

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

_____	)	
MARK & SPENCER, PLC	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. 91173385
	)	
WILKINSON WARBURTON, INC.,	)	
	)	
Applicant.	)	
_____	)	

78734685

**MOTION TO WITHDRAW AS COUNSEL FOR APPLICANT**

COME NOW the undersigned attorney and law firm, and requests permission to withdrawal as counsel for Applicant, Wilkinson Warburton, Inc. ("Applicant"), pursuant to 37 CFR \$10.40(b).

Applicant has exhibited conduct which renders it unreasonably difficult for our firm to carry out the employment effectively. 37 CFR \$10.40(c)(1)(iv). Applicant has failed to pay one or more bills rendered by the undersigned for an unreasonable period of time. 37 CFR \$10.40(c)(1)(vi).

In conformity with 37 CFR \$10.40(a), the undersigned has taken reasonable steps to avoid foreseeable prejudice to the rights of Applicant including giving due notice to Applicant, allowing time for employment of another practitioner, and delivering to the client all papers and property to which the



05-23-2008

client is entitled. The undersigned has also complied with all applicable laws and rules regarding this matter.

Accordingly, please direct all future correspondence to the following address:

Wilkinson Warburton, Inc.  
5603 N.W. 159 Street  
Miami Lakes, Florida 33014  
Attn: Darshan Chhabra

Pursuant to the TBMP, action on this matter was suspended pending resolution of Opposer's motion to compel. Accordingly, there are currently no outstanding deadlines to respond to.

WHEREFORE, the undersigned counsel and law firm request to be relieved of all further responsibility regarding this proceeding and the underlying application.

Respectfully submitted,

Dated: May 19, 2007

By: David A. Gast  
John Cyril Malloy, III  
Florida Bar No. 964,220  
David A. Gast  
Florida Bar No. 176567  
MALLOY & MALLOY, P.A.  
2800 S.W. 3rd Avenue  
Miami, Florida 33129  
Telephone: (305) 858-8000  
Facsimile: (305) 858-0008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served upon the following by United States mail, postage pre-paid this 19th day of May, 2008.

Wilkinson Warburton, Inc.  
5603 N.W. 159 Street  
Miami Lakes, Florida 33014  
Attn: Darshan Chhabra

William R. Hansen  
Lathrop & Gage, L.C.  
230 Park Avenue, Suite 1847  
New York, NY 10169

Respectfully submitted,

By: David A. Gast  
David A. Gast  
Florida Bar No. 176567

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that an original was sent by first class, postage pre-paid U.S. mail, to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, "Box TTAB", P.O. Box 1451, Alexandria, Virginia 22313-1451, this 19th day of May, 2008.

Respectfully submitted,

By:   
David A. Gast  
Florida Bar No. 176567