

ESTTA Tracking number: **ESTTA766560**

Filing date: **08/24/2016**

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

Proceeding	91228282
Party	Defendant International Business Machines Corporation
Correspondence Address	LEONORA HOICKA INTERNATIONAL BUSINESS MACHINES CORP N CASTLE DR INTELLECTUAL PROPERTY ARMONK, NY 10504 ibmtm@us.ibm.com
Submission	Other Motions/Papers
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Signature	/Barbara A, Solomon/
Date	08/24/2016
Attachments	Joint Motion.pdf(1130427 bytes)

1. The Parties move to set aside the notice of default against Applicant. The failure of IBM to file a timely answer is not due to willful conduct or to gross neglect; there is no prejudice to Applicant if the default is set aside, and setting aside the default is necessary to carry out the intent of the Parties as set out in the Agreement. As such, good cause exists to set aside the notice of default.

2. Applicant, with Opposer's consent, moves to amend by post-publication amendment the identification of certain services in Applicant's pending application to register INTERCONNECT, Application S.N. 86/327,828, which is the subject of the above-identified opposition. Specifically, Applicant, requests the following amendment to the services listed in Application S.N. 86/327,828:

~~Class 35: Business management consulting services and business consulting services; business development services; market research; data processing services; a~~Arranging and conducting trade show exhibitions; all of the foregoing in the field of computers, computer software, computer services, information technology and electronic business transactions via a global computer network

As amended the Class 35 services would read:

Class 35: Arranging and conducting trade show exhibitions; all of the foregoing in the field of computers, computer software, computer services, information technology and electronic business transactions via a global computer network

For the avoidance of doubt, no change is requested to the identification of services in International Classes 16 and 41.

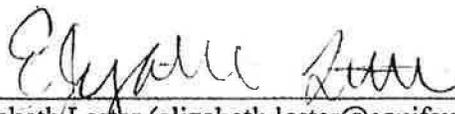
Because the proposed amendment clarifies and limits the services in Class 35, no re-publication would be required and it is permissible pursuant to TMEP 1505.03(b) and TBMP 514.02.

3. The Parties jointly move to both extend Applicant's time to answer the opposition and to suspend these proceedings pending review and acceptance of the proposed amendment.

4. The Parties jointly move that upon the approval and entry of the above-proposed amendment to Application S.N. 86/327,828, the Opposition be dismissed without prejudice and without entry of judgment for or against either Party.

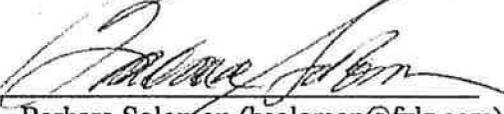
Dated: Atlanta, GA
August 24, 2016

EQUIFAX INC.

By: 
Elizabeth Lester (elizabeth.lester@equifax.com)
1550 Peachtree St. NW
Atlanta, GA 30309

Dated: New York, NY
August 24, 2016

INTERNATIONAL BUSINESS MACHINES
CORPORATION
by its counsel
FROSS ZELNICK-LEHRMAN & ZISSU, P.C.

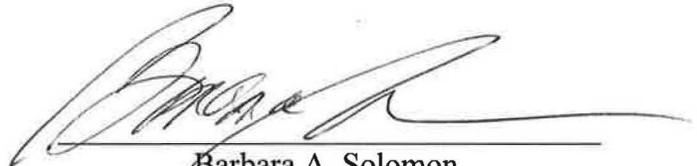
By: 
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New York, New York 10017
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **JOINT MOTION (a) TO SET ASIDE NOTICE OF DEFAULT; (b) TO PERMIT POST-PUBLICATION AMENDMENT; (c) TO SUSPEND OPPOSITION; and (d) FOR CONDITIONAL DISMISSAL OF OPPOSITION WITHOUT PREJUDICE** was served by First Class Mail, postage prepaid, on Opposer by serving a copy of the same on Opposer's counsel:

Elizabeth Lester, Esq.
Equifax Inc.
1550 Peachtree St. NW
Atlanta, GA 30309

on this 24th day of August 2016.


Barbara A. Solomon