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

Proceeding	92061629
Party	Defendant Matey Michael Ghomeshi
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Submission	Request to Withdraw as Attorney
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Date	12/04/2015
Attachments	P-Revised Motion to Withdraw.pdf(179305 bytes)

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

Registration No. 3798681
Cancellation No. 92061629

STRONGVOLT, INC.,)	
)	
Petitioner,)	COHEN BUSINESS LAW GROUP,
)	APC, JEFFREY A. COHEN AND
v.)	VERONICA BESMER'S MOTION
)	OF WITHDRAWAL AS COUNSEL
MATEY MICHAEL GHOMESHI,)	
)	
Respondent.)	
)	
)	

MOTION OF WITHDRAWAL AS COUNSEL

TO THE TRADEMARK TRIAL AND APPEAL BOARD, ALL PARTIES, AND
THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT the Cohen Business Law Group, apc, Jeffrey A. Cohen, Esq. and Veronica Besmer, Esq., hereby move to withdraw as attorneys of record for potential respondent MATEY MICHAEL GOMESHI, as there has been a break-down in the attorney-client relationship and a conflict of interest has arisen.

INTRODUCTION

On or about June 8, 2015, COHEN BUSINESS LAW GROUP, APC ("Attorney") was retained to represent potential respondent MATEY MICHAEL GOMESHI ("Respondent") with respect to STRONG VOLT INC.'S ("Petitioner") petition for cancellation of the mark

MOBILEBLACKBOX in International Class 009, shown in Registration No. 3798681 (“Mark”), dated June 5, 2015. On July 14, 2015, Respondent filed an Answer to Petition to Cancel the Mark. On September 14, 2015, Petitioner filed a Stipulated Consent Motion to extend deadlines for ninety days, which this Court granted the same day. On November 25, 2015, the Attorney filed a motion to withdraw as counsel, which this Court denied without prejudice. The Attorneys hereby file a revised motion to withdraw as counsel in accordance with Trademark Rule 2.19(b) and Patent and Trademark Rule 1.116.

LEGAL GROUNDS FOR WITHDRAWAL

37 CFR § 2.19(b) provides that an attorney practitioner may withdraw as counsel upon application to and approval by the Director or, when applicable, upon motion granted by the Trademark Trial and Appeal Board.

Under 37 CFR § 11.116(a)(1), an attorney's representation withdrawal shall be mandatory if representation will result in a violation of USPTO Rules of Professional Conduct or other law. Under 37 CFR § 11.116(a)(1), "a practitioner may withdraw from representing a client if:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

(4) A client insists upon taking action that the practitioner considers repugnant or with which the practitioner has a fundamental disagreement;

(5) 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.

(6) The representation will result in an unreasonable financial burden on the practitioner or has been rendered unreasonably difficult by the client;

(7) Other good cause for withdrawal exists."

Similarly, California Rules of Professional Conduct 3-700(C)(1)(d) and (f) allow for permissive withdrawal when a client breaches its obligations relating to the attorney's expenses or fees, or make it unreasonably difficult for counsel to effectively represent the client.

Since Attorney's representation began, there has been a break-down in the attorney-client relationship such that withdrawal of Attorney's representation is warranted. Soon after Attorney filed an Answer to the Petition to Cancel the trademark at issue, the parties began to negotiate a potential settlement. Attorney represented Respondent diligently and competently throughout these negotiations despite the fact that Respondent began to default on his legal bills for purported reasons unrelated to this case.

In November 2015, Respondent informed Attorney that he would seek another attorney to transfer the case to, and later informed Attorney that he has in fact found a new counsel. Attorney has notified Respondent and discussed this withdrawal with Respondent via telephone and electronic correspondence numerous times. Attorney informed Respondent on November 30, 2015 that Attorney is formally withdrawing as counsel by filing the necessary documents with the Office. On December 4, 2015, Respondent again confirmed to Attorney his desire for the Attorney to withdraw this case and have his new counsel represent him in any future settlement discussions. Respondent is fully informed of the withdrawal and gave Attorney full authority to withdraw as counsel. Withdrawal of attorney will not prejudice Respondent, as Respondent had ample opportunity to retain new counsel to oppose Petitioner's petition for cancellation.

Attorney has delivered to Respondent all documents and property that relate to the proceeding and to which Respondent is entitled to. Attorney has notified Respondent of the

Conclusion

For the foregoing reasons, Cohen Business Law Group, apc, Jeffrey A. Cohen, Esq. and Veronica Besmer, Esq. respectfully request that their motion for withdrawal be approved and be confirmed by the USPTO forthwith.

Dated: December 4, 2015

COHEN BUSINESS LAW GROUP

By /Jeffrey A. Cohen/

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