

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

Mailed: March 11, 2016

Opposition No. 91226704

Johnson & Johnson

v.

Moroccanoil, Inc.

Ellen Yowell, Paralegal Specialist:

On March 4, 2016, Opposer filed a notice of opposition to the registration sought by application Serial Nos. 85684735 and 85684740.

Application Serial No. 85684735

On March 3, 2016, prior to the commencement of the instant proceeding, Applicant filed a proposed amendment to its application Serial No. 85684735. Amendments filed between publication and the commencement of opposition proceedings are reviewed by a paralegal specialist in the office of the Deputy Commissioner for Trademark Examination Policy. TMEP § 1505.01(b).

By proposed amendment, Applicant sought to amend the identification of goods in International Class 3 as follows (proposed additions are in bold text; proposed deletions are in strikethrough text):

~~Bath soaps~~; Hair conditioners; ~~Body lotions~~; Hair creams; ~~Body scrub~~; Hair masks; Hair oils; Hair shampoos and conditioners; Hair styling preparations; Hairspray; Non-medicated hair treatment preparations for cosmetic purposes;

all of the preceding containing argan oil; ~~Hand cream; Non-medicated skin care preparations; Skin soap; Soaps for body care~~

It has come to the Board's attention that the amendment was approved and entered on March 4, 2016 by the office of the Deputy Commissioner for Trademark Examination Policy. Accordingly, proceedings herein are suspended and Opposer is allowed until thirty days from the mailing date of this order to notify the Board whether it wishes to proceed with this opposition with the amended identification of goods, or to have the opposition dismissed as a nullity with respect to application Serial No. 85684735. If opposer wishes to proceed, or if no response is received, proceedings will be resumed with respect to application Serial No. 85684735, and dates, including the date for Applicant to file an answer to the notice of opposition, will be reset.

Application Serial No. 85684735

It has come to the Board's attention that Applicant filed an express abandonment of application Serial No. 85684735 prior to the commencement of this proceeding. In view thereof, the Board's March 4, 2016 institution order is hereby vacated with respect to application Serial No. 85684735, and application Serial No. 85684735 stands abandoned without prejudice. *See* Trademark Rule 2.68.

Further, an application that has been abandoned is no longer subject to the filing of an opposition and any opposition filed on or after the filing date of the abandonment will not be considered, and the fee will be refunded. TBMP § 218.

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Accordingly, this opposition is dismissed as a nullity with respect to application Serial No. 85684735, and the matter will be referred to the Finance Division of the Office for a refund of any fees paid.