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Filing date: **02/02/2006**

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

Proceeding	91165284
Party	Defendant Regenerated Resources LLC Regenerated Resources LLC 205 Newbury Street Framingham, MA 01701
Correspondence Address	Mark D. Giarratana, Esq. McCarter & English, LLP 185 Asylum Street Hartford, CT 06103-3495
Submission	Other Motions/Papers
Filer's Name	Mark D. Giarratana, Esq.
Filer's e-mail	mgarratana@mccarter.com, astevens@mccarter.com, jwhitney@mccarter.com
Signature	/mark d giarratana/
Date	02/02/2006
Attachments	MotionToWithdraw.pdf (6 pages)

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

OMS INVESTMENTS, INC.,)	
)	Opposition Nos. 91/165,284
)	91/167,061
v.)	
)	Serial Nos. 78/227,322
REGENERATED RESOURCES LLC,)	78/230,217
)	
Applicant.)	FEBRUARY 2, 2006

**MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL
FOR REGENERATED RESOURCES LLC**

Pursuant to 37 C.F.R. § 10.40, McCarter & English, LLP, by and through attorneys Mark D. Giarratana and Alexandra B. Stevens, hereby requests permission to withdraw as counsel for Applicant Regenerated Resources LLC in the above-captioned Opposition Proceedings. In support of its Motion to Withdraw as Counsel, the undersigned states and represents:

- Regenerated Resources LLC is no longer operating as a viable business, but rather our understanding it that Regenerated Resources LLC is a shell that no longer is paying its employees and is not conducting business. We are not aware of any employees that currently work for Regenerated Resources LLC. Accordingly, pursuant 37 C.F.R. § 10.40(c)(1)(iv), it is unreasonably difficult for McCarter & English, LLP to effectively carry

out its employment as counsel for Regenerated Resources, LLC in connection with the above-identified trademark opposition proceedings.

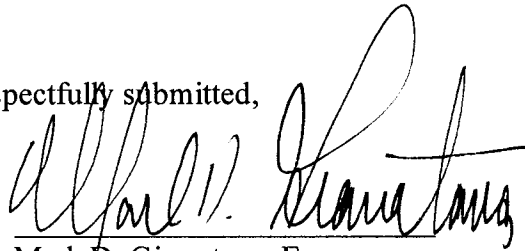
- Pursuant to 37 C.F.R. § 10.40(c)(1)(vi), Regenerated Resources LLC has “failed to pay one or more bills rendered by” McCarter & English, LLP “for an unreasonable period of time”. Regenerated Resources LLC has failed to pay to McCarter & English, LLP a substantial outstanding balance for legal fees and disbursements that has been due for more than 120 days. Further, Regenerated Resources LLC is not in a position to pay, and therefore will not pay for any future work performed on its behalf by McCarter & English, LLP in connection with the above-identified opposition proceedings.

In requesting permission to withdraw as counsel in these Opposition Proceedings, the undersigned hereby states and represents that he has notified Regenerated Resources LLC of McCarter & English, LLP’s desire to withdraw, and has allowed time for employment of another practitioner as discovery is not scheduled to close until May 9, 2006. (See January 31, 2006 letter to Regenerated Resources LLC attached hereto as Exhibit A). The undersigned further states and represents that all papers and property that relate to the above-identified Opposition Proceedings and to which Regenerated Resources is entitled have been returned to whomever has authority to act on behalf of Regenerated Resources LLC in connection with these matters (see Exhibit A).

WHEREFORE, for these reasons McCarter & English, LLP respectfully requests that the Director grant its Motion for Permission to Withdraw as Counsel for Regenerated Resources LLC in connection with Opposition Proceedings Nos. 91/165,284 and 91/167,061.

Respectfully submitted,

By:



Mark D. Giarratana, Esq.
Alexandra B. Stevens, Esq.
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Attorneys for Applicant
Regenerated Resources LLC

Date: February 2, 2006

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January 31, 2006

VIA CERTIFIED MAIL

Regenerated Resources LLC
205 Newbury Street
Framingham, MA 01701

- Re: 1. Trademark Opposition Proceeding No. 91/165,284
Mark: Organic-Gro
2. Trademark Opposition Proceeding No. 91/167,061
Mark: Organic-Gro & Design
3. Other Patents and Trademarks of Regenerated Resources LLC**
-

Dear Sirs:

We represent Regenerated Resources LLC in connection with intellectual property matters, including the above-identified trademark opposition proceedings currently pending before the Trademark Trial and Appeal Board ("TTAB") of the U.S. Patent & Trademark Office ("PTO"), the two patents, and the trademark registrations and pending trademark applications owned by Regenerated Resources LLC.

We have been advised that Regenerated Resources LLC is no longer in business, and that the employees that we had dealt with in the past are no longer with Regenerated Resources LLC. We are not aware of any remaining employees of Regenerated Resources LLC with whom we can continue to correspond with or otherwise communicate with in connection with intellectual property matters. In addition, Regenerated Resources LLC has a substantial outstanding balance with our firm, and we have been advised that Regenerated Resources LLC is currently not in a position to pay these monies owed to our firm, or to pay for any future work performed by our firm on its behalf.

We therefore notify you that McCarter & English, LLP intends to request permission from the PTO to withdraw from its representation of Regenerated Resources LLC in connection with the above-identified trademark Opposition Proceedings and any other intellectual property matters before the PTO for which we believe we need to request such permission. To that end, please be advised that we are returning to Regenerated Resources all papers and property that relate to the above-identified trademark opposition proceedings and to which Regenerated Resources LLC is entitled. Additionally, please be advised that if the PTO grants our Motion to Withdraw, it is

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860.275.6700

STAMFORD
203.324.1800

NEW YORK CITY
212.609.6800

NEWARK
973.622.4444

PHILADELPHIA
215.979.3800

WILMINGTON
302.984.6300

BALTIMORE
410.659.8500

EXHIBIT "A"



likely that the PTO will suspend the above-caption Opposition Proceedings and allow Regenerated Resources a certain amount of time in which to appoint a new attorney or other authorized representative (and to so inform the PTO), or to file a paper stating that Regenerated Resources desires to represent itself, failing which, the PTO may issue an order to show cause why default judgment should not be entered against Regenerated Resources.

We further make you aware of the status of the above-captioned Opposition Proceedings and any upcoming deadlines in connection with same. On December 1, 2005, the parties filed a Stipulated Motion to Consolidate and Re-set Dates, requesting that the two Opposition Proceedings be consolidated and that discovery in the consolidated Proceeding close on May 9, 2006. The TTAB granted this Motion on January 12, 2006, consolidating the Proceedings under Opposition Proceeding No. 91/165,284.

Further, the parties agreed to an extension of time of the deadline for Regenerated Resources to respond to OMS Investments, Inc.'s First and Second Sets of Interrogatories and Document Requests. Regenerated Resources must respond to this pending discovery by **Thursday, March 2, 2006**, or risk waiving its objections to the pending discovery requests, as well as prejudicing any claimed rights in the ORGANIC-GRO and ORGANIC-GRO & Design Marks for which Regenerated Resources LLC has applied to register and which are the subject of the opposition proceedings.

We look forward to addressing any questions or comments that you might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Giarratana', written over a horizontal line.

Mark D. Giarratana

MDG/abs

Enclosures

cc: Frank W. Tessitore, Esq. (w/o encl.)
Alexandra B. Stevens, Esq. (w/o encl.)

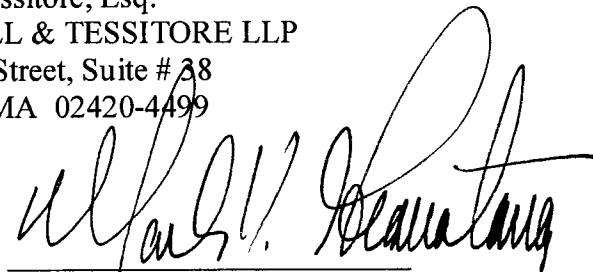
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL FOR REGENERATED RESOURCES LLC was sent via first class mail, postage pre-paid on this 2nd day of February, 2006 to:

Julie B. Seyler, Esq.
ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, NY 10017

REGENERATED RESOURCES LLC
205 Newbury Street
Framingham, MA 01701

Frank W. Tessitore, Esq.
O'DONNELL & TESSITORE LLP
76 Bedford Street, Suite # 38
Lexington, MA 02420-4499


MARK D. GIARRATANA

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