

ESTTA Tracking number: **ESTTA1127913**

Filing date: **04/19/2021**

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

Proceeding	91264770
Party	Defendant Pick Six Investments, LP
Correspondence Address	FRANK A. MAZZEO RYDER MAZZEO & KONIEZCNY LLC 808 BETHLEHEM PIKE, SUITE 200 COLMAR, PA 18915 UNITED STATES Primary Email: fmazzeo@rmkiplaw.com Secondary Email(s): bpowers@rmkiplaw.com 305-673-6686
Submission	Request to Withdraw as Attorney
Filer's Name	Frank A. Mazzeo
Filer's email	fmazzeo@rmkiplaw.com, bpowers@rmkiplaw.com
Signature	/FrankAMazzeo/
Date	04/19/2021
Attachments	Motion to Withdraw Pick Six 91264770.pdf(123932 bytes)

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

HELL ENERGY Magyarország Kft.,	:	
	:	
Opposer,	:	In the Matter of App. Serial No.:
	:	88/356,974
v.	:	Opposition No.: 91264770
	:	
PICK SIX HOLDINGS INC.,	:	
	:	
Applicant.	:	

MOTION TO WITHDRAW AS REPRESENTATIVE

Pursuant to TBMP § 513.01, Applicant’s counsel, Frank A. Mazzeo, Esquire and Ryder, Mazzeo and Konieczny, LLC, (collectively “Counsel”) move for leave to withdraw as counsel of record for the above-listed Applicant Pick Six Investments LP. By filing this motion, Counsel does not intend to waive any attorney-client privilege. Additionally, pursuant to TBMP § 510.03, Applicant’s Counsel requests an immediate suspension of the proceedings to last until at least 30 days after the date of the Board’s decision on this motion.

According to 37 CFR § 10.40(c)(1)(vi), a practitioner representing a client before the Office may request withdrawal because the client has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services. Applicant has substantially failed to fulfill its financial obligations for Counsel’s services, and has been given reasonable warning that Counsel will withdraw unless Applicant’s obligations are fulfilled. As of the filing date of this motion, Applicant has not met its deadline to pay overdue invoices due for Counsel’s services and, therefore, Counsel files this motion to withdraw. Counsel’s representation of Applicant has resulted in, and will continue to result in an unreasonable financial burden to Counsel.

All papers and properties that relate to the proceeding and to which the client is entitled have been delivered to the client.

Additionally, Counsel requests an immediate suspension of the proceedings pursuant to 37 CFR § 2.117. According to 37 CFR § 2.117(c), proceedings may be suspended, for good cause, upon motion to the Board. A suspension will allow Applicant to obtain substitute counsel to prepare the Answer.

If the motion is granted in full, Applicant would not be prejudiced as Counsel has requested for the immediate suspension to allow Applicant to find new representation before the Answer deadline.

WHEREFORE, Counsel respectfully requests the Board to grant leave for withdrawal as representative, and, on behalf of Applicant, for an immediate suspension of the proceedings to last until at least 30 days after the date of the Board's decision on this motion.

By: /Frank A. Mazzeo/
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Dated: April 19, 2021

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION TO WITHDRAW AS REPRESENTATIVE** has been served on Opposer and Applicant via email at the address of record below on this date.

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Date: 4/19/21

/FrankAMazzeo/
Frank A. Mazzeo