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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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June 15, 2026

Opposition No. **91300936**

Mini Melts, Inc.

v.

Mini Melts USA, LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

Involved Application Serial No. 98756369 was filed on September 18, 2024, by Applicant as a limited liability company of Pennsylvania. This opposition proceeding was instituted on August 11, 2025.

On December 15, 2025, Applicant moved to amend its state of organization from Pennsylvania to Delaware.[1] As the basis therefor, Applicant asserts that it was domesticated from Pennsylvania to Delaware on December 4, 2023, and that when the subject application was filed on September 18, 2024, the application was "mistakenly and inadvertently filed … in the name of Mini Melts USA, LLC

[1] 9 TTABVUE. The format of Applicant's motion is improper in that it is single-spaced. All papers submitted electronically to the Board must be in at least 11-point type and double-spaced. *See* Trademark Rule 2.126(a)(1), 37 C.F.R. § 2.126(a)(1). While the Board may refuse to consider filings that do not meet the requirements of Trademark Rule 2.126(a)(1) or any other applicable rule, the Board, in this instance, has exercised its discretion to consider the filing so as not to further delay this matter. Applicant is advised that future submissions that fail to comply with the Board's filing requirements may be denied consideration.

(Pennsylvania) ...."[2] Applicant further states that "[a]t all relevant times, [it] has owned the application and maintained a bona fide intention to use the mark in commerce" and that "the correction is sought in good faith to ensure the accuracy of the record."[3] Applicant subsequently recorded its Delaware domestication with the Assignment Recordation Branch at Reel/Frame 9074/0365.

When there is a mistake in the manner in which the name of the applicant is set out in an application, the mistake may be corrected by amendment. *See* Trademark Rule 2.71(d), 37 C.F.R. §˚2.71(d). While an application may not be amended to designate another entity as the applicant, if the entity listed as the applicant did not exist on the application filing date, the application may be amended to correct the applicant's name where there is a single commercial enterprise. *See Accu Pers. Inc. v. Accustaff Inc.,* No. 91089360, 1996 WL 218763, at *2 (TTAB 1996) (intent-to-use application not void ab initio even though named applicant corporation did not exist on filing date since application was filed, albeit in incorrect name, by same commercial enterprise entitled to claim a bona fide intention to use the mark as of the application filing date).

It is apparent from Applicant's submissions and the assignment record that Mini Melts USA, LLC was domesticated in Delaware on December 4, 2023. Thus, when the subject application was filed in the name of Mini Melts USA, LLC as a Pennsylvania limited liability company, which did not exist on the date of filing on

[2] 9 TTABVUE 3-4.

[3] *Id.* at 4.

September 18, 2024, rather than as a Delaware limited liability company, that was a correctable error since there has only ever been a single commercial enterprise, i.e., Mini Melts USA, LLC, that filed the application and claimed a bona fide intention to use the mark in commerce as of the application filing date.

In view thereof, Applicant's motion for correction is **GRANTED**. The application file is corrected to reflect Mini Melts USA, LLC as a Delaware limited liability company.

Proceedings are **RESUMED** under the following schedule:

Time to Answer	**7/13/2026**
Deadline for Discovery Conference	**8/12/2026**
Discovery Opens	**8/12/2026**
Initial Disclosures Due	**9/11/2026**
Expert Disclosures Due	**1/9/2027**
Discovery Closes	**2/8/2027**
Plaintiff's Pretrial Disclosures Due	**3/25/2027**
Plaintiff's 30-day Trial Period Ends	**5/9/2027**
Defendant's Pretrial Disclosures Due	**5/24/2027**
Defendant's 30-day Trial Period Ends	**7/8/2027**
Plaintiff's Rebuttal Disclosures Due	**7/23/2027**
Plaintiff's 15-day Rebuttal Period Ends	**8/22/2027**
Plaintiff's Opening Brief Due	**10/21/2027**
Defendant's Brief Due	**11/20/2027**
Plaintiff's Reply Brief Due	**12/5/2027**
Request for Oral Hearing (optional) Due	**12/15/2027**

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, matters in evidence, the manner and timing of taking testimony, and the procedures for

submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence.

Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). **The briefs should cite to the TTABVUE record created during trial by docket entry and page number—e.g., 8 TTABVUE 3—to facilitate the Board's review of the evidence at final hearing.** *See* TBMP § 801.03. Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. Note: Parties are strongly encouraged to check the entire document before filing.[4] The Board will not extend or reset proceeding schedule

[4] To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the ESTTA help webpage.

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