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Filing date: **09/23/2011**

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

Proceeding	92053315
Party	Defendant The American University for Science and Technology
Correspondence Address	MATTHEW H. SWYERS THE TRADEMARK COMPANY, PLLC 344 MAPLE AVENUE WEST SUITE 151 VIENNA, VA 22180 UNITED STATES mswyers@TheTrademarkCompany.com, jamier@thetrademarkcompany.com
Submission	Request to Withdraw as Attorney
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	09/23/2011
Attachments	Withdrawal of Counsel of Record.pdf ( 4 pages )(26076 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

In the matter of Ser. No. 77/934,189  
For the mark THE AMERICAN UNIVERSITY FOR  
SCIENCE AND TECHNOLOGY,

American University	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92053315
	:	
The American University for	:	
Science and Technology.	:	
	:	
Registrant.	:	

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW the Registrant California Academy of Health, Inc. (hereinafter “Registrant”), by counsel Matthew H. Swyers, Esquire, of The Trademark Company, PLLC and files the instant motion to withdraw as counsel of record in the above-captioned matter pursuant to TBMP § 513.01. In support of the instant motion counsel for the Registrant certifies as follows:

**Basis of Request**

Counsel of Registrant is no longer receiving directives from Registrant as to litigation decisions, strategy, and the like required to continue his representation in this matter. Despite numerous attempts to communicate with the Registrant, counsel certifies that Registrant has ceased all communications with counsel for Registrant and/or has otherwise denied counsel for the Registrant the continued authority to proceed in his representative capacity in this matter. As such, counsel for the Registrant’s ability to represent Registrant has been severely compromised to the extent that he can no longer effectively represent Registrant.

### **Certifications Required by TBMP § 513.01**

Counsel for the Registrant hereby certifies:

1. He has notified the Registrant of his desire to withdraw as counsel in this matter and has allowed the Registrant sufficient time to locate alternative counsel if it so chooses;
2. All papers and other materials that relate to the case have been delivered to the Registrant to allow them to continue with this matter if they so choose;
3. There are no unearned fees to be refunded to the Registrant; and
4. Proof of service of the instant motion is attached below.

### **Summary**

WHEREFORE for good cause shown counsel for the Registrant respectfully moves the Board for an order withdrawing counsel as counsel of record for the Registrant and, in his place, substituting the following contact information with the Board for this matter:

Dr. M. A. Wahab  
The American University for Science and Technology  
18345 Ventura Boulevard, Suite 210  
Tarzana, CA 91356  
president@austc.us

Respectfully submitted this 23<sup>rd</sup> day of September, 2011

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/  
Matthew H. Swyers, Esq.  
344 Maple Avenue West, Suite 151  
Vienna, VA 22180  
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For the mark THE AMERICAN UNIVERSITY FOR  
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American University	:	
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vs.	:	Cancellation No. 92053315
	:	
The American University for	:	
Science and Technology.	:	
	:	
Registrant.	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing Withdrawal of Counsel to be served this 23<sup>rd</sup> day of September, 2011 first-class mail upon the following:

Edward W. Gray, Jr.  
Fitch, Even, Tabin & Flannery  
120 S. LaSalle Street, Suite 1600  
Chicago, IL 60603

and

Dr. M. A. Wahab  
The American University for Science and Technology  
18345 Ventura Boulevard, Suite 210  
Tarzana, CA 91356

/Matthew H. Swyers/  
Matthew. H. Swyers

