

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

Brink's Network, Incorporated,)	Opposition No. 91164764
)	
Opposer,)	Serial No. 76/483,115
)	
v.)	Filed: January 17, 2003
)	
The Brinkmann Corporation,)	Mark: BRINKMANN
)	
Applicant.)	Published: October 5, 2004
)	

TTAB

AMENDMENT

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Please amend the above-identified application by amending the description of goods as follows:

"Metal birdbaths; metal compost bins; metal garden hose hangers; metal tubs; and metal flashlight key rings," in International Class 6;

"Charcoal briquettes and wood chunks for use in smoking and grilling food," in International Class 4;

"Vacuum cleaners and accessories, namely, brushes and suction nozzles for vacuum cleaners, vacuum cleaner hoses and hose adapters, filters, filter bags for vacuum cleaners, vacuum cleaner extension wands, vacuum cleaner crevice tools, vacuum cleaner dollies, and accessory kits comprising vacuum cleaner brushes, suction nozzles, hoses, vacuum cleaner extension wands and vacuum cleaner crevice tools," in International Class 7;



"Hand tools, namely, protractor saw guides and multi-purpose hand tools comprising pliers, knife blades, screwdrivers, hole punches, bottle openers, can openers, fish scalers and files in one unit; hand utensils, namely, meat hooks," in International Class 8;

"Home security systems and components therefor, namely, motion sensitive home security lights, detectors, receivers, transmitters, adapters and wall mount brackets; batteries; wall mount brackets for battery chargers and flashlights; cooking thermometers; electrical extension cords; electric connectors; electric converters; electronic mineral and metal detectors; flashlight and spotlight accessories sold together or separately, namely, transmitters, lighter plugs and filter caps," in International Class 9;

"Barbecue grills and smokers; gas cookers; gas fryers; combined outdoor gas grills comprised of a grill, side burner, hanging rack in a warming area, kitchen sink and ice bucket; replacement parts and accessories for barbecue grills, smokers, gas cookers and gas fryers sold separately, namely, charcoal lighters, charcoal starters, drip pans, racks, grates, charcoal pans and water pans; lighting products, namely, flashlights, spotlights, electric and fluorescent lanterns, rechargeable lights and spotlights, low voltage and solar-powered lights, electric night lights for outdoor work use, and underwater and buoy lights used for fishing; flashlight and spotlight replacement parts and accessories sold together, namely, replacement bulbs, nylon and leather carry cases, and holster and belt holders; flashlight and spotlight replacement parts and accessories sold separately, namely, replacement bulbs; candle lanterns; and portable electric fans," in International Class 11;

"Wheelbarrows and hand carts for carrying weighted objects; and dollies," in International Class 12;

"House wares and garden accessories, namely, pails, rinsing tubs, dust pans, metal pans for use as drain pans, watering cans, trash cans and bird feeders," in International Class 21; and

"Seasonings and spices," in International Class 30.

REMARKS

The above-identified application was published for opposition on October 5, 2004. The identification of goods in the published application was entered by the Examining Attorney through an Examiner's Amendment on July 23, 2004. That Examiner's Amendment

contained minor typographical errors that Applicant respectfully requests the Trademark Trial and Appeal Board ("Board") to correct by entering the amended description of goods as set forth above. Specifically, the Examiner's Amendment rendered the identification of goods vague and indefinite by *inter alia* failing to (i) separate the different goods through the use of semi-colons instead of commas; (ii) use the plural form instead of singular form for certain goods; (iii) delete redundant descriptions; (iv) correct spelling; and (iv) order the descriptions in a more logical pattern.

Applicant states that the amendment to the application only clarifies the identification of goods and does not broaden the identification of goods. 37 C.F.R. § 2.71(a); TMEP § 1402.06.

CONCLUSION

Should the Board require anything further from the Applicant, Applicant respectfully requests that the Board telephone Applicant's attorney, at the number identified below.

June 1, 2005

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP

By: _____



SUSAN HWANG

Attorneys for Applicant
THE BRINKMANN CORPORATION

333 South Hope Street, 48th Floor
Los Angeles, California 90071
Tel.: (213) 620-1780
Fax: (213) 620-1398

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this AMENDMENT is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on June 1, 2005.

By Betty I. Rodriguez
BETTY I. RODRIGUEZ

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing AMENDMENT upon Alan S. Cooper, counsel for Opposer, at Howrey Simon Arnold & White LLP, 1299 Pennsylvania Ave., N.W., Washington, D.C. 20004, via first class mail, postage prepaid, on June 1, 2005.

By Betty I. Rodriguez
BETTY I. RODRIGUEZ