

ESTTA Tracking number: **ESTTA280538**

Filing date: **04/27/2009**

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

Proceeding	91170379
Party	Plaintiff Einstein Cosmetics, Ltd
Correspondence Address	Kelly W. Cunningham, Esq. Cislo & Thomas, LLP 1333 2nd Street, Suite 500 Santa Monica, CA 90401-4110 UNITED STATES dancislo@cislo.com, kcunningham@cislo.com, ttab@cislo.com
Submission	Request to Withdraw as Attorney
Filer's Name	Kelly W. Cunningham
Filer's e-mail	kcunningham@cislo.com, ceckart@cislo.com
Signature	/Kelly W. Cunningham/
Date	04/27/2009
Attachments	Motion to withdraw as representative.PDF (4 pages)(437486 bytes)

Application No. 78/680,089
Opposition No. 91170379
Request dated April 27, 2009
Attorney Docket No. 07-18340


25189
PATENT TRADEMARK OFFICE

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

**IN THE MATTER OF APPLICATION SERIAL NO. 78/680,089
PUBLISHED IN THE OFFICIAL GAZETTE ON FEBRUARY 7, 2006**

EINSTEIN COSMETICS, LTD., a California corporation,)	OPPOSITION NO. 91170379
)	
OPPOSER,)	CISLO & THOMAS LLP'S MOTION
vs.)	TO WITHDRAW AS
)	REPRESENTATIVE PURSUANT TO
)	37 CFR § 10.40
)	
THE BABY EINSTEIN COMPANY)	
LLC, a Colorado limited liability)	
company,)	
)	
APPLICANT.)	

Dear Sir:

Opposer's representative, Cislo & Thomas LLP, seeks permission of the Board to withdraw from the current trademark opposition as the representative of current Opposer Einstein Cosmetics LLC, the successor-in-interest to Opposer Einstein Cosmetics Ltd. ("Einstein Cosmetics"), since Einstein Cosmetics has failed to pay one or more bills rendered by Cislo & Thomas LLP for an unreasonable period of time.

Cislo & Thomas LLP notified Einstein Cosmetics of Cislo & Thomas LLP's intent to withdraw as counsel in connection with its motion to withdraw as counsel in

Application No. 78/680,089
Opposition No. 91170379
Request dated April 27, 2009
Attorney Docket No. 07-18340

the concurrent litigation, entitled Benjamin Einstein et al. v. The Baby Einstein Company Ltd. et al., Case No. CV 07-2171 MMM (SSx), at least as early as January 7, 2009. Further, Cislo & Thomas LLP has notified Einstein Cosmetics that all files related to the present trademark opposition are available for pick up at Cislo & Thomas LLP's offices at 1333 2nd Street, Suite 500, Santa Monica, California 90401. Accordingly, Cislo & Thomas LLP has taken all reasonable steps to avoid foreseeable prejudice to Einstein Cosmetics in this matter and has complied with all applicable laws and rules.

Cislo & Thomas LLP requests that, should the Board grant this request, that prosecution in this matter revert to Einstein Cosmetics and all communications be sent to the following address:

Einstein Cosmetics LLC
14631 Dickens Street #2
Sherman Oaks, California 91403
and
35684 Larkspur Drive
Wildomar, California 92595
Telephone: (949) 600-8208

///

///


///

Application No. 78/680,089
Opposition No. 91170379
Request dated April 27, 2009
Attorney Docket No. 07-18340

Cislo & Thomas LLP therefore respectfully request that the Board permit Cislo & Thomas LLP to withdraw as representative for Einstein Cosmetics in the present trademark opposition.

Respectfully submitted,
CISLO & THOMAS LLP

Dated: April 27, 2009

By: 
Kelly W. Cunningham, Esq.
Attorneys for Opposer
EINSTEIN COSMETICS LLC

T:\07-18340\Motion to withdraw as representative.DOC

Application No. 78/680,089
Opposition No. 91170379
Request dated April 27, 2009
Attorney Docket No. 07-18340

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this document, CISLO & THOMAS LLP'S MOTION TO WITHDRAW AS REPRESENTATIVE PURSUANT TO 37 CFR § 10.40, is being filed with the United States Patent and Trademark Office on April 27, 2009 as follows.

MAIL STOP TTAB NO FEE
Commissioner for Trademarks
Post Office Box 1451
Alexandria, Virginia 22313-1451

ELECTRONICALLY: This document has been submitted electronically through the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals.

I additionally certify that one (1) copy of this document is being addressed to:

Linda K. McLeod, Esq.
FINNEGAN HENDERSON et al.
901 New York Avenue, NW
Washington, DC 20001-4413

Einstein Cosmetics LLC
14631 Dickens Street #2
Sherman Oaks, California 91403
and
35684 Larkspur Drive
Wildomar, California 92595
Telephone: (949) 600-8208

BY FIRST CLASS MAIL: This paper is being deposited with the United States Postal Service with sufficient postage as first class mail to the foregoing addressees.



Kelly W. Cunningham, Esq., Reg. No. 43,570