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Filing date: **09/30/2014**

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

Proceeding	91218303
Party	Plaintiff HAUTELOOK, INC.
Correspondence Address	Lorraine Linford Seed IP Law Group LLP 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES LorraineL@SeedIP.com, Litcal@SeedIP.com
Submission	Motion to Join/Substitute Party
Filer's Name	Lorraine Linford
Filer's e-mail	LorraineL@SeedIP.com, Litcal@SeedIP.com
Signature	/Lorraine Linford/
Date	09/30/2014
Attachments	Motion to Substitute.pdf(100920 bytes) Declaration of Linford.pdf(92566 bytes) Ex A.pdf(45970 bytes) Ex B.pdf(83104 bytes)

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

Hautelook, Inc.)	
)	Opposition No. 91218303
Opposer,)	
)	Serial No. 86/010784
v.)	
)	
Mobilogue, Inc.,)	
)	Attorney Docket No. 690097.80151
Applicant.)	

**OPPOSER’S MOTION TO SUBSTITUTE OPPOSER
PURSUANT TO TBMP § 512.01**

Pursuant to TBMP § 512.01 Opposer Hautelook, Inc. hereby moves the Board for an order substituting Nordstrom, Inc. as the Opposer in place of currently named Opposer Hautelook, Inc.

I. Factual Background

Opposer Hautelook, Inc. (“Hautelook”) filed the instant Notice of Opposition on September 11, 2014. At the time of filing the Opposition, Hautelook had merged into a related company, Nordstrom, Inc. (“Nordstrom”), and therefore had ceased to exist. Decl. Linford, ¶3.

On September 24, 2004 Hautelook executed an assignment of its trademarks and associated trademark applications and registrations to Nordstrom effective as of a date when Hautelook was still in existence, namely, June 29, 2014 (the “Assignment”), which Assignment transfers ownership of the two trademark registrations and underlying marks that serve as the basis for this Opposition, namely, U.S. Trademark Registration No.

2,979,985 for the mark HAUTE LOOK and U.S. Trademark Reg. No. 4,022,713 for the mark HAUTELOOK (the “Registrations”). Decl. Linford, ¶4.

On September 24, 2014, the USPTO recorded the Assignment against the Registrations at Reel/Frame 5368/0568. Decl. Linford, ¶5.

II. The Board Should Substitute Nordstrom, Inc. as the Opposer in place of Hautelook, Inc.

Under TBMP § 512.01, “[i]f the mark in an application or registration which is the subject matter of an inter partes proceeding before the Board is assigned, together with the application or registration, the assignee may be joined as a party ... upon the filing with the Board a copy of the assignment. When the assignment is recorded in the Assignment Services Division 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”

TBMP § 512.01 also provides that “[i]f 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 if the assignment occurred prior to the commencement of the proceeding, [or] if the assignor is no longer in existence”

In *Pyco* the Board granted substitution of Pyco, Inc. (“Pyco”) for Pyrometer Company of America (“Pyrometer”), where Pyco was the successor of Pyrometer and the real party in interest, the succession took place prior to the filing of the opposition at which time Pyrometer ceased to exist, and the identification of Pyrometer was alleged to be inadvertent. *Pyco, Inc. v. Pico Corp.*, 165 USPQ 221 (TTAB 1969).

In the present matter, the marks and associated registrations that form the basis for this Opposition have been assigned from Hautelook to Nordstrom and Hautelook is no longer in existence. Furthermore, although the Assignment was executed on September 24, 2014, it is made effective as of a date when Hautelook was still in existence, namely,

June 29, 2014. The effective date of the assignment therefore predates the filing of the Opposition. A copy of the Assignment and notice of recordation by the USPTO against the Registrations are submitted herewith. Decl. Linford, ¶ 4&5, Exhibits A & B. Furthermore, the naming of Hautelook was inadvertent, given that the undersigned did not learn of the merger of Hautelook into Nordstrom until after the filing of the Opposition. Decl. Linford ¶3. Therefore, as the Registrations are assigned effective prior to the commencement of this Opposition and the Assignment is recorded by the USPTO against the Registrations, substitution of the assignee Nordstrom for Hautelook is proper.

III. Conclusion

For the reasons set forth above, Hautelook, Inc. respectfully requests that Nordstrom, Inc. be substituted as the Opposer in this action in place of Hautelook, Inc.

DATED this 30th day of September, 2014.

Respectfully submitted,

SEED IP Law Group PLLC

/Lorraine Linford/

Lorraine Linford

701 Fifth Avenue, Suite 5400

Seattle, Washington 98104

Telephone (206) 622-4900

Facsimile: (206) 682-6031

Attorneys for Opposer HAUTELOOK, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above **Opposer's Motion to Substitute Opposer Pursuant to TBMP § 512.01** was served on Applicant by depositing the same with the U.S. Postal Service, first-class postage prepaid, on September 30, 2014, as follows:

Mobilogue, Inc.
Attn: Mark Rabins
597 East Green Street, #203
Pasadena, CA 91101

/Anne Calico/
Anne Calico

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

Hautelook, Inc.)	
)	Opposition No. 91218303
Opposer,)	
)	Serial No. 86/010784
v.)	
)	
Mobilogue, Inc.,)	
)	Attorney Docket No. 690097.80151
Applicant.)	

**DECLARATION OF LORRAINE LINFORD IN SUPPORT OF
OPPOSER’S MOTION TO SUBSTITUTE OPPOSER PURSUANT TO
TBMP §512.01**

I, Lorraine Linford, hereby declare and state that:

1. I am a member of Seed IP Law Group PLLC, counsel for currently named Opposer Hautelook, Inc. (“Hautelook”) and its successor in interest, Nordstrom, Inc. (“Nordstrom”). The following facts are true of my own knowledge unless otherwise stated.

2. On September 11, 2014, I filed this Opposition No. 91218303 (the “Opposition”) in the name of Hautelook, Inc.

3. At the time of filing the Opposition, I was unaware that Hautelook had been merged into its related company, Nordstrom, earlier this year and that Hautelook therefore had ceased to exist as of the filing date of the Opposition.

4. Upon learning of the merger I prepared an Assignment of trademarks by which Hautelook assigned all of its trademarks and associated trademark applications and registrations to Nordstrom effective as of June 29, 2014. The Assignment was executed

September 24, 2014 and transfers ownership of the two trademark registrations and underlying marks that serve as the basis for the Opposition, namely, U.S. Trademark Registration No. 2,979,985 for the mark HAUTE LOOK and U.S. Trademark Reg. No. 4,022,713 for the mark HAUTELOOK (the “Registrations”), effective as of a date when Hautelook was still in existence, namely, June 29, 2014. Attached as Exhibit A is a true and correct copy of the Assignment.

5. On September 24, 2014 the USPTO recorded the Assignment against the Registrations at Reel/Frame 5368/0568. Attached as Exhibit B is a true and correct copy of the Notice of Recordation of Assignment Document.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed at Sammamish, Washington this 30th day of September, 2014.

SEED IP Law Group PLLC

/Lorraine Linford/

Lorraine Linford
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Telephone (206) 622-4900
Facsimile: (206) 682-6031

Attorneys for Opposer HAUTELOOK, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above **Declaration of Lorraine Linford in Support of Opposer's Motion to Substitute Opposer Pursuant to TBMP §512.01** was served on Applicant by depositing the same with the U.S. Postal Service, first-class postage prepaid, on September 30, 2014, addressed as follows:

Mobilogue, Inc.
Attn: Mark Rabins
597 East Green Street, #203
Pasadena, CA 91101

/Anne Calico/
Anne Calico

EXHIBIT

A

ASSIGNMENT OF TRADEMARKS

ASSIGNMENT, made effective as of June 29, 2014.

WHEREAS, HauteLook, Inc., (hereinafter referred to as ASSIGNOR), a corporation organized under the laws of the state of Delaware, having its principal office at 1212 S. Flower Street, Suite 300, Los Angeles, California 90015, is the owner of rights in trademarks in the United States, which rights are acquired through use of the marks and through United States trademark registrations and applications for such trademarks, as set forth in the SCHEDULE OF TRADEMARKS annexed hereto and made part hereof, (the trademarks, common law rights and trademark applications and registrations hereinafter collectively referred to as the TRADEMARKS); and

WHEREAS, Nordstrom, Inc. (hereinafter referred to as ASSIGNEE), a corporation organized under the laws of the state of Washington, having its principal office at 1617 Sixth Avenue, Suite 500, Seattle, Washington 98101, is desirous of acquiring all the right, title and interest of ASSIGNOR in and to the TRADEMARKS, together with the goodwill of the business associated with the TRADEMARKS; and

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE, effective as of June 29, 2014, its successors and assigns its entire right, title and interest in and to the TRADEMARKS, together with the goodwill of the business associated with the TRADEMARKS; and

ASSIGNOR does also hereby sell, assign and transfer unto ASSIGNEE, its successors and assigns all claims for damages by reason of past infringement of the TRADEMARKS, and the right to sue for and collect the same; and

ASSIGNOR further authorizes the Commissioner of Patents and Trademarks of the United States to record the right to the TRADEMARKS as listed in the annexed SCHEDULE OF TRADEMARKS as the property of ASSIGNEE; and

ASSIGNOR further agrees to execute such further documents as may be required in the United States to record and/or establish ASSIGNEE as the owner of the TRADEMARKS, and all rights herein assigned.

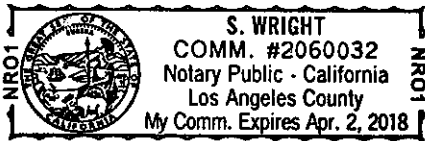
HAUTELOOK, INC.

By: _____
Name: Terry Byrle
Title: President
Signature Date: 9/24/14

State of CA)
County of Los Angeles) ss.

I certify that I know or have satisfactory evidence that Terrance Byrle is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 9/24/14
Signature of Notary Public _____
Printed Name S. Wright
My appointment expires 4.2.18



SCHEDULE OF TRADEMARKS

Mark	Serial No.	Filing Date	Registration No.	Registration Date
HAUTE LOOK	78/402,652	April 15, 2004	2,979,985	July 26, 2005
HAUTELOOK	85/241,638	February 14, 2011		
HAUTELOOK	85/241,694	February 14, 2011	4,022,713	September 6, 2011

EXHIBIT

B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 26, 2014

PTAS

LORRAINE LINFORD
701 FIFTH AVENUE
SUITE 5400
SEATTLE, WA 98104

900302146

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 09/24/2014

REEL/FRAME: 5368/0568
NUMBER OF PAGES: 5

BRIEF: ASSIGNS THE ENTIRE INTEREST

DOCKET NUMBER: 690097.80151

ASSIGNOR:

HAUTELOOK, INC.

DOC DATE: 09/24/2014
CITIZENSHIP: DELAWARE
ENTITY: CORPORATION

ASSIGNEE:

NORDSTROM, INC.

CITIZENSHIP: WASHINGTON
ENTITY: CORPORATION

1617 SIXTH AVENUE
SUITE 500
SEATTLE, WASHINGTON 98101

SERIAL NUMBER: 78402652
REGISTRATION NUMBER: 2979985
MARK: HAUTE LOOK
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 04/15/2004
REGISTRATION DATE: 07/26/2005

SERIAL NUMBER: 85241638
REGISTRATION NUMBER:
MARK: HAUTELOOK
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 02/14/2011
REGISTRATION DATE:

SERIAL NUMBER: 85241694
REGISTRATION NUMBER: 4022713
MARK: HAUTELOOK
DRAWING TYPE: STANDARD CHARACTER MARK

FILING DATE: 02/14/2011
REGISTRATION DATE: 09/06/2011

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION