

ESTTA Tracking number: **ESTTA425355**

Filing date: **08/16/2011**

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

Proceeding	91199852
Party	Plaintiff TeleTracking Technologies, Inc.
Correspondence Address	Stanley D. Ference III Ference & Associates LLC 409 Broad Street Pittsburgh, PA 15143 UNITED STATES bmalkin@ferencelaw.com, uspto@ferencelaw.com
Submission	Other Motions/Papers
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Date	08/16/2011
Attachments	Motion to Amend Application With Consent and Contingent Withdrawal (revised & signed).pdf (4 pages)(88619 bytes)

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

In the matter of trademark application Serial No. 85/059,169

For the mark **PROTRACK**

Published in the Official Gazette on November 16, 2010

TeleTracking Technologies, Inc.,)	
)	Opposition No. 91199852
Opposer,)	
)	
vs.)	
)	
FTI Consulting, Inc.,)	
)	
Applicant.)	
_____)	

**MOTION TO AMEND APPLICATION WITH CONSENT and
CONTINGENT WITHDRAWAL OF OPPOSITION**

Pursuant to Section 514.02 of the Trademark Trial and Appeal Board Manual of Procedure, Applicant, FTI Consulting, Inc., hereby moves to amend the recitation of goods in the above-referenced Application Serial No. 85/059,169. This Motion is made with the consent of the other party in the proceeding, TeleTracking Technologies, Inc. (“Opposer”), who has agreed to withdraw without prejudice the above-referenced Opposition contingent upon the entry of the amendment. Accordingly, the undersigned counsel hereby consent that, contingent upon and contemporaneous with the Board’s entry of an Order approving this Amendment, said Order approve withdrawal without prejudice.

Pursuant to 37 C.F.R. §2.133(a), Applicant hereby requests to amend its Application Serial No. 85/059,169 as follows:

In International Class 009:

Delete the identification of goods in its entirety and substitute therefor the following:

“Computer programs for monitoring and managing medical acute care clinical documentation, coding, and outcomes; excluding (i) software for providing operational efficiencies for the monitoring of patient placement, transport, procedure status, and management of healthcare professionals and staff in hospitals or healthcare facilities, and (ii) software for use with real time location systems related to patient placement, transport, procedure status, and management of healthcare professionals, staff, equipment and supplies in hospitals or healthcare facilities.”

The amendment is submitted in connection with Opposition No. 91199852. Applicant respectfully submits that the proposed amendment merely limits the scope of the identification of services. Applicant further submits that the identification of services, as amended, is sufficiently definite to allow others to understand the nature of the Applicant’s services, to allow proper classification of such services, and to adequately define the parameters of the services offered by Applicant pursuant to T.M.E.P. §§805 and 1402. Opposer has consented to Applicant’s proposed amendment.

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(569.145)

For the foregoing reasons, Applicant respectfully requests that the Board approve the

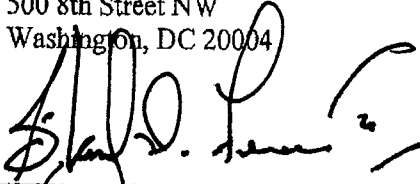
Proposed Amendment.

Dated: August 8, 2011

By: 

Ann K. Ford
DLA Piper LLP (US)
500 8th Street NW
Washington, DC 20004

Dated: 8/16/2011

By: 

Stanley D. Ference III
Registration No. 33,879

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Attorneys for Opposer
TeleTracking Technologies, Inc.

CERTIFICATE OF TRANSMISSION AND SERVICE

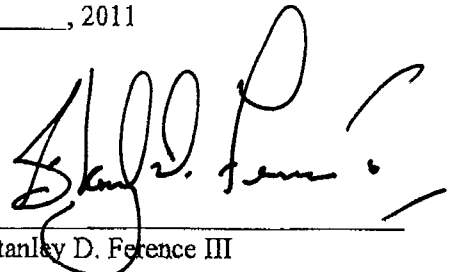
I certify that the foregoing is being electronically filed with:

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

and that the foregoing is being served by first-class mail, postage pre-paid, to:

Ann K. Ford, Esquire
DLA Piper LLP (US)
500 Eighth Street, NW
Washington, DC 20004

this 16th day of August, 2011



Stanley D. Ference III