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

Proceeding	91226455
Party	Defendant Bill2Pay, LLC
Correspondence Address	DEBBIE K WINICKI Winicki Law Firm Pa 4745 Sutton Park Ct Ste 401 Jacksonville, FL 32224-0255  dwinicki@att.net
Submission	Motion to Amend Application
Filer's Name	Debbie K. Winicki
Filer's e-mail	dwinicki@att.net, winickilaw@att.net
Signature	/Debbie K. Winicki/
Date	04/01/2016
Attachments	STREAM motion to amend appl.pdf(69215 bytes ) STREAM brief for motion to amend appl.pdf(73221 bytes )

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

In the Matter of Application No. 86/546,647 for the  
design mark STREAM in International Class 36,  
Published in the Official Gazette on August 25, 2015.

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UNIVERSAL AIR TRAVEL : Opposition No.: 91226455  
PLAN, INC. :  
Opposer, :  
v. :  
BILL2PAY, LLC :  
Applicant. :  
-----X

Commissioner of Patent and Trademarks  
Trademark Trial and Appeal Board  
P. O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT BILL2PAY, LLC'S  
MOTION TO AMEND APPLICATION**

Applicant, Bill2Pay, LLC (“Applicant”), moves to amend its trademark registration application pursuant to 37 CFR §2.133, and in keeping with a Settlement and Co-Existing Agreement entered into by Applicant and Opposer, Universal Air Travel Plan, Inc. (“Opposer”). Applicant moves to amend its application to provide that its specifications of services reads as follows:

International Class 36: Bill payment services provided through a website; electronic and paper payments portal, namely, clearing and reconciling financial transactions for the payment of goods and services by verifying paper and electronic check payors and payment amounts as well as as well as electronic debit and credit card payors and payment amounts, via a global computer network; electronic payment, namely, electronic processing and subsequent transmission of bill payment data; providing electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments via a global computer network; excluding use in connection with billing and

invoicing services, clearinghouse payment settlement services, electronic funds transfer services, and bill payment services related to corporate travel payment services.

### **Conclusion**

Applicant Bill2Pay, LLC's Motion to Amend Application for its design mark STREAM should be granted for the reasons set forth in its Brief in Support of its Motion to Amend Application that has been contemporaneously filed with this Board.

WINICKI LAW FIRM, P.A.

/Debbie K. Winicki/  
Debbie K. Winicki  
Florida Bar No. 196411  
4745 Sutton Park Court, Suite 401  
Jacksonville Florida 32224  
Telephone No. (904) 992-4997  
Fax No. (904) 992-4998  
dwinicki@att.net  
Attorneys for Applicant,  
Bill2Pay, LLC

### CERTIFICATE OF SERVICE

I certify that I sent a true and correct copy of the foregoing to Brian Winterfeldt, Sherry L. Jetter, and Christopher D. Casavale, attorneys for Opposer Universal Air Travel Plan, Inc., at Mayer Brown LLP, 1999 K Street NW, Washington, DC 20006, by First Class U.S. Mail, postage prepaid, and by electronic mail to [bwinterfeldt@mayerbrown.com](mailto:bwinterfeldt@mayerbrown.com), [sjetter@mayerbrown.com](mailto:sjetter@mayerbrown.com), and [ccasavale@mayerbrown.com](mailto:ccasavale@mayerbrown.com), this 1st day of April, 2016.

/Debbie K. Winicki/  
Attorney

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**APPLICANT BILL2PAY, LLC'S  
BRIEF IN SUPPORT OF ITS  
MOTION TO AMEND APPLICATION**

Applicant, Bill2Pay, LLC (“Applicant”), submits this Brief in Support of its Motion to Amend Application pursuant to 37 CFR §2.133, and in keeping with a Settlement and Co-Existing Agreement entered into by Applicant and Opposer, Universal Air Travel Plan, Inc. (“Opposer”).

Applicant and Opposer entered into a Settlement and Co-Existing Agreement on or about March 28, 2016 (the “Agreement”). A provision of Agreement provides that Applicant amend its trademark registration application for the design mark STREAM. Currently, the application contains the following specification of services:

International Class 36: Bill payment services provided through a website; electronic and paper payments portal, namely, clearing and reconciling financial transactions for the payment of goods and

services by verifying paper and electronic check payors and payment amounts as well as as well as electronic debit and credit card payors and payment amounts, via a global computer network; electronic payment, namely, electronic processing and subsequent transmission of bill payment data; providing electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments via a global computer network.

The Agreement by the parties is for Applicant's trademark application to be amended as follows:

International Class 36: Bill payment services provided through a website; electronic and paper payments portal, namely, clearing and reconciling financial transactions for the payment of goods and services by verifying paper and electronic check payors and payment amounts as well as as well as electronic debit and credit card payors and payment amounts, via a global computer network; electronic payment, namely, electronic processing and subsequent transmission of bill payment data; providing electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments via a global computer network; excluding use in connection with billing and invoicing services, clearinghouse payment settlement services, electronic funds transfer services, and bill payment services related to corporate travel payment services.

As can be readily seen above, as a result of the proposed amendment, the phrase "excluding use in connection with billing and invoicing services, clearinghouse payment settlement services, electronic funds transfer services, and bill payment services related to corporate travel payment services" has been appended to the specification of services. This amendment will not materially change the character of the applied for mark.

### **Conclusion**

Applicant Bill2Pay, LLC's Motion to Amend Application for its design mark STREAM should be granted..

WINICKI LAW FIRM, P.A.

/Debbie K. Winicki/  
Debbie K. Winicki  
Florida Bar No. 196411  
4745 Sutton Park Court, Suite 401  
Jacksonville Florida 32224  
Telephone No. (904) 992-4997  
Fax No. (904) 992-4998  
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/Debbie K. Winicki/  
Attorney