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Filing date: **02/28/2015**

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

Proceeding	91213163
Party	Plaintiff Vapour Kingdom LLC
Correspondence Address	MARGARET S MILLIKIN Millikin Intellectual Property Law, PLLC 4527 E. 91st St., Ste. 127 TULSA, OK 74137 UNITED STATES peggy@millikiniplaw.com
Submission	Request to Withdraw as Attorney
Filer's Name	MARGARET S MILLIKIN
Filer's e-mail	peggy@millikiniplaw.com
Signature	/Margaret S. Millikin/
Date	02/28/2015
Attachments	Motion to Withdraw as Attorney for Opposer, Vapour Kindgom, LLC.pdf(170072 bytes )

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

In re Application for: VAPOR KINGDOM  
 Applicant Name: Electronic Cigarettes, Inc.  
 Serial No.: 85/926795  
 Filing Date: May 8, 2013  
 Date of Publication: September 24, 2013

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	)	
VAPOUR KINGDOM, LLC	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91213163
	)	Date of Application: May 8, 2013
ELECTRONIC CIGARETTES, INC.	)	
a New York Corporation,	)	
	)	
Applicant.	)	

**MOTION FOR PERMISSIVE WITHDRAWAL AS ATTORNEY FOR  
OPPOSER, VAPOUR KINGDOM, LLC**

Margaret S. Millikin, of Millikin Intellectual Property Law, PLLC (“Counsel”), attorney of record for Vapour Kingdom, LLC (“Opposer”), files this Motion for Permissive Withdrawal as Attorney for Opposer, pursuant to 37 CFR § 10.40(c)(iv), 37 C.F.R. § 11.116(5) and *Trademark Trial and Appeal Board Manual of Procedure* § 513.01. In support of this Motion, Counsel asserts the following:

1. This request for permissive withdrawal is based upon 37 CFR § 10.40(c)(iv) and 37 C.F.R. § 11.116(5). By its conduct, Opposer has rendered it unreasonably difficult for Counsel to carry out the employment effectively. Opposer has not responded to many attempts by Counsel to contact Opposer for the purpose of advancing the matter to settlement or to prosecute Opposer’s claims in the Opposition. Counsel has contacted Opposer multiple times by email, by telephone at Opposer’s place of business and by telephone at the mobile telephone number for Jimmy Shannon, the manager/owner for Opposer. Counsel left multiple messages with employees at Opposer’s place of business, requesting that Mr. Shannon return the phone call. Mr. Shannon has not returned these

calls. Counsel has called Mr. Shannon's mobile telephone number and left multiple voice mail messages requesting that Mr. Shannon return the call. Mr. Shannon has not returned these calls. Counsel has followed up these voice mail messages by sending email messages to Mr. Shannon at the email address for Mr. Shannon at the place of business of the Opposer, informing him that Counsel has been attempting to reach him to discuss the Opposition and possible settlement. Opposer did not reply to these emails. Counsel has sent Opposer more than twenty emails since their last communication in July of 2014, advising Opposer of the status of the Opposition, settlement discussions and approaching deadlines and obligations. Opposer has not responded to any of these emails. Counsel has at times requested both delivery and read receipts when sending these emails, and delivery receipts have been provided although read receipts have never been provided.

2. Counsel has notified Opposer multiple times of her desire to withdraw from employment, at least as early as September 23, 2014, again on November, 2, 2014 and again on January 12, 2015, and has allowed time for Opposer to employ another practitioner.

3. Counsel has delivered to Opposer copies of all papers and property that relate to the Opposition, or to other matters for which Opposer retained Counsel, and that Opposer is entitled have. Opposer has been given notice of Counsel's intention to withdraw at least two months prior to the expiration of any response period. Counsel obtained a suspension of the Opposition on January 12, 2015 to enable Opposer to find other counsel or to prosecute the Opposition *pro se*.

4. Counsel has notified Opposer of the deadlines coming due in the Opposition.

5. Opposer has not paid Counsel for services or expenses, which exceed several thousand dollars, although Opposer signed an engagement letter agreeing to the terms of payment. In the event that Opposer was experiencing financial trouble, Counsel offered to write off the past due fees and to attempt to settle this matter for Opposer *pro bono*. Opposer has not responded to this offer. There are no unearned sums to be refunded to the Opposer.

6. By failing or refusing to communicate with Counsel, Opposer has made it unreasonably difficult for Counsel to carry out the employment effectively and has failed substantially to fulfill an obligation Counsel.

7. This Motion is being served upon Opposer and upon every other party to the proceeding.

Respectfully submitted,

By: /Margaret S. Millikin/  
Margaret S. Millikin  
OBA #: 13736

- Of the Firm -

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ATTORNEY FOR OPPOSER  
VAPOUR KINGDOM, LLC

### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via ESTTA to the United States Patent and Trademark Office on this 28<sup>th</sup> day of February, 2015.

/Margaret S. Millikin/  
Margaret S. Millikin

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *MOTION FOR PERMISSIVE WITHDRAWAL AS ATTORNEY FOR OPPOSER, VAPOUR KINGDOM, LLC* was mailed first class mail, postage prepaid, this 28<sup>th</sup> day of February, 2015 to the following:

Mr. Jimmy Shannon Vapour Kingdom, LLC 2203 W. Main, Suite 6 Norman, Oklahoma 73069	Jeffery M. Furr FURR LAW FIRM 2622 DeBolt Road Utica, Ohio 43080 United States
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/Margaret S. Millikin/  
Margaret S. Millikin