

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

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Mailed: March 28, 2012

Opposition No. 91199399

MyPoints.com, Inc.

v.

Points.com Inc.

**Andrew P. Baxley, Interlocutory Attorney:**

On March 16, 2012, applicant filed a proposed amendment to its application Serial No. 77704682, with opposer's consent.

By the proposed amendment, applicant seeks to change the identification of services in

*International Class 35 from*

"Providing a website featuring information regarding customer loyalty rewards programs for commercial promotional and/or advertising purposes; operating an online marketplace featuring customer loyalty rewards programs"

**to**

"Operating an online marketplace for the tracking and exchange of customer loyalty rewards for the customer loyalty rewards programs of others"

*International Class 42 from*

"Application service provider featuring online non-downloadable software for account management of customer loyalty rewards programs in the nature of exchanging, purchasing, earning and tracking customer loyalty rewards for the purpose of increasing flexibility, driving member engagement, and growing revenue; application service provider

featuring online non-downloadable software for customer loyalty rewards programs that enables users to exchange, purchase, earn and track customer loyalty rewards"

**to**

"Application service provider featuring online non-downloadable software that enables users to exchange, purchase, and track customer loyalty rewards for the customer loyalty rewards programs of others."

The amendment is clearly limiting in nature as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

Opposer is allowed until thirty days from the mailing date set forth in 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).