

UNITED STATES PATENT AND TRADEMARK OFFICE
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dmd/JMM

May 29, 2019

Opposition No. 91245379

Information Builders Inc.

v.

Product Focus Ltd

By the Trademark Trial and Appeal Board:

On April 26, 2019, Applicant filed a proposed amendment to application Serial No. 87388198, with Opposer's written consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to amend the identification of goods and/or services in Classes 9 and 35¹ as follows (deletions shown in strikethrough):

Class 9: Downloadable publications in the nature of downloadable journals and articles in the fields of product management and product marketing; electronic publications, namely, e-ines, e-articles and electronic books featuring information in the field of product management and product marketing recorded on computer media; audio visual recordings featuring information and courses on product management and product marketing; ~~pre-recorded software, namely, educational software featuring instruction in product management and product marketing;~~ pre-recorded CDs featuring instruction in product management and product marketing; pre-recorded DVDs featuring instruction in product management and product marketing; instructional and teaching apparatus and instruments, namely, **educational software**, downloadable tools, templates and checklists in the fields of

¹ The services in Class 41 remain unchanged.

product management and product marketing; audiovisual teaching apparatus, namely, visual and audio recordings featuring pre-recorded lectures and materials in the fields of product management and product marketing; ~~education software featuring instruction in product management and product marketing~~; downloadable educational course materials in the fields of product management and product marketing; ~~computer software to assist product managers and product marketers to perform their tasks, namely, scheduling, product management, product marketing, requirements management, roadmap development, research management, product proposition development, and product strategy development~~; ~~computer application software for mobile phones and handheld computers, namely, software for instruction in product management and product marketing~~; computer hardware; pre-recorded CD-ROMs and DVDs featuring information and courses on product management and product marketing; video recordings and downloadable videos featuring information and courses on product management and product marketing; electronic databases in the fields of product management and product marketing recorded on computer media; downloadable electronic databases in the fields of product management and product marketing;

Class 35: Providing business information via a website; business risk management consultancy; business risk assessment services; business consulting; business research; business management; business administration; business information; business data analysis services in the fields of product management and product marketing; providing commercial information in the fields of product management and product marketing; compilation of statistics for business purposes; providing statistical business and commercial information; database management and compilation of information into computerized databases; business data collection and systemization of business data in computer databases; market research and studies; accounting services; advertising services; online retail store service featuring downloadable publications, electronic publications, audio visual recordings, ~~pre-recorded software~~, pre-recorded CDs, pre-recorded DVDs, instructional and teaching apparatus and instruments, audiovisual teaching apparatus, ~~education software~~, downloadable educational course materials, ~~computer software~~, ~~application software~~, computer hardware, CD-ROMs, DVDs, videos, media content, databases, data communications equipment, parts and fitting for the aforesaid goods; providing non-downloadable electronic databases in the fields of product management, namely, business management in regard to the marketing and management of products and product marketing.

The amended description of goods and services in Classes 9 and 35 in application

Serial No. 87388198 will read as follows:

Class 9: Downloadable publications in the nature of downloadable journals and articles in the fields of product management and product marketing; electronic publications, namely, e-ines, e-articles and electronic books featuring information in the field of product management and product marketing recorded on computer media; audio visual recordings featuring information and courses on product management and product marketing; pre- recorded CDs featuring instruction in product management and product marketing; pre-recorded DVDs featuring instruction in product management and product marketing; instructional and teaching apparatus and instruments, namely, downloadable tools, templates and checklists in the fields of product management and product marketing; audiovisual teaching apparatus, namely, visual and audio recordings featuring pre-recorded lectures and materials in the fields of product management and product marketing; downloadable educational course materials in the fields of product management and product marketing; computer hardware; pre-recorded CD-ROMs and DVDs featuring information and courses on product management and product marketing; video recordings and downloadable videos featuring information and courses on product management and product marketing; electronic databases in the fields of product management and product marketing recorded on computer media; downloadable electronic databases in the fields of product management and product marketing:

Class 35: Providing business information via a website; business risk management consultancy; business risk assessment services; business consulting; business research; business management; business administration; business information; business data analysis services in the fields of product management and product marketing; providing commercial information in the fields of product management and product marketing; compilation of statistics for business purposes; providing statistical business and commercial information; database management and compilation of information into computerized databases; business data collection and systemization of business data in computer databases; market research and studies; accounting services; advertising services; online retail store service featuring downloadable publications, electronic publications, audio visual recordings, pre-recorded CDs, pre-recorded DVDs, instructional and teaching apparatus and instruments, audiovisual teaching apparatus, downloadable educational course materials, computer hardware, CD-ROMs, DVDs, videos, media content, databases, data

communications equipment, parts and fitting for the aforesaid goods; providing non-downloadable electronic databases in the fields of product management, namely, business management in regard to the marketing and management of products and product marketing.

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.²

² The parties' consent motion to extend, filed May 23, 2019, is noted, but in light of dismissal of the opposition, it will be given no consideration.