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



Bridgestone/Firestone Research, Inc.

07-24-2001

U.S. Patent & TMO/TM Mail Rept Dt #57

Opposer,

v.

Opposition No. 122,110

Karl, Allan F.

Applicant (Assignor)

Wirestone, LLC,

Serial No. 75/839,980

(by Assignment and Change of Name).

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OPPOSER'S MOTION AND MEMORANDUM OF LAW
TO JOIN DEFENDANTS

NOW COMES Bridgestone/Firestone Research, Inc., (hereinafter referred to as "Opposer"), the Opposer in the above-captioned matter, and, pursuant to Trademark Trial and Appeal Board Manual of Procedure ("TBMP") § 512.01, respectfully moves the Trademark Trial and Appeal Board ("TTAB") to join Wirestone, LLC, and Allan F. Karl as defendant's in the above-captioned opposition.

FACTS

1. On November 5, 1999, Allan F. Karl filed U.S. trademark application Serial No. 75/839,980 to register the mark WIRESTONE.
2. On November 21, 2000, application Serial No. 75/839,980 was published for opposition in the *Official Gazette*.

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3. On December 12, 2000, Opposer filed a Request for Extension of Time to File A Notice of Opposition.
4. On February 16, 2001, Opposer filed a Notice of Opposition against trademark application Serial No. 75/839,980, owned by Allan F. Karl.
5. On March 1, 2001, the Trademark Trial and Appeal Board instituted Opposition No. 122,110, captioned *Bridgestone/Firestone Research, Inc. v. Karl, Allan F.*
6. On April 3, 2001, Allan F. Karl assigned application Serial No. 75/839,980 to Wirestone Acquisition, LLC. The assignment was recorded with the Patent and Trademark Office on April 10, 2001 at Reel and Frame Nos. 2227/0415.
7. On April 3, 2001, Wirestone Acquisition, LLC, changed its name to Wirestone, LLC. The change of name was recorded with the Patent and Trademark Office on April 16, 2001 at Reel and Frame Nos. 2283/0250.
8. Both the assignment from Allan F. Karl to Wirestone Acquisition, LLC, and the change of name from Wirestone Acquisition, LLC, to Wirestone, LLC, were executed and recorded after Opposer filed its Notice of Opposition and after the opposition proceeding was instituted by the TTAB.
9. On April 24, 2001, Wirestone, LLC, filed an answer to the Notice of Opposition. In its answer, Wirestone, LLC, indicates that it is the owner of application Serial No. 75/839,980 by virtue of an assignment and change of name.

MEMORANDUM OF LAW IN SUPPORT OF

MOTION TO JOIN PARTIES

Opposer respectfully requests that Wirestone, LLC, and Alan F. Karl be joined as defendants in this opposition. Wirestone, LLC, filed an answer to the Notice of Opposition and indicated that it now owns the mark and application by virtue of an assignment and change of name. The current records of the Patent & Trademark Office confirm that an assignment from Alan F. Karl to Wirestone Acquisition, LLC, was executed on April 3, 2001 and recorded on April 10, 2001 and that Wirestone Acquisition, LLC, subsequently changed its name to Wirestone, LLC.

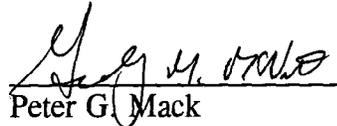
When a mark that is the subject of a Federal application is assigned, together with the application, and the assignment is recorded in the Assignment Branch of the Patent & Trademark Office, the assignee may be joined to an *inter partes* proceeding upon motion granted by the TTAB or upon the TTAB's own initiative. TBMP § 512.01.10. In this case, joinder is appropriate because the assignment occurred after the opposition proceeding commenced, it is believed that the assignor, an individual, is still in existence, the discovery and testimony periods have not closed, and Opposer specifically requests joinder.

Joinder is necessary in order to facilitate discovery. The original applicant, Allan F. Karl, filed the application based on a bona fide intent to use the subject mark in commerce. Accordingly, Mr. Karl possesses relevant information concerning his bona fide intent to use the mark and the circumstances surrounding the assignment of the mark and application. It would be unduly burdensome to require Opposer to subpoena Mr. Karl in order to obtain this information.

WHEREFORE, Opposer respectfully requests that Wirestone, LLC, and Allan F. Karl
be joined as defendants in this opposition proceeding.

Respectfully submitted,

Foley & Lardner



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Attorney's for Opposer

Dated: July 24, 2001

FOLEY & LARDNER
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CERTIFICATE OF SERVICE

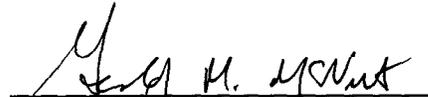
I hereby certify that the foregoing OPPOSER'S MOTION AND MEMORANDUM OF LAW TO JOIN DEFENDANTS was served this 24th day of July, 2001, by mailing a true copy thereof via First Class U.S. Mail, postage prepaid, addressed to the following:

Thomas C. McDonough, Esq.
Jeffrey G. Mote, Esq.
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and,

Allan F. Karl
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Costa Mesa, California 92626

By:


Geoffrey McNutt