

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mt/gcp

Mailed: April 5, 2016

Opposition No. 91224758

Intrexon Corporation

v.

Uptake Technologies, LLC

George C. Pologeorgis,
Administrative Trademark Judge:

On March 31, 2016, Applicant filed a proposed amendment to its application Serial No. 86471647, with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of goods and services in its involved application to include the following 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 nondownloadable 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.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, opposer is allowed until **thirty (30) days** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.