

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

MT

Mailed: October 31, 2013

Opposition No. 91209661

Citigroup Inc.

v.

Mascotte Holdings, Inc.

**Andrew P. Baxley, Interlocutory Attorney:**

On October 24, 2013, applicant filed a proposed amendment to its application Serial No. 85447523, with opposer's consent.

By the proposed amendment, applicant seeks to change the identification of goods by striking "magnetically encoded credit cards; magnetically encoded debit cards; cellular phones and magnetically encoded debit cards sold together as a unit" at the end of the identification and adding in its place the language set forth in **bold face and underlined:**

Computer software, programs and CD-ROMs featuring educational subject matters in the fields of reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution; children's educational software; children's educational music CDs and DVDs; computer software and computer programs for mobile phones for games, screen savers, musical sound and video recordings, organizing and viewing digital images and photographs, processing digital music files, and use in

relation to digital animation and special effects of images, computer game software, computer screen saver software, computer software featuring musical sound and video recordings, computer software for organizing and viewing digital images and photographs, computer software for processing digital music files, computer software use in relation to digital animation and special effects of images; magnets; decorative magnets; refrigerator magnets; novelty magnets; mouse pads; compact disc cases; fitted cases for storage and transportation, namely, cases for compact discs, audio cassettes, video cassettes, CD-ROMs, home video games, home video game accessories, computers, computer accessories, cameras, camcorders, phones, personal digital assistants, two-way pagers, mobile devices, and radios; computer carrying cases; wrist rests and supports for computer mouse users; wrist rests for computers and computer accessories; computer keyboard wrist pads; jackets for video cassettes, tapes, and discs; musical sound recordings; audio-visual recordings, namely, compact discs, tape cassettes, audio cassettes, audio tapes, audio discs, phonograph records, CD-ROMs, video tapes, video cassettes, video discs, DVDs, DATs, MP3s, and laser discs, all featuring music, entertainment, education, animation, and documentaries; downloadable musical sound recordings; downloadable video recordings featuring subject matters for children, students, and young adults, namely, music, popular culture, entertainment news, reality based entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, lifestyles, culture, sports, politics, and educational subject matters, namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution; downloadable electronic publications in the nature of books, booklets, magazines, journals, manuals, brochures, leaflets, pamphlets and newsletters, all in the field of music, education, entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, lifestyles, culture, sports, politics, educational subject matters, and biographies of and narrations by musicians, comedians, athletes, role models, television and movie stars, radio personalities, and celebrities; electronic publications, namely, books, booklets, magazines, journals, manuals, brochures, leaflets, pamphlets and newsletters, all in the field of music, popular culture, entertainment news, reality based entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, lifestyles, culture, sports,

politics, and educational subject matters, namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution, biographies and narrations of comedy and drama stores, and biographies and news by musicians, comedians, athletes, role models, television and movie stars, radio personalities, and celebrities, all recorded on CD-ROMs, diskettes, floppy disks, video cassettes, and magnetic tapes; downloadable ring tones, graphics and music via a global computer network and wireless devices; computer game cartridges, discs, cassettes, tapes, joysticks, programs and software; hand held joy stick units for playing video games; video game cartridges, video game discs, and video game tape cassettes; video game software, video game programs, and, video game joysticks; video magazine recorded on electronic media featuring music, popular culture, entertainment news, reality based entertainment, television, film, animation, the arts, comedy, drama, dramedy, news, lifestyles, culture, sports, politics, and educational subject matters, namely, reading and writing, mathematics, science, history, social studies, political science, religious studies, languages, the arts, music, film, dance, engineering, photography, graphic design, computers, health and fitness, nutrition, physical education, drug and gang prevention, teenage pregnancy, self esteem issues, discipline, and conflict resolution, biographies and narrations of comedy and drama stores, and biographies and news by musicians, comedians, athletes, role models, television and movie stars, radio personalities, and celebrities, all for children, students and young adults; computer programs for editing images, sound and video; computer programs for pre-recorded games; electronic game programs; computerized video table games for gaming purposes; interactive multimedia computer game program; interactive video game programs; interactive audio game discs containing action games and role playing games; interactive video games of virtual reality comprised of computer hardware for use with an external monitor and software; virtual reality game software; video game machines and video output game machines for use with televisions; video tapes and video disks recorded with animation; gaming equipment, namely, slot machines with or without video output; computer software for communicating with users of hand-held computers; computer software to enable the transmission of photographs to mobile telephones; computer software for wireless content delivery; computer software to enhance the audio-visual capabilities of multimedia

applications, namely, for the integration of text, audio, graphics, still images and moving pictures; software for processing images, graphics and text; multi-media software recorded on CD-ROM featuring music, entertainment, and games; music-composition software; handheld computers, laptop computers, notebook computers, protective eyewear; sunglasses; eyeglasses; eyeglass frames; opera glasses; spectacles; eyeglass, sunglass and spectacle cases; eyeglass, sunglass and spectacle straps; eyeglass, sunglass and spectacle chains; telephones, cellular telephones, pagers, car kits for the adaptation of portable communication apparatus and instruments for vehicular use, principally composed of mount, cradle, headset, audio speakers, microphones, extension cords, power cables, external antenna connectors, battery, battery charger and carrying case sold as a unit; electronic handheld units for the wireless receipt and transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, global computer network e-mail, and other data to one or more electronic handheld units from a data store on or associated with a personal computer or a server; software for the synchronization of data between a remote station or unit and a fixed or remote station or unit; electronic personal organizers; personal digital assistants; handheld computers and organizers in the nature of a handheld computing device and a cradle which allows the exchange of information between the handheld computing device and a desktop carrying cases for the foregoing goods and replacement parts for the foregoing goods; instruction manuals distributed with the foregoing; prepaid magnetically encoded telephone calling cards; prepaid cellular telephones used in connection with prepaid airtime cellular telephone communication services; **none of the foregoing related to customer loyalty reward programs, or banking, credit card, debit card or other financial services.**"

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

If the amendment resolves the parties' dispute, opposer should withdraw the opposition within thirty days from the mailing date set forth in this order, failing which the opposition will go forward on the application as amended. See

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Trademark Rule 2.106(c). Proceedings herein are otherwise suspended.