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

Proceeding	91248963
Party	Plaintiff American Party Inc.
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Date	09/13/2020
Attachments	RequestForBoardDecision.pdf(143947 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**The Trademark Trial and Appeal Board**

In the Matter of Application Serial No. 87809067

For the mark: United Americans Party

Published: May 21, 2019

American Party, Inc.

Opposer,

vs.

Opposition No. 91248963

Paul M. Stuart

Applicant

## **REQUEST FOR BOARD DECISION ON ATTORNEY'S MOTION TO WITHDRAW**

On September 6, 2020 Jeffrey M. Furr filed a motion called "MOTION TO WITHDRAW AS COUNSEL FOR APPLICANT." He stated that "Applicant has not instructed Attorney how to proceed and is not following Attorney advice and counsel on a very important matter. Since Applicant has done this and based on this issue, Attorney is obligated to withdraw as Counsel."

To date the Board has not rendered a decision as to whether or not it will allow Mr. Furr to withdraw from this case.

Yet, on September 12, 2020, Plaintiff received via email a document from Mr. Furr that purports to be Defendant's Initial Disclosures. This email message and document contain no information or statement concerning the status of Mr. Furr's representation of his former client. Jeffrey Furr has not filed a motion or any other paper with the Board since his motion to withdraw on September 6, 2020.

Accordingly, it is requested that the Board promptly render a decision as to Mr. Furr's motion to withdraw as counsel so that the issue of representation before the Board is clarified.

At this time we want to advise all parties of our belief that the Defendant caused this fraudulent Application to be made on February 23, 2018. It is fraudulent because, among other things, it contains a verified statement by Defendant that is provably false. Specifically, Defendant verified that his Application met the requirements of 15 U.S.C. §1051(3) when clearly it did not.

This issue was briefly noted and discussed in the Discovery Conference by the Board attorney as external to the three Grounds for Opposition that have been entered for this case.

Further, as discussed in Plaintiff's Notice of Opposition, Defendant made a number of purposefully deceptive and provably false statements in his December 13, 2018 Response to Office Action.

Accordingly, we currently believe that both Defendant and counsel may have liability pursuant to 15 U.S. Code §1120. Civil liability for false or fraudulent registration, to wit: "Any person who shall procure registration in the Patent and Trademark Office of a mark by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable in a civil

action by any person injured thereby for any damages sustained in consequence thereof." There may be additional violations of law, regulations or codes of conduct.

This matter of fraud is, as the Board attorney has noted, separate from both the Grounds of Opposition in this case and separate from the issue of the Examiner's handling of the Application.

*Roger Cowles*

Roger E. Cowles

American Party, Inc.

Founder, Lead Director, Chairperson, President, Treasurer &  
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