

ESTTA Tracking number: **ESTTA1037762**

Filing date: **02/24/2020**

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

Proceeding	92070611
Party	Plaintiff The Weidt Group, Inc.
Correspondence Address	MICHAEL T OLSEN WINTHROP & WEINSTINE PA 225 SOUTH SIXTH STREET, SUITE 3500 MINNEAPOLIS, MN 55402 UNITED STATES trademark@winthrop.com, molsen@winthrop.com, tchambers@winthrop.com 612-604-6400
Submission	Motion to Join/Substitute Party
Filer's Name	Timothy D. Sitzmann
Filer's email	trademark@winthrop.com, tsitzmann@winthrop.com, molsen@winthrop.com, mmiller@winthrop.com
Signature	/TDS/
Date	02/24/2020
Attachments	18769650_1.pdf(519656 bytes)

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

The Weidt Group, Inc.,

Petitioner,

v.

Cancellation No. 92070611

Schneider Electric USA, Inc.,

Respondent.

PETITIONER'S MOTION TO JOIN

The Weidt Group, Inc. filed the underlying Petition for Cancellation on February 17, 2019. Subsequent to the filing, Willdan Energy Solutions acquired The Weidt Group, Inc.'s ownership interest in Petitioner's registrations and application asserted in this action, on March 8, 2019. The assignment was recorded on August 12, 2019 (Reel/Frame No. 6717/0445). A copy of the assignment and the recordation cover sheet is enclosed with this motion. Petitioner hereby requests that Willdan Energy Solutions be joined as a party to the above-captioned cancellation proceeding number 92070611.

"Where there has been an assignment of a mark that is the subject of . . . an inter partes proceeding before the Board, the assignee may be joined or substituted, as may be appropriate, upon motion granted by the Board." TBMP § 512.01. Because the assignment occurred after the proceeding was initiated, joinder is appropriate. *Id.*

Accordingly, Petitioner respectfully requests that the Board grant this Motion to Join Willdan Energy Solutions as reflected in the recorded assignment.

NOTICE OF APPEARANCE

In the event the Trademark Trial and Appeal Board grants this motion, the undersigned counsel for The Weidt Group, Inc. will also represent Willdan Energy Solution. The undersigned counsel requests that the Board consider this filing and signature as its Notice of Appearance for Willdan Energy Solutions and requests that the same contact information utilized for The Weidt Group, Inc. be utilized for Willdan Energy Solutions, with the exception of the substitution of the e-mail address tsitzmann@winthrop.com for the e-mail address tchambers@winthrop.com.¹

Respectfully Submitted,

WINTHROP & WEINSTINE, P.A.

Date: February 24, 2020

/Timothy D. Sitzmann/
Michael T. Olsen
Timothy D. Sitzmann

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Minneapolis, MN 55402-4629
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*Attorneys for The Weidt Group, Inc. and
Willdan Energy Solutions*

CERTIFICATE OF SERVICE BY E-MAIL

Timothy Sitzmann, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, says that on the 24th day of February, 2020, he served by e-mail, a true and correct copy of this Appearance of Counsel in the above-captioned matter to the following last known e-mail addresses of record for Schneider Electric USA, Inc., namely, pb@pattishall.com, kab@pattishall.com, and docket@pattishall.com.

/Timothy Sitzmann/
Timothy D. Sitzmann

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¹ Mr. Tucker Chambers is no longer with the law firm of Winthrop & Weinstine, P.A.

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM536154

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT
EFFECTIVE DATE:	03/08/2019

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
The Weidt Group, Inc.		08/09/2019	Corporation: DELAWARE

RECEIVING PARTY DATA

Name:	Willdan Energy Solutions
Street Address:	2401 E. Katella Avenue, Suite 300
City:	Anaheim
State/Country:	CALIFORNIA
Postal Code:	92806
Entity Type:	Corporation: CALIFORNIA

PROPERTY NUMBERS Total: 21

Property Type	Number	Word Mark
Serial Number:	86376764	COLLABORATION ANALYSIS RESEARCH
Serial Number:	85690249	ESIMSERVER
Serial Number:	77114265	
Serial Number:	77114269	
Serial Number:	77127198	
Serial Number:	77114266	
Serial Number:	88074385	NEO
Serial Number:	85711188	NEO NET ENERGY OPTIMIZER
Serial Number:	88074426	NEO NET ENERGY OPTIMIZER
Serial Number:	85711203	NEO NET ENERGY OPTIMIZER
Serial Number:	77114260	THE WEIDT GROUP
Serial Number:	77114259	THE WEIDT GROUP
Serial Number:	77114272	THE WEIDT GROUP
Serial Number:	77127200	THE WEIDT GROUP
Serial Number:	77114254	THE WEIDT GROUP
Serial Number:	77114257	THE WEIDT GROUP
Serial Number:	77114258	THE WEIDT GROUP
Serial Number:	77127195	THE WEIDT GROUP

OP \$540.00 86376764

Property Type	Number	Word Mark
Serial Number:	85187989	WEIDT
Serial Number:	85224324	WEIDT
Serial Number:	85690253	WEIDTSIM

CORRESPONDENCE DATA

Fax Number: 6126046800

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: 612.604.6394

Email: mmiller@winthrop.com

Correspondent Name: MEGAN M. MILLER

Address Line 1: 225 SOUTH SIXTH STREET, SUITE 3500

Address Line 2: WINTRHOP & WEINSTINE

Address Line 4: MINNEAPOLIS, MINNESOTA 55402

ATTORNEY DOCKET NUMBER:	12316.1
NAME OF SUBMITTER:	Megan M. Miller
SIGNATURE:	/Megan M. Miller/
DATE SIGNED:	08/12/2019

Total Attachments: 2

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NUNC PRO TUNC TRADEMARK ASSIGNMENT

This Trademark Assignment (the "Assignment") is made and effective *nunc pro tunc* as of March 8, 2019 (the "Effective Date"), by The Weidt Group, Inc., a Delaware corporation (the "Assignor") to Willdan Energy Solutions, a California corporation (the "Assignee").

WHEREAS, Assignor desires to assign all rights, title, and interest in and to the common law trademarks rights and trademark registrations listed in the attached Exhibit A (collectively the "Trademarks") as of the Effective Date to Assignee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee *nunc pro tunc* as of the Effective Date all rights, title, and interest including all goodwill of the business associated with the Trademarks along with the right to enforce the Trademarks and sue for past, present, and future infringements thereof.

ASSIGNOR:

The Weidt Group, Inc.

Signature: _____

By: _____

Its: _____

Date: _____

EXHIBIT A

Trademark	Application No.	Filing Date	Registration No.	Registration Date	Status
COLLABORATION ANALYSIS RESEARCH	86/376,764	Aug 26, 2014	4802389	Sep 1, 2015	Registered
ESIMSERVER	85/690,249	Jul 30, 2012	4556543	Jun 24, 2014	Registered
Logo (Class 35)	77/114,265	Feb 23, 2007	3334012	Nov 13, 2007	Registered
Logo (Class 42)	77/114,269	Feb 23, 2007	3334013	Nov 13, 2007	Registered
Logo (Class 41)	77/127,198	Mar 9, 2007	3434132	May 27, 2008	Registered
Logo (Class 9)	77/114,266	Feb 23, 2007	3451998	Jun 24, 2008	Registered
NEO (US)	88/074,385	Aug 10, 2018			Pending
NEO (Canada)	1944868	Feb. 6, 2019			Pending
NEO NET ENERGY OPTIMIZER	85/711,188	Aug 23, 2012	4429793	Nov 5, 2013	Registered
NEO NET ENERGY OPTIMIZER (Stylized)	88/074,426	Aug 10, 2018			Pending
NEO NET ENERGY OPTIMIZER (Stylized) & Design (Color)	85/711,203	Aug 23, 2012	4433658	Nov 12, 2013	Registered
THE WEIDT GROUP (Class 9)	77/114,260	Feb 23, 2007	3451997	Jun 24, 2008	Registered
THE WEIDT GROUP (Class 35)	77/114,259	Feb 23, 2007	3429472	May 20, 2008	Registered
THE WEIDT GROUP (Class 42)	77/114,272	Feb 23, 2007	3429474	May 20, 2008	Registered
THE WEIDT GROUP (Class 41)	77/127,200	Mar 9, 2007	3434133	May 27, 2008	Registered
THE WEIDT GROUP & Logo Design (Color) (Class 9)	77/114,254	Feb 23, 2007	3434052	May 27, 2008	Registered
THE WEIDT GROUP & Logo Design (Color) (Class 35)	77/114,257	Feb 23, 2007	3338694	Nov 20, 2007	Registered
THE WEIDT GROUP & Logo Design (Color) (Class 42)	77/114,258	Feb 23, 2007	3338695	Nov 20, 2007	Registered
THE WEIDT GROUP & Logo Design (Color) (Class 41)	77/127,195	Mar 9, 2007	3429573	May 20, 2008	Registered
WEIDT (Class 35)	85/187,989	Dec 1, 2010	4199230	Aug 28, 2012	Registered
WEIDT (Class 42)	85/224,324	Jan 24, 2011	4199320	Aug 28, 2012	Registered
WEIDTSIM	85/690,253	Jul 30, 2012	4556544	Jun 24, 2014	Registered

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