

I. AMENDMENT OF IDENTIFICATION OF SERVICES

A. Reason for Amendment

In the Suspension Notice dated September 8, 2014, the Examining Attorney continued to suspend this application (SN 85-106,141), in part, because of a perceived potential for likelihood of confusion with a pending application owned by Ted Wallis to register ORANGE & Design for "entertainment, namely, live performances by a musical band" (SN 78-127,377) in International Class 41 ("Wallis Application").

Applicant proposes to delete any references to music or music related services in the application in the hope that such an amendment will remove any concerns of the Examining Attorney regarding a possible likelihood of confusion with the Wallis Application and will result in a removal of the suspension based on that application.

B. Current Identification of Services

The current identification of services for this application in International Class 41 is as follows (references to music and music related services highlighted in bold and italic font):

Educational services, namely, developing, arranging and conducting educational conferences, programs, seminars and workshops and providing courses of instruction in the fields of reading skills, literature, the arts, ***music***, health and wellbeing, information technology, telecommunications and the environment; entertainment services, namely, conducting contests, participation in motor racing events, yacht racing events, golf, tennis, football, snowboarding, cricket, ballooning, sailing, snowboarding, surfing, windsurfing, and cycling events and provision of information and advice thereon; entertainment services, namely, providing a website ***featuring musical performances, musical videos, related film clips, photographs*** and other multi-media materials and provision of information and advice thereon; entertainment services, namely, providing on-line reviews of films, books, ***music***, computer games, sporting events and provision of information and advice thereon; ***entertainment services namely, providing pre-recorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network and provision of information and advice thereon***; entertainment services namely, organizing and conducting events for International awards in the areas of film, cinema and fictional literature; organizing community sporting, arts, ***music*** and cultural

events; information relating to education, entertainment, sporting and cultural events provided on-line from a computer database or the Internet or provided by other means; electronic games services provided from a computer database or by means of the Internet; video and audio equipment rental services; radio and television entertainment production; production of films, radio and television programs and of teleshopping television programs and webshopping Internet television programs. organizing of games and sporting competitions in the field of golf, tennis ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing; and provision of information and advice thereon; organizing of competitions in the form of poetry, literary awards, film awards and *music*; providing non-downloadable on-line documents, fact sheets, brochures, newsletters, magazines and reviews in the fields of sport, entertainment, education, information technology, art and culture, telecommunications and computing, *music*, health and wellbeing, personal fitness and leisure activities; publication of texts in electronic format or otherwise; publishing of *music*, video and film in the form of tapes, CDs, DVDs, video tapes; organizing exhibitions for purposes of *music*, films, games, golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, literature, health and wellbeing, telecommunications, computing, information technology purposes; conducting on-line exhibitions and displays and interactive exhibits in the field of *music*, films, games, golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, literature, health and wellbeing, telecommunications, computing, information technology; news programming services for transmission across the Internet; arranging and conducting of conferences, seminars, symposia, tutorials, workshops, courses, conventions and exhibitions in the fields of reading skills, literature, the arts, films, *music*, art and culture, games, sports and leisure activities, health and wellbeing, personal fitness, information technology, computing, telecommunications and the environment. providing courses of instruction in the fields of reading skills, literature, the arts, *music*, health and wellbeing, information technology, telecommunications and the environment provided on-line via a telecommunications link or computer network or provided by other means; translation services; art gallery services provided on-line via a telecommunications link; gambling services, games of chance; ticket reservation and booking services for entertainment, sporting and cultural events; on-line library services, namely, providing electronic library services which feature newspapers, magazines, photographs and pictures via an on-line computer network; *providing digital music (not downloadable) from MP3 Internet websites*; providing a website featuring non-downloadable photographs, pictures, graphics, sound bytes, films, videos and audio-visual programs; photography services; charitable services, namely, academic mentoring; charitable services, namely, education and training in the fields of reading skills, literature, the arts, *music*, health and wellbeing, information technology, telecommunications and the environment; provision of information and advice relating to all of the aforesaid

services; none of the aforesaid services in connection with college level courses of instruction or college level sporting events.

C. Proposed Amendment

Applicant proposes to amend the Class 41 identification to delete all references to music and music related services and to add the words noted in bold and italic font below to further clarify that particular services do not apply to music. If this amendment is granted, the identification of services in the application will be as set forth below:

Educational services, namely, developing, arranging and conducting educational conferences, programs, seminars and workshops and providing courses of instruction in the fields of reading skills, literature, the arts, health and wellbeing, information technology, telecommunications and the environment; entertainment services, namely, conducting contests, participation in motor racing events, yacht racing events, golf, tennis, football, snowboarding, cricket, ballooning, sailing, snowboarding, surfing, windsurfing, and cycling events and provision of information and advice thereon; entertainment services, namely, providing a website featuring *non music related* multi- media materials and provision of information and advice thereon; entertainment services, namely, providing on-line reviews of films, books, computer games, sporting events and provision of information and advice thereon; entertainment services namely, organizing and conducting events for International awards in the areas of film, cinema and fictional literature; organizing community sporting, arts, and cultural events; information relating to education, entertainment, sporting and cultural events provided on-line from a computer database or the Internet or provided by other means; electronic games services provided from a computer database or by means of the Internet; video and audio equipment rental services; radio and television entertainment production; production of films, radio and television programs and of teleshopping television programs and webshopping Internet television programs; organizing of games and sporting competitions in the field of golf, tennis ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing; and provision of information and advice thereon; organizing of competitions in the form of poetry, literary awards *and* film awards; providing non-downloadable on-line documents, fact sheets, brochures, newsletters, magazines and reviews in the fields of sport, entertainment, education, information technology, art and culture, telecommunications and computing, health and wellbeing, personal fitness and leisure activities; publication of texts in electronic format or otherwise; publishing of *non-music* video and film in the form of tapes, CDs, DVDs, video tapes; organizing exhibitions for purposes of films, games, golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, literature, health and wellbeing, telecommunications, computing, information technology purposes; conducting on-line exhibitions and

displays and interactive exhibits in the field of films, games, golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, literature, health and wellbeing, telecommunications, computing, information technology; news programming services for transmission across the Internet; arranging and conducting of conferences, seminars, symposia, tutorials, workshops, courses, conventions and exhibitions in the fields of reading skills, literature, the arts, films, art and culture, games, sports and leisure activities, health and wellbeing, personal fitness, information technology, computing, telecommunications and the environment. providing courses of instruction in the fields of reading skills, literature, the arts, health and wellbeing, information technology, telecommunications and the environment provided on-line via a telecommunications link or computer network or provided by other means; translation services; art gallery services provided on-line via a telecommunications link; gambling services, games of chance; ticket reservation and booking services for entertainment, sporting and cultural events; on-line library services, namely, providing electronic library services which feature newspapers, magazines, photographs and pictures via an on-line computer network; providing a website featuring non-downloadable photographs, pictures, graphics, *non-musical* sound bytes, films, videos and audio-visual programs; photography services; charitable services, namely, academic mentoring; charitable services, namely, education and training in the fields of reading skills, literature, the arts, health and wellbeing, information technology, telecommunications and the environment; provision of information and advice relating to all of the aforesaid services; none of the aforesaid services in connection with college level courses of instruction or college level sporting events

Applicant respectfully submits that the above amendments limit rather than expand the original identification and, therefore, the amendment should be accepted.

II. The Suspension Based on the Wallis Application Should Be Removed

Applicant respectfully requests that with the implementation of the above referenced amendment, there is no further reason to continue to suspend this application because of the possibility that the application will create a likelihood of confusion with the Wallis Application (SN 78-127,377) which seeks to register ORANGE for "entertainment, namely, live performances by a musical band" in International Class 41. Accordingly, Applicant respectfully requests that the suspension based on the Wallis Application be removed.