

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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vw/swf

December 16, 2023

Opposition No. 91286837

GetThere L.P.

v.

Rimini Street, Inc.

By the Trademark Trial and Appeal Board:

On December 12, 2023, Applicant filed the parties' stipulated motion to amend Applicant's involved **application Serial No. 97342910**, and to withdraw the opposition without prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the recitation of services in opposed International Class 42 to add the wording shown below in **bold**, as follows:

From:

Computer software consulting services; Technical support services, namely, providing maintenance services for enterprise and database software; Technical support services, namely, providing troubleshooting of enterprise and database software problems; Maintenance of computer software; Technical support services, namely, troubleshooting computer software problems

To:

Computer software consulting services; Technical support services, namely, providing maintenance services for enterprise and database software; Technical support services, namely, providing troubleshooting of enterprise and database software problems; Maintenance of computer software; Technical

support services, namely, troubleshooting computer software problems; **none of the foregoing relating to travel management, corporate travel, or travel expense management**

Because the amendment is limiting in nature, as required by Trademark Rule 2.71(a), and because Opposer consents to its entry, the amendment is acceptable. *See* Trademark Rule 2.133(a).

However, attached to the parties' motion is an unredacted document entitled "Confidential Settlement & Trademark Coexistence Agreement." The terms of the agreement, state that "Neither Party shall disclose or otherwise communicate to any third party . . . and of the terms and provisions of this Agreement." Accordingly, it is not clear that the parties intend for this document to be a matter of public record. The Board's proceedings, including the docket entries, are presumptively public. *Cf.* Trademark Rule § 2.27 (c), (d), 37 C.F.R. § 2.27 (c), (d); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 412.04 (2023) ("Except for materials filed under seal pursuant to a protective order or designated as confidential in ESTTA, the files of applications and registrations which are the subject matter of pending proceedings before the Board and all pending proceeding files and exhibits thereto, are available for public inspection and copying.").

Out of abundance of caution, the Board has marked the parties' filing as confidential. Further consideration of the parties' stipulated motion is **deferred** and the parties are allowed **twenty days from the date of this order** to file a copy of their stipulated motion to amend and withdrawal of the opposition without the "Confidential Settlement & Trademark Coexistence Agreement" attached, or with

any confidential provisions redacted, failing which the parties' original filing will have the confidential designation removed.

Proceedings are **suspended** pending the parties' response.