

ESTTA Tracking number: **ESTTA557162**

Filing date: **08/30/2013**

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

| | |
|------------------------|--|
| Proceeding | 92054047 |
| Party | Plaintiff Flowers Bakeries Brands, LLC |
| Correspondence Address | CHARLENE R MARINO KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE ST , SUITE 2800 ATLANTA, GA 30309-4530 UNITED STATES cmarino@ktslaw.com, tdavis@ktslaw.com, bbrewster@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com |
| Submission | Motion to Join/Substitute Party |
| Filer's Name | Theodore H. Davis Jr. |
| Filer's e-mail | tdavis@ktslaw.com, nchollet@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com |
| Signature | /Theodore H. Davis Jr./ |
| Date | 08/30/2013 |
| Attachments | 2013.08.30 Flowers v Hostess- Motion to Substitute a Party.pdf(93273 bytes) |

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

| | | |
|--|---|-----------------------------|
| FLOWERS BAKERIES BRANDS, LLC, |) | |
| |) | |
| |) | |
| Petitioner, |) | |
| |) | Cancellation No. 92054047 |
| v. |) | |
| |) | Reg. Nos. 3768903 & 3845596 |
| FLOWERS BAKERIES BRANDS, LLC, |) | |
| successor in interest to OLD HB, INC., |) | MARK: NATURE'S PRIDE |
| f/k/a HOSTESS BRANDS, INC. |) | |
| |) | |
| Respondent. |) | |

MOTION TO SUBSTITUTE A PARTY

Pursuant to Section 512.01 of the Trademark Trial and Appeal Board Manual of Procedure, Respondent requests that Flowers Bakeries Brands, LLC be substituted for Hostess Brands, Inc., the current respondent of record.

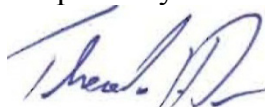
On April 17, 2013, Hostess Brands, Inc., changed its name to Old HB, Inc. That change of name was recorded against the two registrations at issue in this matter, Registration Nos. 3768903 and 3845596, on July 30, 2013. *See* Reel/Frame 5080/0020.

On July 19, 2013, Old HB, Inc. assigned Registration Nos. 3768903 and 3845596, as well as the marks underlying those registrations, to Flowers Bakeries Brands, LLC. That assignment was recorded against Registration Nos. 3768903 and 3845596 on July 30, 2013. *See* Reel/Frame 5080/0024.

Accordingly, as the actual and record owner of Registration Nos. 3768903 and 3845596, Flowers Bakeries Brands, LLC requests that it be substituted for Hostess Brands, Inc. in this action and the caption be amended to reflect the assignment and substitution.

This 30th day of August, 2013.

Respectfully submitted,



Counsel for Respondent,
Flowers Bakeries Brands, LLC

Theodore H. Davis Jr.
Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4528
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

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

| | | |
|--|---|-----------------------------|
| FLOWERS BAKERIES BRANDS, LLC, |) | |
| |) | |
| |) | |
| Petitioner, |) | |
| |) | Cancellation No. 92054047 |
| v. |) | |
| |) | Reg. Nos. 3768903 & 3845596 |
| FLOWERS BAKERIES BRANDS, LLC, |) | |
| successor in interest to OLD HB, INC., |) | MARK: NATURE'S PRIDE |
| f/k/a HOSTESS BRANDS, INC. |) | |
| |) | |
| Respondent. |) | |

CERTIFICATE OF SERVICE

This is to certify that the attached Motion to Substitute a Party was served on counsel for Respondent on August 30, 2013, via first-class mail addressed to:

Cheryl L. Burbach, Esq.
Hovey Williams LLP
10801 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210

/Kris Teilhaber/
Kris Teilhaber

CERTIFICATE OF TRANSMITTAL

This is to certify that the attached Motion to Substitute a Party is being filed electronically with the TTAB via ESTTA on August 30, 2013.

/Kris Teilhaber/
Kris Teilhaber