

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

MBA/am

Mailed: November 30, 2007

Opposition No. 91150160

Adeptis, Inc.

v.

Adeptia Inc.

Michael B. Adlin, Interlocutory Attorney:

On October 31, 2007, the Board issued an order deferring consideration of applicant's proposed amendment to its application Serial No. 76079893, because opposer's consent was not of record. On November 26, 2007, applicant filed opposer's written consent to the proposed amendment.

By the proposed amendment, applicant seeks to change the identification of services in International Class 42 **from:** "providing business to business software development services for others" **to:** "providing business to business software design and development services for others, namely, design and development for others of software programs that facilitate the formatting, conversion and delivery of business data, in the field of data integration and business process management."

Applicant's proposed amendment to the identification of services in application Serial No. 76079893 is unacceptable.

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Specifically, the amended identification adds software "design" services, which extend beyond the scope of the services as originally identified, and therefore violates Trademark Rule 2.71(a).¹

Applicant's motion to amend the application is accordingly denied and the parties are allowed **THIRTY DAYS** from the mailing date of this order in which to submit any substitute proposed amendment in compliance with Trademark Rule 2.71(a).

Proceedings remain otherwise suspended.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:
<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the

¹ The Board would be inclined to accept the following identification of services, if accurate: "providing business to business software development services for others, namely, development for others of software programs that facilitate the formatting, conversion and delivery of business data, in the field of data integration and business process management."

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Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>