

04-28-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

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

ECOLAB INC.,

Opposer,

v.

ECOTECH, INC.

Applicant.

Opposition No. 91/154,722

Application Serial No. 76/347,298

BOX TTAB – NO FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below:

Date: 4/24/2003 *Julia C. Fisher*

CONSENTED MOTION TO AMEND APPLICATION

Pursuant to 37 C.F.R. § 2.133 and Trademark Trial and Appeal Board Manual of Procedure § 514.02, Applicant Ecotech, Inc. (“Applicant”) hereby moves the Trademark Trial and Appeal Board (the “Board”) to permit Applicant to amend the identification of goods in Application Serial No. 76/347,298 (the “Application”). In particular, Applicant requests that the Board permit Applicant to amend the existing identification of goods found in the Application and on the drawing by deleting:

All the goods in International Class 3; and

The words “clean, sanitize and” from the goods identified in International Class 4.

The identification of goods, following entry of the requested amendment, should read:

Industrial chemicals used in the manufacturing of metal parts and products, in International Class 1;

Industrial lubricants used to maintain machinery and machinery parts, in International Class 4.

The requested amendment is in conformity with the Trademark Rules as it limits, rather than broadens, the identification of goods.

Opposer Ecolab Inc. has consented to this motion.

In view of the foregoing, Applicant respectfully requests that its Application be amended as set forth above.

Respectfully submitted,

Dated: April 23, 2003

ECOTECH, INC.

By: Julia C. Archer
Julia C. Archer
ENNS & ARCHER LLP
Attorneys for Applicant
939 Burke Street
Winston-Salem, NC 27101
(336) 723 5180

Consented to by:

ECOLAB INC.

By: Stephen R. Baird
Stephen R. Baird
FISH & RICHARDSON P.C., P.A.
Attorneys for Opposer
60 South Sixth Street Suite 3300
Minneapolis, MN 55402
(612) 337-5070

CERTIFICATE OF SERVICE

I, Julia C. Archer, hereby certify that on this date I served a copy of the foregoing **CONSENTED MOTION TO AMEND APPLICATION** upon Opposer, by depositing a copy thereof in the United States mail, first class, postage prepaid and addressed as follows:

Mr. Stephen R. Baird
Fish & Richardson, P.C.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402

This the 24th day of April, 2003.



Julia C. Archer
Attorney for Applicant

ENNS & ARCHER LLP
939 Burke Street
Winston-Salem, NC 27101
Telephone: (336) 723-5180
Fax: (336) 723-5181

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Date: 4/24/2003 Julia C. Fisher

CONSENTED MOTION TO SUSPEND OPPOSITION PROCEEDING

Pursuant to 37 C.F.R. § 2.117(c) and Trademark Trial and Appeal Board Manual of Procedure § 510, the parties move the Trademark Trial and Appeal Board (the “Board”) to suspend the above-captioned proceeding for a period of time sufficient for the Board to consider and approve Applicant’s Consented Motion to Amend, which is submitted herewith. The parties have reached a settlement agreement whereby Opposer Ecolab Inc. has agreed to dismiss the above-captioned Opposition proceeding upon acceptance of Applicant’s requested amendment. Applicant’s requested amendment seeks to delete from Application Serial No. 76/347,298 all the goods identified in International Class 3 and the words “clean, sanitize and” from the goods identified in International Class 4.

In view of the foregoing, the parties respectfully request that the Board suspend this proceeding pending the Board's ruling on Applicant's Consented Motion to Amend.

Respectfully submitted,

Dated: April 23, 2003

ECOTECH, INC.

By: Julia C. Archer
Julia C. Archer
ENNS & ARCHER LLP
Attorneys for Applicant
939 Burke Street
Winston-Salem, NC 27101
(336) 723 5180

Consented to by:

ECOLAB INC.

By: Stephen R. Baird
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Mr. Stephen R. Baird
Fish & Richardson, P.C.
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Minneapolis, MN 55402

This the 24th day of April, 2003.



Julia C. Archer
Attorney for Applicant

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