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

Proceeding	91266658
Party	Defendant Hills Point Industries, LLC
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Date	11/04/2021
Attachments	Motion to Divide-HPI-OPP023.pdf(92759 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD
Consolidated Opposition No. 91253105 (parent); 91253653; 91254743; 91266658

Chubby Gorilla, Inc.,)
 Opposer)
)
 v.)
)
Hills Point Industries, LLC,)
 Applicant)

MOTION TO REQUEST TO DIVIDE APPLICATION
PURSUANT TO 37 CFR § 2.87, TMEP § 1110.06, and TBMP § 516

Applicant Hills Point Industries, LLC (“Applicant” or “HPI”) respectfully moves the Trademark Trial and Appeal Board (the “Board”) for an order granting Applicant’s Request to Divide Application for Application Serial No. 88815304 and Application Serial No. 88701306. As grounds for its motion, Applicant states the following:

US Serial No. 88815304, (the “’304 Application”), filed February 28, 2020, for the mark GORILLA GRIP, has goods classified into four classes: 6, 8, 20 and 21. None of the goods in Classes 6, 8 and 20 are opposed. The only goods in Class 21 which are opposed are “lunch bags not of paper; travel mugs”, with all other goods (“cooling racks for baked goods; lint brush; lint roller; household utensils, namely, dough and pastry scrapers, pot and pan scrapers, kitchen food scrapers; household utensils, namely, graters; graters for kitchen use; butter dishes; knife block; knife storage unit in the form of a magnetic strip; household utensils, namely, non-metal cover to fill gap between countertop and kitchen appliance”) being unopposed.

Applicant requests that the ‘304 Application be divided, keeping the opposed goods in Class 21 in the parent application, and moving Classes 6, 8, 20 and the unopposed goods in Class 21 to a newly created application.

US Serial No. 88701306, (the “’306 Application”), filed November 21, 2019, for the mark GORILLA GRIP, has goods classified into four classes: 8, 11, 12, and 21. None of the goods in Classes 8, 11, and 12 are opposed. The only goods in Class 21 which are opposed are “pet feeding and drinking bowls; pet feeding bowls and dishes”, with all other goods (“place mats, not of paper or textile; rolling pins; trivets; hand-operated pastry blenders; plastic board specially adapted for use in folding laundry for household use”) being unopposed.

Applicant requests that the ‘306 Application be divided, keeping the opposed goods in Class 21 in the parent application, and moving Classes 8, 11, 12 and the unopposed goods in Class 21 to a newly created application.

Dividing the applications will not prejudice the Opposer. It has elected not to oppose registration of the mark for these goods. Rather, dividing the application will streamline the opposition proceedings thus promoting more efficient utilization of both the Board’s and the parties’ resources and time.

It is hereby authorized that the fee set forth in §2.6(a)(1) for the new applications requested and the fee set forth in §2.6(a)(19) for the divisions requested be charged to deposit account 07-1732.

November 4, 2021

Respectfully submitted,

ATTORNEYS FOR APPLICANT
HILLS POINT INDUSTRIES, LLC

By: /David S Jacobson/
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion To Request To Divide Application Pursuant To 37 CFR § 2.87, TMEP § 1110.06, and TBMP § 516 has been served on Opposer Chubby Gorilla, LLC by forwarding said copy on this day via email, to:

Stacey R. Halpern
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November 4, 2021

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