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

Proceeding	91225497
Party	Defendant S. C. Johnson & Son, Inc.
Correspondence Address	Dianne M. Smith-Misemer Hovey Williams LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KS 66226 UNITED STATES dsmisemer@hoveywilliams.com, litigation@hoveywilliams.com, B050994@scj.com
Submission	Other Motions/Papers
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Signature	/Dianne M. Smith-Misemer/
Date	04/15/2016
Attachments	Motion to Divide Application_91225497 (BLUE ODYSSEY).pdf(168325 bytes) Request to Divide Application_91225497 (BLUE ODYSSEY).pdf(164244 bytes)

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

AVON PRODUCTS, INC.,)	
)	
Potential Opposer,)	Opposition No. 91225497
)	
v.)	Serial No. 86/497,240
)	Mark: BLUE ODYSSEY
S. C. JOHNSON & SON, INC.,)	
)	
Applicant.)	

MOTION TO DIVIDE APPLICATION PURSUANT TO
37 C.F.R. §2.87 and TBMP § 516

Applicant, S. C. Johnson & Son, Inc. (“Applicant”), by and through its counsel, Dianne M. Smith-Misemer of Hovey Williams, LLP, respectfully moves the Trademark Trial and Appeal Board for an order granting Applicant’s Request to Divide Application for Application Serial No. 86/497,240 for BLUE ODYSSEY under 37 C.F.R. § 2.87 and TBMP § 516. In support of its motion, Applicant states as follows:

The goods and services identified in the above-referenced application fall into two (2) separate classifications, International Classes 003 and 004, respectively. Opposer has filed the instant proceeding with claims only affecting goods and services listed in International Class 003 for “air fragrancing preparations.” Registration of the mark for “candles, wax melts” in International Class 004 are not opposed. Applicant therefore requests that the application be divided. Applicant requests that International Class 003 in the parent application be subject to the current opposition, and International Class 004 goods be divided into a newly created application. Dividing the application will not prejudice the Opposer because Opposer did not elect to oppose registration of the mark in International Class 004. Applicant believes that by dividing the application it will

streamline the opposition proceedings and promote judicial economy and utilization of the Board and parties' resources.

WHEREFORE, for good cause shown, Applicant respectfully asks that Application Serial No. 86/497,240 for BLUE ODYSSEY be divided. Should there be any additional fees required, they may be charged or any overpayment credited to Deposit Account 19-0522.

Dated: April 15, 2016

Respectfully submitted,

s/ Dianne M. Smith-Misemer
Dianne M. Smith-Misemer
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ATTORNEYS FOR APPLICANT
S. C. JOHNSON & SON, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of April, 2016, the foregoing has been served on counsel for Applicant via First Class U.S. Mail to the following address:

Amy Gaven, Esq.
KELLEY DRYE & WARREN, LLP
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ATTORNEYS FOR OPPOSER
AVON PRODUCTS, INC.

s/ Dianne M. Smith-Misemer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	S. C. Johnson & Son, Inc.)	
)	
)	Law Office: 111
Serial No.:	86/497,240)	Judith M. Helfman, Esq.
)	Examining Attorney
Filed:	January 7, 2015)	
)	
Mark:	BLUE ODYSEEY)	
)	
Notice of Publication Issued:)	
	August 12, 2015)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

REQUEST TO DIVIDE APPLICATION PURSUANT TO
37 C.F.R. §2.87 and TBMP § 516

Applicant, S. C. Johnson & Son, Inc. (“Applicant”) requests that U.S. Serial No. 86/497,240 be divided into two applications by retaining the goods “air fragrancng preparations” in Class 003 in the parent application, and by making the goods “candles, wax melts” listed in Class 004 the subject of the new, child application. Applicant will submit the necessary fees for dividing the application and the new application filing fee as required by 37 C.F.R. § 2.87 and TBMP § 516 by using deposit account 19-0522.

Accordingly, Applicant respectfully requests that a Notice of Allowance be issued for the newly created child application in the name of S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, Wisconsin 53403. The parent application will remain subject of Opposition No. 91225497.

Should there be any questions regarding the foregoing, the Examining Attorney is invited to contact Applicant's attorney, Dianne M. Smith-Misemer of Hovey Williams, LLP. Any additional fees may be charged or any overpayment credited to Deposit Account 19-0522.

Dated: April 15, 2016

Respectfully submitted,

s/ Dianne M. Smith-Misemer
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