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

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|------------------------|---|
| Proceeding | 91236357 |
| Party | Defendant Wholesale Decor LLC |
| Correspondence Address | ROGER D EMERSON EMERSON THOMSON BENNETT 1914 AKRON-PENINSULA ROAD AKRON, OH 44313 UNITED STATES iplaw@etblaw.com 330-434-9999 |
| Submission | Request to Withdraw as Attorney |
| Filer's Name | Sergey Vernyuk |
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| Signature | /sergey vernyuk/ |
| Date | 06/04/2019 |
| Attachments | Mot Withdraw A.pdf(78533 bytes) |

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

LCO Destiny, LLC,

Opposer,

v.

Wholesale Décor LLC,

Applicant

Opposition No. 91/236,357

Serial Nos. 87/216,557; 87/216,577

MOTION FOR LEAVE TO WITHDRAW

Pursuant to 37 C.F.R. §§ 2.19(b) and 11.116, the undersigned respectfully requests leave for the attorneys of Emerson Thomson Bennett, LLC to withdraw from representing Applicant Wholesale Décor LLC in the above-captioned applications and opposition.

Applicant filed application nos. 87/216,557 and 87/216,577 on October 26, 2016. Both applications listed the following attorneys of Emerson Thomson Bennett, LLC as appointed attorneys: Roger D. Emerson, Daniel A. Thomson, Timothy D. Bennett, John A. Skeriotis, Sergey Vernyuk, Mallory K. Buelow, Andrew S. Curfman, Peter R. Detorre.

After being published for opposition on May 16, 2017, both applications were opposed by Opposer LCO Destiny, LLC on August 28, 2017. 1 TTABVUE. Opposer also filed suit against Applicant (no. 5:17-cv-00946-FJS-ATB (N.D.N.Y.)) and moved to stay the opposition pending the disposition of the suit, which motion the Board granted. 4 TTABVUE; 5 TTABVUE. The suit is still pending, and this opposition remains stayed. *See* 8 TTABVUE.

Per § 11.116(b)(1), the withdrawal may be accomplished without material adverse effect on the interests of Applicant because this opposition has been stayed since inception and is anticipated to remain stayed for the next few months. There are no upcoming deadlines in this

opposition, and Applicant will have sufficient time to find replacement attorneys. The withdrawing attorneys have notified Applicant on May 16, 2019, of the intent to request withdrawal, have provided to Applicant copies of all papers and property concerning the applications and opposition to which Applicant is entitled, and have notified Applicant that there is no outstanding response in the opposition while it is stayed. There are no fees that have been paid in advance, not earned, and not refunded. Having complied with the applicable requirements, the undersigned respectfully requests leave for the attorneys of Emerson Thomson Bennett, LLC to withdraw as counsel for Applicant in this opposition and involved applications.

Respectfully submitted,

Date: June 4, 2019

By: /sergey vernyuk/
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CERTIFICATE OF SERVICE

I certify that on **June 4, 2019**, a copy of the foregoing Motion was served via e-mail on:

Applicant Wholesale Décor LLC
c/o Mr. Jim Varga
jim@neofill.com

Mr. Robert E. Purcell
Counsel for Opposer
rpurcell@repurcelllaw.com

/sergey vernyuk/
Sergey Vernyuk