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Mailed: January 23, 2012

Opposition No. **91193794**

Medrad, Inc.

v.

MedRed, LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

On December 19, 2011, applicant filed a proposed
amendment to its application Serial No. 77692548, with
opposer's written consent.[1]

By the proposed amendment applicant seeks to amend the
identification of services in Classes 42 and 44 as follows:

From: *Non-downloadable software that provides health
information to patients and healthcare
providers*; in International Class 42.

*Providing health information to patients and
healthcare providers at the point of care
wherever medicine is practiced*; in
International Class 44.

To: *Providing temporary use of non-downloadable
computer software that provides health
information to patients and healthcare
providers but not in the field of monitoring,*

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[1]   A separate request for suspension stipulated to by opposer was
also filed by applicant via ESTTA that same day. A grant of that motion
was automatically issued by ESTTA on December 19, 2011.

> *controlling or regulating the functions of a medical device;* in International Class 42.
>
> *Providing health information to patients and healthcare providers at the point of care wherever medicine is practiced, but not in the field of monitoring, controlling or regulating the functions of a medical device;* in International Class 44.

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).

If this resolves the dispute herein, 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 and in accordance with the schedule in applicant's motion to suspend filed on December 19, 2011. *See* Trademark Rule 2.106(c).

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