

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Ryan

MAILED: April 23, 2003

Cancellation No. 26,165 (parent)
Opposition No. 107,599
Opposition No. 110,644

American Italian Pasta Company
(substituted for Gooch Foods,
Inc.)

v.

Homestead, Inc.

and

New World Pasta Company

Before Karyn K. Ryan, Interlocutory Attorney
Trademark Trial and Appeal Board:

On November 18, 2002, a power of attorney and motion to substitute were filed by attorneys for Gooch Foods, Inc. and American Italian Pasta Company. Respondents/counterclaim petitioners have not filed any objections to the proposed substitution.

In the November 18, 2002 submission, American Italian Pasta Company ("AIPC") asserts that it is owner by assignment of the registrations relied on by Gooch Foods,

Consolidated proceedings

Inc. in these consolidated proceedings. A copy of the assignment agreement was attached to the motion. It is noted that discovery had closed prior to this assignment to AIPC.

Under the circumstances, we find that substitution of assignee AIPC as party plaintiff in the main cases and respondent in the counterclaims is warranted. See Fed. R. Civ. P. 17 and 25; and TBMP §512.01 and cases cited therein. The motion to substitute is accordingly **granted**.

American Italian Pasta Company is hereby substituted in place of Gooch Foods, Inc. in each of the referenced consolidated proceedings. The case captions have been modified to reflect the substitution.

Inasmuch as AIPC has established its right to take action herein, we acknowledge the November 18, 2002 power of attorney filed by its counsel. The Board's records have been accordingly updated.

We observe that all trial dates have passed and that the parties have submitted these consolidated cases for decision on their briefs. The proceeding record for these consolidated cases will be forwarded to the secretary to the Chief Judge for placement on the docket for final decision in due course.

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