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

Proceeding	91182690
Party	Plaintiff ATI Technologies ULC
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Submission	Withdrawal of Opposition
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Date	05/01/2009
Attachments	FIREANGEL Amendment and Withdrawal.pdf (4 pages)(31762 bytes)

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

In the Matter of Application Serial No. 78/136,454: FIREANGEL

ATI TECHNOLOGIES ULC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91182690
)	
ROGER E. BILLINGS,)	
)	
Applicant.)	

**JOINT MOTION TO AMEND APPLICATION
AND TO WITHDRAW OPPOSITION**

Pursuant to 37 C.F.R. § 2.133(a) and T.B.M.P. § 605.03(b), the parties hereby move to amend the application opposed herein, and, subject to the Board's acceptance of this amendment, to withdraw the opposition. In support of this Motion, the parties state as follows:

Pursuant to the parties' settlement of this matter, Applicant respectfully requests that the identification of goods contained in its trademark application opposed herein (App. Ser. No. 78/136,454) be amended. The application currently identifies the following goods:

Safety, convenience, and entertainment products for the home and office, namely, computerized time clock with fingerprint recognition, electronic door locks, computerized control and monitoring panels; closed circuit digital video surveillance equipment; namely, wireless and wired digital video cameras, computer software for digital video recording and monitoring; home theater products, namely LCD (liquid display), Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; fire detectors; smoke detectors; audible and visual burglar and anti-intrusion alarms; fire extinguishers; intruder detection devices, namely, motion detectors; personal computers; Ethernet switches; network based intruder, fire and flood warnings systems with Internet interface composed primarily of motion detectors and alarms, infrared cameras, computer hardware and software, and intelligent home control and safety systems composed primarily of safety alarms, automatic fire sprinklers,

touch screen panels, remote and manual door and window locks, emergency lighting devices, voice remote and manual activation control devices.

Pursuant to the parties' settlement, Applicant seeks to amend the application by deleting a portion of the goods currently identified in the application, as shown below:

Safety, ~~and~~ convenience, ~~and entertainment~~ products for the home and office, namely, computerized time clock with fingerprint recognition, electronic door locks, computerized control and monitoring panels; closed circuit digital video surveillance equipment; namely, wireless and wired digital video cameras, computer software for digital video recording and monitoring; ~~home theater products, namely LCD (liquid display)~~; Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; fire detectors; smoke detectors; audible and visual burglar and anti-intrusion alarms; fire extinguishers; intruder detection devices, namely, motion detectors; personal computers; Ethernet switches; network based intruder, fire and flood warnings systems with Internet interface composed primarily of motion detectors and alarms, infrared cameras, computer hardware and software, and intelligent home control and safety systems composed primarily of safety alarms, automatic fire sprinklers, touch screen panels, remote and manual door and window locks, emergency lighting devices, voice remote and manual activation control devices.

The parties submit that the foregoing amendment only narrows the identification of services, and does not constitute a material alteration of the mark. Therefore the amendment should be approved by the Board.

Subject to the Board's approval of the above amendment, Opposer respectfully requests that this Opposition be withdrawn, in accordance with T.B.M.P. §§ 601.01 and 605.03(b).

WHEREFORE, the parties respectfully request that the Board amend the subject application as set forth above, and, subject to approval of the amendment, withdraw the opposition.

Dated: May 1, 2009

s/Andrew N. Downer/
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s/Roger E. Billings/
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Applicant, acting *pro se*

CERTIFICATE OF SERVICE

I, Andrew N. Downer, hereby certify that a copy of the foregoing **JOINT MOTION TO AMEND APPLICATION AND WITHDRAW OPPOSITION** was served upon Applicant, acting *pro se*, Dr. Roger E. Billings, 26900 East Pink Hill, Independence, Missouri, 64057, by first class mail postage prepaid on May 1, 2009.

s/Andrew N. Downer/
Andrew N. Downer