

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: September 16, 2009

Opposition No. 91164764

Brink's Network, Incorporated

v.

The Brinkmann Corporation

Jennifer Krisp, Interlocutory Attorney:

On August 27, 2009, applicant filed a motion to divide its involved Application Serial No. 76483115. Applicant requests that said application be divided into (1) an application covering

International Class 4: Charcoal briquettes and wood chunks for use in smoking and grilling food

International Class 6: Metal birdbaths; metal compost bins, metal garden hose hangers, and metal tubs and metal flashlight key rings

International Class 7: Vacuum cleaners and accessories, namely, brushes and suction nozzles for vacuum cleaners, vacuum cleaner hoses and hose adapters, filters, filter bags for vacuum cleaners, vacuum cleaner extension wands, vacuum cleaner crevice tools, vacuum cleaner dollies, and accessory kits comprising vacuum cleaner brushes, suction nozzles, hoses, vacuum cleaner extension wands and vacuum cleaner crevice tools

International Class 8: Hand tools, namely, protractor saw guides and multi-purpose hand tools comprising pliers, knife blades, screwdrivers, hole punches, bottle openers, can openers, fish scalers and files in one unit; hand utensils, namely, meat hooks

International Class 9: batteries; wall mount brackets for battery chargers and flashlight; cooking thermometers; electrical extension cords; electric connectors; electric converters; electronic mineral and metal detectors, flashlight and spotlight accessories sold together or separately, namely, transmitters, lighter plugs and filter caps

International Class 11: Barbecue grills and smokers, gas cookers and gas fryers, combined outdoor gas grills comprised of a grill, side burner, hanging rack in a warming area, kitchen sink and ice bucket; replacement parts and accessories for barbecue grills and smokers and gas cookers and gas fryers sold separately, namely, charcoal lighters and charcoal starters; lighting products, namely, flashlights, spotlights, electric and fluorescent lanterns, rechargeable lights and spotlights, low voltage and solar-powered lights, electric night lights for outdoor work use, underwater and buoy lights used for fishing; flashlight and spotlight replacement parts and accessories sold together, namely, replacement bulbs, nylon and leather carry cases and holster and belt holders; flashlight and spotlight replacement parts and accessories sold separately, namely, replacement bulbs; replacement parts and accessories for barbecue grills, smokers, gas cooker and gas fryers sold separately, namely, drip pans, racks, grates, charcoal pans and water pans; candle lanterns; and portable electric fans

International Class 12: Wheelbarrows and hand carts for carrying weighted objects and dollies

International Class 21: House wares and garden accessories, namely, pails, rinsing tubs, dust pans, metal pans for use as drain pans, watering cans, trash cans, bird feeders

International Class 30: Seasonings and spices

and (2) a separate application covering the opposed goods

International Class 9: Home security systems and components therefor, namely, motion sensitive home security lights, detectors, receivers, transmitters, adapters and wall mount brackets.

Opposer filed a brief in response to the motion to divide, stating that it does not contest division of the application, but reserves the right to object to applicant's reliance, if any, on any registration which issues for the unopposed goods, as a defense to opposer's claims.

If an application that is the subject of an opposition includes multiple classes, not all of which have been opposed, the applicant may file a motion to divide out the unopposed

classes. Similarly, if an application which is the subject of an opposition includes more than one item of goods, or more than one service, in a single class, and the opposition is not directed to all of the goods or services, the applicant may file a motion to divide out the unopposed goods or services. See Trademark Rule 2.87(a); TBMP § 516 (2d ed. rev. 2004).

In view thereof, applicant's motion to divide is granted. The involved application will be referred to the Office's intent-to-use unit for processing of the request to divide, and creation of a parent application and a child application, as appropriate.

Proceedings are suspended pending the Office's completion of the application divisional process. Upon resumption by order of the Board, the Board will set opposer's time to file its answer to, or otherwise respond to applicant's counterclaims, filed August 26, 2009, to cancel opposer's pleaded Registration Nos. 529622, 1412587 and 1411610. See Trademark Rule 2.106(b)(2)(iii).