

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
TTAB Assistance Center: 571-272-8500  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

MCF/kk

January 31, 2024

Opposition No. 91277330

*East West International LLC*

*v.*

*Hrak Atechyan*

**By the Trademark Trial and Appeal Board:**

This case now comes up on Applicant's motion to divide and amend its application, Serial No. 90774318, filed November 16, 2023 and re-filed on January 5, 2024, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment. Specifically, Applicant seeks to have a new application created for Class 35 by dividing the goods in that class and to have the application with the "Clothing services" assigned to the Opposer after division, with both applications going forward to registration. Applicant has submitted its fee for division. In light of the foregoing, Applicant's request to divide is hereby **granted**.

On January 5, 2024, Applicant filed a proposed amendment to application Serial No. 90774318, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendments, Applicant seeks to amend the identification of goods as follows so that a separate application is created for each of the divided goods in Class 35 (additions in **bold**):

**From:** On-line retail store services featuring sports teams clothing, memorabilia, and general consumer sports merchandise.

**To:** On-line retail store services featuring **licensed professional** sports teams clothing, **namely, sports teams scarves, neckties, bow ties, aprons, and gloves, none of the foregoing to include footwear or clothing other than expressly listed above**<sup>1</sup> in Class 35<sup>1</sup> (the Clothing services application); and

**To:** On-line retail store services featuring **licensed professional** sports team memorabilia, **namely, wallets, pet products, flags, and general consumer sports merchandise, none of the foregoing to include footwear or clothing** in Class 35 (the Non-Clothing related application).

The amendments are limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendments are approved and entered. *See* Trademark Rule 2.133(a).

Inasmuch as Applicant has met the procedural requirements for division, and Opposer consents thereto, Applicant's motion to divide the application is **granted**. The ITU/Divisional Unit will process the request, and forward the child application to issue. *See* TMEP § 1110.09.

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<sup>1</sup> As the Board noted in its order of January 3, 2024, the wording "in Class 35" may not form a part of the identification of services. 22 TTABVUE 2 n. 1.

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The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.