

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

mbm

Mailed: May 8, 2018

Opposition No. 91232641

*The Neat Company, Inc.*

*v.*

*Aidan Marus and NeatPocket, LLC DBA  
NeatPocket*

**Mary Beth Myles, Interlocutory Attorney:**

On May 2, 2018, Applicant filed a stipulated proposed amendment to its application Serial No. 86892413, with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of services in International Class 42 as follows (additions shown below in **bold**):<sup>1</sup>

From: Software as a service (SAAS) services, namely, hosting software for use by others for use in employee schedule management and creation, and staff communications; Providing a secure electronic online system featuring technology which allows businesses, namely, hotels, restaurants, nightclubs and other hospitality venues the ability to manage their operations, namely, employee scheduling and communication; Providing a secured-access, members only website featuring technology that gives members the ability to make and manage staff work schedules; providing temporary use of a web-based mobile software application for making and managing staff work schedules.

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<sup>1</sup> The Board recommends that the parties submit a red-lined copy of the proposed amendment, so that the proposed changes may be seen clearly by the Board. *See* TBMP § 514.01 (June 2017).

To: Software as a service (SAAS) services, namely, hosting software for use by others for use in employee schedule management and creation, and staff communications, **not for use with the organization, management, reading, scanning and filing of receipts, and not primarily for use with the organization, management, reading, scanning and filing of documents, except as related to the scheduling and managing of employees**; Providing a secure electronic online system featuring technology which allows businesses, namely, hotels, restaurants, nightclubs and other hospitality venues the ability to manage their operations, namely, employee scheduling and communication, **not for use with the organization, management, reading, scanning and filing of receipts, and not primarily for use with the organization, management, reading, scanning and filing of documents, except as related to the scheduling and managing of employees**; Providing a secured-access, members only website featuring technology that gives members the ability to make and manage staff work schedules, **not for use with the organization, management, reading, scanning and filing of receipts, and not primarily for use with the organization, management, reading, scanning and filing of documents, except as related to the scheduling and managing of employees**; providing temporary use of a web-based mobile software application for making and managing staff work schedules, **not for use with the organization, management, reading, scanning and filing of receipts, and not primarily for use with the organization, management, reading, scanning and filing of documents, except as related to the scheduling and managing of employee.**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a).

Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, Opposer is allowed until **thirty days from the mailing date of this order** to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Opposition No. 91232641

Proceedings are otherwise suspended.