

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  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

RK

June 10, 2020

Opposition No. **91253917**

*Helix OpCo, LLC*

*v.*

*Q-IT, LLC*

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

On April 17, 2020, Applicant filed a proposed amendment to **Application Serial No. 88197486** with Opposer's consent pursuant to a settlement agreement between the parties.<sup>1</sup>

By the proposed amendment, Applicant seeks to amend the identifications in International Classes 9, 35 and 44 as follows (amendment in bold type):

**From:** Computer software for analyzing employee productivity, employee performance and employee workflow analysis related to medical image evaluations; in International Class 9.

Business evaluation and optimization of medical radiology and imaging service providers; Business data analysis services in the

---

<sup>1</sup> On April 13, 2020, Opposer, by way of an ESTTA form and with Applicant's consent, moved to extend the deadline for discovery and all remaining dates by ninety days for the purpose of settlement. On April 15, 2020, the Board denied the motion as it is not the practice of the Board to extend or suspend the discovery conference deadline for the purpose of settlement discussions. Later that day, filed a new consented motion for extension explaining that the parties "have finalized a written settlement agreement" and, as such, "need additional time to collect signature and implement the terms of the agreement." 7 TTABVUE 2. In view thereof, the motion for extension is **GRANTED**.

field of medical radiology and imaging services; Medical practice management for others in the fields of radiology and imaging services; in International Class 35.

Medical services in the fields of radiology, medical imaging and medical image processing services; Consulting services in the fields of medical radiology, medical imaging and medical image processing; in International Class 44.

**To:** Computer software for analyzing employee productivity, employee performance and employee workflow analysis related to medical image evaluations; **none of the foregoing relating to the management or testing of genetic information or DNA analysis;** in International Class 9.

Business evaluation and optimization of medical radiology and imaging service providers; Business data analysis services in the field of medical radiology and imaging services; Medical practice management for others in the fields of radiology and imaging services; **none of the foregoing relating to the management or testing of genetic information or DNA analysis;** in International Class 35.

Medical services in the fields of radiology, medical imaging and medical image processing services; Consulting services in the fields of medical radiology, medical imaging and medical image processing; **none of the foregoing relating to the management or testing of genetic information or DNA analysis;** in International Class 44.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

If this resolves the dispute herein, Opposer is allowed until **JUNE 30, 2020**, to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended in accordance with the schedule proposed in Opposer's renewed motion for extension:

Deadline for Discovery Conference	7/14/2020
Discovery Opens	7/14/2020
Initial Disclosures Due	8/13/2020
Expert Disclosures Due	12/11/2020
Discovery Closes	1/10/2021
Plaintiff's Pretrial Disclosures Due	2/24/2021
Plaintiff's 30-day Trial Period Ends	4/10/2021
Defendant's Pretrial Disclosures Due	4/25/2021
Defendant's 30-day Trial Period Ends	6/9/2021
Plaintiff's Rebuttal Disclosures Due	6/24/2021
Plaintiff's 15-day Rebuttal Period Ends	7/24/2021
Plaintiff's Opening Brief Due	9/22/2021
Defendant's Brief Due	10/22/2021
Plaintiff's Reply Brief Due	11/6/2021
Request for Oral Hearing (optional) Due	11/16/2021

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).

\* \* \*