

ESTTA Tracking number: **ESTTA876644**

Filing date: **02/12/2018**

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

Proceeding	91228756
Party	Defendant FON Wireless Limited
Correspondence Address	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN, NY 11576 UNITED STATES Email: sdorchak@collardroe.com
Submission	Other Motions/Papers
Filer's Name	Sara M. Dorchak
Filer's email	sdorchak@collardroe.com, law@collardroe.com
Signature	/smd/
Date	02/12/2018
Attachments	Consented Motion to Amend and Dismiss FINAL.pdf(218970 bytes)

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

-----X		
Fonality, Inc.,	)	Opposition No. 91228756
)	
Plaintiff	)	and
)	
	)	Cancellation Nos.
	)	92063987, 92064005, and
	)	92064018
)	
v.)	
)	
FON Wireless Limited,	)	Application Serial No.
	)	79/124,000
Defendant)	
	)	and
)	
	)	Registration Nos.
	)	3,232,690, 3,232,691 and
	)	4,244,331
)	
-----X		

**CONSENT MOTION TO AMEND APPLICATION AND REGISTRATIONS, AND
CONSENT MOTION TO DISMISS**

Defendant, FON Wireless Limited, by and through its undersigned counsel, and with the consent of Fonality, Inc. (“Plaintiff”), hereby moves for the following amendment to the identification of goods and services of the Application Serial No. 79/124,000 (the “Application”) and also to enter the Section 7 amendments submitted for Registration Nos. 3,232,690, 3,232,691, and 4,244,331 (the "Registrations"). In support of this Motion, Applicant states the following:

1. Defendant requests that the identification of goods and services for Application No. 79/124,000 be amended as follows (proposed language for deletion stricken through):

~~“Communication~~ software for connecting computer network users and global computer networks, **other than telephony integration or voice over IP**; wireless communication devices for wireless Internet access, namely, devices used to load into wireless network devices, namely, personal computers, mobile phones, and tablets, and shared by a network of fidelity members and prepaid third party users, and systems comprised of firmware for embedded systems acting as network access points, routers, gateways and other communication elements; applications for end user devices, namely, mobile phones and laptops, used for wireless Internet access, used to connect to wireless network devices, namely, personal computers, mobile phones, and tablets, and shared by a network of fidelity members and prepaid third party users, **other than for telephony services or voice over IP**; transmission equipment, namely, network access points, gateways, routers and other communication elements for communication via the Internet, on-line or via computer networks, namely, all in the nature of computer control hardware, **other than for telephony services or voice over IP**; ~~computer software for use in database management, use as a spreadsheet, word processing which can be downloaded from a website to a computer and a digital assistance, namely, PDAs; electronic personal organizers;~~ digital book reproduction device, namely, digital book readers” in Class 9; and

“Telecommunication services, namely, providing wireless high-speed Internet access services for users in specific locations; providing access to other data and communication networks by means of computer terminals and wireless networks, **other than telephony services or voice over IP services**” in Class 38.

Such that the identification of goods and services be amended to state:

“Software for connecting computer network users and global computer networks, other than telephony integration or voice over IP; wireless communication devices for wireless Internet access, namely, devices used to load into wireless network devices, namely, personal computers, mobile phones, and tablets, and shared by a network of fidelity members and prepaid third party users, and systems comprised of firmware for embedded systems acting as network access points, routers, gateways and other communication elements; applications for end user devices, namely, mobile phones and laptops, used for wireless Internet access, used to connect to wireless network devices, namely, personal computers, mobile phones, and tablets, and shared by a network of fidelity members and prepaid third party users, other than for telephony services or voice over IP; transmission equipment, namely, network access points, gateways, routers and other communication elements for communication via the Internet, on-line or via computer networks, namely, all in the nature of computer control hardware, other than for telephony services or voice over IP; digital book reproduction device, namely, digital book readers” in Class 9; and

“Telecommunication services, namely, providing wireless high-speed Internet access services for users in specific locations; providing access to other data and communication networks by means of computer terminals and wireless networks, other than telephony services or voice over IP services” in Class 38.

2. Defendant requests that the Section 7 amendment to Registration No. 3,232,690, submitted on November 14, 2017 and attached hereto as Exhibit A, along with the required fee for such amendment, be entered, which requested that the identification of goods be amended as follows:

“Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users, **other than connecting to telephony networks or voice over IP**” in Class 9.

Such that the identification of goods be amended to state:

“Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users, other than connecting to telephony networks or voice over IP” in Class 9.

3. Defendant requests that the Section 7 amendment to Registration No. 3,232,691, submitted on November 14, 2017 and attached hereto as Exhibit B, along with the required fee for such amendment, be entered, which requested that the identification of services be amended as follows:

“Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks, **other than telephony services or voice over IP services**, by utilizing personal computers, PDAs and other wireless devices” in Class 38.

Such that the identification of services be amended to state:

“Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks, other than telephony services or voice over IP services, by utilizing personal computers, PDAs and other wireless devices” in Class 38.

4. Defendant requests that the Section 7 amendment to Registration No. 4,244,331, submitted on November 14, 2017 and attached hereto as Exhibit C, along with the required fee for such amendment, be entered, which requested that the identification of goods and services be amended as follows:

“Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users, **other than users of telephony networks, or voice over IP networks**” in Class 9; and

“Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other communication and data networks, **other than telephony networks or voice over IP,** by utilizing personal computers, PDAs and other wireless devices” in Class 38.

Such that the identification of goods and services be amended to state:

“Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users, other than users of telephony networks, or voice over IP networks” in Class 9; and

“Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other communication and data networks, other than telephony networks or voice over IP, by utilizing personal computers, PDAs and other wireless devices” in Class 38.

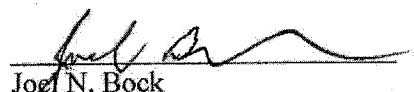
5. Defendant believes that the proposed amendments consist of clarifications or narrowing, not expansions of the identifications of goods and services.

6. After approval of the proposed amendments, and upon the successful entry of the amendments by the Board, Defendant moves for the Opposition and Cancellations to be dismissed. Plaintiff consents to the dismissal of the Opposition and Cancellations at such time as the amendments to the Application and Registrations have been successfully entered by the Board, as indicated by the United States Patent and Trademark Office online records.

WHEREFORE, the Defendant, with Plaintiff's consent, requests that the foregoing amendment to the identification of goods and services in the Application and the Registrations be granted and ordered.

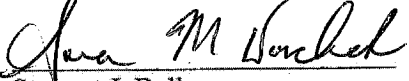
Respectfully submitted, this the 12th day of February, 2018.

Fonality, Inc.


Joel N. Bock
Dentons US LLP
101 JFK Parkway
Short Hills, New Jersey 07078
Telephone: (973) 912-7174
E-mail: trademarks.us@dentons.com
joel.bock@dentons.com
Attorneys for Plaintiff
Fonality, Inc.

Dated: February 12, 2018

FON Wireless Limited

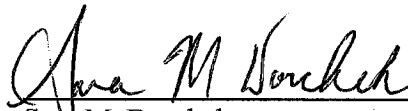

Stewart J. Bellus
Sara M. Dorchak
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
Telephone: (516) 365-9802
E-mail: sbellus@collardroe.com
sdorchak@collardroe.com

Attorneys for Defendant
FON Wireless Limited

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing "CONSENT MOTION TO AMEND APPLICATION AND REGISTRATIONS AND CONSENT MOTION TO DISMISS" has this 12th day of February 2018 been sent by prepaid First Class Mail to:

Joel N. Bock
Dentons US LLP
101 JFK Parkway
Short Hills, New Jersey 07078



Sara M. Dorchak

Exhibit A
Section 7 Amendment to Registration No. 3,232,690

Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3232690
LAW OFFICE ASSIGNED	LAW OFFICE 108
SERIAL NUMBER	78751577
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/78751577/large
LITERAL ELEMENT	FON
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
OWNER SECTION (current)	
NAME	FON WIRELESS LIMITED
STREET	25 Farringdon Street
CITY	London
ZIP/POSTAL CODE	EC4A4AB
COUNTRY	United Kingdom
LEGAL ENTITY SECTION (current)	
TYPE	COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
LEGAL ENTITY SECTION (proposed)	
TYPE	COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
EXPLANATION OF FILING	
<p>Registrant wishes to amend the identification of goods in Class 9 to include the following disclaimer:</p> <p><i>Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users, <u>other than connecting to telephony networks or voice over IP</u></i></p> <p>As this disclaimer consists of a further narrowing of the goods, Registrant respectfully requests that the amendment be entered.</p>	
GOODS AND/OR SERVICES SECTION (current)	
U.S. CLASS	009
IDENTIFICATION	
Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users	
FILING BASIS	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 10/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2005
GOODS AND/OR SERVICES SECTION (proposed)	
U.S. CLASS	009
IDENTIFICATION	
Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users, other than connecting to telephony networks or voice over IP	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2005
ATTORNEY SECTION	
ORIGINAL ADDRESS	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576
NEW ATTORNEY SECTION	
NAME	SARA M. DORCHAK
FIRM NAME	COLLARD & ROE, P.C.
STREET	1077 NORTHERN BOULEVARD
CITY	ROSLYN
STATE	New York
ZIP/POSTAL CODE	11576
COUNTRY	United States
PHONE	516 365 9802
FAX	516 365 9805
EMAIL	law@collardroe.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576
NEW CORRESPONDENCE SECTION	
NAME	SARA M. DORCHAK
FIRM NAME	COLLARD & ROE, P.C.
STREET	1077 NORTHERN BOULEVARD
CITY	ROSLYN

STATE	New York
ZIP/POSTAL CODE	11576
COUNTRY	United States
PHONE	516 365 9802
FAX	516 365 9805
EMAIL	law@collardroe.com
AUTHORIZED EMAIL COMMUNICATION	Yes
PAYMENT SECTION	
SECTION 7 FEE	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/smd/
SIGNATORY'S NAME	Sara M. Dorchak
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	11/14/2017
REQUEST SIGNATURE	/smd/
SIGNATORY'S NAME	Sara M. Dorchak
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	11/14/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 &15, OR 8 &9 FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Nov 14 12:34:00 EST 2017
TEAS STAMP	USPTO/S7R-XX.XX.XX.XXX-20 171114123400578613-323269 0-510ac4653cb6887f69621de e6898379fcec3cc8275d7f983 b1108d3c9c1d10bcf-CC-1204 2-2017111412225185609

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PTO Form 1597 (Rev 11/2007)
OMB No. 0651-0055 (Exp 07/31/2018)

Section 7 Request Form

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **3232690** FON (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/78751577/large>) has been amended as follows:

EXPLANATION OF FILING

Registrant wishes to amend the identification of goods in Class 9 to include the following disclaimer:

Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users, other than connecting to telephony networks or voice over IP

As this disclaimer consists of a further narrowing of the goods, Registrant respectfully requests that the amendment be entered.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Registrant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/01/2005 and first used in commerce at least as early as 10/01/2005, and is now in use in such commerce.

Proposed: Class 009 for Computer software for wireless Internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third parties users, other than connecting to telephony networks or voice over IP

Filing Basis: Section 1(a), Use in Commerce: The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/01/2005 and first used in commerce at least as early as 10/01/2005, and is now in use in such commerce.

OWNER AND/OR ENTITY INFORMATION

Registrant proposes to amend the following:

Current: FON WIRELESS LIMITED, a company legally organized under the laws of UNITED KINGDOM (GBX), having an address of
25 Farringdon Street
London, EC4A4AB
United Kingdom

Proposed: FON WIRELESS LIMITED, COMPANY legally organized under the laws of United Kingdom, having an address of

25 Farringdon Street
London, EC4A4AB
United Kingdom

ATTORNEY INFORMATION

Registrant proposes to amend the following:

Current: SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576

Proposed: SARA M. DORCHAK of COLLARD & ROE, P.C., having an address of 1077 NORTHERN BOULEVARD ROSLYN, New York United States 11576, whose e-mail address is law@collardroe.com, whose phone number is 516 365 9802 and whose fax number is 516 365 9805.

CORRESPONDENCE ADDRESS CHANGE

Registrant proposes to amend the following:

Current: SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576

Proposed: SARA M. DORCHAK of COLLARD & ROE, P.C., having an address of 1077 NORTHERN BOULEVARD ROSLYN, New York United States 11576, whose e-mail address is law@collardroe.com, whose phone number is 516 365 9802 and whose fax number is 516 365 9805.

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /smd/ Date: 11/14/2017

Signatory's Name: Sara M. Dorchak

Signatory's Position: Attorney of record, New York bar member
Signatory's Phone: 5163659802

Request Signature

Signature: /smd/ Date: 11/14/2017

Signatory's Name: Sara M. Dorchak

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone: 5163659802

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: SARA M. DORCHAK
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, New York 11576

RAM Sale Number: 3232690

RAM Accounting Date: 11/14/2017

Serial Number: 78751577

Internet Transmission Date: Tue Nov 14 12:34:00 EST 2017

TEAS Stamp: USPTO/S7R-XX.XX.XX.XXX-20171114123400578

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-12042-20171114122225185609

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 3232690



Serial Number: 78751577



RAM Sale Number: 3232690

RAM Accounting Date: 20171114

Total Fees: \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
§7 request		20171114	\$0	0	0	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20171114



Exhibit B
Section 7 Amendment to Registration No. 3,232,691

Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3232691
LAW OFFICE ASSIGNED	LAW OFFICE 108
SERIAL NUMBER	78751591
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/78751591/large
LITERAL ELEMENT	FON
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
OWNER SECTION (current)	
NAME	FON WIRELESS LIMITED
STREET	25 Farringdon Street
CITY	London
ZIP/POSTAL CODE	EC4A4AB
COUNTRY	United Kingdom
LEGAL ENTITY SECTION (current)	
TYPE	COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
LEGAL ENTITY SECTION (proposed)	
TYPE	COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
EXPLANATION OF FILING	
<p>Registrant wishes to amend the identification of goods and services to include the following disclaimer:</p> <p><i>Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks, other than telephony services or voice over IP services, by utilizing personal computers, PDAs and other wireless devices.</i></p> <p>As this disclaimer consists of a further narrowing of the services, Registrant respectfully requests that the amendment be entered.</p>	
GOODS AND/OR SERVICES SECTION (current)	
U.S. CLASS	038
IDENTIFICATION	
Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks by utilizing personal computers, PDAs and other wireless devices	
FILING BASIS	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 10/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2005
GOODS AND/OR SERVICES SECTION (proposed)	
U.S. CLASS	038
IDENTIFICATION	
Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks, other than telephony services or voice over IP services, by utilizing personal computers, PDAs and other wireless devices	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/01/2005
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2005
ATTORNEY SECTION	
ORIGINAL ADDRESS	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576
NEW ATTORNEY SECTION	
NAME	SARA M. DORCHAK
FIRM NAME	COLLARD & ROE, P.C.
STREET	1077 NORTHERN BOULEVARD
CITY	ROSLYN
STATE	New York
ZIP/POSTAL CODE	11576
COUNTRY	United States
PHONE	516 365 9802
FAX	516 365 9805
EMAIL	law@collardroe.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576
NEW CORRESPONDENCE SECTION	
NAME	SARA M. DORCHAK
FIRM NAME	COLLARD & ROE, P.C.
STREET	1077 NORTHERN BOULEVARD

CITY	ROSLYN
STATE	New York
ZIP/POSTAL CODE	11576
COUNTRY	United States
PHONE	516 365 9802
FAX	516 365 9805
EMAIL	law@collardroe.com
AUTHORIZED EMAIL COMMUNICATION	Yes
PAYMENT SECTION	
SECTION 7 FEE	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/smd/
SIGNATORY'S NAME	Sara M. Dorchak
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	11/14/2017
REQUEST SIGNATURE	/smd/
SIGNATORY'S NAME	Sara M. Dorchak
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	11/14/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 & 15, OR 8 & 9 FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Nov 14 12:43:38 EST 2017
TEAS STAMP	USPTO/S7R-XX.XX.XX.XXX-20 171114124338362406-323269 1-510e207a29ca7b4464ec15c 39d828326c3764cdf82a19ede f77050f8e4725e3527-CC-121 87-20171114123516800126

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1597 (Rev 11/2007)

OMB No. 0651-0055 (Exp 07/31/2018)

Section 7 Request Form

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **3232691** FON (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/78751591/large>) has been amended as follows:

EXPLANATION OF FILING

Registrant wishes to amend the identification of goods and services to include the following disclaimer:

*Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks, **other than telephony services or voice over IP services**, by utilizing personal computers, PDAs and other wireless devices.*

As this disclaimer consists of a further narrowing of the services, Registrant respectfully requests that the amendment be entered.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Registrant proposes to amend the following class of goods/services in the application:

Current: Class 038 for Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks by utilizing personal computers, PDAs and other wireless devices

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/01/2005 and first used in commerce at least as early as 10/01/2005, and is now in use in such commerce.

Proposed: Class 038 for Telecommunication services, namely providing high speed wireless access to the Internet to end users at specific locations and other communication and data networks, other than telephony services or voice over IP services, by utilizing personal computers, PDAs and other wireless devices

Filing Basis: Section 1(a), Use in Commerce: The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/01/2005 and first used in commerce at least as early as 10/01/2005, and is now in use in such commerce.

OWNER AND/OR ENTITY INFORMATION

Registrant proposes to amend the following:

Current: FON WIRELESS LIMITED, a company legally organized under the laws of UNITED KINGDOM (GBX), having an address of
25 Farringdon Street
London, EC4A4AB
United Kingdom

Proposed: FON WIRELESS LIMITED, COMPANY legally organized under the laws of United Kingdom, having an address of

25 Farringdon Street
London, EC4A4AB
United Kingdom

ATTORNEY INFORMATION

Registrant proposes to amend the following:

Current: SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576

Proposed: SARA M. DORCHAK of COLLARD & ROE, P.C., having an address of 1077 NORTHERN BOULEVARD ROSLYN, New York United States 11576, whose e-mail address is law@collardroe.com, whose phone number is 516 365 9802 and whose fax number is 516 365 9805.

CORRESPONDENCE ADDRESS CHANGE

Registrant proposes to amend the following:

Current: SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576

Proposed: SARA M. DORCHAK of COLLARD & ROE, P.C., having an address of 1077 NORTHERN BOULEVARD ROSLYN, New York United States 11576, whose e-mail address is law@collardroe.com, whose phone number is 516 365 9802 and whose fax number is 516 365 9805.

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /smd/ Date: 11/14/2017
Signatory's Name: Sara M. Dorchak
Signatory's Position: Attorney of record, New York bar member
Signatory's Phone: 5163659802

Request Signature

Signature: /smd/ Date: 11/14/2017
Signatory's Name: Sara M. Dorchak
Signatory's Position: Attorney of record, New York bar member

Signatory's Phone: 5163659802

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: SARA M. DORCHAK
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, New York 11576

RAM Sale Number: 3232691
RAM Accounting Date: 11/14/2017

Serial Number: 78751591
Internet Transmission Date: Tue Nov 14 12:43:38 EST 2017
TEAS Stamp: USPTO/S7R-XX.XX.XX.XXX-20171114124338362
406-3232691-510e207a29ca7b4464ec15c39d82
8326c3764cdf82a19edef77050f8e4725e3527-C
C-12187-20171114123516800126

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 3232691



Serial Number: 78751591



RAM Sale Number: 3232691

RAM Accounting Date: 20171114

Total Fees: \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
§7 request		20171114	\$0	0	0	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20171114



Exhibit C
Section 7 Amendment to Registration No. 4,244,331

Section 7 Request Form

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	4244331
LAW OFFICE ASSIGNED	LAW OFFICE 104
SERIAL NUMBER	85354344
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/85354344/large
LITERAL ELEMENT	FON SPOT IN A BOX
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
OWNER SECTION (current)	
NAME	Fon Wireless Limited
STREET	25 Farringdon Street
CITY	London
ZIP/POSTAL CODE	EC4A4AB
COUNTRY	United Kingdom
LEGAL ENTITY SECTION (current)	
TYPE	COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
LEGAL ENTITY SECTION (proposed)	
TYPE	COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
EXPLANATION OF FILING	
<p>Registrant wishes to amend the identification of goods and services to include the following disclaimers:</p> <p><i>Class 9</i> <i>Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users, <u>other than users of telephony networks, or voice over IP networks.</u></i></p> <p><i>Class 38</i> <i>Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other telecommunication and data networks, <u>other than telephony networks or voice over IP,</u> by utilizing personal computers, PDAs and other wireless devices.</i></p> <p>As these disclaimers consist of a further narrowing of the goods and services, Registrant respectfully requests that the amendment be entered.</p>	
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009

IDENTIFICATION	
Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	010066637
FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	11/24/2011
FOREIGN EXPIRATION DATE	06/22/2021
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
IDENTIFICATION	
Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users, other than users of telephony networks or voice over IP networks	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	010066637
FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	11/24/2011
FOREIGN EXPIRATION DATE	06/22/2021
GOODS AND/OR SERVICES SECTION (038)(current)	
INTERNATIONAL CLASS	038
IDENTIFICATION	
Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other communication and data networks by utilizing personal computers, PDAs and other wireless devices	
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	010066637
FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	11/24/2011
FOREIGN EXPIRATION DATE	06/22/2021
STANDARD CHARACTERS OR EQUIVALENT	NO
GOODS AND/OR SERVICES SECTION (038)(proposed)	
INTERNATIONAL CLASS	038
IDENTIFICATION	
Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other communication and data networks, other than telephony networks or voice over IP, by utilizing personal computers, PDAs and other wireless devices	
FILING BASIS	Section 44(e)

FOREIGN REGISTRATION NUMBER	010066637
FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	11/24/2011
FOREIGN EXPIRATION DATE	06/22/2021
ATTORNEY SECTION	
ORIGINAL ADDRESS	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576
NEW ATTORNEY SECTION	
NAME	SARA M. DORCHAK
FIRM NAME	COLLARD & ROE, P.C.
STREET	1077 NORTHERN BOULEVARD
CITY	ROSLYN
STATE	New York
ZIP/POSTAL CODE	11576
COUNTRY	United States
PHONE	5163659802
FAX	5163659805
EMAIL	law@collardroe.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576
NEW CORRESPONDENCE SECTION	
NAME	SARA M. DORCHAK
FIRM NAME	COLLARD & ROE, P.C.
STREET	1077 NORTHERN BOULEVARD
CITY	ROSLYN
STATE	New York
ZIP/POSTAL CODE	11576
COUNTRY	United States
PHONE	5163659802

FAX	5163659805
EMAIL	law@collardroe.com
AUTHORIZED EMAIL COMMUNICATION	Yes
PAYMENT SECTION	
SECTION 7 FEE	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/smd/
SIGNATORY'S NAME	Sara M. Dorchak
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	11/14/2017
REQUEST SIGNATURE	/smd/
SIGNATORY'S NAME	Sara M. Dorchak
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	11/14/2017
AUTHORIZED SIGNATORY	YES
CONCURRENT § 8, 8 & 15, OR 8 & 9 FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Nov 14 12:52:44 EST 2017
TEAS STAMP	USPTO/S7R-XX.XX.XX.XXX-20 171114125244424705-424433 1-5102f268a307e64a4cad545 0db76392ada2818109d2378a9 7e34f084a7ebc576-CC-12316 -20171114124412331992

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1597 (Rev 11/2007)

OMB No. 0651-0055 (Exp 07/31/2018)

Section 7 Request Form

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **4244331** FON SPOT IN A BOX (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/85354344/large>) has been amended as follows:

EXPLANATION OF FILING

Registrant wishes to amend the identification of goods and services to include the following disclaimers:

Class 9

Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users, **other than users of telephony networks, or voice over IP networks.**

Class 38

Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other

communication and data networks, other than telephony networks or voice over IP, by utilizing personal computers, PDAs and other wireless devices.

As these disclaimers consist of a further narrowing of the goods and services, Registrant respectfully requests that the amendment be entered.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Registrant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users

Original Filing Basis:

Filing Basis: Section 44(e), Based on Foreign Registration: Registrant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [European Community - CTM registration number 010066637 registered 11/24/2011 with a renewal date of _____ and an expiration date of 06/22/2021], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Proposed: Class 009 for Computer software for wireless internet access used to load into wireless network devices, namely personal computers, and shared by a network of fidelity members and prepaid third party users, other than users of telephony networks or voice over IP networks

Filing Basis: Section 44(e), Based on Foreign Registration: Registrant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [European Community - CTM registration number 010066637 registered 11/24/2011 with a renewal date of _____ and an expiration date of 06/22/2021], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

Registrant proposes to amend the following class of goods/services in the application:

Current: Class 038 for Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other communication and data networks by utilizing personal computers, PDAs and other wireless devices

Original Filing Basis:

Filing Basis: Section 44(e), Based on Foreign Registration: Registrant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and submits a copy of [European Community - CTM registration number 010066637 registered 11/24/2011 with a renewal date of _____ and an expiration date of 06/22/2021], and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

Proposed: Class 038 for Telecommunication services, namely providing high speed wireless access to the internet to end users at specific locations and other communication and data networks, other than telephony networks or voice over IP, by utilizing personal computers, PDAs and other wireless devices

Filing Basis: Section 44(e), Based on Foreign Registration: Registrant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and /or services, and will submit a copy of [European Community - CTM registration number 010066637 registered 11/24/2011 with a renewal date of _____ and an expiration date of 06/22/2021], and translation thereof, if appropriate, before the application may proceed to registration. 15 U.S.C. Section 1126(e), as amended.

OWNER AND/OR ENTITY INFORMATION

Registrant proposes to amend the following:

Current: Fon Wireless Limited, a company legally organized under the laws of UNITED KINGDOM (GBX), having an address of

25 Farringdon Street
London, EC4A4AB
United Kingdom

Proposed: Fon Wireless Limited, COMPANY legally organized under the laws of United Kingdom, having an address of

25 Farringdon Street
London, EC4A4AB
United Kingdom

ATTORNEY INFORMATION

Registrant proposes to amend the following:

Current: SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576

Proposed: SARA M. DORCHAK of COLLARD & ROE, P.C., having an address of 1077 NORTHERN BOULEVARD ROSLYN, New York United States 11576, whose e-mail address is law@collardroe.com, whose phone number is 5163659802 and whose fax number is 5163659805.

CORRESPONDENCE ADDRESS CHANGE

Registrant proposes to amend the following:

Current: SARA M DORCHAK COLLARD & ROE PC 1077 NORTHERN BOULEVARD ROSLYN New York United States 11576

Proposed: SARA M. DORCHAK of COLLARD & ROE, P.C., having an address of 1077 NORTHERN BOULEVARD ROSLYN, New York United States 11576, whose e-mail address is law@collardroe.com, whose phone number is 5163659802 and whose fax number is 5163659805.

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /smd/ Date: 11/14/2017

Signatory's Name: Sara M. Dorchak

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone: 5163659802

Request Signature

Signature: /smd/ Date: 11/14/2017

Signatory's Name: Sara M. Dorchak

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone: 5163659802

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

Mailing Address: SARA M. DORCHAK
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, New York 11576

RAM Sale Number: 4244331

RAM Accounting Date: 11/14/2017

Serial Number: 85354344

Internet Transmission Date: Tue Nov 14 12:52:44 EST 2017

TEAS Stamp: USPTO/S7R-XX.XX.XX.XXX-20171114125244424

705-4244331-5102f268a307e64a4cad5450db76

392ada2818109d2378a97e34f084a7ebc576-CC-

12316-20171114124412331992

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 4244331



Serial Number: 85354344



RAM Sale Number: 4244331

RAM Accounting Date: 20171114

Total Fees: \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>	
§7 request		20171114	\$0	0	0	\$100

Physical Location: MADCD- ALEX. CENTRAL DOCKET

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20171114

