

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

BUO

Mailed: December 26, 2012

Opposition No. 91199752

Opposition No. 91200334

Evonik Degussa GmbH

v.

Afgritech Ltd. and Carr's  
Agriculture Limited (joined as  
party defendants)

**David Mermelstein, Administrative Trademark Judge:**

Afgritech Ltd., assigned its Registration No. 3905808 for the mark AMINOMAX, to Carr's Agriculture Ltd. on July 31, 2012, during the pendency of this proceeding, but before the close of the discovery and testimony periods.<sup>1</sup> TBMP § 512.01. On October 10, 2012, Afgritech filed a motion to join Carr's Agriculture Ltd. as party defendant in Opposition No. 91199752 and to extend discovery, disclosure and trial dates.<sup>2</sup> In the interest of clarifying issues raised by the motion and resolving the motion promptly, the Board conducted a telephone conference on December 20, 2012. See Trademark Rule 2.120(i)(1); TBMP § 502.06(a) (3d ed.

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<sup>1</sup> The assignment was recorded with the USPTO on September 25, 2012, at Reel/Frame 4866/0716.

rev. 2012). Participating in the conference were Evonik's attorney Elizabeth Borland, Afgritech and Carr's attorney Thomas Van Hoozer, Administrative Trademark Judge David M. Mermelstein and Interlocutory Attorney Benjamin Okeke.

Applicant's attorney confirmed that he and the firm of Hovey Williams will also represent Carr's Agriculture Ltd. in the consolidated proceeding. Counsel further indicated that there is no current intention of assigning the subject application in the '752 opposition to Carr's Agriculture; and that Carr's Agriculture was an affiliate of Afgritech prior to the commencement of this proceeding and is aware of the status of this proceeding. Accordingly, defendant's motion to join Carr's Agriculture Ltd. as party defendant to this proceeding is **GRANTED**.

Opposer's consent motion to extend disclosure, discovery and trial dates, filed December 13, 2012, is **GRANTED**. Trademark Rule 2.127(a). Such dates are reset in accordance with opposer's motion.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon

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<sup>2</sup> The parties filed a subsequent stipulated motion for an

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request filed as provided by Trademark Rule 2.129.

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extension of time on December 13, 2012.