

UNITED STATES PATENT AND TRADEMARK OFFICE
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June 30, 2020

Opposition No. 91253529

Varsity Spirit LLC and Varsity Brands, LLC

v.

Varsityprep Inc.

Michael Webster, Interlocutory Attorney:

On May 4, 2020, Applicant filed a proposed amendment to its application Serial No. 88573632. Opposer did not file a response in opposition to the motion to amend.

By the proposed amendment, Applicant seeks to amend the “state/country of incorporation” of the application as follows:

From: Hawaii.

To: Delaware.

Applicant has not stated the reason for the requested amendment, i.e., whether there was a clerical error in the application originally filed or whether the entity has changed from a Hawaii corporation to a Delaware Corporation. A mistake in the name of the applicant may be corrected by amendment; however, the application may not be amended to designate another entity as the application. 37 C.F.R. § 2.71(d);

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see Huang v. Tzu Wei Chen Food Co., 849 F.2d 1458, 7 USPQ2d 1335 (Fed. Cir. 1988);
see also TMEP § 1201.02(c).

In view of the foregoing, the motion to amend is **denied** without prejudice to refiling the proposed amendment.

Dates remain as set in the March 25, 2020 order.