

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Tdc

Mailed: September 2, 2014

Opposition No. 91213067

*Margaritaville Ent., LLC*

*v.*

*Simmons Veterinary Clinic, Inc.*

**Benjamin U. Okeke, Interlocutory Attorney:**

The parties' stipulated motion, filed July 18, 2014, to (i) divide applicant's application Serial No. 85751742 ("the '742 application"), (ii) assign Serial No. 85920460 ("the '460 application") and the newly created "child" case to opposer, and (iii) abandon the '742 application as to International Classes 20, 21 and 28, with opposer's written consent is **GRANTED**. Trademark Rule 2.127(a).

Accordingly, the '742 application will be divided into a "parent" application to include the goods identified in International Classes 20, 21, 28 and 31, and a new "child" application to include the goods and services identified in unopposed Classes 3, 18, 24, 41, 43 and 44. See TMEP § 1110 and Trademark Rule 2.87. Once divided, the child application will be assigned to opposer. Additionally, the '742 application will be abandoned as

to International Classes 20, 21 and 28 only.<sup>1</sup> Subsequently, the opposition will be dismissed with prejudice with respect to the '742 application.<sup>2</sup>

Proceedings will be suspended pending the processing of the motion to divide. Once proceedings are resumed, the Board will take the appropriate action with respect to the abandonment and assignment of the applications.

Proceedings are otherwise **SUSPENDED**.

---

<sup>1</sup> Application Serial No. 85751742 will be forwarded to the Publication and Issue section of this Office for issuance of a registration as to International Class 31.

<sup>2</sup> Application Serial No. 85920460 and the "child" application will be forwarded to the Publication and Issue section of this Office for issuance of a registration.