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

Proceeding	92057535
Party	Defendant Cold Snapp
Correspondence Address	STACEY L GRIFFITHS GRIFFITHS & SMITHERMAN PL 804 N OLIVE AVENUE, FIRST FLOOR WEST PALM BEACH, FL 33401 UNITED STATES sgriffiths@gslawfl.com
Submission	Request to Withdraw as Attorney
Filer's Name	/Stacey L Griffiths/
Filer's e-mail	sgriffiths@slgpa.com
Signature	/Stacey L Griffiths/
Date	04/30/2014
Attachments	Motion to Withdraw.pdf(231423 bytes)

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

In the Matter of Registration No. 4, 260, 644
For the Mark: **WET IT, WRING IT, SNAP IT!**
Registration Date: December 18, 2012

TEMPNOLOGY LLC, Petitioner, v. COLD SNAPP, LLC, Registrant.

Cancellation No: 92057535

**COUNSEL’S MOTION TO WITHDRAW PURSUANT TO
TBMP 513.01, 37 CFR §2.19(b), AND 37 CFR § 10.40(b)**

Pursuant to TBMP 513.01, 37 CFR §2.19(b), and 37 CFR §10.40(b), undersigned counsel and the law firm of Griffiths & Smitherman, P.L. (collectively “The Firm”) respectfully request the Board grant it leave to Withdraw as Counsel of Record for Registrant, COLD SNAPP, LLC (“Registrant”), and in support thereof, states as follows:

1. Registrant retained The Firm to represent it in the above styled action on or about August 13, 2013.
2. The Firm has provided Registrant with substantial legal representation protecting its interests in the above litigation.

3. Due to actions undertaken by Registrant without The Firm's knowledge, advice or consent, conflicts of interest have arisen between The Firm and Registrant. Registrant's actions have materially limited The Firm's ability to represent it in this matter.

4. The Firm became aware of these conflicts of interest on or about April 29, 2014, and therefore files this Motion promptly.

5. Pursuant to 37 CFR §10.40(b) and Florida Rule of Professional Conduct 4-1.16, Registrant's actions require a mandatory withdrawal.

6. 37 CFR §10.40 Withdrawal from employment:

(a) A practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office (see §§ 1.36 and 2.19 of this subchapter). In any event, a practitioner shall not withdraw from employment until the practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to his or her client, allowing time for employment of another practitioner, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules. A practitioner who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned.

(b) **Mandatory withdrawal.** A practitioner representing a client before the Office shall withdraw from employment if:

(1) The practitioner knows or it is obvious that the client is bringing a legal action, commencing a proceeding before the Office, conducting a defense, or asserting a position in litigation or any proceeding pending before the Office, or is otherwise having steps taken for the client, merely for the purpose of harassing or maliciously injuring any person;

(2) The practitioner knows or it is obvious that the practitioner's continued employment will result in violation of a Disciplinary Rule;

(3) The practitioner's mental or physical condition renders it unreasonably difficult for the practitioner to carry out the employment effectively; or

(4) The practitioner is discharged by the client.

7. Rule 4-1.16 of the Rules Regulating the Florida Bar mandates:

(a) When Lawyer Must Decline or Terminate Representation. Except as stated in subdivision (c), a lawyer shall not represent a client or, where representation has commenced, **shall withdraw** from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;

(3) the lawyer is discharged;

(4) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent, unless the client agrees to disclose and rectify the crime or fraud; or

(5) the client has used the lawyer's services to perpetrate a crime or fraud, unless the client agrees to disclose and rectify the crime or fraud.

8. The attorneys of The Firm have discussed this matter at length and determined that a mandatory withdrawal is necessary. The Firm may not be more specific without taking a risk that it will violate or prejudice the rights of the Registrant and the rules of confidentiality.

9. On or about April 29, 2014, The Firm advised Registrant by email that it would have to withdraw from the matter due to Registrant's actions. On or about April 30, 2014, The Firm sent Registrant formal correspondence giving due notice to Registrant, allowing time for

employment of another lawyer, advising Registrant that The Firm had no original documents to which the client is entitled, providing a final invoice, and otherwise complying with applicable laws and rules. There is no refund due Registrant.

10. In addition, Registrant advised The Firm to cease all work on the matter until further notice from Registrant to continue work. The Firm has not received any communication from Registrant as of the time of the filing of this Motion instructing The Firm to continue working on the matter.

11. Registrant's address is 5589 Descartes Circle, Boynton Beach, Florida 33472, and its email address is adam@coldsnap.com.

WHEREFORE, The Firm respectfully requests the Board enter an Order: a) Allowing The Firm to withdraw as counsel for Cold Snapp, LLC; b) Relieving The Firm of any further obligations on behalf of Cold Snapp, LLC; c) Providing Cold Snapp, LLC with at least thirty (30) days to retain successor counsel before any additional deadlines are imposed upon it; d) Directing that all future pleadings, motions, discovery, and any and all other communications concerning this matter be sent to Registrant at the address listed in paragraph 9 hereto until such time as successor counsel enters an appearance; and e) For such other relief as the Board deems just and proper.

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