

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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JMW/mbm

Mailed: March 23, 2018

Opposition No. 91234368

Red.com, Inc.

v.

Vodafone Group Plc

**Mary Beth Myles,
Interlocutory Attorney:**

On March 16, 2018, Applicant filed a proposed amendment to its application Serial No. 86899073, with Opposer's consent pursuant to the settlement agreement between the parties.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 9 as follows:

From: Telecommunications, telephonic and communications apparatus and instruments, namely, radio telephones, mobile and fixed telephones, radio and radio-telephone transmitters and receivers and radio pagers, video telephones; apparatus and instruments for the processing, transmission, storage, logging, reception and retrieval of data being in the form of encoded data, text, audio, graphic images or video or a combination of these formats; wireless handheld units and devices, namely, personal digital assistants, wireless phones, mobile phones, cellular phones, smartphones, video phones, handheld, mobile and tablet computers for the synchronization, transmission, recordal, storage and manipulation of data and/or voice; modems; ~~blank magnetic cards; cards containing microprocessors; Encoded electronic chip cards for use in mobile telephones; Magnetically encoded telephone credit cards; blank electronic media for storing information, data, images and sound; blank electronic machine readable media; machine~~

~~readable media for use in the reproduction of music; satellite receiving and transmission apparatus and instruments; computer programmes for managing business meetings and conferences; computer communication software for the synchronization, transmission and sharing of voice, data, calendar and content between one or more electronic handheld units and data stored on or associated with a computer; downloadable digital audio, video and data provided from a computer database or the Internet featuring music and film; apparatus for downloading audio, audio visual and graphic images from a computer database; battery chargers for use with telecommunications apparatus; batteries; adapters for use with telecommunications apparatus; radio telephones, mobile and fixed telephones; television apparatus and instruments namely, transmitting and receiving apparatus for television broadcasting and for longdistance transmission; peripheral equipment for televisions and computers; computers including laptop and notebook computers; electronic personal organisers; electronic navigational and positional apparatus and instruments namely, global positioning systems; satellite navigational and positional apparatus and instruments; desk or car mounted units incorporating a loudspeaker which permits hands-free use of a telephone handset; in-car telephone handset cradles; parts and fittings included in class 9 for all the aforementioned goods; none of the aforesaid being communications apparatus or instruments for airline passengers during flights; none of the aforesaid being communications apparatus or instruments for digital content distribution services offered to digital content publishers; none of the aforesaid being digital still and motion cameras or digital cinema camera systems and accessories, sold individually or as a unit, comprised of cameras, camera lenses, flash memory cards, electronic memories, hard drives for video recorders, video monitors and flat panel display screens, grips and handles, all for use in the creation, storage, delivery, manipulation, recording, playback or viewing of video, film, photographs, and multimedia data; none of the aforesaid being software for use in the field of digital still and motion picture filming, creation, and editing.~~

To: Telecommunications, telephonic and communications apparatus and instruments, namely, radio telephones, mobile and fixed telephones, radio and radio-telephone transmitters and receivers and radio pagers, video telephones; apparatus and instruments for the processing, transmission, storage, logging, reception and retrieval of data being in the form of encoded data, text, audio, graphic images or video or a combination of these formats; wireless handheld units and devices, namely, personal digital assistants, wireless phones, mobile phones, cellular phones, smartphones, video phones, handheld, mobile and tablet computers for the synchronization, transmission, recordal, storage and manipulation of data and/or voice;

modems; cards containing microprocessors; Encoded electronic chip cards for use in mobile telephones; Magnetically encoded telephone credit cards; satellite receiving and transmission apparatus and instruments; computer programmes for managing business meetings and conferences; computer communication software for the synchronization, transmission and sharing of voice, calendar and content between one or more electronic handheld units and data stored on or associated with a computer; battery chargers for use with telecommunications apparatus; adapters for use with telecommunications apparatus; radio telephones, mobile and fixed telephones; electronic personal organisers; electronic navigational and positional apparatus and instruments namely, global positioning systems; satellite navigational and positional apparatus and instruments; desk or car mounted units incorporating a loudspeaker which permits hands-free use of a telephone handset; in-car telephone handset cradles; parts and fittings included in class 9 for all the aforementioned goods; none of the aforesaid being communications apparatus or instruments for airline passengers during flights; none of the aforesaid being communications apparatus or instruments for digital content distribution services offered to digital content publishers; none of the aforesaid being digital still and motion cameras or digital cinema camera systems and accessories, sold individually or as a unit, comprised of cameras, camera lenses, flash memory cards, electronic memories, hard drives for video recorders, video monitors and flat panel display screens, grips and handles, all for use in the creation, storage, delivery, manipulation, recording, playback or viewing of video, film, photographs, and multimedia data; none of the aforesaid being software for use in the field of digital still and motion picture filming, creation, and editing.

The amendment is limiting in nature, as required by Trademark Rule 2.71(a).

Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, 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).

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If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise **suspended**.