

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

Am

Mailed: September 9, 2010

Opposition No. 91185393

Hewlett-Packard Development
Company, L.P.

v.

Vudu, Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

On July 14, 2010, applicant filed a proposed amendment to International Classes 35, 38, 41, and 42 in application Serial No. 77112745, with opposer's consent.¹

By the proposed amendment applicant seeks to change the identification of services to add the wording emphasized below:

International Class 35

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.

International Class 41

¹ The consented amendment also requests deletion of Int. Cl. 9. As the parties were informed in the Board's June 25, 2010 order, because judgment was earlier entered for opposer as to the goods in Int. Cl. 9, the Board construes this request as an agreement by applicant to accept the judgment.

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.

International Class 42

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."

Inasmuch as the amendments to Classes 35, 41 and 42 are clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, they are 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).

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