

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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EJW/ey

March 11, 2021

Opposition No. 91264497

Valve Corporation

v.

Aristocrat Technologies Australia Pty Ltd

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On October 12, 2020, Applicant filed a proposed amendment¹ to its application Serial No. 88620619 in accordance with the parties' co-existence agreement, along with a request to dismiss the opposition without prejudice.² The Board notes that the request to dismiss the opposition without prejudice does not include Opposer's written consent. In view thereof, the request to dismiss will not be considered.

Turning to the motion to amend, Applicant seeks to amend the identification of services as follows:

¹ The Board recommends submission of a red-lined copy of a proposed amendment clearly showing the proposed changes, followed by a clean copy of the proposed amendment. Such a submission will assist Board personnel in determining whether the motion be should be granted and in entry of the amendment. *See* 37 C.F.R. § 2.74(a); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 514.01 (2020).

² The Board notes that the title of the document is "Answer to Notice of Opposition." However, as noted, Applicant has actually submitted a motion to amend the opposed application. The Board's records will be amended accordingly. Additionally, the duplicate copy of Applicant's submission, 5 TTABVUE, will be given no further consideration.

From:³

Entertainment services in the nature of providing a web-based system, on-line portal and social networking platform, namely, a social casino environment, for customers to participate in online electronic gaming; providing on-line virtual environment for users to engage in online electronic gaming; providing temporary use of non-downloadable game software featuring games played on computers, hand held devices, mobile and wireless communication devices, and internet enabled devices; providing temporary use of non-downloadable game software featuring games played via global computer network and online social networks

To:

Entertainment services in the nature of providing a web-based system, on-line portal and social networking platform, namely, a social casino environment, for customers to participate in online electronic gaming; providing on-line virtual environment for users to engage in online electronic **social casino gaming and casino-style gaming**; providing temporary use of non-downloadable game software featuring **social casino games and casino-style games** played on computers, hand held devices, mobile and wireless communication devices, and internet enabled devices; providing temporary use of non-downloadable game software featuring **social casino games and casino-style games** played via global computer network and online social networks

The proposed 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 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).

If no response is filed, proceedings will be resumed and dates reset, as appropriate. Proceedings are otherwise **SUSPENDED**.

³ Proposed additional wording is shown in bold type font.