

ESTTA Tracking number: **ESTTA715371**

Filing date: **12/17/2015**

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

Proceeding	92061579
Party	Plaintiff Moftware, Inc.
Correspondence Address	MICHAEL A LEONE SELTZER CAPLAN MCMAHON VITEK 750 B STREET , SUITE 2100 SAN DIEGO, CA 92101 UNITED STATES usdocketing@scmv.com
Submission	Request to Withdraw as Attorney
Filer's Name	Michael A. Leone, Esq.
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Signature	/Michael A. Leone/
Date	12/17/2015
Attachments	2015-12-17 Motion to Withdraw as Representative.pdf(674500 bytes)

Moftware, Inc.

Petitioner,

vs.

Anker Technology Co., Limited

Registrant.

) Cancellation Nos. 92061578 and
) 92061579
)
) In the matter of:
) Registration Nos. 4,086,553 and 4,330,247
) Marks: **ANKER Stylized** and **ANKER**
)
)
)

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

NOTICE OF MOTION AND MOTION TO WITHDRAW AS REPRESENTATIVE

Please take notice that Michael A. Leone and the law firm Seltzer Caplan McMahon Vitek, 750 B Street, Suite 2100, San Diego, CA 92101, hereby request to withdraw as attorney for Petitioner Mofware, Inc. in the above-captioned matters.

Pursuant to TBMP § 513.01 and 37 C.F.R. § 2.19(b) and § 11.116, except where a court or tribunal orders continuing representation, a practitioner may withdraw from representing a client if the client fails substantially to fulfill an obligation to the practitioner regarding the practitioner’s services and has been given reasonable warning that the practitioner will withdraw unless the obligation is fulfilled. Additionally, pursuant to 37 C.F.R. § 11.116(b)(1), a practitioner may withdraw from representation if withdrawal can be accomplished without a material adverse effect on the interests of the client and pursuant to 37 C.F.R. § 11.116(b)(7) if other good cause for withdrawal exists.

In the present case, Petitioner has failed to fulfill an obligation to the practitioner regarding the practitioner’s services. Pursuant to TBMP § 513.01 and 37 C.F.R. § 11.116(d),

counsel has complied with the following requirements:

- (1) A specification of the basis for this request has been provided;
- (2) Petitioner will not be prejudiced by the withdrawal as counsel has given Petitioner reasonable notice of the withdrawal following this, allowing time for employment of other counsel;
- (3) Undersigned counsel has agreed to surrender all papers and property to which Petitioner is entitled;
- (4) There are no unearned fees for which counsel owes Petitioner a refund;
- (5) Undersigned counsel has served a copy of this Motion on Petitioner, as indicated on the Certificate of Service below, via First Class U.S. Mail and electronic mail.

Further, counsel has notified Petitioner of all existing deadlines in these matters, including any responses that are due, and the deadlines for such responses.

Petitioner's contact information is as follows:

Pinakin Dinesh
Moftware, Inc.
12610 W. Airport Blvd. Suite 120
Sugar Land, Texas 77478
pinakin.d@mofmail.com

CONCLUSION

Good cause appearing, and because Petitioner will not be prejudiced, attorney Michael A. Leone and the law firm of Seltzer Caplan McMahon Vitek should be allowed to withdraw from representation in this proceeding.

Dated: December 17, 2015

Respectfully submitted,
Seltzer Caplan McMahon Vitek
A Law Corporation



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Withdrawing Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2015, a true and complete copy of the **NOTICE OF MOTION AND MOTION TO WITHDRAW AS REPRESENTATIVE** was mailed by first-class mail, postage prepaid, and via email to:

Counsel of record for Registrant:

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Petitioner:

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Date: December 17, 2015

Respectfully Submitted:



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Withdrawing Attorney for Petitioner