ESTTA Tracking number: **ESTTA631821**

Filing date: **10/08/2014**

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

Proceeding	91216061
Party	Defendant Axtron Global LLC
Correspondence Address	KRISTIN L PETERSEN GONZALEZ SAGGIO & HARLAN LLP 2 N LAKE AVE SUITE 930 PASADENA, CA 91101 UNITED STATES kristin_petersen@gshllp.com
Submission	Request to Withdraw as Attorney
Filer's Name	Kristin L. Petersen
Filer's e-mail	kristin_petersen@gshllp.com
Signature	/Kristin L Petersen/
Date	10/08/2014
Attachments	14.10.08 Amended Mtn to Withdraw as Counsel - RGB-503640.pdf(165470 bytes)

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

In re Application of:	Axtron Global LLC
Serial No.:	86/063,642
Filed:	September 13, 2013
Published:	March 25, 2014
MARK:	AXTRON (design)

RGB Systems, Incorporated, Opposer, v. Axtron Global, LLC, Applicant.	)	Opposition No. 91216061

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

AMENDED MOTION TO WITHDRAW AS COUNSEL

Pursuant to 37 CFR § 11.116, Kristin Petersen of Gonzalez Saggio & Harlan, LLP ("Counsel"), Attorney for Applicant Axtron Global, LLC ("Axtron"), requests permission to withdraw as counsel for Axtron in this Opposition Proceeding No. 91216061, as well as in the other two opposition proceedings which are currently pending involving Axtron's trademark application (LPD Music International, No. 91217141 and MKS Instruments, Inc., No. 91216047). In response to TTAB's Order issued on October 8, 2014, Counsel amends its motion to withdraw, originally filed on September 25, 2014.

Counsel seeks permission to withdraw on the basis of 37 CFR § 11.116(a)(3), as Pablo Fernandez, on behalf of Axtron, has **discharged** Counsel after the completion of a defined scope of work, as agreed to by Axtron and Counsel. Axtron has informed Counsel that Axtron wishes

to take over its own representation at this stage in the matter and as such, Axtron will not be employing another legal practitioner to represent it in this proceeding.

Further, while this request to withdraw as counsel is made at the request of the client, Counsel has also taken steps to ensure that withdrawal can be accomplished without material adverse effects on the interests of the client.

Counsel engaged in settlement negotiations with counsel for RBG Systems, Incorporated and attempted to obtain Opposer's consent to Axtron's proposed amendment to its application, however, as of the date of this filing, RBG Systems, Incorporated does not consent to this amendment. Consequently, Counsel filed an Answer in this proceeding on August 29, 2014 and a motion to amend Axtron's application, without the consent of RGB Systems, Incorporated, on September 23, 2014.

On multiple occasions, Counsel provided Axtron with the discovery and trial period dates and deadlines and has advised Axtron that it would need to engage in a discovery conference by September 30, 2014, and that the discovery period would open on September 30, 2014.

Counsel has delivered to Axtron all documents and property that relate to the proceeding and to which Axtron is entitled. All fees previously paid by Axtron to Counsel have been earned and as such, Axtron is not due a refund.

Axtron's contact information for this proceeding is: 466 Foothill Blvd. Suite 152, La Canada, California 91011; telephone 1.844.AXTRON.1; and email: legal@axtron.com; pablo@axtron.com.

On September 19, 2013, Counsel informed Opposer RGB Systems that it would be withdrawing as counsel and that Axtron would be taking over its own representation in the matter. As evidenced by the Certificate of Service filed with TTAB, on September 25, 2014,

Counsel served this Motion on Opposer RGB Systems, Inc. by U.S. Mail as well as by email. There is no other party to this proceeding. On September 25, 2014, Counsel also served a copy of this Motion upon the client (see attached Exhibit A).

Counsel has also served a copy of this Amended Motion to Withdraw upon RGB Systems, Inc. and the client on the date of filing this amended motion, on October 8, 2014.

Moreover, as Axtron has discharged Counsel from representation in all matters, Counsel has filed a Motion to Withdraw as Counsel in the other two opposition proceedings that are currently pending at TTAB involving Axtron's trademark application (LPD Music International, No. 91217141 and MKS Instruments, Inc., No. 91216047). Counsel served the motions on the Opposers in those proceedings on September 25, 2014.

Respectfully submitted,

Dated: October 8, 2014

GONZALEZ SAGGIO & HARLAN, LLP

By: _____

Kristin L. Petersen
Attorneys for Applicant Axtron Global, LLC

CERTIFICATE OF SERVICE

Applicant Axtron Global LLC, by and through its attorneys, hereby certifies that a true and complete copy of this **Amended Motion to Withdraw as Counsel** has been served upon Opposer RGB Systems, Incorporated as well as upon Axtron Global, LLC on this 8th day of October, 2014, by First Class Mail at the following address:

John C. Holman, Robert S. Pierce Jacobson Holman PLLC 400 7th St., NW Washington, DC 20004	*ATTORNEYS FOR OPPOSER* RGB Systems, Incorporated
Pablo Fernandez AXTRON GLOBAL LLC 466 FOOTHILL BLVD, SUITE 152 LA CANADA, CA 91011 legal@axtron.com	*APPLICANT*

GONZALEZ SAGGIO & HARLAN, LLP

By: _____
Kristin L. Petersen

Exhibit A

Kristin Petersen Baldrica

From: Kristin Petersen Baldrica
Sent: Thursday, September 25, 2014 4:28 PM
To: 'Pablo Fernandez'
Cc: Jack Schaedel; Tracy M. Vena
Subject: FW: Axtron - RGB Systems
Attachments: 14.09.25 Mtn to Withdraw as Counsel - RGB-500862.pdf

Hi Pablo,

We filed the motions to withdraw as counsel in the three TTAB proceedings. Please see the attached motion for the RGB Systems proceeding, and the below email (we also served the motion by mail as required by the Trademark Office rules).

As I have emailed previously (on 9/9/14 and 9/19/14), be aware that you have a deadline for the discovery conference coming up on 9/30/14. I have not heard anything from RGB Systems' counsel about this conference, but I suggest contact them to set up a time for the conference.

Please let me know if you have any questions.

Best,
Kristin

GONZALEZ SAGGIO HARLAN
Attorneys at Law

Kristin Petersen Baldrica
Attorney at Law

2 North Lake Avenue, Suite 930 | Pasadena, CA | 91101
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Profile | E-Mail | Website | Newsletter | Offices

From: Kristin Petersen Baldrica
Sent: Thursday, September 25, 2014 4:22 PM
To: 'Robert Pierce'
Subject: Axtron - RGB Systems

Robert,

Please see the attached motion to withdraw as counsel, which we filed today with TTAB. Axtron will be taking over its own representation and can be reached at the contact information that I provided previously (which is also listed in the motion).

Best regards,
Kristin

GONZALEZ
Kristin Petersen Baldrica