

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Nmt/wbc

September 7, 2021

Opposition No. 91268673

*Manhattan Associates, Inc.*

*v.*

*MRI Occupier LLC (substituted as party  
defendant)*

**By the Trademark Trial and Appeal Board:**

On August 18, 2021, Applicant filed a consented motion to substitute party and a proposed amendment to its application Serial No. 88839081.

If the mark in an application or registration which is the subject matter of an *inter partes* proceeding before the Board is assigned, and the assignment is recorded in the Assignment Branch of the USPTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, or the assignor is no longer in existence, or the plaintiff raises no objection to substitution, or the discovery and testimony periods have closed; otherwise, the assignee will be joined, rather than substituted, to facilitate discovery. *See* TBMP § 512.01.

Inasmuch as Opposer raises no objection to the substitution, MRI Occupier LLC is substituted as Applicant in this proceeding.

Furthermore, on August 20, 2021, Applicant filed a proposed amendment to application Serial No. 88839081, with Opposer's consent and withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the recitation of services in International Class 42 as follows (additions shown in bold, deletions with strikethrough).

from

Software as a Service (SaaS) services ~~featuring~~ software for procuring property, managing property, and accounting for property; Providing a website featuring non-downloadable software for procuring property, managing property and accounting for property; application service provider (ASP) services ~~featuring~~ software for procuring property, managing property and accounting for property

to

Software as a Service (SaaS) services **being** software for procuring **real** property, managing **real** property, and accounting for **real** property; Providing a website featuring non-downloadable software for procuring **real** property, managing **real** property, and accounting for **real** property; application service provider (ASP) services **being** software for procuring **real** property, managing **real** property, and accounting for **real** property; **all of the foregoing for use in the field of real estate**

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 with prejudice.