

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

EJW/ey

Mailed: October 11, 2016

Opposition No. 91222207

Calida AG

v.

American Sports Licensing, LLC
(substituted for American Sports Licensing,
Inc.)

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Motion to Divide Opposed Application

On August 1, 2016, Applicant filed a consented motion to divide application Serial No. 86344087 into two separate applications. On August 4, 2016, Applicant submitted the required fee. *See* TBMP § 516 and Trademark Rule 2.87(b). Applicant's motion is unopposed. In view thereof, Applicant's motion is **granted**.

Accordingly, application Serial No. 86344087 will be divided into a "parent" application to include the goods and services identified in International Classes 25 and 35, and a "child" application to include the goods identified in International Classes 21 and 28. *See* TMEP § 1110 and 37 C.F.R. § 2.87.

The application file for the goods and services in International Classes 25 and 35 remains subject to this opposition proceeding. The application file for the goods in

International Classes 21 and 28 will be forwarded to the Publication and Issue section of this Office for further appropriate action.

Substitution of Party Defendant

A review of the assignment record of the involved application reveals that the application was assigned from American Sports Licensing, Inc. to American Sports Licensing, LLC by merger effective June 30, 2016. The assignment was recorded on August 3, 2016 at Reel/Frame 5845/0406.

When there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may be joined or substituted, as may be appropriate, upon motion granted by the Board, or upon the Board's own initiative. TBMP § 512.01 (2016). Here, because the involved application was assigned via merger, substitution is appropriate. *See, e.g., Mason Engineering & Design Corp. v. Mateson Chemical Corp.*, 225 USPQ 956, 957 and nn.2-3 (TTAB 1985) (substitution due to reincorporation and merger); *Hamilton Burr Publishing Co. v. E. W. Communications, Inc.*, 216 USPQ 802, 804 & n.1 (TTAB 1982) (substitution resulting from partnership incorporating under the same name). Accordingly, American Sports Licensing, LLC is hereby substituted as the party defendant herein and the Board's records have been updated accordingly.

Disclosure, discovery, and testimony dates remain as set forth in Applicant's June 3, 2016 motion for an extension of time, which was granted on the same date.

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