

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

nmt

Mailed: May 17, 2013

Opposition No. 91207474

Outlier Solutions Inc.

v.

Outlier Enterprises, LLC

Andrew P. Baxley, Interlocutory Attorney:

On May 6, 2013, applicant filed its proposed consented amendment to its involved application Serial No. 85560270 and a stipulation to withdraw the opposition with prejudice.

The involved application is also subject of Opposition No. 91207478, styled *Outlier Incorporated v. Outlier Enterprises, Inc.* In that proceeding, applicant, on April 19, 2013, filed substantially the same consented amendment, which the Board approved and entered in a May 2, 2013 order.¹

Outlier Inco

By the proposed amendment, applicant seeks to change the identification of services in International Class 42 as follows:

from

¹ Opposer's written consent to the amendment was of record in Opposition No. 91207478. The better practice would have been for applicant to file concurrently the motions to amend in both oppositions.

Application service provider (ASP), namely, hosting computer software applications of others; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer software development; Computer software development in the field of mobile applications

to

Computer software development in the field of mobile applications and application service provider, namely hosting mobile applications for others.

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved. See Trademark Rule 2.133(a).

Regarding the stipulation to withdraw the opposition, the Board notes that only applicant signed the stipulation. Accordingly, the stipulation will be treated as a motion to dismiss with prejudice in view of the parties' settlement agreement.

Remaining briefing in connection with that motion is due in accordance with Trademark Rules 2.119(c) and 2.127(a). Proceedings herein otherwise remain suspended.