

ESTTA Tracking number: **ESTTA134608**

Filing date: **04/10/2007**

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

Proceeding	91165598
Party	Plaintiff SARA LEE CORPORATION SARA LEE CORPORATION  ,
Correspondence Address	ARTHUR J. DEBAUGH SARA LEE CORPORATION 1000 E. HANES MILL ROAD WINSTON-SALEM, NC 27105 UNITED STATES
Submission	Motion to Join/Substitute Party
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Date	04/10/2007
Attachments	MOTION TO SUBSTITUTE.pdf ( 3 pages )(66891 bytes )

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

**In the Matter of Trademark Application Serial No. 78/197,414  
Published on July 20, 2004  
For the Mark TEXENERGY & Design**

**HBI BRANDED APPAREL )  
ENTERPRISES, LLC )  
successor in interest of )  
SARA LEE CORPORATION )  
 )  
Opposer, )  
 )  
v. )  
 )  
GAFITEX S.R.L., )  
 )  
Applicant. )**

**Opposition No. 91165598**

**CONSENTED MOTION TO SUBSTITUTE OPPOSER**

Opposer HBI Branded Apparel Enterprises, LLC (“HBI”), by and through counsel and pursuant to TBMP 512.01, hereby requests that HBI be formally substituted for Sara Lee Corporation (“Sara Lee”) as the named Opposer in the above-referenced opposition proceeding.

As grounds for the instant Motion, HBI hereby shows the Board as follows:

1. On or about August 29, 2006, and after commencement of these opposition proceedings, Sara Lee assigned to HBI all of its rights, title and interest to the trademark registrations relied upon by Opposer in these opposition proceedings (the “HBI Registrations”).
2. By virtue of this assignment, HBI is the current owner of the HBI Registrations.

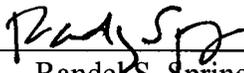
3. The aforementioned assignment was recorded with the United States Patent and Trademark Office on or about August 31, 2006, at Reel 3382, Frame 0001, with respect to the HBI Registrations.

4. Counsel for Applicant, Jonathan Myers, has expressly consented to substitute HBI for Sara Lee in the above-identified opposition proceeding.

WHEREFORE, HBI respectfully requests that the instant Motion be granted in its entirety and that the Board issue an order substituting HBI for Sara Lee as the named Opposer in this proceeding.

This the 10<sup>th</sup> day of April, 2007.

Date: April 10, 2007

By:   
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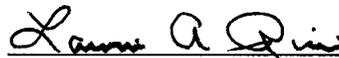
**CERTIFICATE OF SERVICE**

I do hereby certify that on April 10, 2007, I filed via electronic means (ESTTA) this  
CONSENTED MOTION TO SUBSTITUTE OPPOSER with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
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with a copy via First Class Mail, postage prepaid, to:

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Laurie A. Ricci, Senior Paralegal