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

Proceeding	91184606
Party	Defendant RIVA ACCIAIO
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Submission	Motion to Amend Application
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Date	07/20/2009
Attachments	Document.pdf (4 pages)(480642 bytes)

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

In the Matter of
Trademark Application No. 79/013,880
Trademark: RIVA
Published: February 12, 2008

SUNBEAM PRODUCTS, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91184606
)	
RIVA ACCIAIO CORPORATION)	
ITALY)	
)	
Applicant.)	

**CONSENTED MOTION TO AMEND APPLICATION AND
SUSPEND PROCEEDINGS PENDING CONSIDERATION**

Applicant, RIVA ACCIAIO CORPORATION ITALY, by counsel, for its Consented Motion to Amend Application and Suspend Proceedings Pending Consideration, states as follows:

1. A Notice of Publication issued on January 23, 2008, and the application was published for opposition on February 12, 2008. On June 13, 2008, an opposition proceeding was instituted by the Trademark Trial and Appeal Board ("Board") pursuant to a Notice of Opposition filed by Opposer, Sunbeam Products, Inc., on June 11, 2008.
2. Applicant requests that the Board amend Trademark Application No. 79/013,880 by deleting International Class 011 in its entirety from the description of goods/services in such application. The deleted language is as follows:

-- Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, namely, lighting fixtures, electric space heaters, gas water heaters, steam generators, industrial cooking ovens, refrigerators, clothes dryers, ventilating exhaust fans excluding for whirlpool baths and spas; ozone sanitizers for air and water --.

3. U.S. Application No. 79/013,880 is based on previous international registration of the same mark by Applicant pursuant to Section 66(a) of the Trademark Act, and to avoid confusion, Applicant clarifies that the omission of Class 011 is requested with respect to the United States only. No amendment is requested, and no change should be to any other application or registration of Applicant in connection with this Consented Motion.

4. Applicant and Opposer have discussed this proposed amendment through which Applicant seeks to amend the identification of goods to delete International Class 011 in its entirety with respect to the United States only. Opposer has agreed to this amendment and agrees to dismiss or withdraw the opposition with prejudice if the amendment is approved.

5. The proposed amendment to the identification of goods should be permitted (see TMEP §1505.1(a)) as it restricts and deletes items in the identification of goods. The amendment is believed not to require republication of the application. See TMEP §1505.2(a).

6. Through this motion pursuant to 37 CFR §2.133(a) to amend the identification of goods, Applicant, with the consent of Opposer, also seeks to suspend this opposition proceeding during consideration of the proposed amendment and, if necessary, to reset the discovery and testimony periods after consideration of the proposed amendment if such amendment is denied.

WHEREFORE, Applicant requests that its motion to amend the application to delete Class 011 with respect to the United States only be granted and that this opposition proceeding

be suspended pending consideration of this motion. To the extent that the motion to amend is granted, Applicant submits that after amendment, the pending application shall be ready for issuance of a Notice of Allowance following withdrawal of this opposition proceeding by Opposer.

This motion is not believed to require a fee. In the event a fee is necessary, the Board is authorized to charge Deposit Account No. 11-0220.

Respectfully submitted,

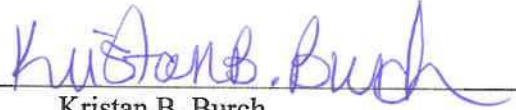
RIVA ACCIAIO CORPORATION ITALY
By its attorneys,
KAUFMAN & CANOLES, P.C.

Dated: July 17, 2009

By: Kristan B. Burch
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Consented Motion to Amend Application and Suspend Proceedings Pending Consideration is being filed with the Trademark Trial and Appeal Board via the Electronic System for Trademark Trials and Appeals, and a copy of the Consented Motion is being sent to counsel for Opposer, at their address of record, by First Class Mail on ~~October~~ ^{July} 20, 2008⁹.



Kristan B. Burch

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