

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

Kk/mbm/gcp

Mailed: July 20, 2016

Opposition No. 91216824

Buckingham Asset Management, LLC

v.

*The Buckingham Research Group,
Incorporated, and Buckingham Capital
Management, Inc. (joined as party defendant)*

George C. Pologeorgis,
Administrative Trademark Judge:

On June 13, 2016, Applicant The Buckingham Research Group, Incorporated filed a motion to join Buckingham Capital Management, Inc. as a party defendant to this proceeding. In support of its motion, Applicant The Buckingham Research Group, Incorporated maintains that, subsequent to the commencement of this proceeding, all rights, title and interest in its subject application Serial Nos. 86005628 and 8605612 were assigned to Buckingham Capital Management, Inc. and that the assignment has been recorded with the Assignment Recordation Branch of the USPTO.¹ The Board notes that Opposer has not filed a response to Applicant The Buckingham Research Group, Incorporated's motion to join.

¹ See USPTO Assignment Recordation Branch records at Reel/Frame 5810/0751.

If the mark in an application or registration which is the subject matter of an *inter partes* proceeding before the Board is assigned, together with the application or registration, the assignee may be joined as a party (as a party defendant, in the case of an opposition or cancellation proceeding) upon the filing with the Board of a copy of the assignment. When the assignment is recorded in the Assignment Recordation Branch of the USPTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, 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. *Western Worldwide Enterprises Group Inc. v. Qinqdao Brewery*, 17 USPQ2d 1137, 1138 n.4 (TTAB 1990) (assignee joined after filing copy of an assignment which occurred subsequent to commencement of proceeding); and *Tonka Corp. v. Tonka Tools, Inc.*, 229 USPQ 857, 857 n.1 (TTAB 1986) (assignee joined where papers filed by parties indicated registration had been assigned).

Accordingly, since the assignment of two of Applicant The Buckingham Research Group, Incorporated's involved applications occurred after the commencement of this opposition proceeding and because the assignment has been recorded with the USPTO Assignment Recordation Branch, Applicant The Buckingham Research Group, Incorporated's motion to join Buckingham Capital Management, Inc. as a party defendant is **GRANTED** as well taken, as well as conceded. Trademark Rule 2.127(a).

In view thereof, Buckingham Capital Management, Inc. is hereby joined as a party defendant in this case.

Applicants' answer to the notice of opposition (also filed June 13, 2016) is noted.²

Trial dates remain as reset by Board order dated March 11, 2016.

As a final matter, the parties are reminded that the Board *will not* entertain any further requests to extend or suspend for settlement, whether consented to or not.

See 23 TTABVUE.

² Pursuant to the Board's March 11, 2016, order, answer to the notice of opposition was due by June 11, 2016. However, since this date fell on a Saturday, Applicants were allowed until the next business day, i.e., June 13, 2016, in which to file and serve their answer. *See* Trademark Rule 2.196. Accordingly, Applicants' answer filed on June 13, 2016 is deemed timely filed.