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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91275567
Party	Defendant Magniberg Design AB
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Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	01/30/2024
Attachments	Motion to Amend Application with Consent.pdf(161841 bytes )

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

In the Matter of Trademark Application Serial No. 79303230

For the Mark: MAGNIBERG

Filed: September 30, 2020

Published in the Official Gazette on October 5, 2021

MX INTERNATIONAL S.R.L,

Opposer, Opposition No. 91275567

v.

MAGNIBERG DESIGN AB,

Applicant.

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United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P. O. Box 1451  
Alexandria, Virginia 22313-1451

**MOTION TO AMEND APPLICATION WITH CONSENT**

The Applicant with consent of the Opposer, hereby requests, pursuant to 37 C.F.R. §2.133 and Trademark and Trial and Appeal Board Manual of Procedure §514, that the trademark application for the mark MAGNIBERG be amended. The goods in the corresponding International Registration 1572988 have been restricted by the International Bureau, and while the Parties agreed to said amendment, the Trademark Trial and Appeals Board (“Board”) did not accept the amendments, indicated that they were overly broad.

In light of the Board’s guidance and Notice issues January 5, 2024 (TTABvue 15), the parties have agreed to adopt the description amendments proposed by the Board. As such, the parties hereby request that the USPTO amend the goods in accordance with the limitation, namely:

- Class 20: Furniture, except beds, bedding (except linen), mattresses, pillows, fire resistant mattresses, foam mattresses, latex mattresses, air mattresses, beds incorporating inner sprung mattresses, armchair beds, bed chairs, sofa beds, furniture incorporating beds, bed fittings, not of metal, mattress fittings, not of metal, furniture being convertible into beds, bedroom furniture, mattress toppers, bed bases, wardrobes, bedside tables, dressers [furniture], back support cushions, leg support cushions, support seats and furniture fittings, not of metal; statues, figurines, works of art, and ornaments and decorations, namely, boxes and spheres, made of wood, wax, plaster or plastic, displays cases, display stands and signage in the nature of printed vinyl signs, inflatable plastic signs, non-metallic.

- Class 24: Drapery; linens, namely linen fabric; labels of textile; bed linens, namely, duvet covers, pillow covers, bed sheets except protective loose covers for mattresses and furniture, ticks [mattress covers]; wall hangings of textile; unfitted coverings for furniture not of paper, streamers in the nature of pennants of textile; coated textiles, namely, fabrics coated with thermoplastic coatings for use in manufacturing in a wide variety of industries; bunting of textile or plastic; fabrics for textile use; traced cloth for embroidery; linen lining fabric for shoes; lining fabric for shoes; textile used as lining for clothing; bath linen; kitchen and table linens not of paper; bed clothes in the nature of covers and bed; blankets; glass clothes being [towels]; towels of textile.

Class 25 remains unchanged.

The parties respectfully request the Board grant this motion to amend.

DATED this 30th day of January, 2024.

/Rhett V. Barney/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of January, 2024, the foregoing Motion to Amend Application with Consent was filed with the Trademark Trial and Appeal Board's ESTTA system and served on Opposer by emailing the same as follows:

[mandt@mcglewtuttle.com](mailto:mandt@mcglewtuttle.com)

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