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

Proceeding	91211617
Party	Plaintiff Gap (Apparel), LLC
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Date	11/13/2015
Attachments	Motion to Amend, Suspend and Dismiss (GAPMINDER) (F1816605x96B9E).pdf(378570 bytes)

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

GAP (APPAREL), LLC,

Opposer,

-against-

STIFTELSEN GAPMINDER,

Applicant.

Opposition No. 91211617

**MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION
AMENDMENT; (b) TO SUSPEND OPPOSITION; and (c) FOR
CONDITIONAL DISMISSAL OF OPPOSITION WITHOUT PREJUDICE**

Opposer Gap (Apparel), LLC (“Opposer”) and applicant Stiftelsen Gapminder (“Applicant”) hereby move to amend the mark GAPMINDER, as contained in Application Serial No. 79/099,737, which application is the subject of the opposition; to suspend the opposition pending the Board’s review and anticipated approval of the amendment; and to dismiss the opposition without prejudice conditioned upon acceptance of the amendment.

Applicant requests that Application Serial No. 79/099,737 be amended¹ as follows:

- IC 009. US 021 023 026 036 038. G & S: ~~apparatus for recording, transmission or reproduction of sound or images; downloadable computer software programs (downloadable software) for the analysis and presentation of statistics and data; downloadable electronic documents in electronic form featuring a wide variety of statistical information in the areas of population, income, health, education, employment, safety, technology usage, and other statistical information; downloadable electronic data files featuring a wide variety of statistical information in the areas of population, income, health, education, employment, safety, technology usage, and other statistical information, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development~~

¹ Text to be deleted is shown in strikethrough; text to be added is shown in underline.

- IC 035. US 100 101 102. G & S: ~~advertising services; business management; compiling of information into computer databases; processing and checking information in computer databases, namely, conducting market research by means of a computer database; production of computer databases, namely, systematization of data in computer databases; collection and systemization of information into computer databases; computerized database management; computerized file management featuring a wide variety of statistical information in the areas of population, income, health, education, employment, safety, technology usage, and other statistical information; computerized file management; computerized register management; data search in computer files for others, namely, providing a searchable website featuring the goods and services of other vendors; providing business information, consultation and advice in all of the above mentioned services~~
- IC 038. US 100 101 104. G & S: ~~computer aided transmission of messages and images; digital transfer services and transmission services via the internet, namely, electronic transmission of data and documents via the internet; providing user access to a global computer network; transmission of messages via electronic media; transmission of video film, namely, video transmission over digital networks; providing access to databases; providing on-line electronic bulletin boards for transmission of messages among computer users concerning global computer network development, computer software, online telecommunication services, statistics, and statistical analysis and presentation of data; telecommunication and data communication via portal to acquire information; namely, communication services in the nature of electronic transmission of data and documents among users of computers; tTransfer and transmission of database information via telecommunications networks; providing information about telecommunication, and providing telecommunication consultation and advice in all of the above mentioned services, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development~~
- IC 041. US 100 101 107. G & S: ~~eEducational services, namely, provision of web sites featuring educational materials in a wide variety of statistical fields, including population, income, health, education, employment, safety, technology usage, and other measures; providing of training in the field of statistical analysis; cultural activities, namely, organizing cultural and arts events; digital imaging services; electronic desktop publishing; publication of data media, namely, publication of electronic magazines; publication of electronic books and journals on-line; services relating to interactive games, namely, providing temporary use of non-downloadable interactive games; providing on-line non-downloadable electronic publications, namely blogs concerning global development, computer software, online publishing services, statistics, and statistical analysis and presentation of data; providing information, consultation and advice concerning the foregoing educational and publishing services, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development~~

- IC 042. US 100 101. G & S: ~~scientific and technological services, namely, rResearch~~ and design in the field of global computer network development, computer software, online computer services, statistical informational technology data, and statistical informational technology analysis and presentation of data; design and development of computer hardware and software; ~~maintenance of computer software; updating of computer software for others; hosting of web sites, namely, providing websites featuring online, non-downloadable computer software for the analysis and presentation of statistics and data; data conversion of computer programs and data, not physical conversion; computer programming; design of computer software, web pages, and web sites, namely, providing websites with features allowing users to design and share web pages customized with embedded charts and animations; design of computer systems; duplication of computer programs; installation of computer software; conversion of data or documents from physical to electronic media; providing information, consultation and advice in the fields of scientific and technological research and design, computer software, online computer services, and computer website design, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development~~

With this amendment, the new specification of goods and services would therefore read as follows:

- IC 009. US 021 023 026 036 038. G & S: computer programs (downloadable software); electronic documents; downloadable files, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development
- IC 038. US 100 101 104. G & S: Transfer and transmission of database information via telecommunications networks, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development
- IC 041. US 100 101 107. G & S: Educational services, namely, provision of web sites featuring educational materials in a wide variety of statistical fields, including population, income, health, education, employment, safety, technology usage, and other measures; providing of training in the field of statistical analysis; providing on-line non-downloadable electronic publications, namely blogs concerning global development, computer software, online publishing services, statistics, and statistical analysis and presentation of data; providing information, consultation and advice concerning the foregoing educational and publishing services, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development

- IC 042. US 100 101. G & S: Research and design in the field of global computer network development, computer software, online computer services, statistical informational technology data, and statistical informational technology analysis and presentation of data; design and development of computer hardware and software, all of the foregoing in connection with promoting sustainable global development and achievement of development goals by increased use of statistics and other information about social, economic and environmental development

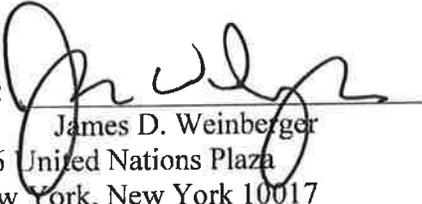
Because these proposed amendments are all in the nature of limitations and no re-publication would be required, it is respectfully submitted that it is permissible.

Opposer and Applicant also jointly move to suspend the above-referenced opposition pending review of the proposed amendments. The parties further consent that upon the approval and entry of the proposed amendment to Application Serial No. 79/099,737, the opposition and all claims asserted therein be dismissed without prejudice.

Dated: New York, New York
November 13, 2015

FROSS ZELNICK LEHRMAN & ZISSU, PC

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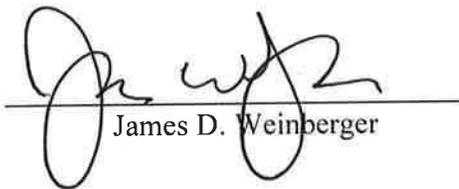
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2015, I have caused a copy of the foregoing **MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION AMENDMENT; (b) TO SUSPEND OPPOSITION; and (c) FOR CONDITIONAL DISMISSAL OF OPPOSITION WITHOUT PREJUDICE** to be sent by prepaid first-class mail to Applicant's Correspondent of Record at the following address:

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James D. Weinberger