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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91264403
Party	Defendant BMC Software, Inc.
Correspondence Address	NATHAN C. BELZER BELZER PC 2905 BULL STREET SAVANNAH, GA 31405 UNITED STATES Primary Email: nbelzer@belzerlaw.com Secondary Email(s): rwomack@belzerlaw.com, abelzer@belzerlaw.com 912-236-3001
Submission	Other Motions/Submissions
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Date	04/30/2021
Attachments	BMC - Consented Motion to Amend First Use Date 2021-04-30.pdf(287833 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BAKER HUGHES COMPANY and)	
BAKER HUGHES HOLDINGS LLC,)	
)	Opposition No.: 91264403
Opposers,)	Serial Nos: 88/708,723 and 88/817,629
)	
v.)	Mark: 
)	
BMC SOFTWARE, INC.,)	
)	
Applicant.)	

CONSENTED MOTION TO AMEND APPLICATION

Applicant BMC Software, Inc. (“Applicant”) recently noticed an inadvertent, clerical error in the first use in commerce date listed in Application Serial No. 88/817,629 (the “Application”). In order to correct this error, Applicant, with the consent of Baker Hughes Company and Baker Hughes Holdings LLC (collectively, “Opposers”), respectfully requests that the Application be amended as provided herein.

Amendment of First Use in Commerce Date

Subject to the approval of the Board, Applicant, with the consent of the Opposer, hereby requests that the first use in commerce date listed in the Application be amended from February 27, 2019 to February 27, 2020 (i.e., a change as follows: February 27, 20~~19~~20).

While Applicant proposes amending the first use in commerce date to a date that is later than the date originally stated, the amended first use in commerce date is nevertheless still before the Application’s filing date. Therefore, such amendment is permissible pursuant to 37 CFR § 2.71(c) (*see also* TMEP § 903.04 and 1505.02(d)). Further, pursuant to 37 CFR § 2.20 and 2.71(c)

(see also TMEP § 903.04), Applicant is submitting herewith a declaration supporting such amended first use in commerce date.

Since the Board has jurisdiction over any application in which an opposition has been filed, Applicant, with the consent of Opposers, seeks action by the Board to amend the application as stated herein. See 37 CFR § 2.133 and TBMP § 514.01 and 514.02.

Respectfully submitted,

Dated: April 30, 2021

/s/ Tyson D. Smith/
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Attorneys for Opposer

/s/ Nathan C. Belzer/
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Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing CONSENTED MOTION TO AMEND APPLICATION was served on Opposers by delivering copies of the same via electronic mail on April 30, 2021, to Opposers' attorneys of record addressed to:


Stephen P. Meleen, smeleen@pirkeybarber.com
Tyson D. Smith, tsmith@pirkeybarber.com
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Attorneys for Applicant

Declaration in Support of the Amended First Use in Commerce Date

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true, and all statements made on information and belief are believed to be true.


Irene Kosturakis
Area Vice President
Chief Intellectual Property Counsel
BMC Software, Inc.