

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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tdc/MCF

Mailed: August 8, 2015

Opposition No. 91220481

Pivotal Software, Inc.

v.

Cloudfounders NV

By the Trademark Trial and Appeal Board:

On June 5, 2015, the parties were allowed thirty days to file a revised motion to amend. In response, on June 26, 2015, applicant filed a revised proposed amendment to its application Serial No. 79121528, with opposer's consent.

By the proposed amendment applicant seeks to amend International Classes 9, 38 and 42 as follows:

International Class 9

from "Computer hardware and computer peripheral devices; blank magnetic data media; blank sound recording discs; computer terminals; computer servers; computer hardware and software, namely, software for database management and software for database synchronization; data processing equipment; interfaces for computers; telecommunication equipment, namely, equipment for cloud computing, namely, servers, routers, networking switches, firewalls; blank data media; disk drives for computers; computer central processing units; integrated circuit chips; computer housings; housing, cabinets and racks specifically adapted for computers; electric measuring devices not for medical purposes, namely, for assessing the condition of servers such as power consumption, fan speeds, water leakage, gas leakage, power supply, physical security; electric monitoring equipment, namely, software to monitor power consumption, state of servers, state of networking equipment, state of software processes running on those servers, physical environment, to provide remote access to equipment; detectors, namely, motion,

smoke, power monitoring detectors, gas detectors for detecting the presence of gas, water detectors for measuring water levels, detectors for physical security, namely, personal security alarms; temperature indicators; heat regulating apparatus, namely, thermostats; hygrometer; air flow meters; computer power supply units and control units; inverters; computer cables and wiring"

to "Computer hardware and computer peripheral devices; blank magnetic data media; blank sound recording discs; computer terminals; computer servers; computer hardware and software for data storage; data processing equipment; interfaces for computers; telecommunication equipment, namely, equipment for cloud computing, namely, servers, routers, networking switches, firewalls; blank data media; disk drives for computers; computer central processing units; integrated circuit chips; computer housings; housing, cabinets and racks specifically adapted for computers; electric measuring devices not for medical purposes, namely, for assessing the condition of servers such as power consumption, fan speeds, water leakage, gas leakage, power supply, physical security; electric monitoring equipment, namely, software to monitor power consumption, state of servers, state of networking equipment, physical environment, to provide remote access to equipment; detectors, namely, motion, smoke, power monitoring detectors, gas detectors for detecting the presence of gas, water detectors for measuring water levels, detectors for physical security, namely, personal security alarms; temperature indicators; heat regulating apparatus, namely, thermostats; hygrometer; air flow meters; computer power supply units and control units; inverters; computer cables and wiring"

International Class 38

from "Telecommunication services, namely, electronic transmission of voice, audio, video, visual images and data via cloud computing, virtual servers, physical servers and remote desktops; transmission of data and information over the Internet and over other telecommunication networks; rental of telecommunication equipment, namely, equipment for cloud computing, namely, networking equipment for providing remote Internet access; providing access to databases, including access to computer databases, to the Internet and to other telecommunication networks; rental of access time to databases"

to "Telecommunication services, namely, electronic transmission of voice, audio, video, visual images and data via cloud computing, virtual servers, physical servers and remote desktops; transmission of data and information over the Internet and over other telecommunication networks; rental of telecommunication equipment, namely, equipment for cloud computing, namely, networking equipment for providing remote Internet access; providing access to the Internet and to other telecommunication networks"

International Class 42

from “Scientific and technological services, namely, research and design in the field of integrated system architecture that allows for the rapid development of highly interactive and customizable learning applications, computer services, namely, integration of private and public cloud computing environments; technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems and research and design in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; industrial analysis and research services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; design and development of computer hardware and software; rental of computer hardware and software”

to “technical consulting services in the fields of datacenter architecture, and evaluation and implementation of internet technology and services; technical support services, namely, remote and on-site infrastructure management services and research and design in the fields of datacenter architecture, and evaluation and implementation of internet technology and services; industrial analysis and research services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; design and development of computer hardware and computer software in the field of data storage; rental of computer hardware and computer software in the field of data storage”

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

The contingency in opposer's withdrawal having now been met, the opposition is dismissed with prejudice in accordance with the agreement between the parties.
