

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

RA

Mailed: August 13, 2015

Opposition No. 91220443

ER Marks, Inc. and QVC, Inc.

v.

Quixey, Inc.

Benjamin U. Okeke, Interlocutory Attorney:

On June 25, 2015, Applicant filed a proposed amendment to its application Serial No. 86040120 only, with Opposer's written consent.¹

By the proposed amendment Applicant seeks to amend the recitation of services to add the following underlined language:

advertising and marketing services, namely, promoting the goods and services of others; advertising and commercial information services, via the internet; advertising and marketing consultancy; advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; none of the aforesaid services in this class constituting retail services or being provided through or in connection with direct response television shopping via any means, including without limitation, via television, cable television, satellite, digital terrestrial broadcasts, the Internet and/or mobile devices or being produced through or in connection with a television shopping channel.

¹ Application Serial No. 86040125 remains unaffected by this proposed amendment.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents, 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**.