

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

RA/JMM

December 29, 2022

Opposition No. 91274254

Atlassian Pty Ltd

v.

Avamia, LLC

By the Trademark Trial and Appeal Board:

On June 22, 2022, the Board issued a notice of default against Applicant for failure to timely submit its answer to the notice of opposition.

On July 22, 2002, Applicant filed a motion to set aside the notice of default along with a proposed amendment to application Serial No. 90444292, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹

By the proposed amendment, Applicant seeks to amend the recitation of services in International Classes 35 and 42 as follows (deletions are shown in strikethrough):²

INTERNATIONAL CLASS 35

FROM:

Advertising copywriting; Advertising services, namely, creating corporate and brand identity for others; Advertising and marketing

¹ Applicant's notice of appearance of counsel, filed July 21, 2022, is noted.

² The recitation of services in International Class 41 remains unchanged.

services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; Advertising, promotion and marketing services in the nature of e-mail blast campaigns for others; Analysis of market research data and statistics; Brand concept and brand development services for corporate and individual clients; Business monitoring services, namely, tracking web sites of others to provide details about user click traffic or visits to the web site; Collection of market research information; Concept and brand development services for corporate clients; Development of marketing concepts; Development of marketing strategies, concepts and tactics, namely, audience development, brand awareness, online community building and digital word of mouth communications; Development, creation, production, and post-production of advertising content; Marketing research; Marketing research services; Marketing the goods and services of others by newspapers, magazines, print media, websites, video streaming, social media, television, cable television broadcasts, radio broadcasts, outdoor billboards, wild postings, bus and subway ads; Online media monitoring services using computer software to automatically monitor internet websites and online publications for customer-specified topics and to capture relevant content on those topics, and providing documentation and analysis of that online content to others for business purposes; Pay per click (PPC) advertising management services; Post-production editing services for video and audio commercials; Production of film and television advertising; Promoting the goods and services of others by newspapers, magazines, print media, websites, video streaming, social media, television, cable television broadcasts, radio broadcasts, outdoor billboards, wild postings, bus and subway ads; Promoting, advertising and marketing of the brands, products, services and online websites of individuals, businesses and nonprofit organizations; Promoting, marketing and advertising the brands and goods of others related to all industries, through all public and private communication means, namely, promoting the brands and goods of others made in the United States; Promotion, advertising and marketing of on-line websites; Providing advertising, marketing and promotional services, namely, development of advertising campaigns for newspapers, magazines, print media, websites, video streaming, social media, television, cable television broadcasts, radio broadcasts, outdoor billboards, wild postings, bus and

subway ads; ~~Providing business information via a web site~~; Provision of space on websites for advertising goods and services; Provision of a web site featuring commercial information on shopping; Search engine optimization for sales promotion; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; Web site optimization; Web site traffic optimization

TO:

Advertising copywriting; Advertising services, namely, creating corporate and brand identity for others; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; Advertising, promotion and marketing services in the nature of e-mail blast campaigns for others; Analysis of market research data and statistics; Brand concept and brand development services for corporate and individual clients; Business monitoring services, namely, tracking web sites of others to provide details about user click traffic or visits to the web site; Collection of market research information; Concept and brand development services for corporate clients; Development of marketing concepts; Development of marketing strategies, concepts and tactics, namely, audience development, brand awareness, online community building and digital word of mouth communications; Development, creation, production, and post-production of advertising content; Marketing research; Marketing research services; Marketing the goods and services of others by newspapers, magazines, print media, websites, video streaming, social media, television, cable television broadcasts, radio broadcasts, outdoor billboards, wild postings, bus and subway ads; Online media monitoring services using computer software to automatically monitor internet websites and online publications for customer-specified topics and to capture relevant content on those topics, and providing documentation and analysis of that online content to others for business purposes; Pay per click (PPC) advertising management services; Post-production editing services for video and audio commercials; Production of film and television advertising; Promoting the goods and services of others by newspapers, magazines, print media, websites, video streaming, social media, television, cable television broadcasts, radio broadcasts, outdoor billboards, wild

postings, bus and subway ads; Promoting, advertising and marketing of the brands, products, services and online websites of individuals, businesses and nonprofit organizations; Promoting, marketing and advertising the brands and goods of others related to all industries, through all public and private communication means, namely, promoting the brands and goods of others made in the United States; Promotion, advertising and marketing of on-line websites; Providing advertising, marketing and promotional services, namely, development of advertising campaigns for newspapers, magazines, print media, websites, video streaming, social media, television, cable television broadcasts, radio broadcasts, outdoor billboards, wild postings, bus and subway ads; Provision of space on websites for advertising goods and services; Provision of a web site featuring commercial information on shopping; Search engine optimization for sales promotion; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; Web site optimization; Web site traffic optimization

INTERNATIONAL CLASS 42

FROM:

Building and maintaining websites; Computer services, namely, providing virtual and non virtual application servers, web servers, file servers, co-location servers, load balancing servers, redundancy servers, media servers and database servers of variable capacity to third party computing and data storage facilities; ~~Computer technical support services, namely, 24/7 service desk or help desk services for IT infrastructure, operating systems, database systems, and web applications;~~ Creating and maintaining internet sites for others; Creating, designing and maintaining web sites; Design of home pages and web sites; Design of information graphics and data visualization materials; Design, creation, hosting, maintenance of websites for others; ~~Design, development and implementation of software;~~ Designing internet sites for others; Designing websites for advertising purposes; Designing and creating web sites for others; Designing and developing webpages on the internet; Developing customized web pages featuring user-defined information; Elaboration and maintenance of web sites for third parties; Graphic design services; Graphic design of advertising materials; Graphic design of internet advertising; Graphic design of marketing materials; Hosting websites on the Internet; Hosting the web sites of others on a computer server for a global computer network; Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining the code, applications, and

software for web sites of others; Maintenance of websites and hosting on-line web facilities for others; Providing technology consulting in the field of social media; Providing a web hosting platform for business owners; Rental of web servers; ~~Technical support services, namely, 24/7 monitoring of network systems, servers and web and database applications and notification of related events and alerts; Technical support services, namely, installation, administration, and troubleshooting of web and database applications; Technical support services, namely, technical administration of servers for others and troubleshooting in the nature of diagnosing server problems; Technical support services, namely, troubleshooting of computer software problems; Technical support, namely, monitoring technological functions of computer network systems;~~ Updating websites for others; Web site hosting services; Website design consultancy; Website design and development for others

TO:

Building and maintaining websites; Computer services, namely, providing virtual and non virtual application servers, web servers, file servers, co-location servers, load balancing servers, redundancy servers, media servers and database servers of variable capacity to third party computing and data storage facilities; Creating and maintaining internet sites for others; Creating, designing and maintaining web sites; Design of home pages and web sites; Design of information graphics and data visualization materials; Design, creation, hosting, maintenance of websites for others; Designing internet sites for others; Designing websites for advertising purposes; Designing and creating web sites for others; Designing and developing webpages on the internet; Developing customized web pages featuring user-defined information; Elaboration and maintenance of web sites for third parties; Graphic design services; Graphic design of advertising materials; Graphic design of internet advertising; Graphic design of marketing materials; Hosting websites on the Internet; Hosting the web sites of others on a computer server for a global computer network; Internet-based application service provider, namely, hosting, managing, developing, analyzing, and maintaining the code, applications, and software for web sites of others; Maintenance of websites and hosting on-line web facilities for others; Providing technology consulting in the field of social media; Providing a web hosting platform for business owners; Rental of web servers; Updating websites for others; Web site hosting services; Website design consultancy; Website design and development for others

Opposition No. 91274254

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). In addition, for good cause shown, the July 22, 2022 motion to set aside default is hereby granted, and the June 22, 2022 notice of default is hereby set aside.

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.