

ESTTA Tracking number: **ESTTA737187**

Filing date: **03/31/2016**

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

Proceeding	91224758
Party	Defendant Uptake Technologies, LLC
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Submission	Motion to Amend Application
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Date	03/31/2016
Attachments	Uptake Motion to Amend 86471647.pdf(105718 bytes)

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

In the Matter of Application Serial No. 86/471,647

Intrexon Corporation,

Opposer,

v.

Uptake Technologies, LLC,

Applicant.

Opposition No. 91224758

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

Applicant Uptake Technologies (“Applicant”) by its attorneys, hereby moves the Trademark Trial and Appeal Board (“the Board”) to amend the identification of goods in pending Application Serial No. 86/471,647 (“the Application”) pursuant to 37 C.F.R. § 2.71. In accordance with 37 C.F.R. § 2.133(a) and TBMP §§ 514.01 – 514.02, as the Application is the subject of the above-referenced inter partes proceeding before the Board, Applicant requests this relief from the Board rather than from the Trademark Examining Operation.

In a March 31, 2016, communication from its attorneys to the undersigned, Opposer consented to the present motion.

The Application is directed to the POWERING THE INDUSTRIAL EVOLUTION mark. Applicant moves to amend the identification of goods and services in the Application to include the underlined matter:

Class 9: electric sensors for use in electronic monitoring and reporting of physical properties of an industrial asset, and in data mining and data analysis for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits; all of the foregoing expressly excluding data for use in research and development in the fields of biotechnology research and development, chemistry research and development, scientific research and development, medical research and

development, veterinary research and development, pharmaceutical research and development, and genetics research and development.

Class 35: arranging and conducting business conferences in the field of data analytics and data science for improving the business operations of others, such conferences unrelated to research and development in the fields of biotechnology research and development, scientific research and development, medical research and development, veterinary research and development, pharmaceutical research and development, and genetics research and development.

Class 42: electronic monitoring and reporting of physical properties of an industrial asset using computers and sensors; data mining for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits, expressly excluding data for use in research and development in the fields of biotechnology research and development, scientific research and development, medical research and development, veterinary research and development, pharmaceutical research and development, and genetics research and development; electric sensor reading and data analysis for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits, expressly excluding data for use in research and development in the fields of biotechnology research and development, scientific research and development, medical research and development, veterinary research and development, pharmaceutical research and development, and genetics research and development; design and development of integrated data collection and wireless transmission hardware systems for equipment and for software applications associated with that equipment at industrial assets for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits; data automation and collection service using proprietary software to evaluate, analyze and collect service data of others for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits, expressly excluding data for use in research and development in the fields of biotechnology research and development, scientific research and development, medical research and development, veterinary research and development, pharmaceutical research and development, and genetics research and development; providing on-line non-downloadable software for use in connection with each of the above services; providing on-line non-downloadable software for use in repair or maintenance of industrial assets for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits; providing on-line non-downloadable software for use in industrial analytics for the purposes of understanding client workflows and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits; providing on-line non-downloadable software for use in industrial modeling for the purposes of understanding client workflows

and processes in order to predict and prevent failures in the business operations of others and uncover hidden profits.

Applicant believes that its amendment is in compliance with 37 C.F.R. § 2.71(a) and that it is at least entitled to a registration on the Application so restricted. Further, Applicant makes its motion to amend with the consent of the Opposer.

Respectfully submitted,



March 31, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 31, 2016, a copy of the foregoing was served by email on the following attorneys of record:

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