

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

RDG

Mailed: October 28, 2014

Opposition No. 91217334

Altera Corporation

v.

Quortus Limited

Jennifer Krisp, Interlocutory Attorney:

On September 8, 2014, applicant filed a proposed amendment to its application Serial No. 79128914, with opposer's consent. By the proposed amendment, applicant seeks to amend the identification of goods and services in:<sup>1</sup>

**International Class 9:**

from:

“Computer software for use in the transmission of cellular network data and signals; cellular network software for use in the transmission of cellular network data and signals; telecommunications software for use in relation to cellular network infrastructure for local traffic switching, local voice and data offload, network-edge signaling and traffic processing.”

to:

“Computer software for use in the transmission of cellular network data and signals; cellular network software for use in the transmission of cellular network data and signals; telecommunications software for use in relation to cellular network infrastructure for local traffic switching, local voice and data offload, network-edge signaling and traffic processing.  
**None of the foregoing goods to be offered or used in connection**”

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<sup>1</sup> The wording in underlined boldface is proposed to be added to the identifications.

**with or for the design and operation of semiconductor devices and integrated circuits.”**

Inasmuch as the amendment *to the Class 9 goods* is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

**International Class 38:**

from:

“Telecommunications services, namely, provision of cellular telephone communication networks; cellular and fixed telephone services; cellular telecommunications network services, namely, wireless telephone services; providing a portal website for clients to access secure websites where they can manage their cellular networks; providing e-mail services; providing user access to the Internet; providing data network services, namely, transmission of voice, audio, visual images and data by data networks; providing telecommunications connections to the Internet, computer databases or other electronic networks; provision of private and secure real time electronic communication over a cellular network; computer aided transmission of messages, data and images; data interchange services; transfer of data by telecommunications; computer communication services; computer network services, namely, providing high speed access to area networks and a global computer and cellular information network; providing access time to computer databases, computer networks and cellular networks.”

to:

“Telecommunications services, namely, provision of cellular telephone communication networks; cellular and fixed telephone services; cellular telecommunications network services, namely, wireless telephone services; providing a portal website for clients to access secure websites where they can manage their cellular networks; providing e-mail services; providing user access to the Internet; providing data network services, namely, transmission of voice, audio, visual images and data by data networks; providing telecommunications connections to the Internet, computer databases or other electronic networks; provision of private and secure real time electronic communication over a cellular network; computer aided transmission of messages, data and images; data interchange services; transfer of data by telecommunications; computer communication services; computer network services, namely, providing high speed access to area networks and a global computer and cellular information network; providing access time to computer databases,

computer networks and cellular networks. **None of the foregoing goods to be offered or used in connection with or for the design and operation of semiconductor devices and integrated circuits.**

**International Class 42:**

from:

“Scientific and technological services, namely, research and design in the field of computer and cellular networks, cellular network data and signals, cellular network infrastructure, networkedge signaling and traffic processing; design and development of computer hardware and software; installation, maintenance and repair of computer software; computer consultancy services; advisory and consultancy services relating to computer and cellular network services.

to:

“Scientific and technological services, namely, research and design in the field of computer and cellular networks, cellular network data and signals, cellular network infrastructure, networkedge signaling and traffic processing; design and development of computer hardware and software; installation, maintenance and repair of computer software; computer consultancy services; advisory and consultancy services relating to computer and cellular network services. **None of the foregoing goods to be offered or used in connection with or for the design and operation of semiconductor devices and integrated circuits.**”

The proposed amendments to Classes 38 and 42 are unacceptable in part inasmuch as the proposed new language includes the wording “foregoing *goods*.” Both Classes 38 and 42 are *services*-based classes. Although the substance of the proposed amendments would be otherwise acceptable, the parties should file a corrected proposed amendment that substitutes the accurate wording “foregoing *services*.”

Therefore, the Board cannot accept or enter the proposed amendments for Class 38 and 42.

In view thereof, the motion to amend Classes 38 and 42 is denied without prejudice. The present identifications services in these classes, that is, the

identifications prior to the filing of the motion to amend, remain operative for purposes of future amendment. *See* Trademark Rule 2.71(a); TMEP §1402.07(d).

However, inasmuch as the filing of the proposed amendment indicates that the parties are making efforts to settle this matter, proceedings are suspended, and the parties are allowed until twenty days from the mailing date of this order to file a revised motion to amend Classes 38 and 42, failing which, the Board will resume proceedings and reset dates, and the opposition will go forward on the present identifications in these classes.

Opposer's September 19, 2014 consented motion to extend time, as well as the order granting of that motion, are noted. However, for the reasons set forth above, proceedings are suspended.