

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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KK/DUNN

Mailed: August 13, 2016

Opposition No. 91224223

Data Foundry, Inc.

v.

Quantiply Corporation¹

By the Trademark Trial and Appeal Board:

On July 22, 2016, Applicant filed a proposed amendment to application Serial No. 86411234, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.²

By the proposed amendment Applicant seeks to amend the identification of services as follows (deletions underlined, additions in bold):

From: software as a service (SAAS) services featuring software for sharing large and dimensional datasets for enterprise clients for the purpose of delivering automated data modeling, machine learning, predictive analytics, automated reasoning, diagnostics, optimization and recommendation services; software as a service (SAAS) services featuring software for use in developing, executing, monitoring, managing, and optimizing algorithms, business processes, and analytics in the fields of ecommerce, retails analytics, supply chain analytics, Enterprise Resource Planning (ERP), Manufacturing Execution Systems (MES), connected

¹ The change of correspondence address filed June 20, 2016 for Applicant is noted and the proceeding file has been updated accordingly.

² Applicant's motion to amend does not indicate proof of service of a copy of same on counsel for opposer, as required by Trademark Rule 2.119. A copy of the motion can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

factories, and smart nations; technological services, namely, software as a service (SAAS) services featuring software for use in store, query, and sharing functionality for management of high dimensional big data sets, machine learning algorithms, predictive models, facts and dimensions, and enterprise digital traces.

To: software as a service (SAAS) services featuring software for automated data modeling, machine learning, predictive analytics, automated reasoning, in the fields of ecommerce, retails analytics, supply chain analytics, Enterprise Resource Planning (ERP), Manufacturing Execution Systems (MES), connected factories, and smart nations; **all of the foregoing excluding data colocation solutions, disaster recovery services, and cloud storage and network services.**

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

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.