

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

MBA/am

Mailed: July 31, 2009

Opposition No. 91172858

The Guardian Life Insurance  
Company of America

V.

Guardian News and Media  
Limited

On July 9, 2009, applicant filed a proposed amendment to its application Serial No. 76280638, with opposer's consent, and opposer's withdrawal with prejudice of the opposition, contingent upon entry of the amendment. In an order dated July 13, 2009, the Board noted that the proposed amendment did not contain the consent of opposers in Opposition No. 91173902. On July 27, 2009, applicant filed the consent of opposers in Opposition No. 91173902.

By the proposed amendment, applicant seeks to change the identification of **from** "bringing together, for the benefit of others, of a variety of goods and services enabling customers to conveniently view and purchase those goods and/or order such services; the bringing together, for the benefit of others, of a variety of goods and services, through a general merchandise Internet web site, a general merchandise catalogue, newspaper, magazine or brochure by mail order

and/or a television shopping channel, enabling customers to conveniently view and purchase those goods or order such services, by means of telecommunications, including ordering such goods/services by an Internet-enabled phone" to "Bringing together, for the benefit of others, of a variety of goods and services enabling customers to conveniently view and purchase those goods and/or order such services; the bringing together, for the benefit of others, of a variety of goods and services, through a general merchandise Internet web site, a general merchandise catalogue, newspaper, magazine or brochure by mail order and/or a television shopping channel, enabling customers to conveniently view and purchase those goods or order such services, by means of telecommunications, including ordering such goods/services by an Internet-enabled phone, excluding from all of the foregoing, providing services to customers in the fields of insurance, financial and investment and advisory services to customers in the field of wealth management, accumulation and preservation planning."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a). The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice.

***By the Trademark Trial  
and Appeal Board***