

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

MT

Mailed: August 5, 2011

Opposition No. 91196183

Oracle America, Inc.

v.

Skytron energy GmbH

By the Trademark Trial and Appeal Board:

On July 11, 2011, the parties filed a stipulation to amend the identification of goods and services of applicant's involved application Serial No. 79069089 and to dismiss the opposition upon entry thereof.

By the proposed amendment, applicant seeks to change the identification of goods in International Class 9 **from** "Electronic and electrical apparatus and instruments, for use in generating or distributing energy; digital data buses with a specific physical topology and data exchange protocol, for the capture and processing of measurement data, all for use in photovoltaic energy generating installations; apparatus and instruments for the supply, distribution, transformation, accumulation, regulation or control of electric current; generator connector boxes; computer hardware, namely, computer peripheral devices;

computer software for use in local area networks; electrical and electronic circuits; apparatus for protection against surges or electrical interference in electricity supplies; apparatus for the supply, regulation, transmission, control, storage and distribution of electricity; battery boxes, electric batteries, cables, plugs and connectors, and battery installations for the accumulation of electrical energy, generated through renewable photo voltaic, wind and fuel cell installations; inverters for photovoltaic installations; inverters; electric wires and wire connection fittings therefor; electrical and electronic connectors, terminals, conductors, and adapters; junction sleeves for electric cables; solar modules, namely, apparatus for converting electronic radiation to electrical energy, namely, photovoltaic solar modules; transformers; transformer stations" to "Electronic and electrical apparatus and instruments, for use in generating or distributing energy; apparatus and instruments for the supply, distribution, transformation, accumulation, regulation or control of electric current; generator connector boxes; electronic device for monitoring and optimizing photovoltaic arrays; electrical circuits; apparatus for protection against surges or electrical interference in electricity supplies; apparatus for the supply, regulation, transmission, control, storage and

distribution of electricity; battery boxes, electric batteries, cables, plugs and connectors, and battery installations for the accumulation of electrical energy, generated through renewable photo voltaic, wind and fuel cell installations; inverters for photovoltaic installations; inverters; electric wires and wire connection fittings therefore; electrical and electronic connectors, terminals, conductors, and adapters; junction sleeves for electric cables; solar modules, namely, apparatus for converting electronic radiation to electrical energy, namely, photovoltaic solar modules, transformers; transformer stations."

Applicant seeks to change the recitation of services in International Class 37 **from** "Repair, installation and maintenance of equipment and apparatus for energy generating installations and parts therefore, for the energy generating sector, and for use in energy generating installations; repair, installation and maintenance of photovoltaic energy generating installations, solar modules and/or apparatus and instruments for the capture, processing and forwarding of measurement data in connection with photovoltaic energy generating installations" **to** "Repair, installation and maintenance of equipment and apparatus for energy generating installations and parts therefore, for the energy generating sector, and for use in energy generating installations;

repair, installation and maintenance of photovoltaic energy generating installations, solar modules and/or electronic device for monitoring and optimizing photovoltaic arrays."

Applicant seeks to delete the entire recitation of services in International Class 38. Such deletion is the equivalent of an abandonment of the application as to that class, with opposer's written consent. See Trademark Rule 2.135; Trademark TBMP Section 602.01(a) (3d ed. 2011).

Applicant seeks to change the recitation of services in International Class 42 **from** "Engineering; engineering services in the field of electrical power and natural gas production; engineering services for applications on large and medium-sized computer systems, and for energy generating installations; repair, installation and maintenance of software, in the field of energy, and in energy generating installations; providing of scientific and technical analyses and expertise, namely, technical measuring and testing of energy products in the field of energy engineering, technical consultation in the field of power plant engineering, namely, testing and evaluation of power plant equipment to improve performance and efficiency of such equipment; technical measuring; computer programming; capacity monitoring and analysis of network operations, in particular within energy generating installations" **to** "Engineering; engineering services in the field of

electrical power and natural gas production; engineering services for energy generating installations; repair, installation and maintenance of software exclusively in the field of energy and energy generating installations; providing of scientific and technical analyses and expertise, namely, technical measuring and testing of energy products in the field of energy engineering, technical consultation in the field of power plant engineering, namely, testing and evaluation of power plant equipment to improve performance and efficiency of such equipment; technical measuring" in International Class 42.

The amendment is clearly limiting in nature as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a). In view of such entry, the opposition is dismissed without prejudice. See Trademark Rule 2.106(c).