

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

jh

Mailed: July 24, 2008

Opposition No. 91176918

BEA Systems, Inc.

v.

Beyond Wireless, Inc.

Frances S. Wolfson, Interlocutory Attorney:

On March 5, 2008, the Board issued an order allowing applicant time within which to further amend the identification of goods in its application, in compliance with Trademark Rule 2.71(b).

On March 14, 2008, applicant filed a new proposed amendment to its application Serial No. 78918808, with opposer's consent.

By the new proposed amendment applicant seeks to change the recitation of services in International Class 38

from:

Telecommunications services; namely the transmission of voice, data, images, audio, video, and information via telephone or the internet; satellite communication services via global computer network; personal communications services; paging services; wireless telephone roaming communication services; leasing telecommunications equipment, components, systems and supplies; electronic mail services; voice messaging services; providing multiple-user access to global computer networks to transmit, receive and otherwise access and use information of general interest to consumers

to:

Mobile telephone services; namely the transmission of voice, data, images, audio, video, and information via mobile telephone; satellite communication services via global computer network accessed via mobile telephone; paging services via mobile telephone; wireless telephone roaming communication services; leasing mobile telephone equipment, components, systems and supplies; mobile telephone voice messaging services.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing 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).

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:
<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule

Opposition No. 91176918

and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>