

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

RK/mt

Mailed: August 31, 2015

Opposition No. **91222361**

Zendesk, Inc.

v.

Enzo Alda

Yong Oh (Richard) Kim, Interlocutory Attorney:

On August 7, 2015, Opposer filed the parties' stipulated amendment to **Application Serial No. 86159783**. By the proposed amendment, Applicant seeks to change the identification of goods in International Class 9 as follows (deletions underlined and additions in bold type):

From: Compiler software; Computer software development tools; Computer software for computer system and application development, deployment and management; Computer software for creating searchable databases of information and data; Computer software for providing an on-line database in the field of transaction processing to upload transactional data, provide statistical analysis, and produce notifications and reports; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze information; Computer software for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze information that may be downloaded from a global computer network; Computer software platforms for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze

information; Computer software that assists computers in deploying parallel applications and performing parallel computations; Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Computer software to automate data warehousing; Downloadable cloud computer software for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze information; Downloadable computer software for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze information; Downloadable software for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze information; Spreadsheet software for general use; in International Class 9.

To: Compiler software; Computer software development tools **in the fields of reactive computing, mathematical modeling and simulation, and parallel computing**; Computer software for computer system and application development, deployment and management **in the fields of reactive computing, mathematical modeling and simulation, and parallel computing**; Computer software for use as a data/computation modeling tool, real-time spreadsheet, database, and other means to organize and analyze information, **all the foregoing in the fields of reactive computing, mathematical modeling and simulation, and parallel computing**; Computer software platforms for use as a data/computation modeling tool **and** real-time spreadsheet; Computer software that assists computers in deploying parallel applications and performing parallel computations; Computer software to automate data warehousing; Downloadable cloud computer software for use as a data/computation modeling tool **and** real-time spreadsheet; Downloadable computer software for use as a data/computation modeling tool **and** real-time spreadsheet; Downloadable software for use as a data/computation modeling tool **and** real-time spreadsheet; Spreadsheet software for use **in the fields of reactive computing, mathematical modeling and simulation, and parallel computing**; in International Class 9.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, it is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

If this resolves the dispute herein, Opposer is allowed until **SEPTEMBER 11, 2015**, to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended in accordance with the schedule as last reset on August 19, 2015, which is reproduced below:

Time to Answer	9/23/2015
Deadline for Discovery Conference	10/23/2015
Discovery Opens	10/23/2015
Initial Disclosures Due	11/22/2015
Expert Disclosures Due	3/21/2016
Discovery Closes	4/20/2016
Plaintiff's Pretrial Disclosures Due	6/4/2016
Plaintiff's 30-day Trial Period Ends	7/19/2016
Defendant's Pretrial Disclosures Due	8/3/2016
Defendant's 30-day Trial Period Ends	9/17/2016
Plaintiff's Rebuttal Disclosures Due	10/2/2016
Plaintiff's 15-day Rebuttal Period Ends	11/1/2016

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

* * *