

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mbm/AM

June 30, 2020

Opposition No. 91255054 (parent)
Cancellation No. 92073837

Market Force Information LLC

v.

TTS Knowledge Products GmbH

Mary Beth Myles, Interlocutory Attorney:

On June 25, 2020, Applicant/Registrant filed a proposed amendment to its application Serial No. 79246916 and Registration No. 4961919, with Opposer/Petitioner's consent, and Opposer/Petitioner's withdrawal without prejudice of the opposition and cancellation, contingent upon entry of the amendment.¹

Serial No. 79246916

By the proposed amendment, Applicant seeks to amend the identification of goods and services as follows:

Class 9

¹ Applicant's filing does not indicate proof of service of a copy of same on counsel for Opposer, as required by Trademark Rule 2.119. A copy of the filing can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

From:

Computer programs, in particular customized, multimedia self-study units relating to IT applications of all kinds, authoring tools for creating customized multimedia self-study units relating to IT applications of all kinds, authoring tools for the automated creation of documents and e-learning, all of the aforesaid including user documentation relating thereto in the form of downloadable electronic publications

To:

Computer programs, in particular customized, multimedia self-study units relating to IT applications of all kinds, authoring tools for creating customized multimedia self-study units relating to IT applications of all kinds, authoring tools for the automated creation of documents and e-learning, all of the aforesaid including user documentation relating thereto in the form of downloadable electronic publications, **and all of the above to exclude self-study units and authoring tools primarily related to customer relationship, customer case management, and customer experience data management analysis and reporting programs**

Class 42

From:

Technical consultancy for professional business software; design, development, creation, installation, maintenance, and rental of computer programs and software for information technology; updating and adaptation of computer programs and software for information technology to the needs of the user; computer programming; technical consultancy with regard to the use, application and maintenance of computer programs and information technology software solutions

To:

Technical consultancy for professional business software; design, development, creation, installation, maintenance, and rental of computer programs and software for information technology; updating and adaptation of computer programs and software for information technology to the needs of the user; computer programming; technical consultancy with regard to the use, application and maintenance of computer programs and information technology software solutions, **all of the above to exclude consulting and computer programs primarily related to customer relationship, customer case management, and customer experience data management analysis and reporting**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered.² See Trademark Rule 2.133(a).

Registration No. 4961919

By the proposed amendment, Respondent seeks to amend the identification of goods and services as follows:

Class 9

From:

Computer programs, in particular customized, multimedia self-study units relating to IT applications of all kinds, authoring tools for creating customized multimedia self-study units relating to IT applications of all kinds, authoring tools for the automated creation of documents and e-learning, all of the aforesaid including user documentation relating thereto in the form of downloadable electronic publications

To:

Computer programs, in particular customized, multimedia self-study units relating to IT applications of all kinds, authoring tools for creating customized multimedia self-study units relating to IT applications of all kinds, authoring tools for the automated creation of documents and e-learning, all of the aforesaid including user documentation relating thereto in the form of downloadable electronic publications, **and all of the above to exclude self-study units and authoring tools primarily related to customer relationship, customer case management, and customer experience data management analysis and reporting programs**

Class 42

From:

Technical consultancy for professional business software; design, development, creation, installation, maintenance, and rental of computer programs and software for information technology; updating and adaptation of computer programs and software for information technology to the needs of the user; computer programming; technical consultancy with regard to the use, application and maintenance of computer programs and information technology software solutions

² The identification of services in unopposed class 41 remain unchanged.

To:

Technical consultancy for professional business software; design, development, creation, installation, maintenance, and rental of computer programs and software for information technology; updating and adaptation of computer programs and software for information technology to the needs of the user; computer programming; technical consultancy with regard to the use, application and maintenance of computer programs and information technology software solutions, **all of the above to exclude consulting and computer programs primarily related to customer relationship, customer case management, and customer experience data management analysis and reporting**

Although the amendment is otherwise acceptable, it was (1) not accompanied by the proper fee under Trademark Rule 2.6; and (2) not verified or supported by a declaration under Trademark Rule 2.20. *See* Trademark Rules 2.6(a)(11), 2.133(a) and 2.173(b).

Accordingly, Respondent is allowed **thirty days from the date of this order** to submit the required fee and declaration in support of the amendment, failing which said amendment will be given no further consideration.

Proceedings are otherwise suspended.