

ESTTA Tracking number: **ESTTA478538**

Filing date: **06/18/2012**

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

Proceeding	91201430
Party	Defendant Central Holding Corporation
Correspondence Address	SANFORD J ASMAN LAW OFFICE OF SANFORD J ASMAN 570 VININGTON COURT ATLANTA, GA 30350-5710 UNITED STATES sandy@asman.com
Submission	Other Motions/Papers
Filer's Name	Sanford J. Asman
Filer's e-mail	sandy@asman.com
Signature	/sanford j. asman/
Date	06/18/2012
Attachments	120618_Motion.pdf (13 pages)(295516 bytes)

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

In re Application of : Central Holding Corporation
Serial No. : 85204480
Filed : December 12, 2010
Mark : DOUBLETAP
Published Official Gazette : May 3, 2011

HORNADY MANUFACTURING COMPANY,

Opposers,

v.

CENTRAL HOLDING CORPORATION

Applicant.

Opposition No. 91201430

RENEWED MOTION TO WITHDRAW AS ATTORNEY

Further to the Order of June 18, 2012, Sanford J. Asman, presently attorney of record for Central Holding Corporation (“Defendant”), renews his motion to withdraw from representation, as set forth herein.

The initial Motion to Withdraw was duly filed with the TTAB on June 7, 2012, and it showed the TTAB that the following reasons existed for the requested withdrawal:

- (a) Conduct by the client has made it unreasonably difficult to carry out the representation effectively; and
- (b) The client has knowingly and freely assented to the withdrawal and has terminated the representation.

On June 18, 2012 the Board denied the foregoing Motion **without prejudice**, stating,

... the motion does not include one or more of the following requirements: (1) a specification of the basis for the request; (2) a statement that the practitioner has notified the client of his or her desire to withdraw from employment, and has allowed time for employment of another practitioner; (3) a statement that all papers and property that relate to the proceeding and to which the client is entitled have been delivered to the client; (4) if any part of a fee paid in advance has not been earned, a statement that the unearned part has been refunded; and (5) proof

of service of the request upon the client and upon every other party to the proceeding.

In its Order of June 18, 2012, the TTAB further suspended the Opposition pending the outcome of civil litigation which was very recently begun by Plaintiff Hornady. Consequently, undersigned hereby shows the Board, as follows:

I. Specification for the Basis of the Request

As set forth in the Motion of June 7, 2012, the basis for the request is that

- (a) Conduct by the client has made it unreasonably difficult to carry out the representation effectively; and
- (b) The client has knowingly and freely assented to the withdrawal and has terminated the representation.

In addition to the foregoing, undersigned withdrew from the representation of Defendant in the underlying pending application Ser. No. 85204480, and such withdrawal was expressly accepted by the Patent and Trademark Office as shown by attached Exhibit 1.

Further, underlying pending application Ser. No. 85204480 was assigned by the original Applicant (Defendant herein) to Heizer Technologies, LLC, as shown in the Assignment annexed hereto as Exhibit 2. That Assignment (Exhibit 2) was recorded at Reel 4800, Frames 771-773, as shown by Exhibit 3. Undersigned does not, and has never, represented Heizer Technologies, LLC, wherefore, should the Opposition be restarted following the Board ordered Suspension, it will be necessary to substitute Heizer Technologies, LLC as the real party in interest, and a party with whom undersigned has no attorney-client relationship.

II. Notification to the Client and Allowance of Time to Retain Other Counsel

As set forth above, the client has knowingly and freely assented to the withdrawal and has terminated the representation, wherefore, undersigned affirmatively states that the client has been notified. Further, in that the client terminated the representation, withdrawal by undersigned is mandatory.

Given that the Board's Order of June 18, 2012 expressly suspended the Opposition pending the outcome of the civil action, it is clear that the client has sufficient time to retain other counsel.

III. Delivery of Papers And Property Relating To The Proceeding And To Which The Client Is Entitled

A complete copy of the Opposition file has been delivered to the client, and such constitutes all of the "papers and property relating to the proceeding" which was available to undersigned.

IV. Refund of Unearned Prepaid Fees Relating to the Matter

The client prepaid no fees associated with the Opposition, whereby there were no unearned fees to be refunded.

V. Service Upon Parties and Client

The original Motion to Withdraw was served upon Plaintiff's counsel by mail, as shown by the Certificate of Service attached to that Motion, and a courtesy copy was served by email. A copy of that original Motion to Withdraw was also served upon the client and its outside general counsel by email.

The present Motion is being served upon both counsel for Hornady and upon the client by U.S. Mail, as set forth in the attached Certificate of Service.

VI. Additional Item of Note

Plaintiff's Motion to Suspend In View of Pending Civil Action asserts, in its Certificate of Service, that undersigned was allegedly served by email. At no time did undersigned agree to electronic service of motions; nor has undersigned received a paper copy of such Motion to Suspend by U.S. Mail, which is consistent with the failure of Plaintiff to assert that it served such Motion by U.S. Mail, as it was required to do.

Conclusion

In view of the foregoing, undersigned respectfully shows that he has established good cause for an Order permitting his withdrawal from the proceeding, and an Order granting such withdrawal is respectfully requested.

Dated: June 18, 2012

By: /s/ Sanford J. Asman
Sanford J. Asman
Attorney for Defendant

Law Office of Sanford J. Asman
570 Vinington Court
Atlanta, Georgia 30350
Phone : 770-391-0215
Fax : 770-668-9144
Email : sandy@asman.com

CERTIFICATE OF SERVICE

Undersigned hereby certifies that, on the date set forth below, a copy of the foregoing:

RENEWED MOTION TO WITHDRAW AS ATTORNEY

was served through the electronic filing system of the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, and by first class mail, postage prepaid, upon Opposer's counsel, addressed as follows:

Richard T Jackson, Esq.
Holland & Hart LLP
222 South Main Street, Suite 2200
Salt Lake City, UT 84101

Additional copies were served by first class mail, postage prepaid upon both Central Holding Corporation and Heizer Technologies, LLC, addressed as follows:

Central Holding Corporation
13 Bumblebee Point
Lake Ozark, MO 65049

Heizer Technologies, LLC
8 Rauscher Drive
St. Louis, MO 63124

Dated: June 18, 2012

By: /s/ Sanford J. Asman
Sanford J. Asman
Attorney for Applicant
Central Holding Corporation

Law Office of Sanford J. Asman
570 Vinington Court
Atlanta, Georgia 30350
Phone : 770-391-0215
Fax : 770-668-9144
Email : sandy@asman.com

EXHIBIT 1

Trademark Electronic Application System (TEAS) filing receipt

We have received your Withdrawal of Attorney form below for serial number(s) 85204480.

The USPTO has **GRANTED** your withdrawal request, and will now send all future correspondence to the listed address for the applicant/registrant, until a new power of attorney or change of correspondence address is filed. Please note that you will **NOT** receive any separate paper confirmation of this grant, and should retain a copy of this e-mail acknowledgement for your records, if necessary.

Special information for applicant/registrant: Because the USPTO has granted the withdrawal of attorney request, you are now considered to be "pro se" and are solely responsible for the continued prosecution of the application/registration, unless and until you appoint a new attorney. You must confirm that the address information listed below is correct, or otherwise make changes through the TEAS "Change of Correspondence Address" form. If this relates to a pending application, and said application was filed under "TEAS Plus," you must ensure that the USPTO is provided an e-mail address and an authorization to communicate with you via e-mail, again through the TEAS "Change of Correspondence Address" form; otherwise, you will lose TEAS Plus status and be required to pay an additional fee of \$50 per class.

PTO Form 2201 (Rev 5/2006)
OMB No. 0651-0056 (Exp 09/30/2014)

Withdrawal of Attorney

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85204480
MARK SECTION	
MARK	DOUBLETAP
WITHDRAWAL OF ATTORNEY SECTION	
REASON TEXT	Conduct and communications by the client have rendered it unreasonably difficult to carry out the representation effectively; the client knowingly and freely assents to the termination; and the client has, therefore, discharged the practitioner.
WITHDRAWAL STATEMENT	I have notified the applicant/registrant of my withdrawal from employment and the filing of this request for withdrawal with the USPTO.

WITHDRAWAL STATEMENT	I have delivered to the applicant/registrant all documents and property in any file concerning the application, registration, or proceeding to which the applicant/registrant is entitled.
WITHDRAWAL STATEMENT	I have notified the applicant/registrant of any response that may be due and the deadline for his/her response.
WITHDRAWAL STATEMENT	I have notified the applicant that if the application was filed under "TEAS Plus," any prior e-mail authorization will not continue and the applicant must provide the USPTO an e-mail address and authorize the USPTO to communicate via e-mail to retain "TEAS Plus" status.
WITHDRAWAL STATEMENT	I have given the applicant/registrant notice of my withdrawal from employment at least two (2) months prior to the expiration of the response period; OR, notice of my withdrawal from employment was not required because the applicant/registrant terminated representation when less than two (2) months remained in the response period.
CORRESPONDENCE SECTION	
ORIGINAL CORRESPONDENCE ADDRESS	Sanford J. Asman LAW OFFICE OF SANFORD J ASMAN 570 VININGTON COURT ATLANTA Georgia (GA) 30350-5710 US
NEW CORRESPONDENCE ADDRESS	
NAME	Central Holding Corporation
STREET	13 Bumblebee Point
CITY	Lake Ozark
STATE	Missouri
POSTAL/ZIP CODE	65049
COUNTRY	United States
SIGNATURE SECTION	
SIGNATURE	/sanford j. asman/
SIGNATORY NAME	Sanford J. Asman

SIGNATORY NAME	Sanford J. Asman
SIGNATORY DATE	06/07/2012
SIGNATORY POSITION	Attorney of record
SIGNATORY PHONE	770-391-0215
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jun 07 10:58:33 EDT 2012
TEAS STAMP	USPTO/WOA-67.191.230.200- 20120607105833248991-8520 4480-4906673316fed15ae8c6 34ef3b885dadfb-N/A-N/A-20 120607102140125027

Thank you,

The TEAS support team

Thu Jun 07 10:58:33 EDT 2012

STAMP: USPTO/WOA-67.191.230.200-20120607105833248991-85204480-
4906673316fed15ae8c634ef3b885dadfb-N/A-N/A-20120607102140125027

EXHIBIT 2

ASSIGNMENT OF TRADEMARK APPLICATION

Conveying Party (“ASSIGNOR”): Central Holding Corporation
13 Bumblebee Point
Lake Ozark, MO 65049
United States

Receiving Party (“ASSIGNEE”): Heizer Technologies, LLC
8 Rauscher Drive
St. Louis MO 63124
United States

Mark DoubleTap, U.S. Ser. No. 85204480

ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **ASSIGNOR** named above has sold, assigned, transferred and conveyed, and by this Assignment, does sell, assign, transfer and convey, unto the **ASSIGNEE** named above, its successors and assigns, its entire right, title and interest throughout the world, in and to the **MARK** identified above, together with that portion of the goodwill of the **ASSIGNOR** connected with the use of and symbolized by the **MARK** and that portion of the **ASSIGNOR**'s business, or portion of thereof, to which the mark pertains both in the United States and in all foreign countries, that may be obtained therefor; TO HAVE AND TO HOLD the same to the full end of the term or terms for which any and all such United States and foreign trademarks and grants may be registered. **ASSIGNOR** further assigns to **ASSIGNEE** all rights of the **ASSIGNOR** to all causes of action relating to the **MARK**, whether such causes of action arose before or after the date of this **ASSIGNMENT**.

AND the undersigned **ASSIGNOR** does hereby covenant and warrant that it has the full right to convey its entire right, title and interest herein assigned free and clear of all licenses, encumbrances and liens whatsoever, created by it, and that it has not executed and will not execute any instruments in conflict herewith.

AND the undersigned **ASSIGNOR**, for the consideration aforesaid, does hereby covenant and agree to and with said **ASSIGNEE**, its successors and assigns, that it, its successors, assigns, and its personal representatives, shall and will do all lawful acts and things, make all rightful oaths, and make, execute and deliver any and all other instruments in writing, and any and all further applications, papers, powers, affidavits, assignments, disclaimers, and other documents, which, in the opinion of counsel for said **ASSIGNEE**, its successors, and assigns, may be required or necessary in this or in any foreign

EXHIBIT 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUNE 15, 2012

PTAS

SANFORD J. ASMAN
570 VININGTON COURT
ATLANTA, GA 30350-5710

900225619

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT RECORDATION BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE ASSIGNMENT RECORDATION BRANCH AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT RECORDATION BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 06/13/2012

REEL/FRAME: 4800/0771
NUMBER OF PAGES: 3

BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: 170308-3010

ASSIGNOR:

CENTRAL HOLDING CORPORATION

DOC DATE: 06/11/2012
CITIZENSHIP: MISSOURI
ENTITY: CORPORATION

ASSIGNEE:

HEIZER TECHNOLOGIES, LLC

CITIZENSHIP: GEORGIA
ENTITY: LIMITED LIABILITY COMPANY

8 RAUSCHER DRIVE
ST. LOUIS, MISSOURI 65049

SERIAL NUMBER: 85204480

FILING DATE: 12/22/2010

REGISTRATION NUMBER:

REGISTRATION DATE:

MARK: DOUBLETAP

DRAWING TYPE: STANDARD CHARACTER MARK

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION