

ESTTA Tracking number: **ESTTA555052**

Filing date: **08/20/2013**

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

Proceeding	91210573
Party	Defendant XIM Products, Inc.
Correspondence Address	RICHARD A. SHARPE PEARNE & GORDON, LLP 1801 E 9TH ST STE 1200 CLEVELAND, OH 44114-3108 tmdocket@pearne.com,ssolomon@pearne.com,rsharpe@pearne.com,dklett@pearne.com
Submission	Motion to Join/Substitute Party
Filer's Name	Patricia A. Cigelnik
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Signature	/Patricia A. Cigelnik/
Date	08/20/2013
Attachments	Motion to Substitute Party Signed.pdf(66864 bytes)

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

EVONIK TEGO CHEMIE GMBH,)	Opposition No.: 91210573
)	
Opposer,)	Opposed Trademark: ADD-IT
)	
v.)	Opposed Application No.: 85736164
)	
XIM PRODUCTS, INC.)	
)	
Applicant.)	

**MOTION TO SUBSTITUTE PARTY WITH CONSENT
AND POWER OF ATTORNEY**

Rust-Oleum Brands Company, a Delaware corporation, located at 11 Hawthorn Parkway, Vernon Hills, Illinois 60061, hereby requests that it be substituted for the Applicant in the subject proceeding, XIM Products, Inc. Rust-Oleum Brands Company is the assignee and current owner of the subject application, such assignment having been recorded with the Assignment Branch of the U.S Patent and Trademark Office. The subject application was assigned from XIM Products, Inc. to Rust-Oleum Corporation on July 17, 2013 at Reel 5072, Frame 0150, and subsequently from Rust-Oleum Corporation to Rust-Oleum Brands Company on July 17, 2013 at Reel 5072, Frame 0159. In an email dated August 20, 2013, Counsel for Opposer represented that Opposer consents to this motion.

In addition, by submission of this request, Rust-Oleum Brands Company hereby appoints the following new attorneys as counsel in this matter:

Michael T. Murphy
Patricia A. Cigelnik
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Respectfully submitted,

By: 
RUST-OLEUM BRANDS COMPANY
Michael T. Murphy, Vice President

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XIM PRODUCTS, INC.)	
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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2013, Applicant's Motion to Substitute Party With Consent and Power of Attorney was filed electronically with the Trademark Trial and Appeal Board, and a true and correct copy of said Motion was sent by first class mail, postage prepaid, to counsel for Opposer:

Scott D. Woldow, Esq.
Smith, Gambrell & Russell, LLP
1130 Connecticut Avenue, NW, Suite 1130
Washington, D.C. 20036

Respectfully submitted,

By: _____


Patricia A. Cigelnik