

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

cv

Mailed: September 10, 2012

Opposition No. 91197706

Keen Entertainment LLC

v.

Tamara Jane Strandberg dba  
Ink and Iron

Cheryl S. Goodman, Interlocutory Attorney:

Applicant, on July 23, 2012,<sup>1</sup> filed a proposed amendment to its application serial No. 77896745 with opposer's consent and pursuant to the settlement agreement between the parties (copy included).<sup>2</sup> By the proposed amendment, applicant is seeking to amend the recitation of goods in Class 16 only as follows:

**from** "(Based on Use in Commerce) Christmas cards; Greeting cards; Greeting cards having a Christian message; Holiday cards; Note cards; Occasion cards (Based on Intent to Use) Announcement cards; Coasters made of paper; Correspondence cards; Gift wrap paper; Gift wrapping paper; Gift-wrapping

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<sup>1</sup> Applicant's previous motion to amend filed the same date is not being considered.

<sup>2</sup> Applicant's change of address filed July 23, 2012 is noted and the record has been updated to reflect the new applicant's correspondence address.

paper; Invitation cards; Printed invitations; Social note cards."

to "(Based on Use in Commerce) Christmas cards; Greeting cards; Greeting cards having a Christian message; Holiday cards; Note cards; Occasion cards (Based on Intent to Use) ~~Announcement cards~~; letterpress printed, digitally printed, and electronic invitations, announcements, and greeting cards; notepads; recipe cards; Coasters made of paper; Correspondence cards; Gift wrap paper; Gift wrapping paper; Gift-wrapping paper; ~~Invitation cards; Printed invitations; Social note cards~~ calendars; personal stationery; business stationery; paper plates, cups and napkins; all featuring designs unrelated to: tattoos; tattoo art; hot rods; custom or "kustom" vehicles and their parts and accessories; pinstriping of vehicles; pin-up and/or corseted girls; pole dancing; burlesque and cabaret; "retro" or "vintage" fashion; vintage hairstyles including pompadours, mohawks, and fashion mullets; "retro" or "vintage" culture and cultural icons; Americana; music; and the lifestyle(s) associated with said genres; but including the graphical depiction of musical notes, musical symbology, and/or other aspects of performing or enjoying music, and not containing, in the form of ornamental use or as a design element of or on the goods, the mark INK&IRON, INK-N-IRON or any mark that is confusingly similar thereto."

International Class 40 remains unchanged.

Trademark Rule 2.71(a) provides that the identification of goods or services may be amended to clarify or limit the identification, but additions will not be permitted. Here, applicant seeks to add recipe cards, notepads, calendars, personal stationery, business stationery, cups and napkins, none of which were identified in the original identification of goods. Therefore, these additional goods are outside the scope of the original identification. Trademark Rule 2.71(a) ("applicant may amend the application to clarify or limit, but not to broaden the identification of goods or services". Additionally, it is not appropriate to include a registered mark in the identification of goods. TMEP Section 1402.09 ("it is inappropriate to use a registered mark to identify a kind of product or service"). Accordingly, applicant's motion to amend its application is denied.

Applicant is allowed until thirty days from the mailing date of this order to submit an acceptable amendment, failing which the opposition will go forward on the application as originally published.

Proceedings herein are otherwise suspended.