

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

MBA/CME/mc

Mailed: November 5, 2012

Opposition No. 91203199

Kona University, Inc.

v.

Life Empowerment Institute

Michael B. Adlin, Administrative Trademark Judge:

On October 18, 2012, applicant filed a proposed amendment to its application Serial No. 85008965, alleging opposer's consent pursuant to a settlement agreement.¹ By the proposed amendment, applicant seeks to change the identification of services **from** "Conducting workshops and seminars in personal awareness; Educational services, namely, conducting seminars, lectures, teleseminars, teleclasses, and workshops in personal awareness" **to** "Education services, namely, providing seminars and workshops, teleseminars, teleclasses, in holistic healing specifically in the nature of energetic transformation and psycho-spiritual therapy."

Pursuant to Trademark Rule 2.71(a), 37 C.F.R. § 2.71(a), an applicant may "clarify" or "limit" the identification of goods and/or services. In this case, the terms "holistic

¹ The Board notes applicant's change of address filed September 19, 2012 and has updated its records accordingly. Opposer's consented motion to suspend, filed October 24, 2012, is moot.

healing," "energetic transformation" and "psycho-spiritual therapy," without qualification, appear to go beyond "personal awareness"-related services, and therefore the proposed amendment does not clarify or limit the identification and is unacceptable.² As a result, the motion to amend, despite opposer's apparent consent, is denied. See Trademark Rule 2.71(b).

Proceedings herein are suspended for **THIRTY DAYS** from the mailing date of this order, for the parties to continue to discuss settlement. If no word is received from either party within thirty days, proceedings herein shall resume, and dates for discovery and trial will be reset.

² The Board would be inclined to accept the following identification of services, if accurate and agreed to by the parties:

International Class 41: "Education services, namely, providing seminars and workshops, teleseminars, teleclasses, in personal awareness-related holistic healing, specifically in the nature of personal awareness-related energetic transformation and psycho-spiritual therapy."