

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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WF/ey

March 1, 2021

Opposition No. 91247390

*MPUSA, LLC (substituted after assignment
from Mission Product Holdings, Inc.)*

v.

Mission Bound, LLC

By the Trademark Trial and Appeal Board:

I. MOTION TO SUBSTITUTE

On December 22, 2020, Mission Product Holdings, Inc. (“Opposer”) filed a motion to substitute MPUSA, LLC as the plaintiff in this proceeding based on an assignment of Opposer’s pleaded Registration Nos. 5028960, 5525378 and 2323531.¹ 9 TTABVUE. Since Applicant has raised no objection to the substitution, the motion is granted as conceded and MPUSA, LLC is hereby substituted as the plaintiff in this proceeding [hereinafter Opposer]. See TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE § 512.01 (2020); *see also* Trademark Rule 2.127(a). The case caption has been accordingly updated.²

¹ The assignment was recorded with the Assignment Recordation Branch on January 14, 2020, at Reel/Frame 6837/0901.

² The record has been updated to reflect Opposer’s change of correspondence address filed January 11, 2021. 10 TTABVUE.

II. RESPONSE TO SHOW CAUSE ORDER

Opposer's response, filed January 11, 2021, to the Board's show cause order is noted. 11 TTABVUE. Opposer's response to the show cause order is sufficient to demonstrate that it has not lost interest in this case. Accordingly, the order to show cause is discharged.

III. MOTION TO AMEND APPLICATION

On January 26, 2021, Applicant filed a proposed amendment to its involved application, Serial No. 88146617, with Opposer's consent.³ 12 TTABVUE.

By the proposed amendment, Applicant seeks to enter a disclaimer of "MISSION." In accordance with TRADEMARK MANUAL OF EXAMINING PROCEDURE ("TMEP") § 1213.08(a)(i) (2018), the standardized format for a disclaimer is as follows:

No claim is made to the exclusive right to use "MISSION" apart from the mark as shown.⁴

The Board finds that the amendment to enter the disclaimer is in compliance with Trademark Act § 6, 15 U.S.C. § 1056. Moreover, Opposer consents to the amendment, as required by Trademark Rule 2.133. In view of these findings, the amendment is **approved** and entered.

³ The Board notes that Applicant alleges that the motion to amend is filed with Opposer's consent, however, the record does not include documentation of Opposer's consent. TBMP § 514.02. The better practice would have been to submit the motion to amend having been signed by both parties. Nevertheless, the record includes a consented withdrawal of the opposition and the Board accepts the motion to withdraw the opposition as evidence of consent to said amendment. 13 TTABVUE.

⁴ Under Trademark Act Section 6, 15 U.S.C. § 1056(a), "[a]n applicant may voluntarily disclaim a component of a mark sought to be registered." See TMEP § 1213.0(c). Thus, whether the terms should be disclaimed is not relevant to the amendment.

IV. WITHDRAWAL OF OPPOSITION

On February 3, 2021, Opposer filed a withdrawal of the opposition with Applicant's written consent. 13 TTABVUE. In view thereof, the opposition is dismissed without prejudice.
