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Filing date: **08/27/2009**

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

Proceeding	91183736
Party	Defendant Corporate Express US Inc.
Correspondence Address	SABRINA C. STAVISH SHERIDAN ROSS P.C. 1560 BROADWAY STE 1200 DENVER, CO 80202-5145 sstavish@sheridanross.com
Submission	Motion to Join/Substitute Party
Filer's Name	Sabrina Stavish
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Signature	/Sabrina C. Stavish/
Date	08/27/2009
Attachments	Motion to Substitute.pdf (7 pages)(680797 bytes)

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

<p>LIBERTY DIVERSIFIED INDUSTRIES, INC.</p> <p style="text-align: center;">Opposer,</p> <p>v.</p> <p>STAPLES, INC., formerly Corporate Express US Inc.</p> <p style="text-align: center;">Applicant.</p>	<p style="text-align: center;">Opposition No. 91183736</p>
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MOTION TO SUBSTITUTE PARTY APPLICANT

Pursuant to TBMP § 512 and Fed. R. Civ. P. 17 and 25, Applicant moves to substitute Staples, Inc. in place of Corporate Express US Inc. as party Applicant.

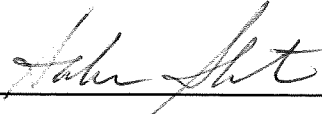
TBMP § 512.01 provides that when there has been an assignment of a mark involved in an inter partes proceeding before the Board, the assignee may be substituted upon motion granted by the Board.

In this case, Corporate Express US Inc. merged into Staples NA Integration, LLC on June 30, 2009. Staples NA Integration, LLC then assigned its rights in U.S. Trademark Application Serial No. 77/257429 to Staples, Inc. This merger and assignment will be recorded with the U.S. Patent and Trademark Office. Since Corporate Express US Inc. is no longer in existence, Applicant requests that Staples, Inc. be substituted as the party applicant. A copy of the Statement of Merger for Corporate Express US, Inc. indicating that Staples NA Integration, LLC is the surviving corporation is attached. Attorney for Opposer, Kyle Peterson, has consented to this Motion.

Accordingly, Staples, Inc. respectfully requests that its motion to substitute be granted, and that the caption of this proceeding be amended going forward to reflect Staples, Inc. as Applicant in this case.

Respectfully submitted,

Dated: 8-25-09



Sabrina C. Stavish
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Statement of Merger
(Surviving Entity is a Foreign Entity)

filed pursuant to § 7-90-203.7 and § 7-90-204.5 of the Colorado Revised Statutes (C.R.S.)

1. For each merging entity, its ID number (if applicable), entity name or true name, form of entity, jurisdiction under the law of which it is formed, and principal address are

(Caution: At least one merging entity must be an entity formed under the laws of Colorado.)

ID Number 19871611119
(Colorado Secretary of State ID number)

Entity name or true name Corporate Express US, Inc.

Form of entity Corporation

Jurisdiction Colorado

Street address 500 Staples Dr.
(Street number and name)

Framingham MA 01702
(City) (State) (ZIP/Postal Code)

Tax Department
(Province - if applicable) (Country)

Mailing address
(leave blank if same as street address)

Framingham MA 01702
(City) (State) (ZIP/Postal Code)

USA
(Province - if applicable) (Country)

ID Number _____
(Colorado Secretary of State ID number)

Entity name or true name _____

Form of entity _____



Entity name or true name Staples NA Integration, LLC

Form of entity Limited Liability Company

Jurisdiction Delaware

Street address 500 Staples Dr.
(Street number and name)

Framingham MA 01702
(City) (State) (ZIP/Postal Code)

USA
(Province - if applicable) (Country)

Mailing address
(leave blank if same as street address) _____
(Street number and name or Post Office Box information)

_____ *(City) (State) (ZIP/Postal Code)*

_____ *(Province - if applicable) (Country)*

3. Each merging entity has been merged into the surviving foreign entity.

4. (If the following statement applies, adapt the statement by marking the box and state the appropriate document number(s).)

One or more of the merging entities is a registrant of a trademark described in a filed document in the records of the secretary of state and the document number of each filed document is

Document number _____

Document number _____

Document number _____

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

There are more than three trademarks and the document number of each additional trademark is stated in an attachment.

5. (Mark the applicable box and complete the statement. Caution: Mark only one box.)

The surviving foreign entity maintains a registered agent in this state.

OR

The surviving foreign entity does not maintain a registered agent in this state and service of process may be addressed to the entity and mailed to the principal address pursuant to section 7-90-704 (2), C.R.S.

OR

The surviving foreign entity has not maintained a registered agent in this state and appoints a registered agent to accept service pursuant to section 7-90-204.5, C.R.S. The person appointed as registered agent has consented to being so appointed. Such registered agent's name and address are

Name _____
(if an individual) _____
(Last) (First) (Middle) (Suffix)

OR

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Street address

(Street number and name)

(City) CO (State) (ZIP Code)

Mailing address
(leave blank, if same as street address)

(Street number and name or Post Office Box information)

(City) CO (State) (ZIP Code)

6. (If applicable, adopt the following statement by marking the box and include an attachment.)
 This document contains additional information as provided by law.

7. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)
The delayed effective date and, if applicable, time of this document are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

8. The true name and mailing address of the individual causing this document to be delivered for filing are

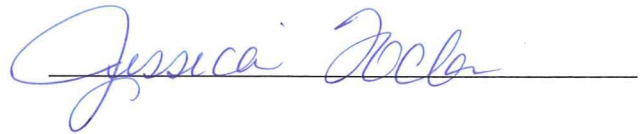
Weiss Mark A.
(Last) (First) (Middle) (Suffix)
500 Staples Dr.
(Street number and name or Post Office Box information)
Framingham MA 01702
(City) (State) (ZIP/Postal Code)
USA
(Province - if applicable) (Country)

(If applicable, adopt the following statement by marking the box and include an attachment.)
 This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO SUBSTITUTE PARTY APPLICANT was placed in the U.S. Mail, First Class postage prepaid, on this 27th day of August, 2009, addressed to:

Kyle T. Peterson, Esq.
Patterson, Thunte, Skaar & Christensen, PA
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402

A handwritten signature in blue ink, reading "Jessica Zocher", is written over a horizontal line.