

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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RK/ey

May 2, 2019

Opposition No. **91227909**

*Argus Software, Inc.*

*v.*

*Argus Information and Advisory Services,  
LLC*

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On March 14, 2019, Applicant filed a proposed amendment to its **Application Serial No. 86531892**, with Opposer's consent.<sup>1</sup>

By the proposed amendment, Applicant seeks to amend the identifications in International Classes 9, 35, 36 and 42 as follows (deletions underlined and additions bolded):

**From:** Computer software for use in analysis, risk management, and marketing in the financial services field and warehousing of financial services data; in International Class 9.

Marketing consultancy and business risk management provided to financial services institutions; data integration, namely, data processing services provided to financial services institutions; business data analysis for purposes of measuring the effectiveness of advertisements and targeting consumers; benchmarking for the financial services industry, namely, providing commercial

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<sup>1</sup> The application is also the subject of Opposition No. 91229006 wherein the opposer is Argus Media Limited and whose consent to the amendment Applicant has submitted in compliance with Trademark Rule 2.133(a), 37 C.F.R. § 2.133(a).

information and market research information in the field of credit card, debit card, deposit, and other financial transactions; in International Class 35.

Financial consultancy and financial risk management provided to financial services institutions; in International Class 36.

Providing temporary use of non-downloadable web-based software for use in financial analysis, financial risk management, marketing in the financial field, and warehousing of financial data; data warehousing for financial services institutions; in International Class 42.

**To:** Computer software for use in analysis, risk management, and marketing in the financial services field **namely, the credit card, debit card, deposit transaction, and payment industries**, and warehousing of financial services data, **all relating to the credit card, debit card, deposit transaction, and payment industries; all of the aforesaid excluding computer software for asset valuation targeted for use by the real estate industry, or that that contains analytics, features and functionality, targeted for use by the real estate industry**; in International Class 9.

Marketing consultancy and business risk management provided to financial services institutions; data integration, namely, data processing services provided to financial services institutions; **all the aforesaid relating to the credit card, debit card, deposit transaction, and payment industries**; business data analysis for purposes of measuring the effectiveness of advertisements and targeting consumers; benchmarking for the financial services industry, namely, providing commercial information and market research information in the field of **the credit card, debit card, deposit transaction, and payment industries**; in International Class 35.

Financial consultancy and financial risk management provided to financial services institutions; **all the aforesaid relating to the credit card, debit card, deposit transaction, and payment industries**; in International Class 36.

Providing temporary use of non-downloadable web-based software for use in financial analysis, financial risk management, marketing in the financial field, and warehousing of financial data; **all the**

**aforesaid relating to the credit card, debit card, deposit transaction, and payment industries; data warehousing for financial services institutions; all the aforesaid relating to the credit card, debit card, deposit transaction, and payment industries; all of the aforesaid excluding computer software for asset valuation targeted for use by the real estate industry, or that that contains analytics, features and functionality, targeted for use by the real estate industry; in International Class 42.**

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Applicant has obtained the consent of all opposers to the subject application, the amendment is **APPROVED** and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, Opposer is allowed until **JUNE 3, 2019**, to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended in accordance with the following schedule:

|   |                   |
|---|-------------------|
| Expert Disclosures Due                  | <b>6/17/2019</b>  |
| Discovery Closes                        | <b>7/17/2019</b>  |
| Plaintiff's Pretrial Disclosures Due    | <b>8/31/2019</b>  |
| Plaintiff's 30-day Trial Period Ends    | <b>10/15/2019</b> |
| Defendant's Pretrial Disclosures Due    | <b>10/30/2019</b> |
| Defendant's 30-day Trial Period Ends    | <b>12/14/2019</b> |
| Plaintiff's Rebuttal Disclosures Due    | <b>12/29/2019</b> |
| Plaintiff's 15-day Rebuttal Period Ends | <b>1/28/2020</b>  |
| Plaintiff's Opening Brief Due           | <b>3/28/2020</b>  |
| Defendant's Brief Due                   | <b>4/27/2020</b>  |
| Plaintiff's Reply Brief Due             | <b>5/12/2020</b>  |
| Request for Oral Hearing (optional) Due | <b>5/22/2020</b>  |

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many

requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, matters in evidence, the manner and timing of taking testimony, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence.

Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

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