UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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kk/WDJ

January 23, 2025

Opposition No. 91295125

Goja, LLC

v.

Pearl World Inc.

By the Trademark Trial and Appeal Board:

On January 7, 2025, Applicant filed a proposed amendment to its application Serial No. 98438024, with Opposer's written consent, and Opposer's withdrawal of the opposition, with Applicant's written consent, contingent upon entry of the amendment.

Disclaimer

By the proposed amendment, Applicant seeks to enter a disclaimer of "MAGIC." In accordance with TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1213.08(a)(i) (Nov. 2024), the standardized disclaimer text is as follows:

> No claim is made to the exclusive right to use "MAGIC" apart from the mark as shown.

The Board finds that the amendment to enter the disclaimer is in compliance with Trademark Act Section 6, 15 U.S.C. § 1056. Moreover, Opposer consents to the

amendment, as required by Trademark Rule 2.133, 37 C.F.R. § 2.133. In view of these findings, the amendment is acceptable.

Identification of Goods

By the proposed amendment, Applicant seeks to amend the identification of goods as follows:

From: Cleaning cloth; Cleaning cotton; Cleaning pads; Cleaning sponges; Pads for cleaning.

To: Cleaning swabs, namely, small fabric applicators for cleaning narrow openings and small spaces.

A proposed amendment to any application or registration which is the subject of an *inter partes* proceeding must also comply with all other applicable rules and statutory provisions, including Trademark Rules 2.71-2.75. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) §§ 514.01 and 605.03(b). In particular, while an applicant may amend to clarify or limit the identification, adding to or broadening the scope of the identification is not permitted. *See* Trademark Rule 2.71(a), 37 C.F.R. § 2.71(a); TMEP §§1402.06 *et seq.*, 1402.07.

The proposed amendment is unacceptable in its entirety inasmuch as it identifies goods that are not within the scope of the present identification. Specifically, the wording "cleaning swabs" in the proposed amendment is beyond the scope of the present identification because swabs are not mentioned in the original identification and do not fall within the scope of the wording in the current identification. The amended identification also is indefinite in that it identifies goods that are found in

more than one class. Cleaning swabs are classified in either International Class 3 or International Class 21 depending upon their intended purpose.

Therefore, the Board cannot accept the proposed amendment and will not enter the amendment.

In view of these findings, 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), 37 C.F.R. § 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 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.