

ESTTA Tracking number: **ESTTA624294**

Filing date: **08/29/2014**

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

Proceeding	91212472
Party	Plaintiff Prosper Business Development Corporation
Correspondence Address	MARIBETH DEEVERS ISAAC WILES BURKHOLDER & TEETOR LLC 2 MIRANOVA PLACE, SUITE 700 COLUMBUS, OH 43215 UNITED STATES mdeavers@isaacwiles.com, rperryman@isaacwiles.com
Submission	Reply in Support of Motion
Filer's Name	Robert C. Perryman
Filer's e-mail	rperryman@isaacwiles.com
Signature	/s/ Robert C. Perryman
Date	08/29/2014
Attachments	Reply in Support of 2nd Motion to Amend.pdf(36233 bytes )

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

**IN THE MATTER OF Trademark Application Serial No. 79115344  
for the mark BIGINSIGHTS;  
Published in the Official Gazette on August 27, 2013**

<b>PROSPER BUSINESS DEVELOPMENT CORPORATION</b>	:	
	:	
	:	
<b>Opposer,</b>	:	
v.	:	
	:	<b>Opposition No. 91212472</b>
<b>INTERNATIONAL BUSINESS MACHINES, CORPORATION</b>	:	
	:	
	:	
<b>Applicant.</b>	:	

---

**OPPOSER’S REPLY BRIEF IN SUPPORT OF SECOND MOTION TO AMEND  
NOTICE OF OPPOSITION**

---

IBM opposes Prosper’s Second Motion to Amend<sup>1</sup> its Notice of Opposition largely due to the belief that the motion would be in contravention of the Board’s suspension order dated March 24, 2014. The order states that “[a]ny submission filed during the pendency of this motion which is not germane thereto will receive no consideration.” However, the content of Prosper’s Second Motion to Amend directly relates to the content of the Motion to Amend currently under consideration by the TTAB. Prosper acknowledges IBM’s concern regarding the starting point for Prosper’s Second Motion to Amend containing amendments from its Motion to Amend that have not yet been accepted by the Board. To ensure to both the Board and IBM that Prosper is not attempting to bring any unapproved amendments in the back door, Prosper proposes in the alternative that upon disposition of the current pending motion, Prosper reserve

---

<sup>1</sup> While IBM is correct that this would be a third amendment to Prosper’s Notice of Opposition, Prosper correctly labeled its Motion as a Second Motion, seeing as how the First Amended Notice of Opposition was amended as a matter of right and required no leave from the Board.

the right to resubmit its Second Motion to Amend its Notice of Opposition, pending the Board's determination.

Respectfully Submitted,

/s/ Robert C. Perryman  
Maribeth Meluch Deavers  
Email: mmeluch@isaacwiles.com  
Robert C. Perryman  
Email: rperryman@isaacwiles.com  
Isaac Wiles Burkholder & Teetor LLC  
2 Miranova Place, Suite 700  
Columbus, Ohio 43215  
*Attorneys for Opposer Prosper  
Business Development Corp.*

***Certificate of Service***

I hereby certify that a true copy of the foregoing Motion to Amend was served upon Barbara A. Solomon, Fross Zelnick Lehrman & Zissu, 866 United Nations Plaza, New York, NY 10017 on August 29, 2014 via U.S. Mail, postage prepaid and through the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA).

Respectfully submitted,

/s/ Robert C. Perryman  
Robert C. Perryman