

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

RK

Mailed: September 15, 2013

Opposition No. 91203838

TeleTracking Technologies, Inc.

v.

CellTrak Technologies, Inc.

On May 10, 2013, applicant filed a motion to amend, with opposer's consent, the Class 9 and Class 42 identifications in subject application Serial No. 85205536, and opposer's withdrawal of the opposition without prejudice, contingent upon entry of the amendment. By the Board's order of June 10, 2013, the amendments, although acceptable on their face, were not entered as the involved application was also subject to Opposition No. 91203800 and the consent of the opposer in that proceeding, i.e., Celtrak Limited (hereinafter "Celtrak"), to the proposed amendments was not of record herein.

On July 30, 2013, applicant filed Celtrak's written consent to the proposed amendments which are reproduced below (amendments in bold type):

**From:** Computer software for receiving, storing, and transmitting health care data and for facilitating and coordinating home healthcare services, making assessments of patients by home healthcare workers, tracking home

healthcare worker visits, and automating scheduling and work flow of home-healthcare workers; in International Class 9.

Providing a web hosting platform for receiving healthcare data from home healthcare workers, storing healthcare data, and transmitting health care data to home healthcare workers, and for facilitating and coordinating home healthcare services, accepting and reporting assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home healthcare workers; Providing an internet website portal for receiving healthcare data from home healthcare workers, storing healthcare data, and transmitting health care data to home healthcare workers, and for facilitating and coordinating home healthcare services, accepting and reporting assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home healthcare workers; Hosting servers on a computer network for the purposes of receiving healthcare data from home healthcare workers, storing healthcare data, and transmitting health care data to home healthcare workers, and for facilitating and coordinating home healthcare services, accepting and reporting assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home healthcare workers; in International Class 42.

**To:** Computer software for receiving, storing, and transmitting health care data and for facilitating and coordinating home healthcare services, making assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home-healthcare workers; **said software not for monitoring of patient placement in hospital beds, patient turnover in hospital beds, and patient transport to and from hospitals;** in International Class 9.

Providing a web hosting platform for receiving healthcare data from home healthcare workers, storing healthcare data, and transmitting health care data to home healthcare workers, and for facilitating and coordinating home healthcare services, accepting and reporting assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home healthcare workers; Providing an internet website portal for receiving healthcare data from home healthcare workers, storing healthcare data, and transmitting health care data to home healthcare workers, and for facilitating and coordinating home healthcare services, accepting and reporting assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home healthcare workers; Hosting servers on a computer network for the purposes of receiving healthcare data from home healthcare workers, storing healthcare data, and transmitting health care data to home healthcare workers, and for facilitating and coordinating home healthcare services, accepting and reporting assessments of patients by home healthcare workers, tracking home healthcare worker visits, and automating scheduling and work flow of home healthcare workers; **all of the above not for monitoring of patient placement in hospital beds, patient turnover in hospital beds, and patient transport to and from hospitals;** in International Class 42.

Inasmuch as the amendments are clearly limiting in nature as required by Trademark Rule 2.71(a), and because the opposers to the application consent thereto, they are hereby **APPROVED** and entered. See Trademark Rule 2.133(a).

The contingency in opposer TeleTracking Technologies, Inc.'s withdrawal having now been met, this opposition is

Opposition No. 91203838

hereby **DISMISSED without prejudice** in accordance with the agreement between the parties.<sup>1</sup>

*By the Trademark Trial  
and Appeal Board*

---

<sup>1</sup> In view thereof, applicant's consented motion to extend time filed on August 9, 2013, is moot.