

Opposition 32561

INTELLECTUAL PROPERTY LAW
INCLUDING
PATENTS, TRADEMARKS,
COPYRIGHTS AND
UNFAIR COMPETITION

CONLEY, ROSE & TAYON
A PROFESSIONAL CORPORATION
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DWAYNE K. GOETZEL
(512) 703-1249

FILE: 5642-00100

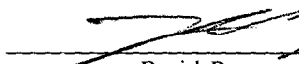
September 12, 2002

**CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. § 1.10**

"Express Mail" mailing label number: EV091538993US

DATE OF DEPOSIT: September 12, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. § 1.10 on the date indicated above, and is addressed to: Assistant Commissioner for Trademarks, **BOX RESPONSES, NO FEE**, 2900 Crystal Drive, Arlington, VA 22202-3513.


Derrick Brown

1000
AUGUST 14 2002
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Assistant Commissioner for Trademarks
BOX RESPONSES
NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: U.S. Trademark Application Serial No. 75/835,584
for the Mark: ONECARD

Sir:

Enclosed are the following:

1. Motion to Withdraw as Representative; and
2. One return postcard to acknowledge receipt of same. Please stamp and return this postcard to the undersigned.

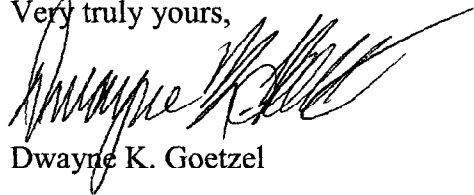
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2002 SEP 20 A 10:17
T.M.E.O.
LAW OFFICE 1000



Assistant Commissioner for Trademarks
September 12, 2002
Page 2

Should any fees be required relating to the enclosed materials, please deduct said fees from Conley, Rose & Tayon, P.C. Deposit Account No. 501505/5642-00100/DKG.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dwayne K. Goetzel", with a long, sweeping flourish extending to the right.

Dwayne K. Goetzel

DKG/cwc
Enclosures

cc: C. Daniel Roberts, Esq. (w/encl.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK EXAMINING OPERATION

In Re Application of:
OCC Technologies, Inc.
d/b/a OneCard.com

Serial No.: 75/835,584

Date Filed: November 18, 1999

Mark: ONECARD

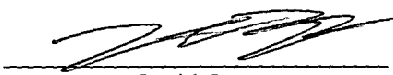
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Examiner: Pamela Y. Willis

Trademark Law Office: 106

Atty. Docket: 5642-00100/DKG

02 SEP 27 AM 12: 29
TRADEMARK TRIAL AND
APPEAL BOARD

<p align="center">CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10</p> <p>"Express Mail" mailing label number: <u>EV091538993US</u></p> <p>DATE OF DEPOSIT: <u>September 12, 2002</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, BOX RESPONSES, NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.</p> <p align="center"> Derrick Brown</p>

MOTION TO WITHDRAW AS REPRESENTATIVE

Pursuant to 37 C.F.R. § 10.40(c) and U.S. Trademark Law Rule of Practice § 2.19, Conley, Rose & Tayon, P.C. ("Counsel") hereby requests permission to withdraw as representative for Applicant OCC Technologies, Inc. d/b/a OneCard.com ("Client") for the reasons set forth below.

Client filed for bankruptcy on November 22, 2001 (*See attached Exhibit A*).

Client has failed to pay one or more bills for legal services rendered by Counsel for an unreasonable period of time, thereby failing to honor its agreement with Counsel.

Client's conduct renders it unreasonably difficult for Counsel to carry out legal services effectively.

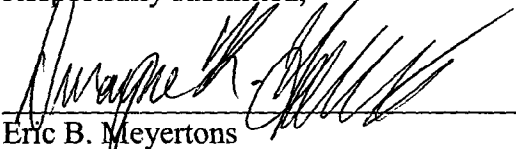
Counsel has delivered all papers and property that relate to the present proceeding to the bankruptcy trustee of Applicant.

Counsel has previously notified the bankruptcy trustee for Applicant of its intention to withdraw (*see e.g.*, Opposition No. 120,542; *OCC Technologies, Inc. d/b/a OneCard.com v. Suzanne Lamb Sharp*), and has allowed sufficient time for the bankruptcy trustee to find other representation.

Counsel prays that the Commissioner grant its request to withdraw as representative for the above-referenced Applicant.

Should any fees be required, please appropriately charge those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 501505/5642-00100/DKG.

Respectfully submitted,



Eric B. Meyertons
Texas State Bar No. 14004400
Dwayne K. Goetzel
Texas State Bar No. 08059500
CONLEY, ROSE & TAYON, P.C.
P.O. Box 398
Austin, Texas 78767-0398
(512) 476-1400 (telephone)
(512) 703-1250 (facsimile)

**ATTORNEYS FOR APPLICANT
OCC TECHNOLOGIES, INC. D/B/A
ONECARD.COM**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

In Re: § CASE NO. 00-13386-FRM
§
OCC TECHNOLOGIES, INC., § (Chapter 7)
§
Debtor. §

**MOTION TO SELL OR IN THE ALTERNATIVE TO ABANDON DEBTOR'S
PERSONAL PROPERTY (INTELLECTUAL PROPERTY AND RIGHTS,
IF ANY, IN DOMAIN NAME ASSOCIATED WITH THE SAME)
PURSUANT TO BANKRUPTCY RULE 6007(a)**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED IN THE MOTION MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE FRANK R. MONROE, U.S. BANKRUPTCY JUDGE:

COMES NOW, C. DANIEL ROBERTS ("Trustee"), the chapter 7 Trustee for the bankruptcy estate of OCC Technologies, Inc. ("Debtor"), and files this Motion to Sell or in the Alternative to Abandon Debtor's Personal Property (Intellectual Property and Rights, If Any, in Domain Name Associated With The Same) Pursuant to Bankruptcy Rule 6007(a) ("Motion"), and in support thereof would respectfully show the Court as follows:

1. Debtor filed a voluntary petition for relief under chapter 7 of the United States Bankruptcy Code on November 22, 2001 ("Petition Date"). C. Daniel Roberts is the duly

appointed Chapter 7 Trustee.

2. Trustee hereby offers for sale the bankruptcy estate's interest in all intellectual property and rights, if any, in all domain names associated with such intellectual property (collectively, the "Property"). This property specifically includes, among other things, any and all software (and all related codes) developed by the Debtor and the rights, if any, in the domain name "OneCard.com". To date, the only offer received by the Trustee from potential bidders was insufficient to warrant taking the steps necessary to seek and obtain court approval of the proposed sale. As a last attempt to sell this property, Trustee would like to submit the Property for bids, with a minimum of \$2,000.00.

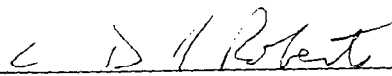
3. The Debtor scheduled the Property with a *de minimus* valuation, and its value to the estate (net of expenses associated with the securing of Court approval for sale) is unknown. The Property may have no net value to the estate; therefore, if no bids are received within (20) days of the filing of this Motion, the Trustee wishes to abandon the Property.

4. Parties who wish to make a bid on the bankruptcy estate's interest in the Property are advised to file a response to this Motion or otherwise notify the Trustee within twenty (20) days of the date of this Motion. In the event no timely response is filed with the Clerk or received by the Trustee, the Court is requested to sign an order authorizing the abandonment of the bankruptcy estate's interest in the Property.

WHEREFORE, PREMISES CONSIDERED, and absent any timely filed response, Trustee prays for an order authorizing abandonment of the Property.

Respectfully submitted,

C. DANIEL ROBERTS & ASSOCIATES, P.C.
1300 Guadalupe, Suite 111
Austin, Texas 78701
Telephone: (512) 494-8448
Facsimile: (512) 494-8712

By: 
C. Daniel Roberts
Texas Bar No: 16999200
droberts@cdrlaw.net
Kevin Evont Bowens
D.C. Bar No: 465193
kbowens@cdrlaw.net

ATTORNEYS FOR C. DANIEL ROBERTS,
THE CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing was sent via first class mail, postage prepaid, this 19 day of February, 2002, to the creditors and parties-in-interest on the attached mailing matrix, as well as to the following:

OCC Technologies
823 Congress Avenue, Suite 615
Austin, Texas 78701
DEBTOR

Douglas M. Stum
Diamond McCarthy Taylor & Finley
8310 N. Capital Texas Hwy., #305
Austin, Texas 78731
DEBTOR'S ATTORNEY

U.S. Trustee
903 San Jacinto Boulevard, Suite 230
Austin, Texas 78701

Via Hand Delivery Only