

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



RUG DOCTOR, L.P.,)
)
Opposer,)
)
v.)
)
MOHAWK CARPET CORPORATION,)
)
Applicant.)

04-05-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Opposition No. 91159628

Application No. 78/153,433

Mark: MOHAWK FOREVER FRESH

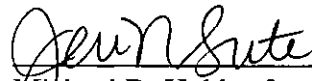
MOTION TO SUBSTITUTE PROPER APPLICANT

In the matter of the opposition of the mark MOHAWK FOREVER FRESH (Application Serial No. 78/152433), which action is currently styled as above, Mohawk Brands, Inc., the current owner of the MOHAWK FOREVER FRESH mark, by and through its attorneys, hereby moves the Trademark Trial and Appeal Board to substitute Mohawk Brands, Inc. as the proper Applicant. Mohawk Brands, Inc. is the proper Applicant by virtue of an assignment from Mohawk Carpet Corporation to Mohawk Brands, Inc., which was recorded with the Patent and Trademark Office on February 24, 2003, at Reel/Frame 2679/0713. A copy of the Recordation Cover Sheet reflecting recordation of this assignment is attached hereto as Exhibit A.

This 1st day of April, 2004.

Respectfully submitted,

TROUTMAN SANDERS LLP


Michael D. Hobbs, Jr.
Jeri N. Sute

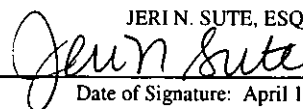
TROUTMAN SANDERS LLP
Bank of America Plaza
600 Peachtree Street, N.E.
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3000

Attorneys for Mohawk Brands, Inc.

CERTIFICATE OF MAILING

Date of Deposit: April 1, 2004

I hereby certify that this Motion to Substitute Proper Applicant is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box TTAB - No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Alexandria, Virginia 22202-3514.

JERI N. SUTE, ESQ.

Date of Signature: April 1, 2004

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

RUG DOCTOR, L.P.,)	
)	
Opposer,)	
)	Opposition No. 91159628
v.)	
)	Application No. 78/153,433
MOHAWK CARPET CORPORATION,)	Mark: MOHAWK FOREVER FRESH
)	
Applicant.)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO SUBSTITUTE PROPER APPLICANT was sent by first class mail, postage prepaid, to Attorney for Rug Doctor, L.P. as follows:

David B. Jenkins, Esq.
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101

This 1st day of April, 2004.



Jeri N. Sute

EXHIBIT A



UNITED STATES
PATENT AND
TRADEMARK OFFICE

RECEIVED

JUL 15 2003

TROUTMAN SANDERS

JULY 09, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

TROUTMAN SANDERS LLP
AUMA N. REGGY
BANK OF AMERICA PLAZA, SUITE 5200
600 PEACHTREE STREET
ATLANTA, GA 30308



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

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM 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 EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/24/2003

REEL/FRAME: 002679/0713
NUMBER OF PAGES: 2

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:
MOHAWK CARPET CORPORATION

DOC DATE: 02/17/2003
CITIZENSHIP: DELAWARE
ENTITY: CORPORATION

ASSIGNEE:
MOHAWK BRANDS INC.
300 DELAWARE AVENUE, SUITE 900
WILMINGTON, DELAWARE 19801

CITIZENSHIP: DELAWARE
ENTITY: CORPORATION

APPLICATION NUMBER: 78153433
REGISTRATION NUMBER:

FILING DATE: 08/12/2002
ISSUE DATE:

MARK: MOHAWK FOREVER FRESH
DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

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



RUG DOCTOR, L.P.,)
)
Opposer,)
)
v.)
)
MOHAWK CARPET CORPORATION,)
)
Applicant.)

Opposition No. 91159628
Application No. 78/153,433
Mark: MOHAWK FOREVER FRESH

04-05-2004
U.S. Patent & TMO/TM Mail Rpt Dt. #22

CONSENT MOTION TO EXTEND APPLICANT'S TIME TO ANSWER

On March 1, 2004, the Trademark Trial and Appeal Board (the "Board") issued a Scheduling Order attaching thereto a Notice of Opposition styled as above and naming Mohawk Carpet Corporation as the Applicant. Concurrently herewith, Mohawk Brands, Inc., the current owner of the mark MOHAWK FOREVER FRESH and Application Serial No. 78/153433, which is the subject of the above-captioned opposition proceeding, has filed a Motion to Substitute Proper Applicant, therein requesting that the Board substitute Mohawk Brands, Inc. as the proper Applicant by virtue of an assignment that was previously recorded with the Patent and Trademark Office. See details regarding assignment in Motion to Substitute Proper Applicant filed concurrently herewith and Notice of Recordation attached as *Exhibit A* thereto.

Because the Board's determination of the proper party defendant is necessary in order to determine what entity should file the Answer to this action, Mohawk Brands, Inc. and Rug Doctor, L.P., by and through their respective attorneys, hereby request and stipulate that the Applicant's time to answer or otherwise plead in response to the Notice of Opposition be

CERTIFICATE OF MAILING
Date of Deposit: April 1, 2004

I hereby certify that this Consent Motion to Extend Applicant's Time to Answer is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box TTAB - No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Alexandria, Virginia 22202-3514.

JERI N. SUTE, ESQ.

Date of Signature: April 1, 2004

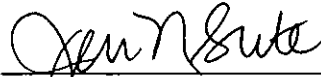
extended an additional thirty (30) days from the date of the Board's ruling on the Motion to Substitute Proper Applicant (filed concurrently herewith).

Counsel for Petitioner, Matthew Himich, agreed to this extension in a telephone conference with counsel for Mohawk Brands, Inc., Jeri N. Sute, on March 31, 2004.

This 1st day of April, 2004.

Respectfully submitted,

TROUTMAN SANDERS LLP



Michael D. Hobbs, Jr.
Jeri N. Sute

Attorneys for Mohawk Brands, Inc.

TROUTMAN SANDERS LLP
Bank of America Plaza
600 Peachtree Street, N.E.
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3000

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

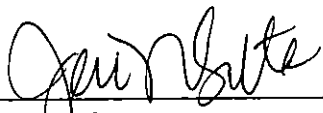
RUG DOCTOR, L.P.,)	
)	
Opposer,)	
)	Opposition No. 91159628
v.)	
)	Application No. 78/153,433
MOHAWK CARPET CORPORATION,)	Mark: MOHAWK FOREVER FRESH
)	
Applicant.)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CONSENT MOTION TO EXTEND APPLICANT'S TIME TO ANSWER was sent by first class mail, postage prepaid, to Attorney for Rug Doctor, L.P., as follows:

David B. Jinkins, Esq.
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101

This 1st day of April, 2004.



Jeri N. Sute

TROUTMAN SANDERS LLP

ttab

A T T O R N E Y S A T L A W
A LIMITED LIABILITY PARTNERSHIP

BANK OF AMERICA PLAZA
800 PEACHTREE STREET, N.E. - SUITE 5200
ATLANTA, GEORGIA 30308-2218
www.troutmansanders.com
TELEPHONE: 404-885-3000
FACSIMILE: 404-885-3900

Jeri N. Sute
jeri.sute@troutmansanders.com

Direct Dial: 404-885-3434
Direct Fax: 404-962-6786

April 1, 2004

Box TTAB - No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514



04-05-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**RE: In re: *Rug Doctor, L.P. v. Mohawk Carpet Corporation*
Opposition No. 91159628
for the Mark MOHAWK FOREVER FRESH**

Dear Honorable Commissioner:

Enclosed please find the following in the above-referenced case:

1. Motion to Substitute Proper Applicant;
2. Certificate of Service;
3. Consent Motion to Extend Applicant's Time to Answer;
4. Certificate of Service;
5. Return postcard.

If any additional or deficient fees are deemed to be payable, please charge our Deposit Account No. 20-1507.

TROUTMAN SANDERS LLP

By: *Jeri N. Sute*
Jeri N. Sute
Attorneys for Applicant

Enclosures

CERTIFICATE OF MAILING
Date of Deposit: April 1, 2004

I hereby certify that the above-referenced documents are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box TTAB - No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Jeri N. Sute
JERIN SUTE
Date of Signature: April 1, 2004