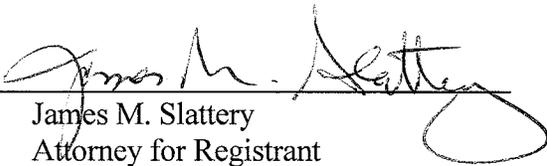
For the present cancellation proceeding, the undersigned gave advanced notices in writing to Registrant that it would request to withdraw as attorney of record based on the Registrant's failure to bear the costs of the authorized work performed by practitioner's law firm. On November 17, 2014, the undersigned sent the Petition for Cancellation (No. 92060353) to Registrant advising that the Registrant should immediately retain new counsel since the undersigned would not be able to

represent him in the cancellation. On November 18, 2014, the undersigned offices sent all the cancellation documents including the Board's letter of November 6, 2014 to the Registrant. The undersigned advised the Registrant of the due date for filing an Answer to the Petition for Cancellation. On December 8, 2014, the undersigned sent an email to the Registrant that the undersigned would file a Motion to Withdraw as Counsel in two days. On December 10, 2014, the Registrant sent the undersigned an email indicating that he had already asked another local counsel to respond to the cancellation.

The undersigned is in compliance with the requirements of 37 CFR §11.116(d) by having taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to Registrant, allowing sufficient time for employment of another attorney, delivering all papers and property to which it is entitled, and otherwise complying with applicable laws and rules, including advising Registrant of relevant deadlines.

Based on the above-mentioned situation and grounds, a favorable decision from the Board with regard to the present Motion to Withdraw as Counsel is respectfully requested.

Respectfully submitted,

By: 

James M. Slattery  
Attorney for Registrant  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000

JMS/BG/adt

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing Motion to Withdraw as Counsel has been served via First-Class mail upon counsel for the Plaintiff and the Registrant:

Brian R. McGinley, Esq.  
SNR DENTON US LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111-7700  
Brian.mcginley@snrdenton.com

and

Mr. Ted Cheng  
AUCERA SA  
Rue de la Gare 20  
CH-2525, Le Landeron  
SWITZERLAND  
ted.bentley@msa.hinet.net

on this 11<sup>th</sup> day of December, 2014.

By Tiffany C. Johnson  
Tiffany C. Johnson