

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: April 6, 2005

Opposition No. 91156858

CENTRAL MFG. CO.

v.

DREAMWORKS L.L.C. AND
DREAMWORKS ANIMATION L.L.C.
(JOINED AS PARTY DEFENDANT
IN THE OPPOSITION AND PARTY
PLAINTIFF IN THE
COUNTERCLAIM)

Cindy B. Greenbaum, Attorney:

The Board acknowledges and accepts applicant's answer to paragraphs 4, 5, 8 and 9 of opposer's third amended notice of opposition.¹

In addition, inasmuch as DreamWorks L.L.C. assigned the relied-upon application, Serial No. 76410702, to DreamWorks Animation L.L.C. after the Board commenced proceedings, the Board grants on the merits applicant's motion to join DreamWorks Animation L.L.C. as party defendant in the opposition and party plaintiff in the counterclaim.² See authorities cited in TBMP Section 512.01.

¹ The Board confirms that the affirmative defenses pleaded by applicant in its answer to the second amended notice of opposition retain their applicability.

² Applicant recorded the assignment at Reel 2966, Frame 0915.

The Board is aware that opposer served on applicant a copy of opposer's purported response to the motion to join. As of April 5, 2005, it is unclear whether opposer has filed with the Board a response to the motion to join; if so, said response has not yet been associated with the electronic file. Notwithstanding this situation, the Board has reviewed opposer's unofficial response to the motion to join, a copy of which applicant attached to its reply brief, but does not find opposer's arguments persuasive.

On a final note, the Board recognizes that on at least two occasions, the Board has not timely received copies of opposer's filings. In fact, with respect to applicant's motion to join, the Board received applicant's reply and supplement thereto on April 1, 2005 and April 4, 2005, respectively, but, as noted above, the Board remains unsure whether opposer actually filed a response, and/or whether such response is timely. The Board also notes that applicant has used the Board's electronic filing systems (ESSTA) for all filings in this matter, and the Board has had no problems receiving applicant's filings.

In an effort to promote efficiency and maintain control over the Board's docket, the Board hereby requires opposer to use ESSTA for all future filings in this proceeding. See *Opticians Ass'n of America v. Independent Opticians of*

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America, Inc., 734 F.Supp. 1171, 14 USPQ2d 2021 (D.N.J.
1990).

Dates remain as set.