

ESTTA Tracking number: **ESTTA357914**

Filing date: **07/14/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185393
Party	Defendant Vudu, Inc.
Correspondence Address	JOHN H. WEBER BAKER & HOSTETLER LLP 1050 CONNECTICUT AVE. NW, WASHINGTON SQUARE, SUITE 1100 WASHINGTON, DC 20036-5304 UNITED STATES trademarks@bakerlaw.com
Submission	Motion to Amend Application
Filer's Name	John H. Weber
Filer's e-mail	trademarks@bakerlaw.com
Signature	/John H. Weber/
Date	07/14/2010
Attachments	2010-07-14 Request to Amend Application with Consent.pdf ( 3 pages )(73388 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Hewlett-Packard Development Company, L.P.	)	
	)	
Opposer,	)	Opposition No. 91185393
	)	App. Ser. No.: 77112745
v.	)	Mark: VUDU
	)	
Vudu, Inc.	)	
	)	
Applicant.	)	
	)	

**REQUEST TO AMEND APPLICATION WITH CONSENT**

Pursuant to TBMP §514.02, Applicant, with the consent of the opposer, requests that its Application Serial No. 77112745, for the mark VUDU, be amended by deleting International Class 9 and by substituting the following recitation of services:

*“Providing consumer information used in the selection and purchase of audio and video content, namely, retail ordering services in the field of motion pictures and multi-media excluding interactive games” in International Class 35.*

*“Audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio transmission services” in International Class 38.*

*“Providing information in the area of audio and video programming, namely, electronic distribution of motion pictures and multi-media to retail consumers excluding interactive games” in International Class 41.*

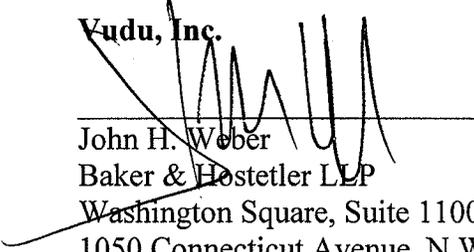
*“Providing a website featuring temporary use of non-downloadable software allowing website users to store and playback audio and video content for entertainment purposes in the field of motion pictures and multi-media excluding interactive games” in International Class 42.*

Applicant’s application was filed on February 21, 2001 and was opposed by Opposer on July 23, 2008. In order to resolve this conflict, Applicant has agreed with the consent of Opposer to restrict its application as stated above.

Applicant requests that the Board approve this amendment.

July 14, 2010

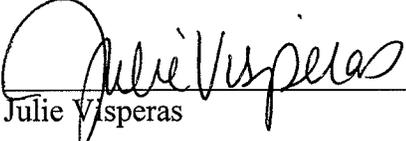
~~Vudu, Inc.~~

  
\_\_\_\_\_  
John H. Weber  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 861-1500 (t)  
(202) 861-1783 (f)  
[trademarks@bakerlaw.com](mailto:trademarks@bakerlaw.com)  
Attorney for the Applicant

**CERTIFICATE OF SERVICE**

Applicant, Vudu, Inc. hereby certifies that a copy of this REQUEST TO AMEND APPLICATION WITH CONSENT was served via first-class mail, postage prepaid on this 14<sup>th</sup> day of July, 2010 to the following:

Jeffrey F. Faucette  
Howard, Rice, Nemerovski, Canady, Falk & Rabkin  
3 Embarcadero Center, 7<sup>th</sup> Floor  
San Francisco, CA 94111  
United States

  
Julie Visperas