

TRADEMARK

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

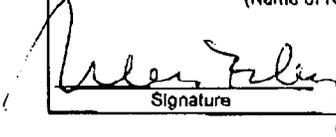
In the Matter of Application Serial No. 76/392,801
Published in the Official Gazette on February 25, 2003

The Black & Decker Corporation, Opposer, Hewlett Antriebs- und Systemtechnik GmbH & Co.KG, Applicant.

Opposition No.: 91156394

AMENDMENT

to: TTAB
Honorable Commissioner of Trademarks
2800 Crystal Drive
Arlington, VA 22202-3513

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2800 Crystal Drive, Arlington, VA. 22202-3513, on <u>SEPTEMBER 2, 2003</u> . (Date)	
<u>URSULA B. DAY</u> (Name of Representative)	
 Signature	<u>Sept. 2, 2003</u> Date of Signature

Kindly accept the following proposed amendment to the description of goods in the above identified application:

Socket No. DEWERT
Serial No. 76/392,801

In the Description of Goods and Services:

Electric motors and electric driving mechanisms comprising electric motors and mechanical gears, namely, control rods sold to manufacturers as components of or for beds, stretchers, chairs, tables, closets, tables, windows, doors and work surfaces, in International Class 7.

Electric and electronic controllers, electrical transformers, electromechanical control devices for electric motors and electric driving mechanisms sold to manufacturers as components of or for beds, stretchers, chairs, tables, windows, doors and work surfaces, in International Class 9.

Upon the Examiner's approval of the foregoing, it is requested that the above amendment be entered to replace the current description of goods and services.

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REMARKS

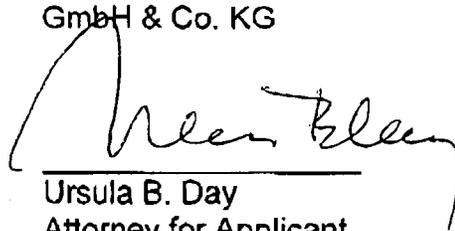
The Description of Goods and Services

This amendment to the description of goods is submitted as part of a settlement negotiated with the Opposer and to which opposer has agreed. It is submitted that the amended description of goods is narrower than the description of goods already allowed. Accordingly, allowance of the amended description is respectfully requested.

If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 50-747

Respectfully submitted
Dewert Antriebs-und Systemtechnik
GmbH & Co. KG



Ursula B. Day
Attorney for Applicant
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New York, NY 10118
Tel. 212-904-1815
Fax 212-244-2233

Dated: September 2, 2003
New York, New York

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Black & Decker Corporation,

Opposer,

Opposition No.: 91156394

Werk Antriebs- und Systemtechnik
GmbH & Co.KG,

Applicant.

TTAB
Honorable Commissioner of Trademarks
600 Crystal Drive
Arlington, VA 22202-3513

MOTION ON CONSENT TO EXTEND TIME TO ANSWER

Applicant hereby moves the Board for an for extension of time under
37 C.F.R. 6(b) to finalize an amendment to the description of goods in settlement
of the opposition now before the Trademark Trial and Appeal Board. Applicant
requests an extension of sixty days (60) from the expiration date of August 31,
2003. The extension is needed for the Trademark Examiner to review and
approve the amendment. Applicant has conferred with Opposer's attorney,

TTAB

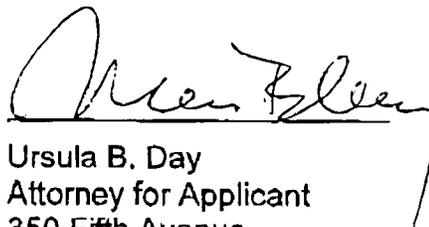
William Pecaou of Steptoe and Johnson, 1330 Connecticut Avenue, NW, Washington, DC 20036-1795, who has agreed to this extension.

WHEREFORE, the Board is requested to allow the extension. All other dates to be likewise extended as follows:

Answer to Opposition due	October 30, 2003
Discovery period to close	April 7, 2004
10-day testimony period for party in position of plaintiff to close:	July 6, 2004
30-day testimony period for party in position of defendant to close:	September 4, 2004
15-day rebuttal testimony period for plaintiff to close:	October 19, 2004

Respectfully submitted

By:



Ursula B. Day
Attorney for Applicant
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September 2, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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The Black & Decker Corporation,

Opposer,

Opposition No.: 91156394

Power Antriebs- und Systemtechnik
GmbH & Co.KG,

Applicant.

Certificate of Service

I do hereby certify that on September 2, 2003 a true copy of the Motion on Consent
and Affidavit was being deposited with the United States Postal Service as First
Class Mail postage prepaid in an envelope addressed to:

William G. Pecau
Steptoe and Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Attorney for Opposer



Tanja Aibel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Opposer,

Opposition No.: 91156394

ewert Antriebs- und Systemtechnik
bH & Co.KG,

Applicant.

Certificate of Mailing

This is to certify that on September 2, 2003 a Motion on Consent to extend time
being deposited with the United States Postal Service as First Class Mail
postage prepaid in an envelope addressed to:

Box TTAB
Honorable Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



Tanja Aibel

NEWERT No. 76/392,801

Sept. 2, 2003

- The stamp of the Patent & Trademark Office confirms the date on which the application was received
- Initial Use Application with Declaration
- Trademark Application with Declaration drawing, specimens and a check in payment of fees
- Response/Amendment
- Certificate of Express Mail
- Notice of Opposition
- Request for Extension of Time
- Section 15 Affidavit (and)
- Notice to Commissioner

NOTICE OF THE COMMISSIONER
Application on Consent to
Extend Time to answer



09-04-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

PTO: Please stamp and return.

- Section 15 Affidavit
- Petition for Cancellation
- Notice of Appeal

BlumbergExcelsior, Inc. 800 221-2972