

ESTTA Tracking number: **ESTTA731052**

Filing date: **03/03/2016**

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

Proceeding	91199407
Party	Defendant Saffron Digital Limited
Correspondence Address	ERIN S HENNESSY BRACEWELL & GIULIANI LLP 701 FIFTH AVENUE, SUITE 6200 SEATTLE, WA 98104-7043 UNITED STATES docketing@bgllp.com, erin.hennessy@bgllp.com, jessica.parise@bgllp.com, jennifer.ashton@bgllp.com, lily.mckenzie@bgllp.com, edgar.cantu@bgllp.com
Submission	Motion to Amend Application
Filer's Name	Erin S. Hennessy
Filer's e-mail	docketing@bracewelllaw.com, erin.hennessy@bracewelllaw.com, jessica.parise@bracewelllaw.com, liliya.mckenzie@bracewelllaw.com
Signature	/Erin S. Hennessy/
Date	03/03/2016
Attachments	506626_2_SAF.21001OPP - Joint Stipulated Request for Amendment of Application.pdf(87749 bytes)

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

-----X
Saffron Technology, Inc. :
Opposer, : Opposition No.: 91199407
v. :
Saffron Digital Limited :
Applicant, :
-----X

JOINT STIPULATED REQUEST FOR AMENDMENT OF APPLICATION

I. Stipulated Request for Amendment

Pursuant to 37 C.F.R. 2.133 (a), the Parties hereby file this Stipulated Request for Amendment of Application Ser. No. 77/906,734, pursuant to the Trademark Co-Existence Agreement entered into between the parties in this matter. With consent from the Opposer, Applicant requests the identification of goods in Application Ser. No. 77/906,734 for SAFFRON DIGITAL be amended as follows:

Class 9 Downloadable video and audio recordings, featuring films, television programs, sound recordings, featuring music and soundtracks to films and television programs; streamable video and audio content, namely, downloadable video and sound recordings featuring films, television programs, sound recordings, featuring music and soundtracks to films and television programs; streamable video and audio content, namely, providing a website featuring non-downloadable films, television programs and non-downloadable sound recordings, featuring music and soundtracks to films and television programs; data carrying media of all descriptions, namely, pre-recorded videos,

pre-recorded CDs, CD-ROMs and DVDs, featuring films, television programs, sound recordings, featuring music and soundtracks to films and television programs; apparatus for recording, storing, processing, reproducing and transmitting data, video images, text, audio, signals, software onto mobile phones, over a global computer network and over the Internet;

Class 35 Marketing consulting; advertising and promotional services; advertising for goods and services via mobile phones, over a global computer network and via the Internet; advertising business management; arranging subscriptions to telecommunication services, namely, arranging of subscription contracts for broadcasting of video on demand; billing over mobile phones, over a global computer network and via the Internet; business administration services for processing sales made on the Internet; on-line and mobile retail store services featuring video on demand; electronic processing of orders for others; business invoicing services, namely, invoice management services for electronic ordering systems over mobile phones and over the Internet; providing and rental of advertising space over mobile phones; providing and rental of advertising space on the Internet; compiling, systemizing, indexing, maintaining and updating information of data in computer database, for transmission over mobile phones and over the Internet; on-line wholesale and retail store services featuring downloadable sound, music, image, video and game files; commercial administration of the licensing of the Intellectual Property of others; **all of the foregoing solely related to providing online and downloadable digital video, audio, music, and games;**

Class 38 Telecommunication access services; mobile telephone services;

electronic transmission of downloadable video and audio files via electronic and communications networks; transmission of data, images, sound, video content and video broadcasts over mobile phones and computer networks; streaming of video and audio content via a global computer network and via mobile phones; video and audio broadcasting via a global computer network and via mobile phones; mobile telephone services; communications by mobile phones, namely, the provision of access to videos, games, data, graphics, screensavers, music and user generated data; providing access to telecommunication networks, namely, providing access to information, news, offers and entertainment over the Internet, data networks and online services; electronic data transmission in the field of business; streaming of audio, visual and audiovisual material via a global computer network; providing e-mail services; electronic transmission of messages; mobile telephone services; voice mail services, namely, provision of a telephone number as a mailbox for advertisers; providing private and secure real time electronic communication over a computer network, namely, providing user access to communication platforms, protected by secure log-ins, on the Internet; providing private and secure real time electronic communication over a computer network, to permit secure real time financial transactions and authentication over the Internet; providing access to electronic commerce sites on the Internet; providing on-line forums for transmission of messages among computer users, namely, operating of Internet and W AP portals, chatlines, chatrooms and discussion forums, protected by secure log-ins; Subscription television broadcasting via club membership; providing access to telecommunication networks; Internet

Service Provider services; **all of the foregoing solely related to providing online and downloadable digital video, audio, music, and games;**



Class 41 Providing a website featuring non-downloadable video and audio recordings, namely, non-downloadable films, movies and television programs, via a video-on-demand service; library services, namely, providing, maintaining and updating a library of video, film and sound recordings; publishing services, namely, multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; electronic publishing services, namely, publication of text and graphic works of others on CD, DVD and on-line featuring films, movies and television programs;

Class 42 Computer services, namely, computer programming services; computer services, namely, managing web sites of others; computer software analysis and design services; analysis, design, development and implementation of computer software; maintenance, updating and upgrading computer software; creating, developing, maintaining and operating web sites, web pages and Internet portals; hosting websites of others; design and development of computer systems and of telecommunication systems and equipment; analysis and design services relating to integrated communications solutions in the form of interactive formats for mobile phones and the Internet; operational support services for computer networks and data transmission networks, namely, computer technical support systems, namely, 24/7 service desk/help desk services for IT infrastructure, operating systems, database systems, and web applications; providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs;

providing a website that gives users the ability to purchase downloadable music; rental of computer software; **all of the foregoing solely related to providing online and downloadable digital video, audio, music, and games.**

The foregoing Amendment proposes to more narrowly define the identification of goods in Class 35, 38, and 42 in this application. The Amendment is being filed pursuant to a Trademark Co-Existence Agreement between the Parties. The amendment does not affect the substance of the Applicant's mark and more narrowly defines the scope of the goods covered by the application. Therefore, it is respectfully submitted that the amendment can be entered without republication.

The undersigned consented to all of the foregoing:

 <hr/> <p>Erin S. Hennessey Bracewell LLP 1251 Avenue of the Americas, 49th Floor New York, New York 10020 212. 508.6100</p> <p>Attorneys for Applicant</p> <p>Dated: 2 March 2016</p>	 <hr/> <p>Holly Coldiron Hutchinson PLLC 3110 Edwards Mill Road, Suite 300 Raleigh, North Carolina 27612 919.829.4287</p> <p>Attorneys for Opposer</p> <p>Dated: March 3, 2016</p>
--	--

CERTIFICATE OF MAILING

I hereby certify that a copy of the attached JOINT STIPULATED REQUEST FOR AMENDMENT OF APPLICATION is being submitted electronically to the Trademark Trial and Appeal Board.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached JOINT STIPULATED REQUEST FOR AMENDMENT OF APPLICATION was served on the Opposer's representative via USPS First Class Mail (with courtesy copy via email to hcoldiron@hutchlaw.com) on March 3, 2016.

By: 

Erin S. Hennessey
Bracewell LLP
1251 Avenue of the Americas, 49th Floor
New York, New York 10020
212. 508.6100

Attorneys for Applicant

Dated: 3 March 2016