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Filing date: **06/03/2008**

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

Proceeding	91182509
Party	Defendant Advanced Services, Inc.
Correspondence Address	Elyse A. Marcus DAY PITNEY LLP 7 Time Square New York, NY 10036-7311 UNITED STATES
Submission	Request to Withdraw as Attorney
Filer's Name	Stephen W. Feingold
Filer's e-mail	emarcus@daypitney.com, nytrademark@daypitney.com, mpena@daypitney.com
Signature	/Stephen W. Feingold/
Date	06/03/2008
Attachments	Document.pdf ( 4 pages )(109608 bytes )

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

In the matter of Application Serial No. 77/107,228

-----X		
JETBLUE AIRWAYS CORPORATION,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No: 91182509
	:	
ADVANCED SERVICES, INC.,	:	Trademark: JET BLACK
	:	
Applicant.	:	
-----X		

**PETITION TO WITHDRAW AS ATTORNEY OF RECORD**

Stephen W. Feingold and the law firm of Day Pitney LLP (“Practitioner”), attorneys for Applicant, request to withdraw as Attorney of Record for Applicant, Advanced Services, Inc. “Applicant”), pursuant to 37 CFR § 2.19(b) and § 10.40(c)(1)(iv) and (vi) for this Proceeding as well as for the prosecution of Application No. 77/107,228.

Applicant may be contacted at:

Mr. Blake Byram  
Jet Black  
160 Terminal Road  
Georgetown, TX 78628

**A. Practitioner’s Grounds for Withdrawal**

From the commencement of the Opposition proceeding it has been very difficult to communicate with Applicant’s President and CEO, Blake Byram. The only contact information we have for him is a cell phone number and the address for Applicant though it does not appear that Mr. Byram is physically at that location on a regular basis. We have repeatedly asked Mr.

Byram for information and received no response. In addition, Applicant has failed to pay all bills rendered by Practitioner for the legal services rendered in connection with this Opposition dating back to December 2007.

After multiple efforts to contact Applicant and Mr. Byram in April and May of 2008, on May 15, 2008, Practitioner notified Applicant that it would withdraw as Attorney of Record by May 23, 2008 unless Applicant paid all outstanding invoices and committed itself to be being more available and responsive in the future.

In this e-mail, Stephen W. Feingold of Day Pitney LLP advised Applicant of the relevant TTAB rules and that after this petition was granted that Applicant would have thirty (30) days to seek new counsel. Practitioner therefore strongly suggested that Mr. Byram and Applicant begin a search for new counsel at that time unless they were able to meet Practitioner's requirements.

Practitioner has had no contact with Mr. Byram or Applicant since that date.

**B. Practitioner's Steps to Avoid Prejudice to the Client**

Practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client and states the following:

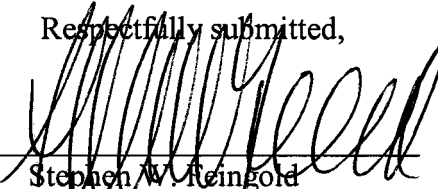
- (a) As discussed above, Practitioner has given due notice to the client before withdrawing. Practitioner notified Applicant on May 15, 2008 that it would withdraw as Attorney of Record Applicant by May 23, 2008. In this e-mail, Practitioner advised Applicant of the relevant TTAB rules and strongly suggested that it begin a search for new counsel. As of the date of this filing, Practitioner has had no contact from Applicant. Based on the foregoing, Practitioner has allowed time for employment of another practitioner by the Applicant by giving it ample notice of Practitioner's intent to withdraw.

- (b) Practitioner has delivered to the client all papers and property to which the client is entitled and complying with applicable law and rules. Practitioner has included in with the papers and property a docket of the upcoming deadlines in the opposition proceeding and all information concerning the pending application.
- (c) Practitioner states that there are no client funds held in advance.

Having complied with the PTO rules and regulations to request withdrawal for representation of a client, the undersigned respectfully requests that the instant Petition be granted forthwith.

Provided the Commissioner grants the undersigned's Petition, we respectfully request that all future correspondence concerning any matter in Application No. 78/107,228 and Opposition No. 91182509 be forwarded directly to the client at the address listed above.


Dated: June 3 2008

Respectfully submitted,  
  
By: \_\_\_\_\_  
Stephen W. Feingold  
DAY PITNEY LLP  
7 Times Square  
New York, New York 10036  
(212) 297-5800

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer to the Notice of Opposition, pursuant to 37 CFR § 2.117(a) has been served on June 3, 2008 via First Class Mail to:

Joseph Nicholson  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004-1007

By:   
\_\_\_\_\_  
Matilde Pena