

ESTTA Tracking number: **ESTTA499921**

Filing date: **10/13/2012**

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

Proceeding	91205047
Party	Defendant Carlyle Hanson
Correspondence Address	ALEXEY BAKMAN 225 BROADWAY FL 38 NEW YORK, NY 10007 3035 UNITED STATES CallLawyer@gmail.com
Submission	Request to Withdraw as Attorney
Filer's Name	Alexey Bakman, Esq.
Filer's e-mail	CallLawyer@gmail.com
Signature	/Alexey Bakman/
Date	10/13/2012
Attachments	Withdrawal2.pdf (4 pages)(28439 bytes)

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

Dorel Juvenile Group, Inc.,)	
Cosco Management, Inc.)	
)	
Opposers,)	
)	
v.)	Opposition No. 91205047
)	Application Serial No. 85326861
Carlyle Hanson,)	Mark: CONDOM ON BOARD!
)	
Applicant.)	

AMENDED REQUEST FOR ATTORNEY WITHDRAWAL

This motion is filed in response to the order issued by TTAB on September 25, 2012. The referenced order contains requirement for additional information and statements. Accordingly this amended request reiterates the previously filed request and adds the information and statements responsive to the requirements stated in the order.

ACCORDINGLY,

Alexey Bakman, Esq., as attorney of record, representing the applicant in the proceeding above seeks to withdraw from employment as attorney of record and states the following:

We made numerous attempts to avoid foreseeable prejudice to the rights of our client.

Numerous and specific telephone and e-mail communications have been made in an attempt to determine if our services will be retained in responding to the opposition. As of September 2012, no intent to proceed with the response to the opposition has been communicated to us to enable us to carry out the employment effectively.

We have on numerous occasions, by telephone and e-mail notified the client of our desire to withdraw from employment in this particular matter.

We have delivered to the client all papers and property to which the client is entitled.

On numerous occasions we have communicated to the client the seriousness of the matter and the respective due dates for which the opposition response must be submitted.

The termination of representation is mutually-agreed.

We have notified the applicant/registrant of the withdrawal from employment and the filing of this request for withdrawal with the USPTO.

Furthermore, the notice of our withdrawal from employment was not required because the applicant/registrant terminated representation when less than two (2) months remained in the response period.

ADDITIONALLY,

In compliance with the requirements of Trademark Rule 2.19(b)(i), the attorney restates the following:

The practitioner has given notice to the client that the practitioner is withdrawing from employment and will be filing the necessary documents with the Office.

Rule 2.19(b)(i) requires the statement that the client was given notice of the withdrawal at least two months before the expiration of the response period, if applicable. Such a requirement is not applicable here, as: (a) following the first request for extension of time, there was not a period where there was more than two months before the expiration of the response period; (b) the parties were involved in negotiations and client's refusal to direct the attorney to file an answer did not become apparent until shortly before the deadline; (c) the client was given notice at least two months before the expiration of the final response period that attorney will be withdrawing, as the client is not directing the attorney to prepare and file a response, allowing time for applicant to employ another practitioner, if they so elected; (d) as stated above, the applicant/registrant terminated representation when less than two months remained in the response period.

The practitioner has delivered to the client all documents and property in the practitioner's file concerning the application, registration or proceeding to which the client is entitled.

The practitioner has notified the client of any responses that may be due, and of the deadline for response.

ADDITIONALLY:

The attorney states that he has complied with the requirement of the Rule 10.40 that the practitioner who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned.

We respectfully request that the motion to withdraw be granted.

Dated: October 12, 2012

Respectfully submitted,

A handwritten signature in black ink that reads "Alexey Bakman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

/Alexey Bakman, Esq/
Alexey Bakman, Esq
225 Broadway, 38th Floor
New York, NY 10007
Tel: (212)380-1186

CERTIFICATE OF SERVICE

This is to certify that the foregoing AMENDED REQUEST FOR ATTORNEY WITHDRAWAL was served upon the counsel for Opposers, via Electronic transmission, as mutually agreed upon by the parties, addressed to Brian McGinnis at Brian.Mcginnis@btlaw.com.

A copy of the foregoing AMENDED REQUEST FOR ATTORNEY WITHDRAWAL was also served upon the Client Carlyle Hanson via Electronic transmission, as mutually agreed upon by the parties, addressed to carlyleahanson@peoplespride.us.

Dated: October 13, 2012

A handwritten signature in black ink that reads "Alexey Bakman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

/Alexey Bakman, Esq./

Alexey Bakman, Esq.