

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

kk

Mailed: May 18, 2015

Opposition No. 91212922

Siemens Medical Solutions USA, Inc. and
Cerner Innovation, Inc.

v.

InnoPath Software, Inc.

Jennifer Krisp, Interlocutory Attorney:

On April 29, 2015, applicant filed a proposed amendment to its application Serial No. 85886016, with opposer's consent.

By the proposed amendment applicant seeks to amend the identification of goods in Class 9 from "Mobile device software for use by mobile device users to receive product support and updates for mobile device operating systems and features; mobile device software for monitoring, diagnosing, and fixing mobile device problems and providing helpful advice when using the mobile device; mobile device software for use by mobile device users to facilitate real-time connection and communication with customer support representatives for the diagnosis and repair of mobile devices" to "Mobile device software for use by companies providing mobile device wireless carrier services to provide product support and updates for mobile device operating systems and features; mobile device software for use by companies providing mobile device wireless carrier services for monitoring, diagnosing, and fixing mobile device problems; mobile

device software for use by companies providing mobile device wireless carrier services to facilitate real-time connection and communication with customer support representatives for the diagnosis and repair of mobile devices."

By the proposed amendment applicant seeks to amend the identification of services in Class 42 from "Software as a Service (SaaS) for use by mobile device operators, manufacturers, and independent services providers to deliver product support and updates for mobile device operating systems and features; Software as a Service (SaaS) for use by mobile device operators, device manufacturers, and independent operators to remotely monitor, diagnose, and correct mobile device problems; Software as a Service (SaaS) for use by mobile device operators, device manufacturers, and independent service providers to connect and communicate in real-time with mobile device users to remotely monitor, diagnose and fix mobile devices" to "Software as a Service (SaaS) for use by mobile device operators, manufacturers, and independent services providers to deliver product support and updates for mobile device operating systems and features; Software as a Service (SaaS) for use by mobile device operators, device manufacturers, and independent operators to remotely monitor, diagnose, and correct mobile device problems; Software as a Service (SaaS) for use by mobile device operators, device manufacturers, and independent service providers to remotely monitor, diagnose and fix mobile devices."

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

If the amendment resolves this proceeding, 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).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.