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

Proceeding	91267373
Party	Defendant THE FYNDER GROUP, INC.
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Date	02/11/2021
Attachments	2021.02.11 Motion to Divide.pdf(99811 bytes)

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

In the Matter of Serial No. 88/812,151
Mark: NATURE'S FYND
Filing Date: February 26, 2020
Publication Date: December 8, 2020

Nature's Bakery, LLC Opposer, v. THE FYNDER GROUP, INC., Applicant.	Opposition No. 91267373
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APPLICANT'S MOTION TO DIVIDE APPLICATION NO. 88/812,151

Pursuant to 37 C.F.R. § 2.87, Applicant moves the Board to divide U.S. Trademark Application Serial No. 88/812,151 for those goods identified in Classes 5, 29, 30, 31 and 32 that are not subject to the present Opposition.

The present Opposition filed by Opposer against U.S. Trademark Application Serial No. 88/812,151 is limited to the following goods in Class 5:

“protein supplements formed and packaged as bars; protein supplements; protein dietary supplements formed and packaged as bars.”

As the application includes additional goods in Class 5, as well as goods in Classes 29, 30,

31 and 32 that are not subject to the opposition, Applicant moves the Board to create a child application by dividing the following unopposed goods out of Class 5, and all identified goods in Classes 29, 30, 31 and 32, which are not subject to the opposition, as follows:

Class 5: Vegan protein for use as a nutritional supplement in ready-to-drink beverages; vegan liquid protein supplements; protein supplement shakes; protein supplement shakes for weight gain purposes; protein dietary supplements

Class 29: Prepared meals consisting primarily of meat substitutes; artificial cream being dairy product substitutes; vegetable-based meat substitutes; poultry substitutes; cheese substitutes; sour cream substitutes; butter substitutes; nut butter substitutes made from fungi; seafood substitutes; margarine substitutes; meat substitutes; milk substitutes; egg substitute; egg product being egg substitute; formed textured vegetable protein for use as a meat substitute

Class 30: Ice cream substitute; frozen dessert consisting of fruit and cream or cream substitutes

Class 31: Raw mushrooms; fresh mushrooms; fresh shiitake mushrooms; unprocessed mushrooms; fresh edible fungi; oyster mushrooms, fresh

Class 32: Concentrates, syrups or powders used in the preparation of sports and energy drinks; concentrates and powders used in the preparation of energy drinks and fruit-flavored beverages; sports drinks, namely, recovery drinks; sports drinks, namely, performance drinks; enhanced energy drinks; enhanced sports drinks; aromatized beverages based on fruit, protein, cordial, sugar and other fluid nutrients, namely, protein drinks for use as food fillers and not for use as meal replacements; smoothies; smoothies being fruit beverages, fruit predominating; protein-enriched sports beverages

Applicant requests that the goods that are subject to the present Opposition in Class 5 be retained in the original, parent Application No. 88/812,151, specifically, “protein supplements formed and packaged as bars; protein supplements; protein dietary supplements formed and packaged as bars.”

As required under 37 C.F.R. § 2.87(b), Applicant authorizes the United States Patent and Trademark Office (“USPTO”) to debit the undersigned’s USPTO deposit account number 191970 to pay the applicable fee for dividing U.S. Application No. 88/812,151 as required under 37 C.F.R. § 2.87(b).

Respectfully submitted,

Date: February 11, 2021

By: /s/ Miriam D. Trudell/
Miriam D. Trudell

Opposition No. 91267373

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 11, 2021, a true and correct copy of the foregoing APPLICANT’S MOTION TO DIVIDE APPLICATION NO. 88/812,151 in Opposition No. 91267373 was emailed to the address below:

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