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

Proceeding	91215726
Party	Defendant Shazam Entertainment Limited
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Trademark Application of  
Shazam Entertainment Limited  
Ser. No.: 85/630,799  
Fil. Dt.: May 21, 2012  
For: SHAZAM ENCORE  
Published: December 3, 2013  
Opp. No. 91215726

Starz Entertainment, LLC  
v.  
Shazam Entertainment Limited

AMENDMENT TO APPLICATION  
UNDER TMEP 1505.01(f) & TBMP 514.02

Pursuant to 37 C.F.R. §2.133, applicant Shazam Entertainment Limited hereby requests amendment of the above-referenced application as follows:

Please delete Class 38.

Please amend the identification of goods and services in Classes 9, 35, 41 and 42 to read as follows:

Class 9

Software providing music or information internet links; software providing music or information internet links in response to specified audio content; software providing a viewer of radio, television or streaming programs, cinematic films or other audio/visual entertainment content, upon request, with internet links to relevant goods, services or information including audio or information content, retail services providers and offers or competitions; software providing, in response to specified audio/visual content, a viewer of radio, television or streaming programs, cinematic films or other audio/visual entertainment content with internet links to relevant goods, services or information including audio or information content, retail services providers and offers or competitions; software enabling a viewer of audio/visual entertainment to access interactive audio entertainment or information content; software enabling a viewer of audio/visual or media content to access music or information; software enabling a viewer of audio/visual or media content to access retail services providers; software enabling a viewer of radio, television or streaming programs, cinematic films or other audio/visual entertainment or information content to access, online or via mobile phone, interactive audio or information content, offers or competitions and/or retail services providers; software enabling a viewer of DVDs, or other optical media, to access interactive audio or information content; software enabling a viewer of films or radio, television or streaming programs or other audio/visual to access interactive audio or information content; software for recognition of

audio/visual content; software for identification of audio/visual content; software which recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio entertainment or information content; software which recognizes specified audio/visual content and, in response, provides access to music or information and/or retail services providers and/or offers or competitions; software for music recognition; software for recognition of images; software for music identification; software for accessing information relating to music and audio/visual recordings; software for searching information from a global computer network or the Internet; databases of recorded music files, downloadable and recorded on computer media; databases of recorded music, downloadable and recorded on computer media; downloadable electronic wallpaper, graphics, music, computer games, ring tones via the Internet and wireless devices.

### Class 35

The rental of advertising space; the receipt of orders from consumers for entertainment-related goods or services and the transfer of said orders to retailers of entertainment-related goods or services; the receipt of orders from consumers for entertainment performance tickets and the transfer of said orders to retailers of entertainment performance tickets; the receipt of orders from consumers for music and the transfer of said orders to retailers of music; the receipt of orders from consumers for entertainment information and the transfer of said orders to retailers of entertainment information; the receipt of orders from consumers for pre-recorded music and the transfer of said orders to retailers of pre-recorded music; the receipt of orders from consumers for ring tones and the transfer of said orders to ring tone providers; the receipt of orders from consumers for electronic wallpaper or other graphical images and the transfer of said orders to electronic wallpaper providers; the receipt of orders from consumers for audio recordings of performances by musical artists and the transfer of said orders to retailers of audio recordings of performances by musical artists; the receipt of orders from consumers for pre-recorded audio entertainment content and the transfer of said orders to retailers of pre-recorded audio entertainment content; procurement, namely, purchasing tickets to entertainment events for others; retail store services in the field of musical sound recordings; the bringing together, for the benefit of others, of a variety of goods being audio recordings, ring tones, electronic wallpaper or other graphical images, and audio recordings of performances by musical artists, enabling customers to conveniently view, purchase and download those goods from an Internet website specializing in the marketing of audio recordings, ring tones, electronic wallpaper or other graphical images, and audio recordings of performances by musical artists; the bringing together, for the benefit of others, of a variety of goods being pre-recorded audio entertainment content enabling customers to conveniently view, purchase and/or download those goods from an Internet website specializing in the marketing of audio/visual entertainment content; information and advisory services relating to each of the aforesaid services.

### Class 41

Providing online journals, namely, blogs featuring audio content; provision of information relating to audio content; provision of information relating to music via telephone or mobile phone or via the Internet; provision of information relating to music and music related information via telephone or mobile phone where said music is relayed to the information provider via telephone or mobile phone;

provision of location based information, relating to music to telephone or mobile phone users; information and advisory services relating to each of the aforesaid services.

Class 42

Providing temporary use of online, non-downloadable software that provides audio content recognition services; providing temporary use of online non-downloadable software that provides audio content identification services; providing temporary use of online, non-downloadable software that provides music recognition services; providing temporary use of online, non-downloadable software that provides music identification services; providing temporary use of online, non-downloadable software that recognizes specified audio entertainment content and, in response, provides access to interactive audio or information content; providing temporary use of online, non-downloadable software that recognizes specified audio content and, in response, provides access to offers or competitions and/or retail services providers; information and advisory services relating to each of the aforesaid services.

The foregoing amendment is being submitted with the consent of Opposer, Starz Entertainment, LLC. A black-lined version of the amended ID is attached hereto as Attachment A for ease of comparison.

Respectfully submitted,

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By 

Lisa A. Pieroni

Dated: New York, New York  
October 21, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Amendment to Application was served upon counsel for Opposer by e-mail this 21<sup>st</sup> day of October 2014 at:

isaffer@kilpatricktownsend.com.

A handwritten signature in black ink, appearing to read 'Lisa A. Pieroni', written over a horizontal line.

Lisa A. Pieroni

## ATTACHMENT A

### **GOODS/SERVICES:**

(Int.cl. 9) software providing entertainment music or information internet links; software providing entertainment music or information internet links in response to specified audio/video content;

software providing a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content, upon request, with internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers and offers or competitions;

software providing, in response to specified audio/visual content, a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content with internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers and offers or competitions;

software enabling a viewer of audio/visual entertainment to access interactive audio/visual entertainment or information content;

software enabling a viewer of audio/visual or media content to access entertainment music or information;

software enabling a viewer of audio/visual or media content to access retail services providers;

software enabling a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment or information content to access, online or via mobile phone, interactive audio/visual entertainment or information content, offers or competitions and/or retail services providers;

software enabling a viewer of dvds, or other optical media, to access interactive audio/visual entertainment or information content;

software enabling a viewer of films or radio, television or streaming programmes or other audio/visual entertainment to access interactive audio/visual entertainment or information content;

software for recognition of audio/visual content;

software for identification of audio/visual content;

software which recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio/visual entertainment or information content;

software which recognizes specified audio/visual content and, in response, provide access to entertainment music or information and/or retail services providers and/or offers or competitions;

software for music recognition;

software for recognition of images;

software for music identification;

software for accessing information relating to music and audio/visual recordings;

software for searching information from a global computer network or the internet;

databases of recorded music files, downloadable and recorded on computer media;

databases of recorded music, downloadable and recorded on computer media;

downloadable electronic wallpaper, graphics, music computer games, ring tones via the internet and wireless devices

**(Int.cl. 35)** the rental of advertising space;

the receipt of orders from consumers for entertainment-related goods or services and the transfer of said orders to retailers of entertainment-related goods or services;

the receipt of orders from consumers for entertainment performance tickets and the transfer of said orders to retailers of entertainment performance tickets;

the receipt of orders from consumers for music and the transfer of said orders to retailers of music;

the receipt of orders from consumers for entertainment information and the transfer of said orders to retailers of entertainment information;

the receipt of orders from consumers for pre-recorded music and the transfer of said orders to retailers of pre-recorded music;

the receipt of orders from consumers for ring tones and the transfer of said orders to ring tone providers;

the receipt of orders from consumers for electronic wallpaper or other graphical images and the transfer of said orders to electronic wallpaper providers;

the receipt of orders from consumers for audio/vidéo recordings of performances by musical artists and the transfer of said orders to retailers of audio/vidéo recordings of performances by musical artists;

the receipt of orders from consumers for pre-recorded audio/vidéo entertainment content and the transfer of said orders to retailers of pre-recorded audio/vidéo entertainment content;

procurement, namely, purchasing tickets to entertainment events for others;

retail store services in the field of musical sound recordings;

the bringing together, for the benefit of others, of a variety of goods being audio recordings, ring tones, electronic wallpaper or other graphical images, and audio/vidéo recordings of performances by musical artists, enabling customers to conveniently view, purchase and download those goods from an internet website specializing in the marketing of audio recordings, ring tones, electronic wallpaper or other graphical images, and audio/vidéo recordings of performances by musical artists;

the bringing together, for the benefit of others, of a variety of goods being pre-recorded audio/vidéo entertainment content enabling customers to conveniently view, purchase and/or download those goods from an internet website specializing in the marketing of audio/visual entertainment content;

information and advisory services relating to each of the aforesaid services

**(Int.cl. 38)** ~~telecommunications services, namely, electronic messaging; providing on-line communications links via telephone or mobile phone which transfer the web site user to other local and global web pages;~~

~~electronic wireless delivery of internet links via telephone or mobile phone;~~

~~electronic wireless delivery of information via telephone or mobile phone;~~

~~electric wireless delivery of audio/visual content via telephone or mobile phone;~~

~~electronic wireless transmission to consumers of internet links to interactive audio/visual entertainment content;~~

~~electronic wireless transmission to consumers, upon request, of internet links to interactive audio/visual entertainment content;~~

~~electronic wireless transmission to consumers of internet links to interactive audio/visual entertainment content in response to specified audio/visual content;~~

~~electronic wireless transmission to consumers of internet links to information, sales offers and/or competitions;~~

~~electronic wireless transmission to consumers, upon request, of internet links to information, sales offers and/or competitions;~~

~~electronic wireless transmission to consumers of internet links to information, sales offers and/or competitions in response to specified audio/visual content;~~

~~electronic wireless delivery of audio recordings via telephone or mobile phone;~~

~~electronic wireless delivery of audio/video recordings of performances by musical artists delivered via telephone or mobile phone;~~

~~providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information;~~

~~providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest;~~

~~providing online forums for the transmission of messages, comments, information and audio/visual entertainment content among users;~~

~~providing on-line facilities for real-time interaction with other computer users and users of telephones and mobile phones and electronic bulletin boards concerning topics of interest relating to entertainment and music information;~~

~~provision of access to electronic communication networks and the internet;~~

~~information and advisory services relating to each of the aforesaid services;~~

providing entertainment or information internet links;

providing on-line communications links which transfer the web site user to other local and global web pages in the field of entertainment;

providing on-line communications links which transfer the web site user to other local and global web pages in the field of entertainment in response to specified audio/visual content;

services providing a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content, upon request, with on-line communications links which transfer the web site user to other local and global web pages for relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers, offers or competitions and entertainment or information;

services providing, in response to specified audio/visual content, a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content with on-line communications links which transfer the web site user to other local and global web pages for internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers, offers or competitions and entertainment or information;

internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access interactive audio/visual entertainment or information content;

-internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access entertainment or information;

internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access retail services providers;

internet access provider services, namely, services enabling a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content to access, online or via mobile phone, interactive audio/visual entertainment content, entertainment or information and/or retail services providers, and/or offers or competitions;

internet access provider services, namely, services enabling a viewer of dvds, or other optical media, to access interactive audio/visual entertainment content;

-internet access provider services, namely, services enabling a viewer of films or other audio/visual entertainment to access interactive audio/visual entertainment content;

providing consumers with on-line communications links which transfer the web site user to other local and global web pages for interactive audio/visual entertainment content;

providing consumers with on-line communications links which transfer the web site user to other local and global web pages for entertainment or information, offers or competitions and/or retail services providers;

providing consumers with on-line communications links which transfer the web site user to other local and global web pages for interactive audio/visual entertainment content in response to specified audio/visual content;

~~providing consumers with on-line communications links which transfer the web site user to other local and global web pagers for entertainment or information, offers or competitions and/or retail services providers in response to specified audio/visual content;~~

~~information and advisory services relating to each of the aforesaid services~~

**(Int.cl. 41)** providing online journals, namely, blogs featuring entertainment information and audio/visual entertainment content;

provision of information relating to audio/visual entertainment content;

provision of information relating to music via telephone or mobile phone or via the internet;

provision of information relating to music, ~~entertainment and other entertainment~~ and music related information via telephone or mobile phone where said music is relayed to the information provider via telephone or mobile phone;

provision of location based information, relating to entertainment music, to telephone or mobile phone users;

information and advisory services relating to each of the aforesaid services

**(Int.cl. 42)** providing temporary use of online, non-downloadable software that provides audio/visual content recognition services;

providing temporary use of online non-downloadable software that provides audio/visual content identification services;

providing temporary use of online, non-downloadable software that provides music recognition services;

providing temporary use of online, non-downloadable software that provides music identification services;

providing temporary use of online, non-downloadable software that recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio/visual entertainment or information content;

providing temporary use of online, non-downloadable software that recognizes specified audio/visual entertainment content and, in response, provides access to entertainment or information, offers or competitions and/or retail services providers;