

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: May 7, 2014

Opposition No. 91212785

Ares Trading, S.A.

v.

MD Insider Inc. (substituted as party  
defendant)

**Nicole Thier, Paralegal Specialist:**

On April 9, 2014, applicant filed a consented motion to substitute MD Insider Inc. for Calvert Enterprises Inc.

If the mark in an application or registration which is the subject matter of an *inter partes* proceeding before the Board is assigned, and the assignment is recorded in the Assignment Branch of the USPTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, or the assignor is no longer in existence, or the plaintiff raises no objection to substitution, or the discovery and testimony periods have closed; otherwise, the assignee will be joined, rather than substituted, to facilitate discovery. See TBMP § 512.01 (3d ed. rev.2 2014).

Applicant's pleaded mark was assigned to MD Insider Inc. during this proceeding and such assignment was recorded with the Assignment Branch of the Office on February 14, 2014 at Reel/Frame 5216/0828. Inasmuch as opposer has consented to the request, applicant's motion will be facilitated by a substitution rather than a joinder. Accordingly, MD Insider Inc. is substituted as party defendant.

Furthermore, applicant's consented motion filed April 9, 2014 to reopen and extend its time to file an answer to the notice of opposition is granted. Trademark Rule 2.127(a).

Trial dates are reset in accordance with applicant's motion.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.