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Filing date: **09/22/2015**

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

Proceeding	91223467
Party	Plaintiff salesforce.com, inc.
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Date	09/22/2015
Attachments	Motion to Amend and Dismiss 092215.pdf(220030 bytes )

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

In the re matter of Trademark Application

Applicant: LumIO Labs, Inc.  
Serial No.: 86/232507  
Filed: March 26, 2014  
Mark: IOFORCE  
Publication Date: February 24, 2015

SALESFORCE.COM, INC.,

Opposer,

v.

LUMIO LABS, INC.,

Applicant.

Opposition No. 91223467

**MOTION ON CONSENT TO PERMIT POST-PUBLICATION  
AMENDMENT, SUSPEND PROCEEDINGS, FOR CONDITIONAL  
DISMISSAL OF OPPOSITION WITHOUT PREJUDICE**

Opposer Salesforce.com, inc. ("Opposer") and applicant LumIO Labs, Inc. ("Applicant"), through their attorneys of record, file this joint motion to amend after publication the application that is the subject of this opposition proceeding; to suspend the opposition proceeding pending the Board's review of the amendment; and to dismiss the opposition proceeding without prejudice conditioned upon the Board's acceptance of the amendment. Applicant, with the consent of Opposer, requests that International Class 9 of its Application Serial No. 86/232507 be amended to the language shown below, with any additional limiting language underlined and deleted language crossed out:

**International Class 9:** Electronic receivers and transmitters ~~for capturing~~ to capture electronic health and fitness data; computer hardware ~~and software~~ for individuals to monitor ~~monitoring~~ a person's body, organ, and tissue motion, vital signs, distance covered on foot, calories expended, blood sugar, body fat, sleep patterns and similar health indicators; accelerometers; electronic memories; navigation and GPS hardware ~~in the nature of GPS receivers and software for tracking~~ for individuals to track health and

fitness data; computer hardware and software for use in life sciences, health and fitness and biotech applications; computer hardware for use in wireless and cellular applications; computer hardware and software for storing and transmitting health and personal information; computer hardware and software for monitoring and transmitting health and fitness data incorporated into wearable items such as clothing, eyewear, helmets, jewelry and/or accessories; computer software for use in medical, health and fitness applications, namely, for monitoring a person's body, organ, and tissue motion, vital signs, distance covered on foot, and similar health indicators; computer software for use in wireless and cellular applications for monitoring a person's body, organ, and tissue motion, vital signs, distance covered on foot, and similar health indicators; headsets for use with computers; computer game software; computer game programs; pedometers, computer software for use in wireless and cellular applications, namely, electronic game software; computer software for use in reading movement data from inertial sensors and translating it into usable movement information that initiates certain actions on personal devices, such as cellular phones and mp3 players; MP3 players

No amendments of the Class 10 goods are requested. Because the proposed amendments are all limiting, no re-publication should be required, and the amendment should therefore be permissible. The parties jointly move to suspend this opposition proceeding pending review and approval of the proposed amendment. The parties further consent that upon the approval and entry of the proposed amendment, this opposition proceeding be dismissed without prejudice.

Dated: September 22, 2015

Respectfully submitted,

OWEN, WICKERSHAM & ERICKSON,  
P.C.

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**CERTIFICATE OF SERVICE**

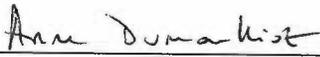
I hereby certify that a true and complete copy of the foregoing

**MOTION ON CONSENT TO PERMIT POST-PUBLICATION  
AMENDMENT, SUSPEND PROCEEDINGS, FOR CONDITIONAL  
DISMISSAL OF OPPOSITION WITHOUT PREJUDICE**

has been served on counsel for Applicant via first class U.S. mail, postage prepaid, to the following address:

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Dated: September 22, 2015

  
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Anne Dumauthioz