

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 22, 2019

Opposition No. 91243204

Information Builders, Inc.

v.

FMR LLC

By the Trademark Trial and Appeal Board:

On January 14, 2019, Applicant filed a proposed amendment to application Serial No. 87633063 with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 42 from "Online, non-downloadable software that enables topical financial data and information to be displayed on or around a video based on what's being discussed in the video" to "Online, non-downloadable application that enables topical financial data and information to be displayed on or around a video based on what's being discussed in the video."

¹ The submission filed by counsel for Applicant does not include proof of service of a copy of same on counsel for Opposer, as required by Trademark Rule 2.119. Thus, it does not comply with the rules of procedure. The Board has exercised its discretion to consider the submission.

A copy of the submission can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

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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).

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