

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: February 2, 2015

Opposition No. 91217524

Uplink Security, LLC

v.

Oplink Comms., Inc.

Benjamin U. Okeke, Interlocutory Attorney:

On December 2, 2014, Applicant filed a proposed amendment to its application Serial Nos. 86023899, and 86047016, with Opposer's consent.

By the proposed amendment Applicant seeks to amend the identification of goods and services in Application Serial No. 86023899 to add the following underlined language and to delete the following struck language:

International Class 9

Fiber optic networking hardware and software-embedded products, namely, dense wavelength division multiplexers (DWDM)/demultiplexers, coarse wavelength division multiplexers (CWDM)/demultiplexers, band wavelength division multiplexers (BWDM)/demultiplexers, arrayed waveguide gratings (AWG) for use as multiplexers and demultiplexers, filters, fiber optical interleavers, micro-optical devices in the nature of wavelength lockers, optical isolators, signal couplers/splitters, polarization maintaining beam combiners/splitters, power monitors, hybrid components in the nature of wavelength division multiplexers (WDM), isolator hybrids, coupler/isolator hybrids, filter/isolator hybrids, splitter/power monitor

hybrids and depolarizer/beam combiner hybrids, circulators, collimators, switches, optical channel monitor modules, reconfigurable optical add-drop multiplexers, wavelength selective switches, amplifiers, gain block amplifiers, variable optical attenuators, variable multiplexers, tunable optical filters, tunable filter arrays, wavelength blocker arrays, jumpers/patch cords, optical connectors, optical adapters, optical patch panels, and fixed attenuators; fiber optical transceivers, optical transmitters, receivers, transmitter optical subassemblies, receiver optical subassemblies, bi-directional optical subassemblies, bi-directional optical transceivers, CWDM transceivers, DWDM fixed wavelength transceivers, parallel optical transceivers, DWDM tunable transceivers, optical transponders, video optical transceiver, video optical transmitters, video optical receivers, video CWDM transceivers, optical supervisory channel transceivers, differential quadrature phase shift keying (DQPSK) transceivers, multilane on-off keying (OOK) transceivers, multilane DWDM dual polarization quadrature phase shift keying (DP-QPSK) transceivers, multilane pulse amplitude modulation (PAM) transceivers, maximum-likelihood sequence estimation (MLSE) transceivers, multilane quadrature amplitude modulation (QAM) transceivers, multilane OOK transceivers, multilane QAM transceivers, multilane PAM DWDM transceivers, chassis platform, fiber-optic amplifier, optical switch, RF amplifier, RF switch, ~~home and business automation, security and healthcare systems~~ comprised of wireless, wired and computer network connectivity software and connectivity hardware, namely, downloadable software and middleware for healthcare systems in the nature of software for mobile interactive phones and computers used to interface with remote devices and to allow connectivity, accessibility, device management, and memory storage; cloud-based mobile interactive software platform and computer software application for mobile phones and handheld computers for enabling internet protocol (IP) based networking device to become accessible over the internet or mobile telecommunications; ~~end accessory devices, namely, central process unit, electronic sensors, low power camera powered by battery, high performance internet protocol (IP)~~

~~camera, USB dongle adapter/embedded adapter for wireless based devices, and electronic door lock; monitoring, control and security systems comprising software in the nature of a mobile application for mobile phones and handheld computers and hardware for providing electronic messages, pictures, video, audio, alarm status, smoke/heat detection, tracking, telemedicine, remote healthcare and other information to a remote station.~~

International Class 42

Providing temporary use of online non-downloadable software for ~~home and business automation, security and~~ healthcare systems, namely, software and middleware for healthcare systems in the nature of software used to interface with remote devices and to allow connectivity, accessibility, device management, and memory storage; providing temporary use of on-line non-downloadable cloud computing software platform for enabling internet protocol (IP) based networking device to become accessible over the internet or mobile telecommunications.

Additionally, by the proposed amendment Applicant also seeks to amend the identification of goods and services in application Serial No. 86047016 to add the following underlined language and delete the following struck language:

International Class 9

~~Home and business automation, security and~~ healthcare systems comprised of wireless, wired and computer network connectivity software and connectivity hardware; downloadable software and middleware for healthcare systems in the nature of software for mobile interactive phones and computers used to interface with remote devices and to allow connectivity, accessibility, device management, and memory storage; cloud-based mobile interactive software platform and computer

software application for mobile phones and handheld computers for enabling internet protocol (IP) based networking device to become accessible over the internet or mobile telecommunications; ~~end accessory devices, namely, central process unit, electronic sensors, low power camera powered by battery, high performance internet protocol (IP) camera, USB dongle adapter/embedded adapter for wireless-based devices, and electronic door lock; monitoring, control and security systems comprising of software in the nature of a mobile application for mobile phones and handheld computers and hardware for providing electronic messages, pictures, video, audio, alarm status, and smoke/heat detection, tracking, telemedicine, remote healthcare and other information to a remote station.~~

International Class 42

Providing temporary use of online non-downloadable software for ~~home and business automation, security and~~ healthcare systems, namely, software and middleware for healthcare systems in the nature of software used to interface with remote devices and to allow connectivity, accessibility, device management, and memory storage; providing temporary use of on-line non-downloadable cloud computing software platform for enabling internet protocol (IP) based networking device to become accessible over the internet or mobile telecommunications.

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).

If the amendment resolves this proceeding, Opposer is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of

the opposition,¹ 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**

¹ It is noted that Applicant's filing intends to dispose of this proceeding. While Applicant's motion indicates that Opposer consents to the "subsequent termination of this proceeding," Opposer has not provided its written consent to such withdrawal. Inasmuch as the signed written consent of both parties is necessary for a stipulated withdrawal, the withdrawal of the opposition cannot be processed at this time.