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Filing date: **05/23/2011**

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

Proceeding	92052330
Party	Plaintiff RCN Televisi3n, S.A.
Correspondence Address	GARY H. FECHTER MCCARTER & ENGLISH, LLP 245 PARK AVENUE, 27TH FLOOR NEW YORK, NY 10167 UNITED STATES gfechter@mccarter.com, lshyavitz@mccarter.com, kgarrone@mccarter.com, dpopovic@mccarter.com
Submission	Motion to Join/Substitute Party
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Signature	/Gary H. Fechter/
Date	05/23/2011
Attachments	Motion to Join Additional Party.pdf ( 6 pages )(180105 bytes )

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

-----X		Cancellation No. 92052330
RCN TELEVISIÓN, S.A.	:	
	:	Consolidated Proceeding No.
Petitioner/Applicant	:	91182377 (parent)
	:	91192058
v.	:	91192065
	:	91192239
RCN TELECOM SERVICES, INC.,	:	91194069
Respondent/Opposer,	:	92052167
	:	92051509
RCN TELECOM SERVICES, LLC.	:	92052330
Respondent	:	
	:	
	:	
-----X		

**MOTION TO JOIN ADDITIONAL PARTY**

Petitioner, RCN Televisión, S.A. (“Petitioner”), by its attorneys, McCarter & English, LLP, moves to join RCN Telecom Services, LLC, as an additional respondent in the above-captioned cancellation proceeding, as RCN Telecom Services, LLC is the current owner of U.S. Registration No. 3,764,807, the registration that is the subject of Cancellation No. 92052330.

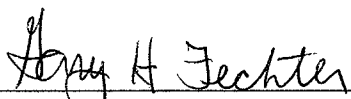
On April 8, 2010, Petitioner RCN Televisión, S.A filed a Petition for Cancellation of U.S. Registration No. 3,764,807, for the mark RCN GLOBAL PASSPORT (& Design), owned by RCN Telecom Services, Inc. (the “Petition”). On August 25, 2010, RCN Telecom Services, Inc. assigned U.S. Registration No. 3,764,807 to RCN Telecom Services, LLC. That assignment was recorded with the U.S. Patent and Trademark Office on August 26, 2010 at reel/frame 4267/0271. A copy of that assignment is attached hereto. On May 23, 2011, Petitioner filed an Amended Petition for Cancellation of U.S. Registration No. 3,764,807.

The Trademark Trial and Appeal Board Manual of Examining Procedure provides that “[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 (as a party defendant, in the case of an opposition or cancellation proceeding . . . ) upon the filing with the Board of a copy of the assignment.” Trademark Trial and Appeal Board Manual of Examining Procedure (3d ed. May 2011) §512. Given that RCN Telecom Services, LLC is the current owner of the registration at issue in the Petition, Petitioner respectfully requests that the Board join RCN Telecom Services, LLC as a party defendant in the Proceeding.

Dated: May 23, 2011

Respectfully Submitted,

McCARTER & ENGLISH, LLP

By:   
Gary H. Fechter

245 Park Ave., 27<sup>th</sup> Floor  
New York, NY 10167  
Phone (212)609-6800  
Attorneys for Petitioner

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the original of the foregoing MOTION TO JOIN ADDITIONAL PARTY has been served by regular mail to Respondent and to Respondent's attorneys of record at the following addresses:

RCN Telecom Services, Inc.  
105 Carnegie Center  
Princeton, NJ 08540

RCN Telecom Services, LLC  
196 Van Buren Street, Suite 300  
Herndon, Virginia 20170

Glenn A. Gundersen  
Dechert LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104-2808

Date: May 23, 2011



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Deborah Popovic



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### Assignments on the Web > Trademark Query

## Trademark Assignment Details

Reel/Frame: 4267/0271

Pages: 5

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Attorney Dkt #: 307885.0001

Conveyance: ASSIGNS THE ENTIRE INTEREST

### Total properties: 34

1	Serial #: <u>75013069</u> Mark: RCN	Filing Dt: 10/31/1995	Reg #: <u>2360973</u>	Reg. Dt: 06/27/2000
2	Serial #: <u>75336972</u> Mark: MEGABAND	Filing Dt: 08/06/1997	Reg #: <u>2565483</u>	Reg. Dt: 04/30/2002
3	Serial #: <u>75724607</u> Mark: RESILINK	Filing Dt: 06/09/1999	Reg #: <u>2907444</u>	Reg. Dt: 12/07/2004
4	Serial #: <u>76105858</u> Mark: RCN	Filing Dt: 08/09/2000	Reg #: <u>2471719</u>	Reg. Dt: 07/24/2001
5	Serial #: <u>76166356</u> Mark: DIGITALVISION	Filing Dt: 11/16/2000	Reg #: <u>2509709</u>	Reg. Dt: 11/20/2001
6	Serial #: <u>76435295</u> Mark: RCN	Filing Dt: 07/29/2002	Reg #: <u>2715673</u>	Reg. Dt: 05/13/2003
7	Serial #: <u>76467052</u> Mark: ADDED ADVANTAGE	Filing Dt: 11/14/2002	Reg #: <u>2784025</u>	Reg. Dt: 11/18/2003
8	Serial #: <u>76494501</u> Mark: RCN THE LIVE WIRE.	Filing Dt: 03/04/2003	Reg #: <u>2827378</u>	Reg. Dt: 03/30/2004
9	Serial #: <u>76568015</u> Mark: RCN POWER	Filing Dt: 12/31/2003	Reg #: <u>3405859</u>	Reg. Dt: 04/01/2008
10	Serial #: <u>76584731</u> Mark: RCN INTERACTION	Filing Dt: 04/05/2004	Reg #: <u>2939481</u>	Reg. Dt: 04/12/2005
11	Serial #: <u>76624979</u> Mark: RCN WEBWATCH	Filing Dt: 12/20/2004	Reg #: <u>3292552</u>	Reg. Dt: 09/18/2007
12	Serial #: <u>76975998</u> Mark: RCN ENTERTAINMENT	Filing Dt: 10/10/2001	Reg #: <u>2826216</u>	Reg. Dt: 03/23/2004
13	Serial #: <u>77434059</u> Mark: RCN METRO	Filing Dt: 03/28/2008	Reg #: <u>3546300</u>	Reg. Dt: 12/16/2008
14	Serial #: <u>77469988</u> Mark: RCN TALKWARE	Filing Dt: 05/09/2008	Reg #: <u>3562410</u>	Reg. Dt: 01/13/2009
15	Serial #: <u>77524696</u> Mark: ANALOG CRUSH	Filing Dt: 07/17/2008	Reg #: <u>3719510</u>	Reg. Dt: 12/01/2009
16	Serial #: <u>77604802</u> Mark: RCN GLOBAL PASSPORT	Filing Dt: 10/31/2008	Reg #: <u>3740986</u>	Reg. Dt: 01/19/2010
17	Serial #: <u>77617501</u> Mark: RCN BUSINESS SERVICES VOICE DATA VIDEO	Filing Dt: 11/19/2008	Reg #: NONE	Reg. Dt:

18	<b>Serial #:</b> <u>77617509</u> <b>Mark:</b> RCN BUSINESS SERVICES	<b>Filing Dt:</b> 11/19/2008	<b>Reg #:</b> <u>3635277</u>	<b>Reg. Dt:</b> 06/09/2009
19	<b>Serial #:</b> <u>77625773</u> <b>Mark:</b> RCN GLOBAL PASSPORT	<b>Filing Dt:</b> 12/03/2008	<b>Reg #:</b> <u>3764807</u>	<b>Reg. Dt:</b> 03/23/2010
20	<b>Serial #:</b> <u>77837586</u> <b>Mark:</b> COME HOME TO RCN	<b>Filing Dt:</b> 09/29/2009	<b>Reg #:</b> NONE	<b>Reg. Dt:</b>
21	<b>Serial #:</b> <u>78561820</u> <b>Mark:</b> RCN	<b>Filing Dt:</b> 02/07/2005	<b>Reg #:</b> <u>3119573</u>	<b>Reg. Dt:</b> 07/25/2006
22	<b>Serial #:</b> <u>78561822</u> <b>Mark:</b> CONNECT TO SOMETHING MORE	<b>Filing Dt:</b> 02/07/2005	<b>Reg #:</b> <u>3138085</u>	<b>Reg. Dt:</b> 09/05/2006
23	<b>Serial #:</b> <u>78824098</u> <b>Mark:</b> RCN TV	<b>Filing Dt:</b> 02/27/2006	<b>Reg #:</b> <u>3433044</u>	<b>Reg. Dt:</b> 05/20/2008
24	<b>Serial #:</b> <u>78824153</u> <b>Mark:</b> RCN 4	<b>Filing Dt:</b> 02/27/2006	<b>Reg #:</b> <u>3433045</u>	<b>Reg. Dt:</b> 05/20/2008
25	<b>Serial #:</b> <u>78847613</u> <b>Mark:</b> MEGAMODEM MACH 3	<b>Filing Dt:</b> 03/28/2006	<b>Reg #:</b> <u>3424485</u>	<b>Reg. Dt:</b> 05/06/2008
26	<b>Serial #:</b> <u>78847620</u> <b>Mark:</b> MEGAMODEM MACH 5	<b>Filing Dt:</b> 03/28/2006	<b>Reg #:</b> <u>3424487</u>	<b>Reg. Dt:</b> 05/06/2008
27	<b>Serial #:</b> <u>78847631</u> <b>Mark:</b> MEGAMODEM MACH 10	<b>Filing Dt:</b> 03/28/2006	<b>Reg #:</b> <u>3424488</u>	<b>Reg. Dt:</b> 05/06/2008
28	<b>Serial #:</b> <u>78847638</u> <b>Mark:</b> MEGAMODEM MACH 20	<b>Filing Dt:</b> 03/28/2006	<b>Reg #:</b> <u>3424489</u>	<b>Reg. Dt:</b> 05/06/2008
29	<b>Serial #:</b> <u>78930953</u> <b>Mark:</b> RCN QUICK CONNECT SUPPORT	<b>Filing Dt:</b> 07/17/2006	<b>Reg #:</b> <u>3474012</u>	<b>Reg. Dt:</b> 07/22/2008
30	<b>Serial #:</b> <u>78944269</u> <b>Mark:</b> RCN MUSICLIBRARY	<b>Filing Dt:</b> 08/03/2006	<b>Reg #:</b> <u>3474051</u>	<b>Reg. Dt:</b> 07/22/2008
31	<b>Serial #:</b> <u>78944346</u> <b>Mark:</b> RCN MUSICTOGO	<b>Filing Dt:</b> 08/03/2006	<b>Reg #:</b> <u>3474052</u>	<b>Reg. Dt:</b> 07/22/2008
32	<b>Serial #:</b> <u>78944392</u> <b>Mark:</b> RCN MUSIC	<b>Filing Dt:</b> 08/03/2006	<b>Reg #:</b> <u>3400083</u>	<b>Reg. Dt:</b> 03/18/2008
33	<b>Serial #:</b> <u>78964639</u> <b>Mark:</b> DIGITALVISIONPLUS	<b>Filing Dt:</b> 08/31/2006	<b>Reg #:</b> <u>3474115</u>	<b>Reg. Dt:</b> 07/22/2008
34	<b>Serial #:</b> <u>78964651</u> <b>Mark:</b> DIGITAL VISION BUSINESS	<b>Filing Dt:</b> 08/31/2006	<b>Reg #:</b> <u>3662105</u>	<b>Reg. Dt:</b> 07/28/2009

**Assignor**1 RCN TELECOM SERVICES, INC.

**Exec Dt:** 08/25/2010  
**Entity Type:** CORPORATION  
**Citizenship:** PENNSYLVANIA

**Assignee**

1 RCN TELECOM SERVICES, LLC  
 196 VAN BUREN STREET  
 SUITE 300  
 HERNDON, VIRGINIA 20170

**Entity Type:** LIMITED LIABILITY  
 COMPANY  
**Citizenship:** DELAWARE

**Correspondence name and address**

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 111 HUNTINGTON AVENUE  
 EDWARDS ANGELL PALMER & DODGE LLP  
 BOSTON, MA 02199

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