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

Proceeding	91182202
Party	Defendant UltraConcurrent, Inc.
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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of
Trademark Application No. 77/010,981
Mark: ACTORSCRIPT
Publication Date: December 4, 2007

Actant AG)	
)	
Opposer,)	
)	
vs.)	Opposition No. 91182202
)	
Ultraconcurrent, Inc.)	
)	
Applicant.)	
)	

Box TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**STIPULATED MOTION TO AMEND APPLICATION AND
FOR SUSPENSION OF OPPOSITION PROCEEDINGS**

As a result of negotiations between Actant AG ("Opposer") and Ultraconcurrent, Inc. ("Applicant"), Applicant by its attorneys and with Opposer's consent hereby moves for amendment of the above-referenced application, Serial No. 77/010,981, pursuant to Trademark Rule 2.133, as described below. Applicant, with Opposer's consent, also moves for suspension of the opposition proceedings under Trademark Rule 2.177(c), pending the disposition of the requested amendment.

Amendments to Identifications

Applicant requests the Trademark Trial and Appeal Board to delete the identifications of goods and services in the above-referenced application in their

entirety, and substitute the following therefor:

Computers; computer operating systems; computer operating system software; computer server software; computer hardware and peripherals; computer software for use in database management; software used to create other software applications; data warehousing software, telephony software, fax messaging software; computer software used for extracting and saving data while keeping it coherently intact, browsing and accessing off loaded data, and selectively deleting and restoring off loaded data; computer software, namely, a relational, XML and inferential database management system for a networked environment; computer operating system and web services utility programs; computer programs for use in data manipulation, in testing and maintenance of database and web services information, in code generation, and in computer program design, maintenance, and analysis; user manuals and instruction books in electronic form distributed with the foregoing; and user manuals and instruction books sold as a unit therewith; all of the aforementioned goods exclude and are unrelated to software for banks, securities houses, asset managers, brokers, assurances, real estate managers, auctioneers, stock exchanges and bookmakers for the computer-assisted automation in the field of quoting and of buying and selling transactions, in International Class 9;

Database management; computerized database management; management and compilation of computerized databases; providing computer databases featuring trade information in the fields of marketing, sales, customer service, contracts, human resources, call centers, management of supply chains, orders, inventory, business consolidation management, business risk management, business quality management, business project management, business stakeholder-shareholder relationship management, and strategic business, simulation, enterprise and resource planning; all of the aforementioned services exclude the use of and are unrelated to software for banks, securities houses, asset managers, brokers, assurances, real estate managers, auctioneers, stock exchanges and bookmakers for the computer-assisted automation in the field of quoting and of buying and selling transactions, in International Class 35;

Educational services, namely conducting education and training through classes, workshops, seminars, in the field of computers, computer software, web services, computer databases, computer server software, computer programming, computer networking, computer system design, and intelligence analysis; conducting education and training through classes, workshops, and seminars provided via a global computer network, personal computers and handheld devices, in the field of computers, computer software, web services, computer databases, computer programming, computer networking, computer system design, and intelligence analysis; all of the aforementioned services exclude the use of and are unrelated to software for banks, securities houses, asset managers, brokers, assurances, real estate managers, auctioneers, stock exchanges and bookmakers for the computer-assisted automation in the field of quoting and of buying and selling transactions, in International Class 41;

Computer services, namely, consultation in the field of computer software; programming, design, development, analysis, implementation, management, integration, deployment, maintenance, updating and repair of computer software for others; application service provider (ASP), namely hosting, managing and administering computer software and computer server software for others; providing an on-line computer database and analysis featuring information in the fields of medical clinical research, computer diagnostics; application service provider (ASP) featuring software in the field of database management; application service provider (ASP) featuring computer server software; application service provider featuring software for providing an online database and web services in the field of transaction processing to upload transactional data, provide statistical and inferential analysis, and produce notifications and reports; computer service, namely, acting as an application service provider in the field of knowledge management and intelligence analysis to host computer application software for creating searchable databases of information and data; computer service, namely, acting as an application service provider in the field of knowledge management and intelligence analysis to host computer application software for searching and retrieving

information from databases and computer networks; database development services; technical assistance and consultation services, namely troubleshooting, managing, and maintaining computer software for others; leasing and rental of computer software; testing, analysis and evaluation of the goods and services of others for the purpose of compliance and certification; computer database development services; hosting the web sites of others on computer servers for local area networks, intranets, and the Internet. consultation services and providing technical assistance related to the design, creation, hosting, maintenance, operation, and management of computer databases; and providing information in the fields of computers, computer software, computer databases; all of the aforementioned services exclude the use of and are unrelated to software for banks, securities houses, asset managers, brokers, assurances, real estate managers, auctioneers, stock exchanges and bookmakers for the computer-assisted automation in the field of quoting and of buying and selling transactions, in International Class 42.

As shown above, Applicant has not added any new goods or services or expanded the identifications in any way; rather, Applicant has specifically excluded certain types of goods and services. Consequently, it is believed that the proposed amendments to the identification are within the scope of the original identifications and comply with all other applicable rules and statutory provisions.

Applicant is filing this amendment as a result of its agreement with Opposer. In an email to the undersigned attorney for Applicant, dated March 17, 2008, Opposer, by its attorney Michael Cantwell, approved the proposed amendments and agreed to withdraw the opposition once the requested amendments are effected.

In view of the foregoing, it is believed that this Stipulated Motion to Amend Application is in condition for approval under Trademark Rule 2.133, and such action is respectfully solicited.

Suspension of Opposition Proceedings

Applicant, by its attorney, hereby moves for suspension of the opposition proceedings under Trademark Rule 2.177(c), pending the disposition of the amendments requested above. This request is made in good faith and not for the purpose of unduly delaying proceedings in before the Board. As noted above, the parties have negotiated and agreed to amendments of the above-referenced application which, if implemented, would resolve this matter amicably and without unnecessary expenditure of the Board's resources. On this basis, the parties respectfully request that the Board suspend the opposition proceedings pending disposition of the amendments to the above-referenced application.

Michael Cantwell, counsel for Opposer, stipulated to this Motion for Suspension in an email to the undersigned counsel for Applicant, on March 17, 2008.

In view of the foregoing, it is believed that good cause exists to support the suspension, and an order granting this motion is respectfully requested.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon the interested parties by e-mail on this date, by mutual agreement between the parties, at the following email address: Michael Cantwell, mkcantwell@rcn.com.

Respectfully submitted,

Dated: March 19, 2008



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