

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Tdc

Mailed: May 29, 2014

Opposition No. 91209972

JPI Commercial, LLC

v.

Xylem IP Holdings LLC

Benjamin U. Okeke, Interlocutory Attorney:

On April 4, 2014, the Board allowed the parties thirty days to file a revised motion to amend after denying the parties' stipulated motion, filed March 28, 2014, to amend the subject application because the proposed amendment would have resulted in a broadening of the scope of the identification as it appeared at publication.

In response, on April 22, 2014, applicant filed a revised proposed amendment to its Application Serial Nos. 85519065 and 85519067, with opposer's consent.

By the revised proposed amendment applicant seeks to amend the identification of goods in International Classes 9 and 10 in both applications

to add the following underlined language and remove the following struck language:¹

International Class 9:

~~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.~~

International Class 10:

~~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.~~

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents, the amendment is

APPROVED and **ENTERED**. *See* Trademark Rule 2.133(a).

¹ The goods in International Classes 7 (unopposed) and 17 remain unchanged in both applications.

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If the amendment resolves the dispute in this proceeding, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise **SUSPENDED**.