

ESTTA Tracking number: **ESTTA15504**

Filing date: **09/22/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161333
Party	Defendant TMAX SOFT CO., LTD TMAX SOFT CO., LTD Glass tower 18th Fl. 946-1 Daechi 3 Dong KRX Kangnam-ku, 135-280, Seoul,
Correspondence Address	MICHAEL D. STEIN STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVE., NW WASHIINGTON, DC 20005
Submission	Motion to Amend Application
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Signature	/David E. Weslow/
Date	09/22/2004
Attachments	Motion for Amendment of Application.pdf (3 pages)

**IN THE U.S. PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TIBCO SOFTWARE INC.,)	
)	
Opposer,)	BOX TTAB
)	NO FEE
v.)	
)	Opposition No. 91-161333
TMAX SOFT CO., LTD.,)	App. Serial No. 76/494,782
)	Mark: TIBERO
Applicant.)	
)	

**APPLICANT'S MOTION TO AMEND
APPLICATION (WITH CONSENT)**

Applicant hereby requests that the recitation of goods in the opposed application be amended to recite:

“recorded computer operating program; notebook computer, laptop computer; software programmable microprocessors; CD-ROM drive; magnetic tape drive; computer software for use a database, namely, recording, sorting, sharing and managing the data, which is recorded in floppy disk, CD-ROM, or magnetic tape device, or downloaded from a website”

This amendment is believed to be proper as the amendment is limiting in nature in accordance with 37 C.F.R. § 2.71(a) and Opposer has provided express consent to entry of the amendment, by way of settlement agreement, in accordance with 37 C.F.R. § 2.133(a).

Applicant and Opposer have reached a settlement agreement thereby obviating the need for further proceedings in this matter. Accordingly, Applicant respectfully requests that proceedings remain stayed in accordance with the Board's Order of September 8, 2004 during

pendency and processing of Applicant's proposed amendment.

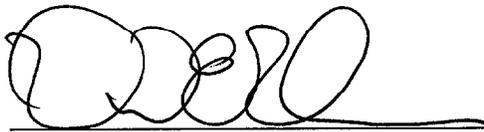
Applicant therefore requests that the Board approve this amendment and remand the application to the Examining Attorney for consideration and approval. TBMP § 514.02. If for any reason the Board will not approve this consented Motion to Amend, it is respectfully requested that counsel for Applicant and counsel for Opposer be contacted via telephone in accordance with the Board's project for telephone disposition of interlocutory matters.

Respectfully submitted,

TMAX SOFT CO., LTD.

Dated: September 22, 2004

By:

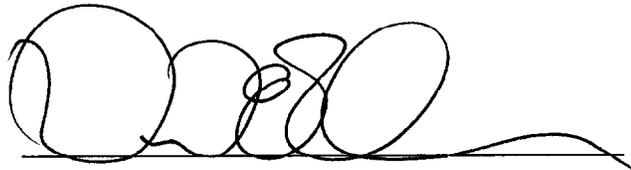


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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2004, a true and correct copy of the foregoing APPLICANT'S MOTION TO AMEND APPLICATION (WITH CONSENT) was served on Opposer by sending the same via first class mail, postage prepaid, in an envelope addressed as follows:

Lori M. Stockton, Esq.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

A handwritten signature in black ink, appearing to read 'L. Stockton', with a long horizontal flourish extending to the right.