



06-14-2002

IN THE UNITED STATES

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

IN THE TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

\_\_\_\_\_  
 MCCAIN FOODS LIMITED AND :  
 MCCAIN FOODS USA, INC., :  
 :  
 Opposers, :  
 :  
 v. :  
 :  
 FRANKLIN LOUFRANI, :  
 :  
 Applicant. :  
 \_\_\_\_\_

Opposition No.: 91-150,681

Serial. No.: 75/977,376

Mark: SMILEY and design

**WOLFF & SAMSON'S REQUEST TO WITHDRAW  
AS COUNSEL FOR APPLICANT FRANKLIN LOUFRANI**

Wolff & Samson, ("W&S") attorneys for Applicant Franklin Loufrani ("Loufrani") hereby request to withdraw as counsel for Loufrani.

In accordance with 37 CFR 10.40, W&S has taken all reasonable steps to avoid foreseeable prejudice to the rights of Loufrani, including: giving due notice to Loufrani of W&S' decision to withdraw as counsel; allowing time for Loufrani to employ substitute counsel, delivering to Loufrani all papers and property to which Loufrani is entitled, and complying with all applicable laws and rules.

As grounds for this Request to Withdraw as Counsel, W&S submits that Loufrani's conduct has rendered it impossible for W&S to carry out the employment effectively. Additionally, Loufrani has failed to pay bills rendered by W&S for an unreasonable period of time.

A copy of this Request to Withdraw has been served upon Loufrani and upon the attorneys for Opposers, McCain Foods Limited and McCain Foods USA, Inc.



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Peter E. Nussbaum  
Wolff & Samson, P.A.  
Attorneys for Applicant

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing Request to Withdraw as Counsel for Applicant Franklin Loufrani was served via first class mail, on the Applicant, Franklin Loufrani at The Smiley Licensing Corporation, BIG 97 bd Haussmann, 75008 Paris; and upon the attorney for Opposers, Roy H. Wepner, Esq., Lerner, David, Littenberg, Krumholz & Mentlik, LLP, 600 South Avenue West, Westfield, New Jersey 07090 on this 12<sup>th</sup> day of June, 2002.



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Peter E. Nussbaum  
Wolff & Samson, P.A.  
Attorney for Applicant

TTAB



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attn: TTAB No Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: Our File: 8596/3  
Serial No.: 75/977,376  
Opposition No.: 91-150,681  
Applicant: Franklin Loufrani  
Opposer: McCain Foods Limited and McCain Foods USA, Inc.  
Mark: **SMILEY & design**

Law Office:  
Examiner:

02 JUN 21 AM 12:32  
TRADEMARK TRIAL AND  
APPEAL BOARD

Sir:

Enclosed for filing in the United States Patent and Trademark Office is the following:

1. Wolff & Samson's Request to Withdraw as Counsel for Applicant Franklin Loufrani
2. Certificate of Service
3. Transmittal Sheet
4. Postcard Receipt

CONDITIONAL PETITION

If any extension of time is required for the submission of the above-identified items, Applicant requests that this be considered a petition therefor. Please charge any additional charges or any other charges relating to this matter to the deposit account of the writer, **Account No. 06-2143**. A duplicate copy of this letter is enclosed.

6/12/02  
Date

enc.

Respectfully submitted,  
  
Peter E. Nussbaum  
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I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage prepaid, to The Assistant Commissioner for Trademarks, Box TTAB - No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513 on **June 12, 2002**.

By:   
Peter E. Nussbaum

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