

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

MT

Mailed: July 3, 2014

Opposition No. 91215014

24/7 Distrib., LLC

v.

*Sugar Skull Rum Co., LLC substituted
for Kahala Franchising, L.L.C.*

Benjamin U. Okeke, Interlocutory Attorney:

Applicant filed, on April 1, 2014, an unopposed motion to substitute party defendant Sugar Skull Rum Company, LLC for Kahala Franchising, L.L.C. pursuant to an assignment after commencement of this proceeding.

Applicant's motion is **GRANTED**. Trademark Rule 2.127(a). The caption to this proceeding is accordingly amended.¹

¹ When the assignment is recorded in the Assignment Services Division of the USPTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, *Cf. Drive Trademark Holdings LP v. Inofin*, 83 USPQ2d 1433, 1434 n.1 (TTAB 2007), or the assignor is no longer in existence, or the plaintiff raises no objections to substitution, or the discovery and testimony periods have closed; otherwise, the assignee will be joined, rather than substituted, to facilitate discovery. *See, e.g.*, 37 CFR § 2.113(c); 37 CFR § 2.113(d), 37 CFR § 3.71 and 37 CFR § 3.73(b); Fed. R. Civ. P. 17 and 25; *Drive Trademark Holdings*, 83 USPQ2d at 1434 n.2.. Here, an assignment dated April 1, 2014 was recorded with the Assignment Branch at reel/frame 5249/0051 on April 1, 2014, however, opposer has raised no objection to the substitution of the defendant.