

ESTTA Tracking number: **ESTTA500101**

Filing date: **10/15/2012**

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

Proceeding	91201511
Party	Defendant Premier Grocery, Inc.
Correspondence Address	FRANK G LONG GREENBERG TRAURIG LLP 2375 E CAMELBACK RD , STE 700 PHOENIX, AZ 85016-9000 UNITED STATES longf@gtlaw.com
Submission	Motion to Join/Substitute Party
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Signature	/StevenBPowell/
Date	10/15/2012
Attachments	SECRET STASH - Motion to Substitute 10-15-12.pdf (4 pages)(2417728 bytes)

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

PARAMOUNT FARMS INTERNATIONAL, LLC,))	Opposition No. 91201511
Opposer,)	
vs.)	Application Serial No. 85/197,617
PREMIER GROCERY, INC.,)	Mark: SECRET STASH
Applicant.)	Application Filing Date: Dec. 14, 2010
_____)	

APPLICANT’S MOTION TO SUBSTITUTE

Applicant SFM, LLC (“Applicant”), by and through undersigned counsel and in accordance with 10 U.S.C. § 1060 and Trademark Trial and Appeal Board Manual of Procedure (TBMP) §512.02, hereby requests that the title of the proceeding referenced above be amended to substitute Applicant’s name, SFM, LLC, in place of the name currently listed, Premier Grocery, Inc.

The assignment of the mark was recorded with the USPTO Assignment Services Division, at Reel/frame Numbers 4523/0300 (assignment from Premier Grocery, Inc. to Sprouts Farmers Markets, LLC) and 4523/0863 (assignment from Sprouts Farmers Markets, LLC to SFM, LLC). Attached as Exhibit A is a copy of the Trademark Assignment Abstract of Title, documenting the recordation with the USPTO Assignment Services Division.

The requirements for substituting the name of a party in an *inter partes* TTAB proceeding are set forth in TBMP § 512.02, which states as follows:

When a mark that is the subject of a Federal application or registration has been assigned, together with the application or registration, in accordance with Trademark Act § 10, 15 U.S.C. § 1060, any action with respect to the

application or registration which may or must be taken by the applicant or registrant may be taken by the assignee (acting itself, or through its attorney or other authorized representative), provided that the assignment has been recorded with the USPTO or that proof of the assignment has been submitted in the Board proceeding record.

Applicant respectfully asserts that it has complied with these requirements.

For the foregoing reasons, Applicant requests that the Board grant this motion and substitute Applicant's correct name, SFM, LLC, in the title of this proceeding.

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: _____/StevenBPowell/_____

Frank G. Long
Steven B. Powell
2375 East Camelback Road
Suite 700
Phoenix, Arizona 85016
Attorneys for Applicant

SFM, LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2012, a true and correct copy of the foregoing Applicant's Motion to Substitute was served via First Class Mail, postage prepaid on counsel for Opposer:

Danielle M. Criona, Esq.
Roll Law Group, PC
11444 W Olympic Blvd.
Los Angeles, CA 90064

_____/Steven BPowell/_____
Steven B. Powell

Exhibit A



Assignments on the Web > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [85197617](#)

Filing Dt: 12/14/2010

Reg #: NONE

Reg. Dt:

Applicant: Premier Grocery, Inc.

Mark: SECRET STASH

Assignment: 1

Reel/Frame: [4523/0300](#)

Received: 04/15/2011

Recorded: 04/15/2011

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [PREMIER GROCERY, INC.](#)

Exec Dt: 04/15/2011

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: [SPROUTS FARMERS MARKETS, LLC](#)

11811 N. TATUM BLVD., SUITE 2400
PHOENIX, ARIZONA 85028

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ARIZONA

Correspondent: FRANK G. LONG, GREENBERG TRAUIG, LLP

2375 E. CAMELBACK ROAD, SUITE 700
PHOENIX, AZ 85016

Assignment: 2

Reel/Frame: [4523/0863](#)

Received: 04/18/2011

Recorded: 04/18/2011

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [SPROUTS FARMERS MARKETS, LLC](#)

Exec Dt: 04/18/2011

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: ARIZONA

Assignee: [SFM, LLC](#)

11811 N. TATUM BLVD., SUITE 2400
PHOENIX, ARIZONA 85028

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Correspondent: FRANK G. LONG, GREENBERG TRAUIG, LLP

2375 E. CAMELBACK ROAD, SUITE 700
PHOENIX, AZ 85016

Assignment: 3

Reel/Frame: [4527/0322](#)

Received: 04/22/2011

Recorded: 04/22/2011

Pages: 7

Conveyance: SECURITY INTEREST

Assignor: [SFM, LLC](#)

Exec Dt: 04/18/2011

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [JEFFERIES FINANCE LLC](#)

520 MADISON AVENUE
NEW YORK, NEW YORK 10022

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Correspondent: ZHENG BAO

1080 MARSH ROAD
SHEARMAN & STERLING LLP
MENLO PARK, CA 94025

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