

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

Mailed: August 23, 2006

Opposition No. 91162489

Vibe Media (substituted for
Vibe Ventures LLC)

v.

RawVibe Entertainment, Inc.

Cindy B. Greenbaum, Attorney:

This case now comes up on applicant's motion to reopen discovery, filed July 12, 2006, two days before applicant filed its main brief on the case, and opposer's cross-motion to substitute Vibe Media for Vibe Ventures LLC as party plaintiff.¹ Applicant filed a combined response to opposer's cross-motion, and reply regarding its motion to reopen. The Board has considered applicant's reply brief. See Trademark Rule 2.127(a).

It is applicant's position that it requires additional discovery because opposer assigned its pleaded registrations to a third party after opposer filed its main brief on the case, and, therefore, opposer may no longer have standing. In response, opposer states that it assigned the pleaded registrations to Vibe Media on June 30, 2006, and that Vibe

¹ Opposer timely filed its main brief on the case on June 14, 2006.

Media should be substituted for Vibe Ventures LLC as the named opposer. Opposer also argues that the assignment does not give rise to any new issues requiring a reopening of discovery.

Pursuant to ordinary Board practice, the Board will substitute an assignee if the relevant assignment occurred after the discovery and testimony periods closed. See TBMP § 512.01. The Board sees no reason to deviate from this usual procedure. Accordingly, Vibe Media is substituted for Vibe Ventures LLC as party plaintiff herein. Moreover, because Vibe Ventures LLC assigned all right title and interest, including the right to prosecute this opposition proceeding, to Vibe Media, applicant's stated reasons for seeking to reopen discovery and testimony are not persuasive. Accordingly, applicant's motion to reopen is denied.

The Board will issue a final decision in due course.