ESTTA Tracking number: **ESTTA203336**
Filing date: **04/08/2008**

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

Proceeding	91180852
Party	Plaintiff BASF Aktiengesellschaft
Correspondence Address	James D. Weinberger Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza, 6th Floor New York, NY 10017 UNITED STATES jweinberger@frosszelnick.com, jferraro@frosszelnick.com
Submission	Motion to Join/Substitute Party
Filer's Name	Joyce M. Ferraro
Filer's e-mail	jferraro@frosszelnick.com
Signature	/jmf/
Date	04/08/2008
Attachments	Motion to Substitute - BASF (PYRAMIN) v. Albaugh (PYRAMID) (F0253103).PDF (14 pages)(2496162 bytes)

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

BASF AKTIENGESELLSCHAFT Opposer, – against – ALBAUGH, INC., Applicant.	**Opp. No. 91180852**

LEGAL SUCCESSOR BASF SE'S MOTION ON
CONSENT TO SUBSTITUTE AS OPPOSER

Pursuant to Trademark Rules of Practice 3.71(d) and 3.73(b), 37 C.F.R. §§ 3.71(d), 3.73(b) and Section 512.01 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), BASF SE, a Societas Europaea organized under the European Union, with a principal place of business at Carl-Bosch-Strasse 38, Ludwigshafen am Rhein, Germany, as the legal successor of the PYRAMIN mark at issue in the above-captioned proceeding, hereby moves on consent of the parties to substitute as Opposer.

Effective January 14, 2008, BASF Aktiengesellschaft, a German joint stock company, converted by change of legal form to BASF SE, a Societas Europaea organized under the laws of the European Union. A true and correct copy of the conversion by change of legal form, along with a Notice of Recordation thereof in the U.S. Patent & Trademark Office is attached hereto as Exhibit A. As such, BASF SE is now the registrant of the PYRAMIN mark at issue in this proceeding.

Applicant Albaugh, Inc., through its counsel Adam Jones of Brown, Winick, Graves, Gross consented to this substitution in a telephone conference with Opposer's counsel Joyce Ferraro, on April 7, 2008. As such, the instant motion to substitute should be granted in the ordinary course. See TBMP 512.01.

Dated: New York, New York
April 8, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: Joyce M. Ferraro

Joyce M. Ferraro
James D. Weinberger
866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Fax: (212) 813-5901

Counsel for Opposer BASF SE (by conversion of change of legal form of BASF Aktiengesellschaft)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **LEGAL SUCCESSOR BASF SE'S MOTION ON CONSENT TO SUBSTITUTE AS OPPOSER** was sent by prepaid first class mail upon Applicant's attorneys, Adam Jones of Brown, Winick, Graves Gross at Regency West 5, 4500 Westown Pkwy, West Des Moines, Iowa 50266 this 8th day of April, 2008.

Joyce M. Ferraro

Joyce M. Ferraro

EXHIBIT A

Beglaubigte Abschrift

Bescheinigung gemäß § 21 BNotO
über die Rechtsnachfolge der
BASF Aktiengesellschaft

1. BASF Aktiengesellschaft
Die BASF Aktiengesellschaft mit dem Sitz in Ludwigshafen am Rhein, Bundesrepublik Deutschland, war in der Rechtsform der Aktiengesellschaft deutschen Rechts bis zum 14.01.2008 im Handelsregister des Amtsgerichts -Registergericht- Ludwigshafen am Rhein, Bundesrepublik Deutschland unter HRB 3000 eingetragen.

2. BASF SE
Die BASF Aktiengesellschaft wurde mit Beschluss der Hauptversammlung vom 26.04.2007 im Wege des Formwechsels nach Maßgabe des Umwandlungsplanes vom 27.02.2007 in die BASF SE mit dem Sitz in Ludwigshafen am Rhein, Bundesrepublik Deutschland umgewandelt.
Die BASF SE mit dem Sitz in Ludwigshafen am Rhein, Bundesrepublik Deutschland ist seit dem 14.01.2008 in der Rechtsform der Societas Europaea im Handelsregister des Amtsgerichts -Registergericht- Ludwigshafen am Rhein, Bundesrepublik Deutschland unter HRB 6000 eingetragen.

Die BASF SE ist deshalb Rechtsnachfolgerin der BASF Aktiengesellschaft.

Ausweislich des Artikel 37 Abs. 2 der VERORDNUNG (EG) Nr. 2157/2001 DES RATES vom 08. Oktober 2001 über das Statut der Europäischen Gesellschaft (SE) hatte diese Umwandlung weder die Auflösung der Gesellschaft noch die Gründung einer neuen juristischen Person zur Folge.

3. Nachweis
Die vorbeschriebene Rechtsnachfolge stelle ich, Notar, hiermit fest aufgrund meiner heutigen Einsicht in die zwei genannten Handelsregister.

Ludwigshafen am Rhein (Bundesrepublik Deutschland), den 14. Januar 2008

Certified copy

Certificate
in conformity with Sec. 21 of the Federal German Ordinance for Notaries (BNotO)
concerning the legal succession of
BASF Aktiengesellschaft

1. BASF Aktiengesellschaft
BASF Aktiengesellschaft with registered office in Ludwighafen am Rhein, Federal Republic of Germany, was registered in the form of a stock corporation (Aktiengesellschaft) in the commercial register of the district court -court of registry- in Ludwigshafen am Rhein, Federal Republic of Germany, under the entry number HRB 3000 until January 14, 2008.

2. BASF SE
As resolved by the Annual Meeting of Shareholders on April 26, 2007, BASF Aktiengesellschaft has been converted by way of change of legal form pursuant to the Conversion Plan of February 27, 2007 into BASF SE with registered office in Ludwigshafen am Rhein, Federal Republic of Germany.
BASF SE with registered office in Ludwigshafen am Rhein, Federal Republic of Germany, is registerd as from January 14, 2008 in the legal form of a Societas Europaea in the commercial register of the district court – court of registry – of Ludwigshafen am Rhein, Federal Republic of Germany, under the entry number HRB 6000.

Therefore, BASF SE is the legal successor of BASF Aktiengesellschaft.

As set forth in Art. 37 para. 2 of Council Regulation (EC) No. 2157/2001 of October 8, 2001 on the Statute for a European Company (SE) this conversion neither resulted in the dissolution of the company nor in the establishment of a new legal person.

3. Confirmation
Based on today's inspection of the commercial register, I, Notary public, certify the aforedescribed legal succession.

Ludwigshafen/Rhine (Federal Republic of Germany), January 14, 2008

Notar/Notary Public

Ludwigshafen am Rhein

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

700034709A

MARCH 25, 2008

PTAS

JOYCE M. FERRARO
FROSS, ZELNICK, LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NEW YORK 10017

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 03/20/2008

REEL/FRAME: 003745/0427
NUMBER OF PAGES: 4

BRIEF: CONVERSION BY CHANGE OF LEGAL FORM

ASSIGNOR:
BASF AKTIENGESELLSCHAFT

DOC DATE: 01/14/2008
CITIZENSHIP: GERMANY
ENTITY: JOINT STOCK COMPANY

ASSIGNEE:
BASF SE
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN AM RHEIN, GERMANY

CITIZENSHIP:
ENTITY: SOCIETAS EUROPAEA, EUROPEAN UNION

APPLICATION NUMBER: 77355732
REGISTRATION NUMBER:

FILING DATE: 12/19/2007
ISSUE DATE:

MARK: ACROBAT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77368311 FILING DATE: 01/10/2008
REGISTRATION NUMBER: ISSUE DATE:

MARK: ACRONIS
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77197929 FILING DATE: 06/05/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: ALTREVIN
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78966930 FILING DATE: 09/05/2006
REGISTRATION NUMBER: ISSUE DATE:

MARK: CELLICNIC
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78803015 FILING DATE: 01/31/2006
REGISTRATION NUMBER: ISSUE DATE:

MARK: CERTADOR
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77110126 FILING DATE: 02/17/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: DIAMIR
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77330044 FILING DATE: 11/15/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: DISTINCT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77166018 FILING DATE: 04/26/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: EMPRESS
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77355958 FILING DATE: 12/19/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: ERAGON
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77194065 FILING DATE: 05/31/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: FREEHAND
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77303347 FILING DATE: 10/12/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: HEAT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77110533 FILING DATE: 02/19/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: HOLTAN
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77198065 FILING DATE: 06/05/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: HYPNOS
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77356044 FILING DATE: 12/19/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: INTEGRITY
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77323526 FILING DATE: 11/07/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: KIXOR
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77203645 FILING DATE: 06/12/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: LURANT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77175064 FILING DATE: 05/08/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: OASIS
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77213813 FILING DATE: 06/23/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: ONE TIME
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78557962 FILING DATE: 02/01/2005
REGISTRATION NUMBER: ISSUE DATE:

MARK: OPERASTAR
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78557978 FILING DATE: 02/01/2005
REGISTRATION NUMBER: ISSUE DATE:

MARK: OPERETTA
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77166006 FILING DATE: 04/26/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: PAGEANT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77161752 FILING DATE: 04/20/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: PRECLEANUM
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77188360 FILING DATE: 05/21/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: RAK
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77161814 FILING DATE: 04/20/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: SEGMENT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77303358 FILING DATE: 10/12/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: SHARPEN
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 78859214 FILING DATE: 04/11/2006
REGISTRATION NUMBER: ISSUE DATE:

MARK: SIESTA
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 76377932 FILING DATE: 03/03/2004
REGISTRATION NUMBER: ISSUE DATE:

MARK:
DRAWING TYPE: MISCELLANEOUS DESIGN

APPLICATION NUMBER: 77211865 FILING DATE: 06/21/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: STAMINA
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77071174 FILING DATE: 12/26/2006
REGISTRATION NUMBER: ISSUE DATE:

MARK: TRINITY
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77201256 FILING DATE: 06/08/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: TUIT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77221219 FILING DATE: 07/03/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: VERDICT
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 77187683 FILING DATE: 05/22/2007
REGISTRATION NUMBER: ISSUE DATE:

MARK: XR-E
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN BLOCK FORM

APPLICATION NUMBER: 73659804 FILING DATE: 05/08/1987
REGISTRATION NUMBER: 1496364 ISSUE DATE: 07/19/1988

MARK: BASF
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73699858 FILING DATE: 12/09/1987
REGISTRATION NUMBER: 1503513 ISSUE DATE: 09/13/1988

MARK: EUKESOLAR
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73680480 FILING DATE: 08/24/1987
REGISTRATION NUMBER: 1485914 ISSUE DATE: 04/26/1988

MARK: FACET
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 73666387 FILING DATE: 06/15/1987
REGISTRATION NUMBER: 1477369 ISSUE DATE: 02/23/1988

MARK: POLYRAM
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

APPLICATION NUMBER: 72187384 FILING DATE: 02/25/1964
REGISTRATION NUMBER: 811182 ISSUE DATE: 07/19/1966

MARK: PYRAMIN
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

KIMBERLY WHITE, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

03/20/2008
700364769

Form PTO-1594 (Rev. 07/05)
OMB Collection 0651-0027 (exp. 6/30/2008)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET
TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):
BASF Aktiengesellschaft

- [ ] Individual(s)
- [ ] Association
- [ ] General Partnership
- [ ] Limited Partnership
- [ ] Corporation- State:
- [x] Other Joint Stock Company

Citizenship (see guidelines) Germany

Additional names of conveying parties attached? [ ] Yes [x] No

2. Name and address of receiving party(ies)
Additional names, addresses, or citizenship attached? [ ] Yes [x] No

Name: BASF SE
Internal Address:
Street Address: Carl-Bosch-Strasse 38
City: Ludwigshafen am Rhein
State:
Country: Germany Zip:
- [ ] Association Citizenship
- [ ] General Partnership Citizenship
- [ ] Limited Partnership Citizenship
- [ ] Corporation Citizenship
- [x] Other Societas Europaea Citizenship European Union

If assignee is not domiciled in the United States, a domestic representative designation is attached: [ ] Yes [x] No
(Designations must be a separate document from assignment)

3. Nature of conveyance)/Execution Date(s) :
Execution Date(s) January 14, 2008

- [ ] Assignment
- [ ] Merger
- [ ] Security Agreement
- [ ] Change of Name
- [x] Other Conversion by change of legal form

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)
See attached Schedule

B. Trademark Registration No.(s)
See attached Schedule

Additional sheet(s) attached? [x] Yes [ ] No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

5. Name & address of party to whom correspondence concerning document should be mailed:
Name: Joyce M. Ferraro
Internal Address:
Street Address: Eross Zelnick Lehrman & Zissu, P.C.
850 United Nations Plaza
City: New York
State: New York Zip: 10017
Phone Number: 212-813-5900
Fax Number: 212-813-5901
Email Address: jferraro@ezlz.com

6. Total number of applications and registrations involved: 37

7. Total fee (37 CFR 2.6(b)(6) & 3.41) $ 940.00
- [ ] Authorized to be charged by credit card
- [x] Authorized to be charged to deposit account
- [ ] Enclosed

8. Payment information:
a. Credit Card Last 4 Numbers
Expiration Date
b. Deposit Account Number 23-0825
Authorized User Name Eross Zelnick Lehrman & Zissu

9. Signature: Joyce M. Ferraro
Signature
3/20/08
Date

Joyce M. Ferraro
Name of Person Signing

Total number of pages including cover sheet, attachments, and document: 4

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

SCHEDULE OF TRADEMARKS

Trademark	Serial No./Registration No.
ACROBAT	77/355,732
ACRONIS	77/368,311
ALTREVIN	77/197,828
BASF	1406364
CELLIONIC	78/966,930
CERTADOR	78/803,015
DIAMER	77/110,126
DISTINCT	77/330,044
EMPRESS	77/166,018
ERAGON	77/355,958
EUKESOLAR	1503513
FACET	1485914
FREEHAND	77/194,065
HEAT	77/303,347
HOLTAN	77/110,633
HYPNOS	77/198,065
INTEGRITY	77/356,044
KIXOR	77/323,526
LURANT	77/203,645
OASIS	77/175,064
ONE TIME	77/213,813
OPERASTAR	78/557,962
OPERETTA	78/557,978
PAGEANT	77/166,006
POLYRAM	1477369
PRECLBANUM	77/161,752
PYRAMIN	811182
RAK	77/186,360
SEGMENT	77/161,814
SHARPEN	77/303,358
SIESTA	78/859,214

Trademark	Serial No./Registration No.
Squares Design	78/377,932
STAMINA	77/211,865
TRINITY	77/071,174
TUIT	77/201,256
VERDICT	77/221,219
VIOLIN	77/178,683