

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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BOU/Mt

Mailed: April 12, 2018

Opposition No. 91228756 (Parent)

Cancellation No. 92063987

Cancellation No. 92064005

Cancellation No. 92064018

Fonality, Inc.

v.

FON Wireless Limited

By the Trademark Trial and Appeal Board:

On February 16, 2018, Defendant filed amended proposed amendments to application Serial No. 79124000, and Registration Nos. 3232690, 3232691 and 4244331 with Plaintiff's consent, and Plaintiff's withdrawal of the consolidated proceeding, contingent upon entry of the amendments.

By the proposed amendment, Defendant seeks to amend the identification of goods and services to add the following bold wording and remove the following stricken wording:

I. Serial No. 79124000

A. International Class 9

~~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.

B. International Class 38

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.**

II. Registration No. 3232690

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.**

III. Registration No. 3232691

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 or IP services**, by utilizing personal computers, PDAs and other wireless devices.

IV. Registration No. 4244331

A. International 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**; and

B. International 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.

The amendments are limiting in nature, as required by Trademark Rules 2.71(a) and 2.173. Because Plaintiff consents, the amendments are **APPROVED**. The amendment to application Serial No. 79124000 is **ENTERED**. *See* Trademark Rule 2.133(a). The amendments to Registration Nos. 3232690, 3232691 and 4244331 will be forwarded to the Post Registration Branch of this Office for entry of those amendments in accordance with Section 7(e) of the Trademark Act.¹

¹ A copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.

Cancellation No. 92063987

The contingency of Plaintiff's withdrawal having been met, each proceeding consolidated into this opposition is **DISMISSED** without prejudice.