

ESTTA Tracking number: **ESTTA849322**

Filing date: **09/29/2017**

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

Proceeding	91236190
Party	Defendant Forbi, Inc. dba Knowe
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Date	09/29/2017
Attachments	2017 09 28 Motion to Divide Application Exhibit.pdf(363788 bytes)

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

In the Matter of Application Serial No. 87258643

Mark: KNOWE

Published in the Official Gazette: April 25, 2017

MINNESOTA PUBLIC RADIO,

Opposer,

v.

FORBI, INC.,

Applicant.

Opposition No. 91236190

MOTION TO DIVIDE APPLICATION

Pursuant to 37 C.F.R. § 2.87, Applicant Forbi, Inc., d/b/a Knowe (“Applicant”) hereby moves to divide the Application Serial No. 87258643 (the “ ’643 Application”) into two separate applications – one for each of the two classes it has applied under: Class 038 and Class 042. This Motion is based on the statement of facts and memorandum of law set forth below, and the Declaration of Regina Yeh, Esq. and the exhibit attached thereto.

BACKGROUND

Applicant is a video technology platform, which, among other things, facilitates its users to connect with professionals over the internet and mobile

wireless communications networks for purposes of receiving career advisory services and mentorship. (Declaration of Regina Yeh, Esq. (“Yeh Decl.”), ¶ 2.) Applicant does its business under the name Knowe (the “Mark”). (*Id.*)

On December 6, 2016, Applicant filed the ’643 Application, seeking registration of the Mark for its services identified under two classes: Class 038 and Class 042. (Yeh Decl., ¶ 3, Ex. 1 (Trademark Official Gazette Publication Case Details for the ’643 Application).)

On April 5, 2017, the trademark examining attorney issued a Notice of Publication for the ’643 Application. On April 25, 2017, the ’643 Application was published in the Official Gazette for opposition. (Yeh Decl., ¶ 4.)

After filing two requests for extensions of time to oppose the ’643 Application, on August 17, 2017, Minnesota Public Radio (“MPR” or “Opposer”) filed an Opposition against Applicant, alleging that the ’643 Application encroached on MPR’s own trademark registration 1718808 (which identifies only “Radio broadcast services” under Class 038 in that registration). The Opposition does not oppose Knowe’s services applied for under Class 042.

ARGUMENT

An application that is the subject of an inter partes proceeding before the Board may be divided into two or more separate applications upon motion granted by the Board. 37 C.F.R. § 2.87. “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.” Trademark Manual of Examining Procedure § 516 (June 2017) (citing 37 C.F.R. § 2.87(a)).

This is the situation here. The Opposition does not challenge the services that Applicant has applied for under Class 042; accordingly, the portion of the '643 Application dealing with Applicant's services under Class 042 services should be divided into a separate application. *See also Spirits International B.V. v. S. S. Taris Zeytin Ve Zeytinyagi Tarim Satis Kooperatifleri Birligi*, 99 USPQ.2d 1545, 1547, n.3 (TTAB 2011) (dividing services in application within a single one class).

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Board grant this motion, and allow the portions of the '643 Application not subject to the Opposer's Opposition to proceed as a separate application.

Respectfully submitted,

Dated: September 29, 2017

By: /Regina Yeh/
Regina Yeh
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Forbi, Inc. d/b/a Knowe

DECLARATION OF REGINA YEH, ESQ. IN SUPPORT OF MOTION TO
DIVIDE APPLICATION

I, Regina Yeh, declare as follows:

1. I am an attorney licensed to practice in the State of California. I am a partner with the law firm of Anderson Yeh PC, counsel for Applicant Forbi, Inc. doing business as Knowe in the above-identified Opposition proceeding. I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify as set forth below.

2. Forbi, Inc. does its business under the name Knowe. Knowe is a video technology platform, which, among other things, facilitates users to connect with one another over the internet and mobile wireless communications networks for purposes of giving or receiving career advisory services and mentorship.

3. On December 6, 2016, on behalf of Knowe, I filed the application with Serial No. 87258643 (the “ ’643 Application”), which seeks registration of Knowe’s trade name with services under two classes: Class 038 and Class 042. Attached hereto as **Exhibit 1** is a true and correct copy of a printout from the Trademark Official Gazette Publication Confirmation for the ’643 Application, which I viewed on September 28, 2017. This Exhibit provides the description of services Knowe submitted under those two classes. Knowe did not seek identify any radio broadcast services under either of these classes.

4. On April 5, 2017, the trademark examining attorney issued a Notice of Publication for the '643 Application. On April 25, 2017, the '643 Application was published in the Official Gazette for opposition, as reflected in Exhibit 1.

5. After Minnesota Public Radio ("MPR") filed two requests for extensions of time to file an opposition to the '643 Application, on August 17, 2017, MPR filed its Opposition against Applicant's services under Class 038. The Opposition does not oppose any services under Class 042.

6. On September 26, 2017, I emailed MPR's counsel of record, Peter M. Routhier of Faegre Baker Daniels, LLP, asking if he would consent to the filing of this motion. On September 27, 2017, he responded stating that he would ask his client. I have not heard back further from Mr. Routhier.

I declare under penalty of perjury, under the laws of the State of California and the United States, that the foregoing is true and correct.

Executed this September 29, 2017, in Santa Monica, California.

/Regina Yeh/
Regina Yeh
Declarant

Exhibit 1

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Trademark Official Gazette

Case Details

TM 4316 Trademark Official Gazette Apr. 25, 2017

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Reason for Publication

Published for Opposition

Mark Literal(s) KNOWE

KNOWE

Case Identifiers**Serial Number** [87258643](#)**Application Filing Date** Dec. 6, 2016**Publication Date** Apr. 25, 2017**Mark Type** Service Mark**Register** Principal**Mark Information****Standard Character Claim** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type** 4 - STANDARD CHARACTER MARK**Goods and Services Information****For**

Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; providing video and audio conferencing; video and audio broadcasting services via the Internet, namely, posting, displaying and electronically transmitting data, audio and video; transmission of sound, video and information from web cams, video cameras or mobile phones, all featuring live or recorded materials

International Class(es)[38 - Primary](#)**US Class(es)**[100, 101, 104](#)**Class Status** ACTIVE**For**

Computer services, namely, hosting and maintaining an on-line web site for others for conducting interactive discussions over the Internet; providing temporary use of on-line non-downloadable software and applications for video and audio conferencing over the Internet; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking in the field of personal and professional development; providing customized on-line web pages and data feeds featuring user-defined information, which includes blog posts, new media content, other on-line content, and on-line web links to other websites; providing temporary use of on-line non-downloadable software and applications for enabling registered users to search, locate, and communicate with others

International Class(es)[42 - Primary](#)**US Class(es)**[100, 101](#)**Class Status** ACTIVE**Basis Information****Currently ITU** Yes**Current Owner(s) Information****Owner Name** Forbi, Inc.**DBA, AKA, Formerly DBA** Knowe

450 Lexington Ave, Suite 81 New York, NEW YORK

Address 10017**Legal Entity** CORPORATION**State or Country Where Organized** DELAWARE**Examining Attorney****Examining Attorney** BLOHM, LINDA E



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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION TO DIVIDE APPLICATION has been served on:

Peter M. Routhier
Faegre Baker Daniels LLP
90 South Seventh Street
2200 Wells Fargo Center
Minneapolis, MN 55402

by forwarding a copy on this September 29, 2017, via email to:

peter.routhier@faegrebd.com.

Dated: September 29, 2017

By: /Regina Yeh/
Regina Yeh