

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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April 1, 2021

Opposition No. 91264419

ABG Juicy Couture, LLC

v.

Tarte, Inc.

Rebecca Stempien Coyle, Interlocutory Attorney:

On March 16, 2021, Applicant filed a proposed amendment to its application Serial No. 88595316, with Opposer's consent.¹

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 3² as follows (additions in bold, deletions in strike-through):

From: cosmetics; cosmetic preparations; cosmetic preparations for skin care; non-medicated skin care preparations; skin care preparations, namely, non-medicated skin care preparations, self-tanners, and self-tanning preparations; cosmetic creams; self tanners, namely, self-tanning preparations; cosmetic tanning preparations; self-tanning preparations; tanning creams; non-medicated sun care preparations; body oil; body powder; essential oils; cosmetic bags containing cosmetics; kits and gift sets comprised primarily of cosmetics and skin care preparations, namely, non-medicated skin care preparations, self-tanners, and self-tanning preparations; skin care products, namely, face oil, body oil, facial moisturizer, eye

¹ Applicant's motion does not indicate proof of service of a copy of same on counsel for Opposer, as required by Trademark Rule 2.119. A copy of the motion can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

² The services in International Class 35 are not affected by this amendment and remain unchanged.

cream, neck cream, facial masks, facial cleansers and makeup removers; nail polish; nail care preparations; non-medicated facial and body soap; ~~fragrances.~~

To: cosmetics; cosmetic preparations; cosmetic preparations for skin care; non-medicated skin care preparations; skin care preparations, namely, non-medicated skin care preparations, self-tanners, and self-tanning preparations; cosmetic creams; self tanners, namely, self-tanning preparations; cosmetic tanning preparations; self-tanning preparations; tanning creams; non-medicated sun care preparations; body oil; body powder; essential oils **not sold as a component of fragrance**; cosmetic bags containing cosmetics; kits and gift sets comprised primarily of cosmetics and skin care preparations, namely, non-medicated skin care preparations, self-tanners, and self-tanning preparations; skin care products, namely, face oil, body oil, facial moisturizer, eye cream, neck cream, facial masks, facial cleansers and makeup removers; nail polish; nail care preparations; non-medicated facial and body soap.

Because the amendment is limiting in nature, as required by Trademark Rule 2.71(a), and because Opposer consents to its entry, the amendment is **approved** and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, Opposer is allowed until **thirty days** from the date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.