UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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LTS

May 7, 2020

Opposition No. 91240892

Fidelity National Information Services, Inc.

v.

Locus, LP

By the Trademark Trial and Appeal Board:

This order replaces the Board's order issued on April 30, 2020 dismissing the opposition with prejudice

It has come to the Board's attention that there was an error in the amended recitation of services in International Class 42 in the Board's April 30, 2020 order (34 TTABVUE). The Board apologizes for any inconvenience this may have caused. The Board's April 30, 2020 order is hereby vacated.

On April 23, 2020, Applicant filed proposed amendments to its application Serial No. 86778181, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendments.[1]

[1] The submission filed by Applicant does not indicate proof of service of a copy of same on Opposer, as required by Trademark Rule 2.119. Even though the submission was executed by both parties, every submission to the Board must be served on the non-filing party. In order to expedite the matter, a copy of the submission can be viewed using TTABVUE at http://ttabvue.uspto.gov.

By the proposed amendments, Applicant seeks to amend the identification of goods and services in International Classes 9, 16, 35 and 42, as follows (deletions in strikethrough; additions in bold):

Class 9

From: Computer software ~~for accessing, analyzing, classifying, comparing, managing, manipulating, organizing, researching, and studying economic data, biological data, and logical data models; computer software for interactive mapping and economic and biological data profiling~~

To: Computer **database** software **using logical data models and unique functional identifiers represented in a functional coordinate system, wherein the identifiers tag defined economic activities with markers identifying roles in an economic system related to input and output processes in the economic system**

Class 16

From: ~~Printed matter, namely, books, white papers, reports, and pamphlets of economic data, biological data, and logical data models;~~ printed indices of economic and biological data~~; printed instructional and teaching material in the fields of economics, biology, and logical data models~~

To: Printed indices of economic and biological data

Class 35

From: ~~Data processing services;~~ providing an on-line searchable computer database featuring data in the field of economics~~; providing an on-line searchable computer database based on logical data models in the field of economics; office functions; market analysis services, namely, insurance market analysis and real estate market analysis; industrial analysis and research services in the field of economic data~~

To: Providing an on-line searchable computer database featuring data in the field of economics**, using logical data models and unique functional identifiers represented in a functional coordinate system, wherein the identifiers tag defined economic activities with markers identifying roles in an economic system related to input and output processes in the economic system**

Class 42:

From: Technological services, namely, software-as-a-service (SaaS) services featuring software ~~for accessing, analyzing, classifying, comparing, managing, manipulating, organizing, researching, and studying economic data, biological data, and logical data models; technological services, namely, software-as-a-service (SaaS) services featuring software for use in interactive mapping of economic data and biological data using logical data models; technological services, namely, platform as a service (PAAS) featuring computer software platforms for accessing, analyzing, classifying, comparing, managing, manipulating, organizing, researching, modeling, and studying economic data and biological data; industrial analysis and research services in the field of biological data~~; providing an on-line searchable computer database featuring data in the field of biology~~; providing an on-line searchable computer database based on logical data models in the field of biology~~;

To: Technological services, namely, software-as-a-service (SaaS) services featuring **database** software **using logical data models and unique functional identifiers represented in a functional coordinate system, wherein the identifiers tag defined economic activities with markers identifying roles in an economic system related to input and output processes in the economic system**; providing an on-line searchable computer database featuring data in the field of biology**, using logical data models and unique functional identifiers represented in a functional coordinate system, wherein the identifiers tag defined economic activities with markers identifying roles in a biological system related to input and output processes in the biological system**

The amendments are limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendments are approved and entered. *See* Trademark Rule 2.133(a).

Applicant also seeks to delete International Classes 36 and 41 in their entireties. In an opposition to an application having multiple classes, if the applicant files a request to amend the application to delete an opposed class, the request for amendment is, in effect, an abandonment of the application with respect to that class,

and is governed by Trademark Rule 2.135. *See* TBMP §602.01 (2019). Trademark Rule 2.135 provides as follows:

> After the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant. The written consent of an adverse party may be signed by the adverse party or by the adverse party's attorney or other authorized representative.

In view thereof, and because Opposer's written consent to the abandonment of International Classes 36 and 41 is of record, 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.

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