UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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ky/jmm

May 30, 2023

Opposition No. 91274868

UFO Contemporary, Inc.

v.

YFO LLC

Jill M. McCormack, Interlocutory Attorney:

On May 19, 2023, Applicant filed a proposed amendment to application Serial No. 90458144, with Opposer's consent, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 25 as follows (proposed deletions shown stricken and additions in bold):

FROM:

> clothing, namely, shirts, hooded sweatshirts, tops as clothing ~~and bottoms as clothing~~; headwear and footwear

TO:

> clothing, namely, shirts, hooded sweatshirts, tops as clothing; headwear and footwear **all of the foregoing related to music production services, a musical artist, DJ, and live and recorded performances by a musical artist**

Under standard examination practice, a semicolon is used to separate distinct categories of goods or services within a single class. In the proposed, amended identification of goods, there is only a semicolon separating "clothing, namely, shirts, hooded sweatshirts, tops as clothing" from "headwear and footwear." Accordingly, the proposed identification is unclear as to whether the limitation "all of the foregoing related to music production services, a musical artist, DJ, and live and recorded performances by a musical artist" applies to just "headwear and footwear," or the entirety of the description of goods (in which case an additional semicolon must be inserted after "headwear and footwear").

In view thereof, the motion to amend is denied without prejudice. The present identification of goods, that is, the identification prior to the filing of the motion to amend, remains operative for purposes of future amendment. *See* Trademark Rule 2.71(a); TMEP §1402.07(d).

However, inasmuch as the filing of the proposed amendment indicates to the Board that the parties are making efforts to settle this matter, proceedings are suspended, and the parties are allowed until THIRTY (30) DAYS from the date of this order to file a revised motion to amend, failing which the Board will resume proceedings and reset dates, and the opposition will go forward on the present application.