

ESTTA Tracking number: **ESTTA911200**

Filing date: **07/23/2018**

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

Proceeding	91241760
Party	Defendant Interstate Muffler LLC
Correspondence Address	Phillip Thomas Horton Phillip Thomas Horton 47 School Street Pembroke, MA 02359 Email: Horton.PhillipT@gmail.com, Phillip.Horton@outlook.com
Submission	Request to Withdraw as Attorney
Filer's Name	Phillip Thomas Horton
Filer's email	Horton.phillipt@gmail.com
Signature	/phillip Thomas horton/
Date	07/23/2018
Attachments	PROLINE withdrawal.pdf(51034 bytes)

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

The Pep Boys Manny, Moe & Jack))	
of California,))	
))	
Opposer,))	
))	
vs.))	Opposition No. 91241760
))	
Interstate Muffler LLC,))	
))	
Applicant.))	
))	

MOTION TO WITHDRAW AS ATTORNEY

Pursuant to Sections 116.02 and 116.03 of the Trademark Trial and Appeal Board Manual of Procedure as well as 37 C.F.R. § 10.40, the undersigned attorney (“Attorney”) moves to withdraw as attorney for the Applicant Interstate Muffler LLC (“Client”) in this matter and show as follows:

1. This request for permissive withdrawal is made because: (1) the Client’s conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively; (2) the Client has acknowledged his desire to find new Counsel; and (3) the Client has expressed desire of abandoning the application. Additionally, unbeknownst to the Attorney, the Client filed a Revocation of Attorney form dated June 15, 2018.
2. The undersigned has given due notice to the Client to allow for employment of another practitioner.

3. The Attorney is not in possession of any papers or property related to the proceedings to which the Client is entitled.

4. The Attorney has not received a fee in advance that has not been earned.

5. The Client was notified of the Opposition on June 12, 2019, and the deadline to file an Answer, however, the undersigned requests that the proceedings and any relevant deadlines be temporarily suspended for a period of 30-days to allow Client sufficient time to find new counsel in this case.

6. Additionally, the undersigned respectfully requests that any new pleadings or papers be served directly to the Client at the following address:

Wayne Sipe
Interstate Muffler LLC
16869 Oviedo Drive
Elkton, VA 22827
wjsva@aol.com

Wherefore, Attorneys request to be relieved from any further responsibility in this matter.

Respectfully submitted,

Date: July 23, 2018

/Phillip Thomas Horton/
Phillip Thomas Horton, Esq.
Horton Law, PLLC
736 West State Street, F301
Farmington, UT 84025
Phone/Fax: 801-664-2863
Email: PTHorton@HortonLaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via email upon the following:

Wayne Sipe
Interstate Muffler LLC
16869 Oviedo Drive
Elkton, VA 22827
wjsva@aol.com

AND

The Pep Boys Manny, Moe & Jack of California
Marsha G. Gentner
Dykema Gossett PLLC
1301 K Street, NW, Ste 1100 West
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tm@dykema.com
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Respectfully submitted,

Date: July 23, 2018

/Phillip Thomas Horton/
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