

ESTTA Tracking number: **ESTTA611940**

Filing date: **06/25/2014**

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

Proceeding	91204404
Party	Defendant Vincent Motors LLC
Correspondence Address	ANTHONY V LUPO ARENT FOX LLP 1050 CONNECTICUT AVENUE NW WASHINGTON, DC 20036 UNITED STATES luna.samman@arentfox.com, tmdocket@arentfox.com, randa dall.brater@arentfox.com
Submission	Motion to Join/Substitute Party
Filer's Name	Luna M. Samman
Filer's e-mail	luna.samman@arentfox.com, tmdocket@arentfox.com, randa dall.brater@arentfox.com
Signature	/luna m. samman/
Date	06/25/2014
Attachments	Eicher - Motion to Substitute Party.pdf(444730 bytes)

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

DAVID M. HOLDER,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91204404
)	
VINCENT MOTORS LLC,)	
)	
Applicant.)	

MOTION TO SUBSTITUTE PARTY

Pursuant to TBMP Section 512, Eicher Motors Ltd. (“Eicher”) hereby requests that it be substituted as a party in this proceeding for Vincent Motors LLC (“Vincent Motors”).

On May 21, 2014, Vincent Motors assigned all rights, title, and interest in and to U.S. Trademark Application No. 85397317 for the mark VINCENT and Registration Nos. 4128589 and 4128588 for the marks VINCENT and VINCENT HRD, which are the subject of the instant proceeding. This assignment, which has been recorded with the U.S. Patent and Trademark Office at Reel/Frame 5307/0871 and is included with this Motion as Exhibit A, transferred all federal and common law rights in these marks, together with the goodwill and business inherent therein to Eicher. As a result, Eicher is now the listed and legal owner of the objected-to marks.

Accordingly, and in light of the fact that discovery has been completed, Eicher requests that the Board grant this motion substituting it for Vincent Motors in this proceeding.

Date: June 25, 2014

Respectfully submitted,

EICHER MOTORS LTD.

A handwritten signature in black ink, appearing to read "Luna Samman". The signature is fluid and cursive, with the first name "Luna" being more prominent than the last name "Samman".

Anthony V. Lupo
Randall Brater
Luna Samman
ARENT FOX LLP
1717 K Street, NW
Washington, DC 20017

Attorneys for Eicher Motors Ltd.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Motion to Substitute Party was served upon the following attorney for record for Opposer by email (as agreed by the parties), this 25th day of June 2014:

GREGOR N NEFF
LAW OFFICE OF GREGOR N NEFF
489 FIFTH AVENUE
NEW YORK, NY 10017

A handwritten signature in black ink, appearing to read "Luna Samman", written in a cursive style.

Luna M. Samman

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
 Stylesheet Version v1.2

ETAS ID: TM308447

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Vincent Motors LLC		05/21/2014	LIMITED LIABILITY COMPANY: WASHINGTON
RECEIVING PARTY DATA			
Name:	Eicher Motors Ltd		
Street Address:	96, Sector 32, Gurgaon		
City:	Haryana		
State/Country:	INDIA		
Postal Code:	122001		
Entity Type:	CORPORATION: INDIA		
PROPERTY NUMBERS Total: 8			
Property Type	Number	Word Mark	
Serial Number:	85397317	VINCENT	
Serial Number:	85396580	VINCENT HRD	
Serial Number:	85396591	VINCENT	
Serial Number:	75544422	H-R-D THE VINCENT H-R-D CO. LTD. STEVENA	
Serial Number:	75218974	BLACK SHADOW	
Serial Number:	75210945	VINCENT MOTORCYCLES BLACKEAGLE	
Serial Number:	74617178	VINCENT MOTORCYCLES H R D	
Serial Number:	74493026	BLACK LIGHTNING	
CORRESPONDENCE DATA			
Fax Number:	2028576395		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	202-857-6000		
Email:	kristen.koines@arentfox.com		
Correspondent Name:	Anthony V. Lupo		
Address Line 1:	1717 K St., NW		
Address Line 2:	c/o Arent Fox LLP		
Address Line 4:	Washington, D.C. 20036		
ATTORNEY DOCKET NUMBER:	035124.00001		

OP \$215.00 85397317



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUNE 25, 2014

PTAS

ANTHONY V. LUPO
1717 K ST., NW
C/O ARENT FOX LLP
WASHINGTON, DC 20036

900292957

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

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT RECORDATION BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE 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 ASSIGNMENT RECORDATION BRANCH AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT RECORDATION BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 06/23/2014

REEL/FRAME: 5307/0871
NUMBER OF PAGES: 7

BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: 035124.00001

ASSIGNOR:
VINCENT MOTORS LLC

DOC DATE: 05/21/2014
CITIZENSHIP: WASHINGTON
ENTITY: LIMITED LIABILITY COMPANY

ASSIGNEE:
EICHER MOTORS LTD

96, SECTOR 32, GURGAON
HARYANA, INDIA 122001

CITIZENSHIP: INDIA
ENTITY: CORPORATION

SERIAL NUMBER: 74493026
REGISTRATION NUMBER: 1984516
MARK: BLACK LIGHTNING
DRAWING TYPE: TYPESET WORD(S) /LETTER(S) /NUMBER(S)

FILING DATE: 02/22/1994
REGISTRATION DATE: 07/02/1996

SERIAL NUMBER: 74617178
REGISTRATION NUMBER: 1950910
MARK: VINCENT MOTORCYCLES H R D
DRAWING TYPE: AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)
/NUMBER(S)

FILING DATE: 01/03/1995
REGISTRATION DATE: 01/23/1996

SERIAL NUMBER: 75210945 FILING DATE: 12/10/1996
REGISTRATION NUMBER: 2136929 REGISTRATION DATE: 02/17/1998
MARK: VINCENT MOTORCYCLES BLACKEAGLE
DRAWING TYPE: AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)
/NUMBER(S)

SERIAL NUMBER: 75218974 FILING DATE: 12/27/1996
REGISTRATION NUMBER: 2121683 REGISTRATION DATE: 12/16/1997
MARK: BLACK SHADOW
DRAWING TYPE: AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)
/NUMBER(S)

SERIAL NUMBER: 75544422 FILING DATE: 08/28/1998
REGISTRATION NUMBER: 2281568 REGISTRATION DATE: 09/28/1999
MARK: H-R-D THE VINCENT H-R-D CO. LTD. STEVENAGEHERTS
DRAWING TYPE: AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)
/NUMBER(S)

SERIAL NUMBER: 85396580 FILING DATE: 08/12/2011
REGISTRATION NUMBER: 4128588 REGISTRATION DATE: 04/17/2012
MARK: VINCENT HRD
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 85396591 FILING DATE: 08/12/2011
REGISTRATION NUMBER: 4128589 REGISTRATION DATE: 04/17/2012
MARK: VINCENT
DRAWING TYPE: STANDARD CHARACTER MARK

SERIAL NUMBER: 85397317 FILING DATE: 08/13/2011
REGISTRATION NUMBER: REGISTRATION DATE:
MARK: VINCENT
DRAWING TYPE: STANDARD CHARACTER MARK

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION

TRADEMARK ASSIGNMENT

WHEREAS, **Vincent Motors LLC**, a limited liability company organized and existing under and by virtue of the laws of the State of Washington and having its registered agent of service residing at 6126 Douglas Ave SE, Snoqualmie WA 98065, herein below called "VM" or "Assignor", owns and has used in its business the trademarks, trademark applications and trademark registrations, as shown on the attached Schedule A (collectively the "Marks"); and

WHEREAS, **Eicher Motors Ltd** ("Eicher" or "Assignee") having their office at 96, Sector 32, Gurgaon, Haryana, India-122001, herein below called "Eicher", is desirous of acquiring the entire right, title and interest in and to the said Marks and in and to any registrations, renewals and extensions that may be granted thereon, together with the goodwill of the business connected therewith;

THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, said VM has sold, assigned, transferred and by these presents does hereby sell, assign, and transfer unto the said Eicher, its successors or assigns, the entire right, title and interest in and to the said Marks and in and to any registrations, renewals and extensions that may be granted thereon, together with the business and the goodwill connected therewith, together with all common law rights and any right to sue for all cause of action related to the Marks in Eicher's own name and to recover any damages, awards, remedies and profits for past infringement, unfair competition or passing off thereof or related thereto. said rights to be held and enjoyed by Eicher, for its own use and benefit and for the use and benefit of its successors, assigns or other legal representatives as fully and entirely as the same would have been held and enjoyed by VM if this assignment and sale had not been made.

VM also hereby agrees with Eicher that VM will not execute any writing or do any act whatsoever conflicting with these assignments, covenants and agreements, and that it will, at any time upon request without further or additional consideration but at the expense of Eicher, execute such additional assignments and other writing and do such additional acts as Eicher may deem necessary or desirable to perfect, secure, record, and register Eicher's enjoyment of this grant, it being understood that the foregoing assignments, covenants and agreements shall bind assigns and legal representatives of VM and inure to the benefit of the assigns and legal representatives of Eicher.

IN TESTIMONY WHEREOF, We have hereunto set our hands.

Vincent Motors LLC

Dated: 5/21/14

By: David H. Green
Print Name: DAVID H. GREEN
Print Title: MANAGING MEMBER

Eicher Motors Ltd.

Dated: _____

By: _____
Print Name: _____
Print Title: _____

Vincent Motors LLC

Dated: _____

By: _____
Print Name:
Print Title:

Eicher Motors Ltd.

Dated: _____

By: *halit*
Print Name: LALIT MALIK
Print Title: CFO

Schedule A
Unregistered and Registered Trademarks

Country	Mark	Application/ Registration No.	Goods and Services	Next Deadline
United States	VINCENT	App 85397317	INT. CL. 9 PROTECTIVE HELMETS, NAMELY, MOTORCYCLE HELMETS INT. CL. 12 MOTORCYCLES AND STRUCTURAL PARTS THEREFOR	N/A
United States	VINCENT HRD	App 85396580 Reg 4128588	INT. CL. 25 CAPS; JACKETS; SHIRTS; T- SHIRTS First Used: 31-OCT- 2003 (IC 25)	Declaration of Use due between 4/17/2017 and 4/17/2018
United States	VINCENT	App 85396591 Reg 4128589	INT. CL. 25 CAPS; JACKETS; SHIRTS; T- SHIRTS	Declaration of Use due between 4/17/2017 and 4/17/2018
United States	H-R-D THE VINCENT H-R-D CO. LTD. STEVENAGEHERTS 	App 75544422 Reg 2281568	INT. CL. 25 CLOTHING, NAMELY, JACKETS, HATS, [PANTS, GLOVES] AND T- SHIRTS	Renewal due between 9/28/2018 and 9/28/2019
United States	BLACK SHADOW 	App 75218974 Reg 2121683	INT. CL. 25 CLOTHING, NAMELY, [JACKETS,] HATS, [PANTS, GLOVES,] AND T-	Renewal due between 12/16/2016 and 12/16/2017

			SHIRTS	
United States	VINCENT MOTORCYCLES BLACKEAGLE 	App 75210945 Reg 2136929	INT. CL. 25 CLOTHING, NAMELY, JACKETS, HATS, PANTS, GLOVES AND T- SHIRTS	Renewal due between 2/17/2017 and 2/17/2018
United States	VINCENT MOTORCYCLES H R D 	App 74617178 Reg 1950910	INT. CL. 25 CLOTHING, NAMELY JACKETS, HATS, PANTS, GLOVES AND T-SHIRTS	Renewal due between 1/23/2015 and 1/23/2016
United States	BLACK LIGHTNING	App 74493026 Reg 1984516	INT. CL. 25 CLOTHING; NAMELY, JACKETS, HATS, PANTS, GLOVES AND T- SHIRTS	Renewal due between 7/2/2015 and 7/2/2016
Germany	VINCENT BLACK EAGLE	App 30350849.3 Reg 30350849	INT. CL. 12 and 25 Motorcycles; clothing, in particular jackets, hats, headgear, trousers, gloves and t shirts	Renewal due 10/31/2023
Japan	VINCENT VINCENT	App H07- 083753 Reg 3357589	Motorcycles, bicycles and parts	Renewal due 11/7/2017
International Register (extended to China, India, and Russia)	VINCENT	App 85397317	09 Protective helmets, namely, motorcycle helmets. 12 Motorcycles and structural parts therefor.	N/A