

ESTTA Tracking number: **ESTTA1084793**

Filing date: **09/28/2020**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Insight Direct USA, Inc.
Granted to Date of previous extension	09/27/2020
Address	6820 SOUTH HARL AVENUE TEMPE, AZ 85283 UNITED STATES

Correspondence information	NINA HABIB BORDERS REED SMITH LLP 10 SOUTH WACKER DRIVE CHICAGO, IL 60606 UNITED STATES Primary Email: ipdocket-chi@reedsmith.com Secondary Email(s): nborders@reedsmith.com, jhultquist@reedsmith.com 312-207-1000
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**Applicant Information**

Application No.	88435584	Publication date	03/31/2020
Opposition Filing Date	09/28/2020	Opposition Period Ends	09/27/2020
Applicant	Global Software, LLC SUITE 201 3301 BENSON DRIVE RALEIGH, NC 27604 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services; providing a website featuring non-downloadable business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services
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**Applicant Information**

Application No.	88435576	Publication date	03/31/2020
Opposition Filing Date	09/28/2020	Opposition Period Ends	
Applicant	Global Software, LLC SUITE 201 3301 BENSON DRIVE RALEIGH, NC 27604 UNITED STATES		

## Goods/Services Affected by Opposition

<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services; providing a website featuring non-downloadable business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services</p>
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4508474	Application Date	06/08/2007
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	INSIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 037. First use: First Use: 1991/09/00 First Use In Commerce: 1991/09/00 Installation of computer hardware, servers, and networks; maintenance and repair of computer hardware, servers, and networks</p> <p>Class 042. First use: First Use: 1991/09/00 First Use In Commerce: 1991/09/00 Consulting services in the fields of selection and implementation of computer hardware and software systems for others for voice over internet protocol (VOIP) and internet telephony; Consulting services, namely, computer software, hardware, server, network and work station selection, implementation and design for others; computer software, hardware, server and network development; Technical support, namely, testing technological functions of computer hardware, servers and networks; computer services, namely, configuration of computer hardware, software, servers and networks; installation of computer software; implementation of computer software; testing and maintenance of computer software; technical support services, namely, troubleshooting of computer hardware and software problems; maintenance of computer software; computer security services, namely, restricting access by computer networks in connection with e-mail, spam, viruses, worms, websites, or other undesired content</p>		

U.S. Registration	3690982	Application Date	06/08/2007
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No.			
Registration Date	10/06/2009	Foreign Priority Date	NONE
Word Mark	INSIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1989/09/00 First Use In Commerce: 1989/09/00  Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; asset disposal services, namely, assisting in the disposal of computer hardware, software, servers, networks, and workstations; labeling, tagging, and tracking services, namely, monitoring and tracking of computer hardware, software, servers, networks, and workstations; domestic and international pricing services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others</p> <p>Class 039. First use: First Use: 2002/08/00 First Use In Commerce: 2002/08/00  Electronic storage of computer data</p> <p>Class 042. First use: First Use: 2002/08/00 First Use In Commerce: 2002/08/00  Computer consultation in the field of computer hardware, software, server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; Leasing of computers, computer components and computer accessories; Leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; Remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving</p> <p>Class 045. First use: First Use: 1997/08/00 First Use In Commerce: 1997/08/00  Licensing of computer software</p>		

U.S. Registration No.	1940956	Application Date	12/08/1994
Registration Date	12/12/1995	Foreign Priority Date	NONE
Word Mark	INSIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1994/04/14 First Use In Commerce: 1994/04/14  mail order catalog services and retail store services of microcomputers and components, including sound boards, microprocessors, mother boards, memory chips, host adaptors, disk accelerators, controllers, acceleration boards; notebook computers and components, including sound boards, microprocessors, mother boards, memory chips, host adaptors, disk accelerators, controllers, acceleration boards; computer accessories and peripherals; CD-ROM components; software and accessories; printers, accessories and supplies; monitors, both internal and external; scanners; hard drives, both internal and external; floppy drives, both internal and external; tape backup components; data storage and mass storage products; memory systems; power supplies; modems; sound equipment, namely speakers, headphones, microphones and sound cards; multi-</p>		

	mediacomponents, namely joysticks, drives, multimedia cards, software, speakers, microphones, video card and monitors, videotapes; PCMCIA cards and jacks; networking modules and products; T-shirts
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U.S. Registration No.	4396558	Application Date	11/12/2010
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	INSIGHTCLOUD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2011/01/31 First Use In Commerce: 2011/01/31  Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; domestic and international price comparison services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others</p> <p>Class 036. First use: First Use: 2011/01/31 First Use In Commerce: 2011/01/31  Financial services, namely, financing services related to computer hardware, software, server, networks, and work stations; underwriting warranty programs in the field of computer hardware, software, servers, networks, and work stations; warranty claims administration services, namely, processing warranty claims for computer hardware, software, servers, networks and work stations</p> <p>Class 039. First use: First Use: 2011/01/31 First Use In Commerce: 2011/01/31  Electronic storage of computer data</p> <p>Class 042. First use: First Use: 2011/01/31 First Use In Commerce: 2011/01/31  Computer programming services; design, development, deployment, implementation, analysis, integration, and management of computer software for others; installation, modification, maintenance, and repair of computer software; customization and computer programming services for others in the field of computer software and hardware configuration management; managed information technology services and operations for others, namely, remote and on-site management of virtual infrastructure and cloud computing systems, networking, applications and storage services of others; application service provider services, namely, hosting computer software applications of others; providing temporary use of nondownloadable computer software for managing, testing, and using multiple operating systems; providing temporary use of nondownloadable computer software for managing virtual computing infrastructure, networking and storage; providing temporary use of nondownloadable computer software for creating and maintaining scalable cloud computing applications; leasing and rental of computer software; technical support services, namely, trouble shooting of computer software and computer hardware; consulting services related to virtual infrastructure and the field of cloud computing; computer systems integration services; technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of Internet technology and services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; computer consultation in the field of computer hardware, software, server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; leasing of computers, computer components and computer accessories; leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, serv-</p>		

	<p>ers,bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving</p> <p>Class 045. First use: First Use: 2011/01/31 First Use In Commerce: 2011/01/31 Licensing of computer software</p>
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U.S. Registration No.	5021451	Application Date	12/21/2015
Registration Date	08/16/2016	Foreign Priority Date	NONE
Word Mark	INSIGHT		
Design Mark			
Description of Mark	The mark consists of the word "INSIGHT" and a figure comprised of four intersecting line segments and four dots.		
Goods/Services	<p>Class 035. First use: First Use: 2015/04/12 First Use In Commerce: 2015/04/12 Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; domestic and international price comparison services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others</p> <p>Class 036. First use: First Use: 2015/04/12 First Use In Commerce: 2015/04/12 Financial services, namely, financing services related to computer hardware, software, server, networks, and work stations; underwriting warranty programs in the field of computer hardware, software, servers, networks, and work stations; warranty claims administration services, namely, processing warranty claims for computer hardware, software, servers, networks and work stations</p> <p>Class 039. First use: First Use: 2015/04/12 First Use In Commerce: 2015/04/12 Electronic storage of computer data</p> <p>Class 042. First use: First Use: 2015/04/12 First Use In Commerce: 2015/04/12 Computer programming services; design, development, deployment, implementation, analysis, integration, and management of computer software for others; installation, modification, maintenance, and repair of computer software; customization and computer programming services for others in the field of computer software and hardware configuration management; managed information technology services and operations for others, namely, remote and on-site management of virtual infrastructure and cloud computing systems, networking, applications and storage services of others; application service provider services, namely, hosting computer software applications of others; providing temporary use of nondownloadable computer software for managing, testing, and using multiple operating systems; providing temporary use of nondownloadable computer software for managing virtual computing infrastructure, networking and storage; providing temporary use of nondownloadable computer software for creating and maintaining scalable cloud computing applications; leasing and rental of computer software; technical support services, namely, trouble shooting of computer software and computer hardware; consulting services related to virtual infrastructure and the field of cloud computing; computer systems integration services; technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of Internet technology and services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; computer consultation in the field of computer hardware, software,</p>		

	<p>server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; leasing of computers, computer components and computer accessories; leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving; website and intranet site design and development for others</p> <p>Class 045. First use: First Use: 2015/04/12 First Use In Commerce: 2015/04/12 licensing of computer software</p>
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Attachments	Insight Direct USA v Global Software Notice of Opposition re 88435584 and 88435576 - ISC.pdf(112714 bytes )
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Signature	/Nina Habib Borders/
Name	NINA HABIB BORDERS
Date	09/28/2020

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

Insight Direct USA, Inc.

Opposer,

v.

Global Software, LLC

Applicant.

Opposition No. \_\_\_\_\_

Application Nos.: 88/435,584 and 88/435,576

Filing Date: May 17, 2019

Publication Date: March 31, 2020

Marks: INSIGHTSOFTWARE & Design, INSIGHTSOFTWARE

**NOTICE OF OPPOSITION**

Insight Direct USA, Inc. (“Insight”), a corporation duly organized and existing under the laws of the State of Illinois, with its principal place of business located at 6820 South Harl Ave., Tempe, Arizona, 85283, will be damaged by the registration of the above-identified mark and hereby opposes the registration, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.101.

The grounds for this Notice of Opposition are as follows:

1. Since at least 1989, Insight has continuously used INSIGHT as a trademark for its business services in the United States and worldwide. Insight is a leading global services company and a premier provider of hardware, software, and software solutions. Insight provides complex services, consulting, and technical expertise related to software virtualization, networking, collaboration, data protection, and cloud computing. Insight is known throughout the technology, computing, and software industries as a provider of high quality products and services. Opposer Insight also offers wide-ranging technological solutions for cloud and data

center transformation, managed security services, connected workforce tools, supply chain optimization, and IT asset procurement and management.

2. Opposer Insight is the owner of U.S. Trademark Registration Nos. 4,508,474 for INSIGHT, registered on April 8, 2014. The mark has been in use in commerce at least as early as September 30, 1991. The registration covers the following services in Classes 37 and 42:

*IC 37: Installation of computer hardware, servers, and networks; maintenance and repair of computer hardware, servers, and networks.*

*IC 42: Consulting services in the fields of selection and implementation of computer hardware and software systems for others for voice over internet protocol (VOIP) and internet telephony; Consulting services, namely, computer software, hardware, server, network and work station selection, implementation and design for others; computer software, hardware, server and network development; Technical support, namely, testing technological functions of computer hardware, servers and networks; computer services, namely, configuration of computer hardware, software, servers and networks; installation of computer software; implementation of computer software; testing and maintenance of computer software; technical support services, namely, troubleshooting of computer hardware and software problems; maintenance of computer software; computer security services, namely, restricting access by computer networks in connection with e-mail, spam, viruses, worms, websites, or other undesired content.*

3. Opposer Insight is the owner of U.S. Trademark Registration No. 3,690,982 for INSIGHT, registered on October 6, 2009. The mark has been in use in commerce at least as early as September 30, 1989 for the services listed in Class 35, at least as early as August 31, 2002 for the services listed in Classes 39 and 42, and at least as early as August 31, 1997 for the services listed in Class 45. The registration covers the following services in Classes 35, 39, 42 and 45:

*IC 35: Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; asset disposal services, namely, assisting in the disposal of computer hardware, software, servers, networks, and workstations; labeling, tagging, and tracking services, namely, monitoring and tracking of computer hardware, software, servers, networks, and workstations; domestic and international pricing services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others.*



**IC 39:** *Electronic storage of computer data.*

**IC 42:** *Computer consultation in the field of computer hardware, software, server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; Leasing of computers, computer components and computer accessories; Leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; Remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving.*

**IC 45:** *Licensing of computer software.*

4. Opposer Insight is the owner of U.S. Trademark Registration No. 1,940,956 for



Insight (& Design), registered on December 12, 1995. The mark has been in

use in commerce at least as early as April 14, 1994. The registration covers the following

services in Class 42:

**IC 42:** *mail order catalog services and retail store services of microcomputers and components, including sound boards, microprocessors, mother boards, memory chips, host adaptors, disk accelerators, controllers, acceleration boards; notebook computers and components, including sound boards, microprocessors, mother boards, memory chips, host adaptors, disk accelerators, controllers, acceleration boards; computer accessories and peripherals; CD-ROM components; software and accessories; printers, accessories and supplies; monitors, both internal and external; scanners; hard drives, both internal and external; floppy drives, both internal and external; tape backup components; data storage and mass storage products; memory systems; power supplies; modems; sound equipment, namely speakers, headphones, microphones and sound cards; multimedia components, namely joysticks, drives, multimedia cards, software, speakers, microphones, video card and monitors, video tapes; PCMCIA cards and jacks; networking modules and products; T-shirts.*

5. Opposer Insight is the owner of U.S. Trademark Registration No. 4,396,558 for INSIGHTCLOUD, registered on September 3, 2013. The mark has been in use in commerce at least as early as January 31, 2011. The registration covers the following services in Classes 35, 36, 39, 42 and 45:

**IC 35:** *Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; domestic and international price comparison services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others.*

**IC 36:** *Financial services, namely, financing services related to computer hardware, software, server, networks, and work stations; underwriting warranty programs in the field of computer hardware, software, servers, networks, and work stations; warranty claims administration services, namely, processing warranty claims for computer hardware, software, servers, networks and work stations.*

**IC 39:** *Electronic storage of computer data.*

**IC 42:** *Computer programming services; design, development, deployment, implementation, analysis, integration, and management of computer software for others; installation, modification, maintenance, and repair of computer software; customization and computer programming services for others in the field of computer software and hardware configuration management; managed information technology services and operations for others, namely, remote and on-site management of virtual infrastructure and cloud computing systems, networking, applications and storage services of others; application service provider services, namely, hosting computer software applications of others; providing temporary use of nondownloadable computer software for managing, testing, and using multiple operating systems; providing temporary use of nondownloadable computer software for managing virtual computing infrastructure, networking and storage; providing temporary use of nondownloadable computer software for creating and maintaining scalable cloud computing applications; leasing and rental of computer software; technical support services, namely, trouble shooting of computer software and computer hardware; consulting services related to virtual infrastructure and the field of cloud computing; computer systems integration services; technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of Internet technology and services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; computer consultation in the field of computer hardware, software, server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; leasing of computers, computer components and computer accessories. leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving.*

**IC 45:** *Licensing of computer software*

6. Opposer Insight is the owner of U.S. Trademark Registration No. 5,021,451 for



, registered on August 16, 2016. The mark has been in use in commerce at least

as early as April 12, 2015. The registration covers the following services in Classes 35, 36, 39, 42 and 45.

**IC 035.** *US 100 101 102. G & S: Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; domestic and international price comparison services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others. FIRST USE: 20150412. FIRST USE IN COMMERCE: 20150412*

**IC 036:** *Financial services, namely, financing services related to computer hardware, software, server, networks, and work stations; underwriting warranty programs in the field of computer hardware, software, servers, networks, and work stations; warranty claims administration services, namely, processing warranty claims for computer hardware, software, servers, networks and work stations.*

**IC 39:** *Electronic storage of computer data.*

**IC 042:** *Computer programming services; design, development, deployment, implementation, analysis, integration, and management of computer software for others; installation, modification, maintenance, and repair of computer software; customization and computer programming services for others in the field of computer software and hardware configuration management; managed information technology services and operations for others, namely, remote and on-site management of virtual infrastructure and cloud computing systems, networking, applications and storage services of others; application service provider services, namely, hosting computer software applications of others; providing temporary use of nondownloadable computer software for managing, testing, and using multiple operating systems; providing temporary use of nondownloadable computer software for managing virtual computing infrastructure, networking and storage; providing temporary use of nondownloadable computer software for creating and maintaining scalable cloud computing applications; leasing and rental of computer software; technical support services, namely, trouble shooting of computer software and computer hardware; consulting services related to virtual infrastructure and the field of cloud computing; computer systems integration services; technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of Internet technology and services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; computer consultation in the field of computer hardware, software, server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; leasing of computers, computer components and computer accessories; leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers,*


*servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving; website and intranet site design and development for others.*

*IC 045: licensing of computer software.*

7. Opposer Insight owns all rights in and to the ‘474, ‘982, ‘956, ‘558 and ‘451 registrations and the marks depicted therein. The registered marks of Opposer Insight are valid and subsisting and are prima facie evidence of Opposer Insight’s exclusive rights to use said marks in commerce on the services specified in the registrations.

8. Opposer Insight’s use of the marks in the ‘474, ‘982, ‘956, ‘558 and ‘451 registrations has been valid and continuous since the dates of first use, and these marks have not

been abandoned. Opposer Insight’s INSIGHT, , INSIGHTCLOUD and

 marks are symbolic of extensive good will and consumer recognition built up by Opposer Insight through substantial time and effort invested in advertising and promotion, and the marks have come to identify Insight and distinguish its goods and services from those of competitors—which is of significant value to Opposer Insight.

9. All of Opposer Insight’s registrations are valid, subsisting, and in full force and effect.

10. Applicant Global Software, LLC (“Applicant”) seeks to register the trademark INSIGHTSOFTWARE (Application No. 88/435,584) in International Class 42 for the following services:

*IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring business intelligence software for managing general ledgers, accounts receivable, accounts payable, and*

*fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services; providing a website featuring non-downloadable business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services*

11. Applicant also seeks to register the trademark INSIGHTSOFTWARE (Application No. 88/435,576) in International Class 42 for the following services:

*IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services; providing a website featuring non-downloadable business intelligence software for managing general ledgers, accounts receivable, accounts payable, and fixed asset management, all of the foregoing for use in connection with enterprise resource planning, enterprise performance management and other management systems and associated advisory, education, training, maintenance and updating services*

12. Applicant's services under INSIGHTSOFTWARE are offered to at least some of the same classes of consumers and through at least some of the same channels of trade that Opposer Insight's services are offered under the INSIGHT mark. Applicant uses INSIGHTSOFTWARE

as part of its software solutions for businesses, which include financial reporting; budgeting and planning; business intelligence; dashboards, and data migration, among others. Opposer Insight uses INSIGHT for similar types of services. For example, Opposer Insight also uses INSIGHT for its software solutions and services for cloud and data transformation for businesses; cross-functional software purchasing tools and procurement strategies for organizations; software asset management, and cost optimization. Business leaders, information technology professionals, and the broader consuming public, may mistakenly assume that Applicant's software solutions and services are connected to or sponsored by Opposer Insight.

13. Given that Applicant's marks consist of the terms INSIGHT and SOFTWARE, and given the related nature of the services and channels of trade, registration of the marks depicted in U.S. Trademark Application Nos. 88/435,584 and 88/435,576 will create a serious conflict with Opposer Insight's trademark use and registrations. This conflict is likely to cause confusion, mistake, or deception as to affiliation, connection, or association of Applicant with Opposer Insight, or as to the origin, sponsorship, or approval of Applicant's services by Opposer Insight (which they are not).

14. There is no issue as to priority. Opposer Insight began use of the INSIGHT marks long before Applicant filed its trademark applications for the INSIGHTSOFTWARE marks.

15. This opposition is timely submitted.

16. Based on Opposer Insight's averments herein, registration of U.S. Application Nos. 88/435,584 and 88/435,576 should be denied.

WHEREFORE, Opposer Insight hereby petitions the Board for an Order denying registration of the mark depicted in U.S. Application Nos. 88/435,584 and 88/435,576.

DATED the 28th day of September, 2020

s/ Nina Habib Borders

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