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

Proceeding	91209972
Party	Defendant Xylem IP Holdings LLC
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Date	03/28/2014
Attachments	Xylem IP Holdings LLC Motion to Amend Applications Redlined.pdf(345707 bytes )

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

Xylem IP Holdings LLC	)	
	)	
Applicant,	)	
	)	
v.	)	Opposition No. 91209972
	)	
JPI Commercial, LLC	)	
	)	
Opposer.	)	

MOTION TO AMEND APPLICATIONS

Applicant, Xylem IP Holdings LLC ("Applicant"), respectfully moves the Board to allow Applicant to amend its applications as provided below:

Serial No. 85/519,067 - XYLEM (Stylized)

Platinizing instruments in the nature of electroplating machines for use in replating platinum on an electrode, in International Class 7;

Platinizing instruments in the nature of electrolysis apparatus for electroplating purposes for use in replating platinum on an electrode; industrial liquid analyzers; radiometers for detecting and measuring small amounts of electromagnetic radiant energy; dew point hygrometers; clinical laboratory analyzers for measuring, computer software for controlling environmental water quality monitoring systems; computer software for displaying, calibrating and uploading data collected by environmental monitoring instruments and transferring it to computers; analytical instruments, namely, carbon dioxide monitors for non-medical use in the bioprocessing and fermentation industries; sensor-based bioanalytical instruments for non-medical use in the nature of electronic biochemistry analyzers, monitors and probes for measuring carbohydrates, vitamins, amino acids and dissolved gases; bioanalytical systems for non-medical use comprised of optical, electrochemical, potentiometric and photometric sensors for measuring carbohydrates, vitamins, amino acids and dissolved gases, in International Class 9;

Blood glucose oxidase meters, excluding pharmaceutical preparations, in International Class 10;

Non-metal o-ring gaskets for use as replacement parts in blood glucose oxidase meters, in International Class 17.

Serial No. 85/519,065 - XYLEM

Platinizing instruments in the nature of electroplating machines for use in replating platinum on an electrode, in International Class 7;

Platinizing instruments in the nature of electrolysis apparatus for electroplating purposes for use in replating platinum on an electrode; industrial liquid analyzers; radiometers for detecting and measuring small amounts of electromagnetic radiant energy; dew point hygrometers; computer software for controlling environmental water quality monitoring systems; computer software for displaying, calibrating and uploading data collected by environmental monitoring instruments and transferring it to computers; analytical instruments, namely, carbon dioxide monitors for non-medical use in the bioprocessing and fermentation industries; sensor-based bioanalytical instruments for non-medical use in the nature of electronic biochemistry analyzers, monitors and probes for measuring carbohydrates, vitamins, amino acids and dissolved gases; bioanalytical systems for non-medical use comprised of optical, electrochemical, potentiometric and photometric sensors for measuring carbohydrates, vitamins, amino acids and dissolved gases, in International Class 9;

Blood glucose oxidase meters, excluding pharmaceutical preparations, in International Class 10;

Non-metal o-ring gaskets for use as replacement parts in blood glucose oxidase meters, in International Class 17.

For convenience, a redline of the proposed amendments is below:

Serial No. 85/519,067 - XYLEM (Stylized)

Platinizing instruments in the nature of electroplating machines for use in replating platinum on an electrode, in International Class 7;

~~Electronic apparatus for testing the sterility of medical equipment;~~ platinizing instruments in the nature of electrolysis apparatus for electroplating purposes for use in replating platinum on an electrode; industrial liquid analyzers; radiometers for detecting and measuring small amounts of electromagnetic radiant energy; dew point hygrometers; clinical laboratory analyzers for measuring, ~~testing and analyzing blood for blood glucose and blood lactate,~~ computer software for controlling environmental water quality monitoring systems; computer software for displaying, calibrating and uploading data collected by environmental monitoring instruments and transferring it to computers; analytical instruments, namely, carbon dioxide monitors for non-medical use in the bioprocessing and fermentation industries; sensor-based bioanalytical instruments for non-medical use in the nature of electronic biochemistry analyzers, monitors and probes for measuring carbohydrates, vitamins, amino acids and dissolved gases; bioanalytical systems for non-medical use comprised of optical, electrochemical, potentiometric and photometric sensors for measuring carbohydrates, vitamins, amino acids and dissolved gases, in International Class 9;

Blood glucose oxidase meters, excluding pharmaceutical preparations; ~~heat stress instruments in the nature of medical devices for measuring heat stress in human beings that utilize ultrasonic oscillations to measure body temperature and respiration,~~ in International Class 10;

Non-metal o-ring gaskets for use as replacement parts in blood glucose oxidase meters, in International Class 17.

Serial No. 85/519,065 - XYLEM

Platinizing instruments in the nature of electroplating machines for use in replating platinum on an electrode, in International Class 7;

~~Electronic apparatus for testing the sterility of medical equipment;~~ platinizing instruments in the nature of electrolysis apparatus for electroplating purposes for use in replating platinum on an electrode; industrial liquid analyzers; radiometers for detecting and measuring small amounts of electromagnetic radiant energy; dew point hygrometers; ~~clinical laboratory analyzers for measuring, testing and analyzing blood for blood glucose and blood lactate;~~ computer software for controlling environmental water quality monitoring systems; computer software for displaying, calibrating and uploading data collected by environmental monitoring instruments and transferring it to computers; analytical instruments, namely, carbon dioxide monitors for non-medical use in the bioprocessing and fermentation industries; sensor-based bioanalytical instruments for non-medical use in the nature of electronic biochemistry analyzers, monitors and probes for measuring carbohydrates, vitamins, amino acids and dissolved gases; bioanalytical systems for non-medical use comprised of optical, electrochemical, potentiometric and photometric sensors for measuring carbohydrates, vitamins, amino acids and dissolved gases, in International Class 9;

Blood glucose oxidase meters, ~~excluding pharmaceutical preparations;~~ ~~heat stress instruments in the nature of medical devices for measuring heat stress in human beings that utilize ultrasonic oscillations to measure body temperature and respiration,~~ in International Class 10;

Non-metal o-ring gaskets for use as replacement parts in blood glucose oxidase meters, in International Class 17.

These amendments are pursuant to an agreement executed by Applicant and Opposer.

Date: March 28, 2014



One of the Attorneys for Applicant,  
Xylem IP Holdings LLC

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**PROOF OF FILING AND SERVICE**

The undersigned hereby certifies that the foregoing **Motion to Amend Applications** was filed with the Trademark Trial and Appeal Board's online ESTTA filing system and served by United States Postal Service, as first class mail, postage prepaid, in an envelope addressed as follows:

Stephen R. Baird  
Winthrop & Weinstine PA  
225 South Sixth Street  
Suite 3500  
Minneapolis, MN 55402

this 28th day of March 2014.



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Lisa Parker Gates