

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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General Contact Number: 571-272-8500

EJW/jmw

Mailed: June 18, 2015

Opposition No. 91216665

MasterCard International Incorporated

v.

Booker Software, Inc.

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On May 1, 2015, Applicant filed a proposed amendment to its application Serial No. 85812840, with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of services in International Class 42 as follows:¹

From: "Providing temporary use of online non-downloadable software for use in scheduling and management of reservations for customers, ~~point-of-sale solutions~~ solutions for floor and management staff, inventory management, customer relationship management, social media integration, management of employees schedules, creating reports, creating and providing gift certificates, coupons and promotional specials, and managing discount programs; application service provider services in the nature of an online appointment book and an online reservation system; application service provider services in the nature of tools for managing customer records and profiles, as well as a real-time dashboard for tracking total appointments and revenue, top customers and conversion rates; application service provider services in the nature of tools for developing, broadcasting and tracking promotions as well as tracking inbound customers to determine the effectiveness of the promotions,"

To: "Providing temporary use of online non-downloadable software for use in scheduling and management of reservations for customers for floor and management staff, inventory management, customer relationship management,

¹ Wording that is to be deleted is lined through and additional wording is underlined.

social media integration, management of employees schedules, creating reports, creating and providing gift certificates, coupons and promotional specials, and managing discount programs; application service provider services in the nature of an online appointment book and an online reservation system; application service provider services in the nature of tools for managing customer records and profiles, as well as a real-time dashboard for tracking total appointments and revenue, top customers and conversion rates; application service provider services in the nature of tools for developing, broadcasting and tracking promotions as well as tracking inbound customers to determine the effectiveness of the promotions; none of the foregoing being in relation to credit cards, debit cards, payment cards, automatic teller machines (ATMs), point of sale payment terminals, ATM, financial, banking, credit and payment services, electronic funds and currency transfer services, computer hardware and software for carrying out the aforementioned services and other related products and services.”

The proposed amendment to the recitation of services is *denied without prejudice* because the phrase “and other related products and services” in the exclusion phrase is overly broad and renders what is excluded from Applicant’s services unclear. *Cf.* 37 C.F.R. §2.71(a); TMEP §§1402.06 *et seq.* and 1402.07 *et seq.*

Applicant is allowed until **THIRTY DAYS** from the mailing date of this order to submit an acceptable proposed recitation of services,² failing which proceedings will be resumed and trial dates reset, as appropriate.

Proceedings are otherwise **SUSPENDED**.

² Should Applicant submit another proposed recitation of services, Applicant is directed to submit a red-lined version of the proposed recitation, in addition to a final proposed version of the services.