

ESTTA Tracking number: **ESTTA147082**

Filing date: **06/21/2007**

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

Proceeding	91170706
Party	Defendant CSLP Keys Club LLC CSLP Keys Club LLC Harry Grove Stadium 21 Stadium Drive Frederick, MD 21703
Correspondence Address	Scott B. Schwartz Cozen O'Connor 1900 Market Street Philadelphia, PA 19103 UNITED STATES
Submission	Motion to Join/Substitute Party
Filer's Name	Christopher J. Mugel
Filer's e-mail	cjmugel@kaufcan.com
Signature	/Christopher J. Mugel/
Date	06/21/2007
Attachments	motion to substitute.pdf (4 pages)(299765 bytes) Exhibit A frederick keys sm assn.pdf (1 page)(110010 bytes) Exhibit B pto conf. of corrected assn.pdf (3 pages)(356645 bytes)

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

-----X
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Florida Marlins, L.P., :
Opposer :
:
v. : Opposition No. 91179706
:
:
CSLP Keys Club, LLC *qua* :
Frederick Keys Baseball Club, LLC, :
Applicant. :
:
-----X

Motion to Substitute Frederick Keys Baseball Club, LLC
As the Applicant

Pursuant to Trademark Board Manual of Procedure § 512.01, Frederick Keys Baseball Club, LLC, a Virginia limited liability company ("Frederick Keys"), by counsel, hereby moves the Trademark Trial and Appeal Board ("Board") for an Order substituting it, Frederick Keys, as the named Applicant in the above-styled opposition proceeding, and deleting CSLP Keys Club, LLC as a named Applicant. As a result of this Motion, if granted, Frederick Keys would be the sole party in the position of the defendant in this opposition.

As grounds and good cause for this Motion, Frederick Keys states as follows. On June 30, 2006, CSLP Keys Club, LLC, a Maryland limited liability company ("CSLP") and Frederick Keys entered into an Asset Purchase Agreement pursuant to which Frederick Keys purchased the assets of the Frederick Keys, a baseball club that is a member of the Class A Carolina League of Professional Baseball Clubs, Inc. CSLP was the owner of Application Serial No. 76596332, identifying an F (& Design) logo (the "Subject Application"), and as such it was the initially-named Applicant in the above-styled opposition.

The Subject Application and all interests in the service mark identified therein are among the assets that were conveyed and assigned to Frederick Keys pursuant to the June 30, 2006 Asset Purchase Agreement. A trademark assignment executed June 30, 2006 pursuant to the Asset Purchase Agreement assigned from CSLP to Frederick Keys several U.S. trademark registrations and applications for registrations, as well as the marks identified thereby and associated goodwill, including without limitation the Subject Application (the "Trademark Assignment"). The Trademark Assignment was filed and duly recorded with the Assignment Division of the U.S. Patent and Trademark Office, but due to an error in the cover sheet a corrective assignment was filed for recordation with the Assignment Division on June 21, 2007. A copy of the Trademark Assignment as filed is attached as Exhibit A, and a copy of the Assignment Division's electronic confirmation of receipt and abstract from the cover sheet for the corrected assignment are attached at Exhibit B.

As a result of the Asset Purchase Agreement and the attendant Trademark Assignment, duly submitted to the Assignment Division of the U.S. Patent and Trademark Office, Frederick Keys is the sole owner of the Subject Application and the mark identified therein. As such, it is the rightful and sole party to be named as Applicant in the above-styled opposition. Accordingly, it respectfully moves that CSLP be deleted as the named party in the position of a defendant, and the Frederick Keys be substituted as that party.¹

¹ Frederick Keys being a different entity than CSLP, substitution of it as the named Applicant should divest CSLP and its counsel of any authority to proceed in this matter, and Frederick Keys, represented by its undersigned counsel, would be the sole entity in the position of a defendant.

Respectfully submitted, this 21st day of June, 2007.



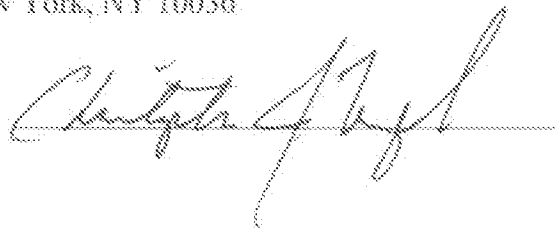
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Counsel for Frederick Keys Baseball Club, LLC

Certificate of Service

I hereby attest that, on this 21st day of June, 2007, I am causing a true and correct copy of the foregoing Motion to Substitute Frederick Keys Baseball Club, LLC As the Applicant to be served by first-class U.S. mail, postage prepaid, on counsel of record for the Opposer Florida Marlins, L.P.:

Mary L. Kevlin, Esquire
Todd W. Evans, Esquire
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NY 10036

A handwritten signature in black ink, appearing to read "Christopher J. Kelly", written over a horizontal dotted line.

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6/21/2007 1:06 PM

ASSIGNMENT

file

WHEREAS, CSLP Keys Club, LLC ("Assignor"), a Maryland limited liability company, has adopted and used in its business and is the owner of the following trademarks registered with the United States Patent and Trademark Office as follows:

Registration/ Serial No. #	Date Filed/ Granted	Trademark
2,097,021	09/16/1997	FREDERICK KEYS
2,645,063	11/05/2002	FREDERICK KEYS BASEBALL And Design
3,008,349	10/25/2005	FREDERICK KEYS BASEBALL And Design
76/596330	06/03/2004	FREDERICK KEYS BASEBALL And Design
76/596332	06/03/2004	F and Design

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, said Assignor does hereby sell, assign and transfer unto Frederick Keys Baseball Club, LLC, a Virginia limited liability company, all right, title and interest in and to the above-referenced trademark and the registration, the goodwill associated therewith, all common law rights, and all claims for damage by reason of past infringement of the trademark, with the right to sue and collect therefor.

Executed as of the 30th day of June, 2006

ASSIGNOR:

CSLP KEYS CLUB, LLC

By: _____
Name: _____
Title: _____

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF PHILADELPHIA, TO WIT:

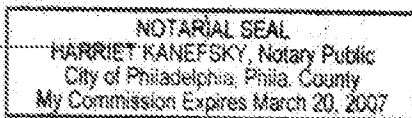
The foregoing instrument was acknowledged before me this _____ day of _____, 2006,

by Philip J. Weisberg

Harriet Kanefsky
Notary Public

My Commission Expires

#1074236



Mugel, Christopher J.

From: etas-server@uspto.gov
Sent: Thursday, June 21, 2007 11:48 AM
To: Mugel, Christopher J.
Subject: Assignment confirmation receipt ID:TM67485

Attachments: EASTM87485.html



EASTM87485.ht
ml (6 KB)

ELECTRONIC TRADEMARK ASSIGNMENT SYSTEM (ETAS) CONFIRMATION RECEIPT

The USPTO has received a Trademark Assignment submitted through the Electronic Trademark Assignment System (ETAS). This is the only acknowledgement of receipt that will be transmitted for this ETAS submission. The submission may not be recalled.

After review by Assignment Services Division personnel a Notice of Recordation/Non-Recordation will be returned via fax. USPTO will attempt to fax to the number provided in the submission; fax failures will be delivered via US Postal Service to the Correspondence Address provided in the submission.

If a communication from the Assignment Services Division has not been received within 60 days of your confirmation receipt contact the Assignment Services Division Customer Service Desk at 571-272-3350 or send an e-mail to etas@uspto.gov.

If you have a technical question, comment or concern about your ETAS submission call 571-272-3350 during business hours or e-mail to etas@uspto.gov. Please have your ETAS receipt ID which is 'EASTM87485' available when calling or writing for assistance.

A printable version of the Confirmation Receipt is attached to this e-mail.

Electronic Assignment Server at <http://etas.uspto.gov>

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	CORRECTIVE ASSIGNMENT		
NATURE OF CONVEYANCE:	Corrective Assignment to correct the Name of Assignor previously recorded on Reel 003425 Frame 0579. Assignor(s) hereby confirms the assignment of the entire interest.		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
CSLP Keys Club, LLC		06/30/2006	LIMITED LIABILITY COMPANY: MARYLAND
RECEIVING PARTY DATA			
Name:	Frederick Keys Baseball Club, LLC		
Street Address:	244 Crystal Grove Blvd.		
City:	Lutz		
State/Country:	FLORIDA		
Postal Code:	33548		
Entity Type:	LIMITED LIABILITY COMPANY: VIRGINIA		
PROPERTY NUMBERS Total: 5			
Property Type	Number	Word Mark	
Serial Number:	76596330	FREDERICK KEYS BASEBALL	
Serial Number:	76596332	F	
Registration Number:	2097021	FREDERICK KEYS	
Registration Number:	2645063	FREDERICK KEYS BASEBALL	
Registration Number:	3008349	FREDRICK KEYS BASEBALL	
CORRESPONDENCE DATA			
Fax Number:	(804)771-5777		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	8047715787		
Email:	cjmugel@kaufcan.com		
Correspondent Name:	Christopher J. Mugel		

Address Line 1: 1051 E. Cary St., 12th Fl.
Address Line 2: 3 James Center
Address Line 4: Richmond, VIRGINIA 23219

ATTORNEY DOCKET NUMBER: 0123147

NAME OF SUBMITTER: Christopher J. Mugel

Signature: /Christopher J. Mugel/

Date: 06/21/2007

Total Attachments: 2
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RECEIPT INFORMATION

ETAS ID: TM87485
Receipt Date: 06/21/2007
Fee Amount: \$140