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Filing date: **06/18/2008**

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

Proceeding	91174775
Party	Plaintiff Church & Dwight Company
Correspondence Address	Brooks R. Bruneau Matthews Shepherd McKay & Bruneau 29 Thanet Road, Suite 201 Princeton, NJ 08540-3674 UNITED STATES brbruneau@mathewslaw.com
Submission	Motion to Join/Substitute Party
Filer's Name	Brooks R. Bruneau
Filer's e-mail	brbruneau@mathewslaw.com
Signature	/brooksbruneau/
Date	06/18/2008
Attachments	Motion to Substitute Opposer 6 18 08.pdf ( 7 pages )(225290 bytes )

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

In the matter of Application Serial No. 78/666,027, published for Opposition in the Official Gazette on October 3, 2006

<b>CHURCH &amp; DWIGHT COMPANY,</b>	}	
<b>Opposer,</b>	}	<b>Opposition No.: 91/174,775</b>
<b>v.</b>	}	
<b>LABELCLICK, INC.</b>	}	
<b>Applicant.</b>	}	

**MOTION TO SUBSTITUTE OPPOSER**

The Opposer, Church & Dwight Company, respectfully moves for an Order changing the title of this Opposition proceeding and listing Church & Dwight Co., Inc. as the named Opposer due to recordal of a corporate merger which has occurred. The grounds for this motion are set forth below.

Church & Dwight Company merged with and into Church & Dwight Co., Inc. This merger has been recorded with the Assignment Branch of the United States Trademark Office against the asserted Registration No. 2,278,437 (“VETERINARIANS’ CHOICE”), as well as the Opposer’s Application Serial Nos. 78/773,093 (VET’S CHOICE”) and 78/773,100 (“VET’S CHOICE”). Attached at Exhibit A are excerpts from the Trademark Assignment Branch Abstract of Title for Opposer’s subject registration and two pending trademark applications.

It is well settled that when an assignment or change of ownership is recorded with the Assignment Division at the Patent and Trademark Office, the successor in interest may be substituted as a party if the former owner is no longer in existence. TBMP §512.01. The

substitution of a party as Opposer due to a merger has been upheld by the Board. *Information Resources, Inc. v. X\*Press Information Services*, 6 U.S.P.Q. 2d 1034, 1035 [footnote 2] (TTAB 1988).

In the case at hand, Church & Dwight Company has been merged with and into Church & Dwight Co., Inc. (as reflected in the records of the Assignment Branch) and Church & Dwight Company no longer exists. Opposer further wishes to point out to the Board that the discovery period in this matter has closed.

Opposer has provided printouts from the United States Trademark Official database confirming the merger of Church & Dwight Company with and into Church & Dwight Co., Inc. Since Church & Dwight Company no longer exists, it is appropriate that this motion be granted and Church & Dwight Co., Inc., the surviving entity, be substituted as the Opposer.

Respectfully submitted:

**CHURCH & DWIGHT CO., INC.**  
**Surviving Entity in Merger with**  
**CHURCH & DWIGHT COMPANY**

Date: June 18, 2008

BY: s/Brooks R. Bruneau  
Brooks R. Bruneau, Esq.  
MATHEWS, SHEPHERD, McKAY &  
BRUNEAU, P.A.  
29 Thanet Road, Suite 210  
Princeton, NJ 08540  
Tel: 609-924-8555  
Fax: 609-924-3036

**Notice of Electronic Mailing**

I hereby certify that this correspondence is being electronically submitted with the United States Patent and Trademark Office, Trademark Trial and Appeal Board, Attn: TTAB

June 18, 2008

Date of mailing

s/Brooks R. Bruneau

Signature

Date of Signature: June 18, 2008

## CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the Motion to Substitute Opposer was served upon counsel listed below, via Facsimile and First Class Mail, postage prepaid, on this 18th day of June, 2008.

Daniel R. Frijouf, Esq.  
Frijouf, Rust & Pyle, P.A.  
201 East Davis Boulevard  
Tampa, Florida 33606  
Fax: 813-254-5400

Respectfully submitted:

Dated: June 18, 2008

**Church & Dwight Company**

By: /Brooks R. Bruneau/

Brooks R. Bruneau, Esq.  
MATHEWS, SHEPHERD, McKAY & BRUNEAU  
Attorney for Opposer  
29 Thanet Road, Suite 201  
Princeton, NJ 08540  
Tel: (609) 924-8555

### **CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that a copy of the within Motion to Substitute Opposer is being electronically transmitted the United States Patent and Trademark Office, Attn: Trademark Trial and Appeal Board, this 18th day of June, 2008.

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# **EXHIBIT A**



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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Abstract of Title

**Total Assignments: 2****Serial #:** [75387237](#)**Filing Dt:** 11/10/1997**Reg #:** [2278437](#)**Reg. Dt:** 09/14/1999**Registrant:** Church & Dwight Company**Mark:** VETERINARIANS' CHOICE**Assignment: 1****Reel/Frame:** [2405/0433](#)**Received:** 12/26/2001**Recorded:** 12/26/2001**Pages:** 17**Conveyance:** SECURITY AGREEMENT**Assignor:** [CHURCH & DWIGHT COMPANY](#)**Exec Dt:** 09/28/2001**Entity Type:** CORPORATION**Citizenship:** WYOMING**Entity Type:** BANKING CORPORATION**Citizenship:** NEW YORK**Assignee:** [CHASE MANHATTAN BANK, THE, AS ADMINISTRATIVE AGENT](#)

P.O. BOX 2558

HOUSTON, TEXAS 77252

**Correspondent:** SIMPSON THACHER & BARTLETT

ROBYN GREENBERG, ESQ.

425 LEXINGTON AVENUE

NEW YORK, NEW YORK 10017

**Assignment: 2****Reel/Frame:** [3785/0754](#)**Received:** 05/30/2008**Recorded:** 05/30/2008**Pages:** 16**Conveyance:** MERGER**Assignor:** [CHURCH & DWIGHT COMPANY](#)**Exec Dt:** 04/30/2008**Entity Type:** CORPORATION**Citizenship:** WYOMING**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [CHURCH & DWIGHT CO., INC.](#)

469 NORTH HARRISON STREET

LAW DEPARTMENT

PRINCETON, NEW JERSEY 08543

**Correspondent:** DAVID J. SCHUMAN, ESQ.

469 NORTH HARRISON STREET

PRINCETON, NJ 08543

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## Trademark Assignment Abstract of Title

**Total Assignments: 2****Serial #:** [78773100](#)**Filing Dt:** 12/14/2005**Reg #:** NONE**Reg. Dt:****Applicant:** Church & Dwight Company**Mark:** VET'S CHOICE**Assignment: 1****Reel/Frame:** [3273/0496](#)**Received:** 03/21/2006**Recorded:** 03/21/2006**Pages:** 18**Conveyance:** SECURITY INTEREST**Assignor:** [CHURCH & DWIGHT COMPANY](#)**Exec Dt:** 12/23/2005**Entity Type:** CORPORATION**Citizenship:** WYOMING**Entity Type:** NATIONAL BANKING  
ASSOCIATION**Citizenship:** NONE**Assignee:** [JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT](#)

P.O. BOX 2558

HOUSTON, TEXAS 77252

**Correspondent:** KIRSTIE HOWARD, ESQ.

SIMPSON THACHER &amp; BARTLETT LLP

425 LEXINGTON AVENUE

NEW YORK, NY 10017

**Assignment: 2****Reel/Frame:** [3785/0754](#)**Received:** 05/30/2008**Recorded:** 05/30/2008**Pages:** 16**Conveyance:** MERGER**Assignor:** [CHURCH & DWIGHT COMPANY](#)**Exec Dt:** 04/30/2008**Entity Type:** CORPORATION**Citizenship:** WYOMING**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [CHURCH & DWIGHT CO., INC.](#)

469 NORTH HARRISON STREET

LAW DEPARTMENT

PRINCETON, NEW JERSEY 08543

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PRINCETON, NJ 08543

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## Trademark Assignment Abstract of Title

**Total Assignments: 2****Serial #:** 78773093**Filing Dt:** 12/14/2005**Reg #:** NONE**Reg. Dt:****Applicant:** Church & Dwight Company**Mark:** VET'S CHOICE**Assignment: 1****Reel/Frame:** 3273/0496**Received:** 03/21/2006**Recorded:** 03/21/2006**Pages:** 18**Conveyance:** SECURITY INTEREST**Assignor:** CHURCH & DWIGHT COMPANY**Exec Dt:** 12/23/2005**Entity Type:** CORPORATION**Citizenship:** WYOMING**Entity Type:** NATIONAL BANKING  
ASSOCIATION**Citizenship:** NONE**Assignee:** JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT

P.O. BOX 2558

HOUSTON, TEXAS 77252

**Correspondent:** KIRSTIE HOWARD, ESQ.

SIMPSON THACHER &amp; BARTLETT LLP

425 LEXINGTON AVENUE

NEW YORK, NY 10017

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469 NORTH HARRISON STREET

LAW DEPARTMENT

PRINCETON, NEW JERSEY 08543

**Correspondent:** DAVID J. SCHUMAN, ESQ.

469 NORTH HARRISON STREET

PRINCETON, NJ 08543

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