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

Proceeding	91163013
Party	Plaintiff Franklin Loufrani Franklin Loufrani 114 Eaton Square London, SW1W 9AA UNITED KINGDOM
Correspondence Address	MARY CATHERINE MERZ MERZ & ASSOCIATES, P.C 1140 LAKE STREET, SUITE 304 OAK PARK, IL 60301-1051 UNITED STATES mmerz@merz-law.com
Submission	Request to Withdraw as Attorney
Filer's Name	Mary Catherine Merz
Filer's e-mail	mmerz@merz-law.com
Signature	/Mary Catherine Merz/
Date	11/01/2005
Attachments	21522.petwithdrawatt.pdf (3 pages)

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

Franklin Loufrani)	
)	
Opposer/ Counter Defendant,)	
v.)	Opposition No. 153,013
)	
B. MICHAEL PERLIN,)	
)	
Applicant/ Petitioner,)	

PETITION TO WITHDRAW AS ATTORNEY OF RECORD

Attorney for opposer/counterclaim defendant, Mary Catherine Merz, hereby requests that she and the law firm of Merz & Associates, P.C. (including any and all of its attorneys) be allowed to withdraw as attorney of record in the above-referenced opposition and related counterclaims. Ms. Merz and the law firm of Merz & Associates, P.C. have taken reasonable steps to avoid foreseeable prejudice to the rights of the client, Franklin Loufrani, prior to making this request.

Such steps include giving due notice to Mr. Loufrani so as to allow time for employment of another practitioner; Mr. Loufrani has been notified in writing over the course of the past

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several weeks of the fact that Ms. Merz and Merz & Associates would be withdrawing as attorney of record in this proceeding. Mr. Loufrani has been sent copies of all papers and correspondence concerning this opposition as they were received or sent by Merz & Associates, P.C.; any property to which he is entitled (which is only in the form of Merz & Associates' files) will be sent by courier to Mr. Loufrani this week.

There are no fees paid in advance to which Mr. Loufrani is entitled to a refund.

To date, the opposition and counterclaims in question have been suspended to allow the parties time to negotiate a settlement. The parties have been in negotiations, although no actual settlement agreement has been reached. As a result of negotiations, no discovery has been conducted by either side. The suspension of this proceeding is scheduled to lift on November 4, 2005. Therefore, in order to permit Mr. Loufrani sufficient time to arrange for new counsel and to allow both sides to continue with negotiations once new counsel is appointed, Ms. Merz has filed contemporaneously with this request a motion to the Trademark Trial and Appeal Board to

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continue the suspension of the proceeding for another ninety
days.

Respectfully submitted,

Dated: November 1, 2005 By: Mary Catherine Merz, Esq.
Mary Catherine Merz, Esq.
John Roeser, Esq.
MERZ & ASSOCIATES, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the applicant by First Class
Mail on November 1, 2005, addressed to:

DORN E. HARMS, ESQ.
AMERICAN PATENT & TRADEMARK LAW CENTER
13702 VIA CORTINA, SUITE 100
DUBLIN, CA 94568

By: November 1, 2005