

ESTTA Tracking number: **ESTTA289673**

Filing date: **06/15/2009**

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

Proceeding	91190292
Party	Defendant Mills Entertainment LLC
Correspondence Address	MEGHAN Q. TONER HOFFMAN, WARNICK & D'ALESSANDRO 75 STATE ST STE 14 ALBANY, NY 12207-2970 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	David E. Rook
Filer's e-mail	drook@hoffmanwarnick.com
Signature	/ David E. Rook /
Date	06/15/2009
Attachments	MENT-0001-OP_MotionforMandatoryWithdrawal(06-15-09).pdf (6 pages) (111539 bytes)

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

In Re: Application Serial No. 77/430664

Published: November 18, 2008

Applicant: Mills Entertainment LLC

Mark: **HOODWINKED**

KANBAR ENTERTAINMENT, LLC

Opposer,

- against -

MILLS ENTERTAINMENT LLC,

Applicant.

**NOTICE OF MOTION FOR MANDATORY WITHDRAWAL OF LEGAL
REPRESENTATION OF APPLICANT**

PROCEEDING NO.: 91190292

MOTION MADE BY:	HOFFMAN WARNICK, LLC
DATE, TIME AND PLACE:	Pursuant to Law or to be determined by Trademark Trial and Appeal Board
SUPPORTING PAPERS:	Affidavit of David E. Rook, Esq.
RELIEF REQUESTED:	Mandatory withdrawal of legal representation of applicant pursuant to 37 C.F.R. §10.40(a) and 10.40(b)(4).
ANSWERING AFFIDAVITS:	Demand is hereby made that answering affidavits, if any, be served within the time frame either pursuant to law or as directed by the Trademark Trial and Appeal Board

DATED: June 15, 2009

Yours, etc.

A handwritten signature in black ink, appearing to read 'D. Rook', written over a horizontal line.

David E. Rook, Esq.

HOFFMAN WARNICK LLC

Attorneys for Applicant

75 State Street, 14th Floor

Albany, New York 12207

(518) 449-0044

TO: John P. Rynkiewicz, Esq. (served electronically and first-class mail)
Kaye Scholer LLP
Attorneys for Opposer
901 Fifteenth Street, N.W. Suite 700
Washington, DC 20005
jrynkiewicz@kayescholer.com

CC: Mills Entertainment LLC (mailed electronically and first-class mail)

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**AFFIDAVIT IN SUPPORT OF MOTION FOR
MANDATORY WITHDRAWAL OF LEGAL REPRESENTATION OF
APPLICANT**

PROCEEDING NO.: 91190292

STATE OF NEW YORK :
 : ss.:
COUNTY OF ALBANY :

DAVID E. ROOK, Esq. being duly sworn, deposes and says:

1. I am an attorney and counselor at law associated with the law offices of HOFFMAN WARNICK LLC (hereinafter referred to as "HOFFMAN WARNICK"), attorneys of record for Applicant MILLS ENTERTAINMENT LLC (hereinafter referred to as "MILLS ENTERTAINMENT"), and am fully familiar with the facts and circumstances, pleadings and proceedings herein.

2. I make this affidavit in support of HOFFMAN WARNICK's motion for mandatory withdrawal of legal representation of applicant pursuant to 37 C.F.R. §10.40(a) and (b)(4). (Pursuant to 37 C.F.R. §2.127(a) Applicant's brief is embodied in this affidavit.)

**REQUIRED STATEMENTS FOR MANDATORY WITHDRAWAL OF LEGAL
REPRESENTATION**

(A) SPECIFICATION OF THE BASIS FOR THE REQUEST

3. HOFFMAN WARNICK's specific basis for the request is that MILLS ENTERTAINMENT has discharged HOFFMAN WARNICK from representation in this matter.

4. HOFFMAN WARNICK received notice from MILLS ENTERTAINMENT on June 11, 2009 to cease representation of MILLS ENTERTAINMENT in the opposition proceeding.

(B) NO FORESEEABLE PREJUDICE TO CLIENT.

5. MILLS ENTERTAINMENT has been provided a copy of all proceedings to date and is aware of the answer deadline of June 29, 2009.

(C) ALL PAPERS AND PROPERTY THAT RELATE TO THE PROCEEDING AND TO WHICH CLIENT IS ENTITLED HAVE BEEN DELIVERED TO THE CLIENT.

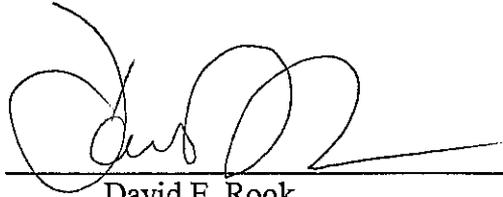
6. All papers and property that relate to the proceeding and to which MILLS ENTERTAINMENT is entitled have been delivered to the client.

(D) IF ANY PART OF A FEE PAID IN ADVANCE AND HAS NOT BEEN EARNED, A STATEMENT THAT THE UNEARNED PART HAS BEEN REFUNDED.

7. Hoffman Warnick is not in possession of any fees paid by MILLS ENTERTAINMENT in advance.

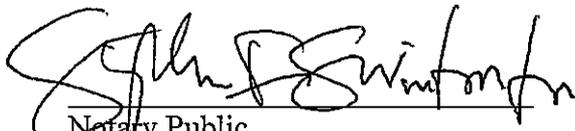
WHEREFORE, HOFFMAN WARNICK respectfully requests that an order be entered approving the mandatory withdrawal from legal representation of MILLS ENTERTAINMENT concerning the above captioned matter, together with such other and further relief as this court deems just and appropriate.

Dated: June 15, 2009



David E. Rook

Sworn to before me this 15th day of June, 2009.



Notary Public
State of New York

STEPHEN F. SWINTON JR
Notary Public, State of New York
No. 02SW6170332
Qualified in Schenectady County
Commission Expires July 09, 20 11

