

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Baxley

Mailed: August 7, 2007

Opposition No. 91169142

Karsten Manufacturing  
Corporation

v.

Seven Networks, Inc.

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

The Board's August 7, 2007 order is modified as follows. A review of the file for applicant's involved application Serial No. 76612122 indicates that, while the proposed amendment of the recitation of services in International Class 42 that applicant filed on July 30, 2007 is acceptable, the proposed amendment of the identification of goods in International Class 9 is not.

In particular, the proposed amendment of the identification of goods in International Class 9 based on the original identification of goods, which was determined in an April 26, 2005 office action to be unacceptable as indefinite, and not based on the amended identification of goods that applicant filed on August 9, 2005, which the Board accepted. Once an applicant amends the identification of goods or services in a manner that is acceptable to the

examining attorney, the amendment replaces all previous identifications, and thus restricts the scope of goods or services to that of the amended language. See TMEP Section 1402.07(e) (4th ed. 2005). Accordingly, any amendment to the identification of goods in International Class 9 must be based on the amended identification.

Applicant is allowed until thirty days from the mailing date set forth in this order to file a renewed motion to amend the identification of goods in International Class 9. Applicant may adopt the following identification of goods in International Class 9, if accurate:

Application software for use in mobile phones, personal digital assistants, smart devices and portable computers; application software used in mobile communications devices to enable mobile communications devices to retrieve, display and manage electronic graphical and textual data; software for enabling, conducting, and coordinating realtime or asynchronous remote collaboration; software for enabling peer-to-peer file sharing, all of the foregoing for products marketed to original equipment manufacturers and wireless network operators.

Proceedings herein otherwise are otherwise suspended.