

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

ey/gcp

Mailed: August 14, 2015

Opposition No. 91209406

Synapse Wireless, Inc.

v.

Adam Haik

**George C. Pologeorgis,
Interlocutory Attorney:**

In its order mailed on June 12, 2015, the Board, *inter alia*, suspended proceedings and allowed the parties time in which to submit a revised amendment.

On July 9, 2015, the parties filed a revised proposed amendment to application Serial No. 85595521, with Opposer's consent.

By the proposed amendment Applicant seeks to amend the recitation of services in International Class 35 as shown below.

From: On-line promotion of computer networks and websites.

To: On-line promotion of social networks and platforms using text and video-chat, with emphasis on helping users discover information and ideas regarding on-line services.

A proposed amendment to any application or registration which is the subject of an inter partes proceeding must also comply with all other applicable rules and statutory provisions, including Trademark Rules 2.71-2.75. *See* TBMP §§ 514.01 and 605.03(b). In particular, while an applicant may amend to clarify or limit the

identification, adding to or broadening the scope of the identification is not permitted. *See* Trademark Rule 2.71(a); TMEP §§1402.06 *et seq.*, 1402.07.

The proposed amendment is unacceptable inasmuch as it recites services that are not within the scope of the present identification.

Here, the proposed amendment is not acceptable because it does not limit or clarify the services; instead, the amendment alters the nature of the services to be provided under Applicant's subject mark. Specifically, the original identification is for the provision of online promotion of computer networks and websites. The proposed amendment changes "computer networks" to "social networks" and "websites" to "platforms using text and video-chat, with emphasis on helping users discover information and ideas regarding on-line services." "Social networks" and "platforms using text and video-chat" do not fall within the scope of the original recitation of services.

In view of the foregoing, the requested amendment cannot be approved. The present recitation of services, that is, the identification prior to the filing of the motion to amend, remains operative for purposes of future amendment. *See* Trademark Rule 2.71(a); TMEP §1402.07(d).

However, inasmuch as the filing of the proposed amendment indicates to the Board that the parties are making efforts to settle this matter, proceedings are **suspended**, and the parties are allowed until **thirty (30) days** from the mailing date of this order to file a revised motion to amend, failing which the Board will

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resume proceedings and reset dates, and the opposition will go forward on the present application.