

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

vb

Mailed: April 22, 2008

Opposition No. 91182182

Honda Motor Co., Ltd.

v.

Storz Performance, Inc.  
substituted for H-D Michigan,  
Inc.

**Brian D. Brown, Interlocutory Attorney**

**Applicant's motion to substitute**

In a motion filed on April 8, 2008, applicant sought to substitute Storz Performance, Inc. for H-D Michigan, Inc. as the party defendant herein. The assignment was recorded with the Assignment Branch of the U.S. Patent & Trademark Office at Reel No. 3745 and Frame No. 0450.

When there has been assignment of a mark that is relied upon in an *inter partes* proceeding before the Board, the assignee may be joined or substituted, as may be appropriate, upon motion granted by the Board, or upon the Board's own initiative. If a mark pleaded by a plaintiff is assigned and a copy of the assignment is filed with the Board, the assignee ordinarily will be substituted for the originally named party

**Opposition No. 91182182**

if the assignment occurred prior to the commencement of the proceeding, if the discovery and testimony periods have closed, if the assignor is no longer in existence, or if the opposer raises no objection to substitution. Otherwise, the assignee will be joined, rather than substituted, to facilitate the taking of discovery and the introduction of evidence. See TBMP 512.01 (2d. ed. rev. June 2004).

In this case, the record shows no objection by opposer to the proposed substitution. Accordingly, applicant's motion to substitute is granted.

In view thereof, the Board has changed the proceeding title to reflect the substitution of H-D Michigan, Inc. in place of Storz Performance, Inc. as applicant. All future filings from either party should reflect this change.

**Request for Extension of Time**

Continuing, the parties' stipulated motion filed April 8, 2008 to extend time to file its answer to the notice of opposition and to extend conferencing, disclosure, discovery and trial dates is granted. See Trademark Rule 2.127(a).

Accordingly, answer is due **May 10, 2008**. In closing, conferencing, disclosure, discovery and trial dates are reset in accordance with the parties' motion.