

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

cv

Mailed: June 29, 2013

Opposition No. 91207000

Datalogic ADC S.r.l.

v.

Joyus, Inc. (by change of
name from ProjectJ
Corporation)¹

Elizabeth A. Dunn, Attorney (571-272-4267):

On April 9, 2013, applicant filed a proposed amendment to its application Serial No. 85310018, with opposer's consent. The application includes four clases of goods and services, but only three were opposed. Accordingly, the Int. Cl. 43 services remain as published for opposition, and by the proposed amendment applicant seeks to change the other goods and services as follows:

International Class 9

from "computer software to allow users to conduct commerce transactions via electronic communications networks in the fields of luxury and fashion clothing, apparel, footwear,

¹ On February 19, 2013, the USPTO Assignment Branch recorded applicant's change of name at Reel 4966 and Frame 0326. The case caption has been updated to reflect applicant's change of name.

clothing accessories, handbags, cosmetics, toys, electronics and sporting goods."

to "downloadable computer software to allow users to conduct offsite commerce transactions remotely by way of web-based access to applications and services through a web operating system or portal interface in the fields of luxury and fashion clothing, apparel, footwear, clothing accessories, handbags, cosmetics, toys, electronics and sporting goods; none of the aforementioned goods being intended for use in, or being intended for use in combination with devices for use in systems and applications for scanning products for checkout, for self-scanning and for automatic scanning products, within stores."

International Class 35

from "on-line retail store services featuring luxury and fashion clothing, apparel, footwear, clothing accessories, handbags, cosmetics, toys, electronics and sporting goods; providing a website featuring non-downloadable videos with information for consumers in the fields of luxury and fashion clothing, apparel, footwear, clothing accessories, handbags, cosmetics, toys, electronics and sporting goods"

to "web-based on-line retail store services featuring luxury and fashion clothing, apparel, footwear, clothing accessories, handbags, cosmetics, toys, electronics and sporting goods; providing a website featuring non-downloadable videos with information for consumers in the fields of luxury and fashion clothing, apparel, footwear, clothing accessories, handbags,

cosmetics, toys, electronics and sporting goods; none of the
aforementioned services being intended for systems and
applications for scanning products for checkout, for self-
scanning and for automatic scanning products, within stores."

International Class 41

from "on-line entertainment and educational services, namely,
providing on-line newsletters in the fields of fashion and
luxury items, travel, travel planning, and entertainment news"
to "web-based on-line entertainment and educational services,
namely, providing on-line newsletters for fashion and luxury
items, travel, travel planning, and entertainment news; none
of the aforementioned services being intended for systems and
applications for scanning products for checkout, for self-
scanning and for automatic scanning products, within stores."

International Class 45

from "fashion and clothing style consulting services, namely,
recommending clothing and accessories to others"
to "fashion and clothing style web-based consulting services,
namely, recommending clothing and accessories to others; none
of the aforementioned services being intended for systems and
applications for scanning products for checkout, for self-
scanning and for automatic scanning products, within stores."

International Class 43 remains unchanged.

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).

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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. See Trademark Rule 2.106(c).