

ESTTA Tracking number: **ESTTA408183**

Filing date: **05/10/2011**

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

Proceeding	91161183
Party	Defendant Orange Brand Services Limited
Correspondence Address	DICKERSON M DOWNING CROWELL AND MORING LLP 590 MADISON AVENUE, 20TH FLOOR NEW YORK, NY 10022 UNITED STATES ddowning@crowell.com
Submission	Other Motions/Papers
Filer's Name	Julia K. Smith
Filer's e-mail	edocket@crowell.com, ddowning@crowell.com, jksmith@crowell.com, ckornett@crowell.com
Signature	/jks/
Date	05/10/2011
Attachments	ORANGE TALK 91-162,981- Motion to Amend With Consent.PDF (4 pages) (177608 bytes)

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

In the Matter of Application No. 75/854,524 for the mark
ORANGE TALK in International Classes 9, 16, 35, 36, 37, 38, 41 and 42,
Published for opposition in the Official Gazette of March 4, 2003

ING DIRECT BANCORP (by change of name from ING USA HOLDING CORPORATION),)	
)	CONSOLIDATED
Opposer,)	Opposition Nos. 91161183 (Parent)
)	91162981
v.)	91163494
)	91163523
ORANGE BRAND SERVICES LIMITED, ¹)	91164137
)	91164807
Applicant.)	91185077
)	
)	

MOTION TO AMEND APPLICATION WITH CONSENT

Applicant, Orange Brand Services, Ltd. (“OBSL”), by and through its undersigned counsel, Crowell & Moring, LLP, hereby moves on behalf of and with the consent of Opposer, ING Direct Bancorp (“ING”) to amend the application for the mark ORANGE TALK as follows, pursuant to 37 CFR § 2.133 and TBMP §§ 514 and 514.02, subject to the approval of the United States Patent and Trademark Office and the Trademark Trial and Appeal Board:

1. Trademark Application Serial No. 75/854,524 for the mark ORANGE TALK is the subject of Opposition Proceeding No. 91/162,981 which was

¹ A Trademark Assignment effective between Orange Personal Communication Services Limited and Orange Brand Services Limited was filed and recorded with the United States Patent and Trademark Office on April 18, 2011. See, Reel/Frame 4523/0589.

consolidated into Consolidated Opposition Proceeding No. 91/161,183 on March 7, 2007.

2. Applicant hereby amends Application Serial No. 75/854,524 to register the mark ORANGE TALK, by deleting "Insurance, namely, insurance administration, insurance agencies, insurance brokerage, insurance claims processing, insurance consultation, insurance actuarial services, insurance subrogation and salvage and; credit card and transaction services; financial information services, namely providing stock exchange quotations and stocks and shares information; stocks and bonds brokerage; information and consulting services relating to insurance, financial affairs, monetary affairs, home and on-line banking, real estate affairs, stocks and share information, stocks and bonds brokerage, provided on-line from a computer database or the internet" from the identification of services in International Class 36.

3. Applicant hereby further amends Application Serial No. 75/854,524 to register the mark ORANGE TALK, by adding the following language to the end of the identification of services in International Class 36: "providing extended warranties and insurance for telecommunications and computing equipment and devices, telecommunication sand computing networks and systems, broadband and other Internet access services".

4. It is respectfully submitted, the above amendments should be permitted because they limit and clarify the services originally listed in the application.

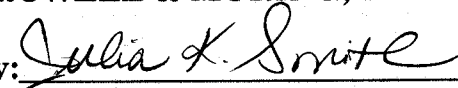
5. As amended, the services included in International Class 36 in Application Serial No. 75/854,524 now read:

Financing of telecommunications apparatus, systems and installations; charitable fund raising services, namely organizing charitable collections and fund raising activities; financial sponsorship in the areas of sports, cultural activities and the arts; providing extended warranties and insurance for telecommunications and computing equipment and devices, telecommunications and computing networks and systems, broadband and other Internet access services.

If the United States Patent and Trademark Office or Trademark Trial and Appeal Board do not approve any part of this Motion, then the amendments by Applicant in Paragraphs 2 and 3 shall be deemed to be revoked.

Respectfully submitted,

CROWELL & MORING, LLP

By: 
Dickerson M. Downing
Julia K. Smith

Dated: New York, New York
May 10, 2011

590 Madison Avenue, 20th Floor
New York, New York 10022
(212) 895-4212

Attorneys for Applicant
Orange Brand Services, Ltd.

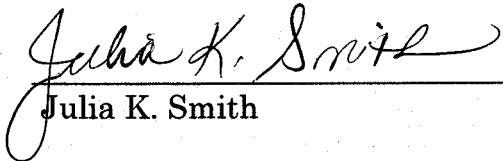
SO ORDERED:

Trademark Trial and Appeal Board

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May 2011, a true and correct copy of the foregoing document was served on counsel for the Opposer, ING Direct Bancorp, by first class mail and electronic mail to:

Catherine H. Stockell, Esq.
Erin M. Hickey, Esq.
Fish & Richardson P.C.
153 E. 53rd Street, 52nd Floor
New York, NY 10022-4611



Julia K. Smith