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

Proceeding	91218238
Party	Defendant EXAIR Corporation
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Date	06/09/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

REXAIR LLC,)	
)	
Opposer,)	
)	Opposition No. 91218238
)	Appl. No. 86/055,983
v.)	Mark: EXAIR.COM
)	
EXAIR CORPORATION,)	
)	
Applicant.)	
)	

**STIPULATED MOTION TO AMEND APPLICATION AND WITHDRAW
OPPOSITION WITHOUT PREJUDICE**

Applicant EXAIR Corporation, with consent of Opposer, Rexair LLC, hereby requests that the identification of goods in Class 007 be amended to read as follows (added language underlined):

Machine parts, namely, nozzles which are parts of compressed air systems for part cleaning, chip removal, part drying, liquid blowoff, part cooling, material conveying, part ejection, and air assist, and components thereof; machine parts, namely, air knives, air wipes, air jets, air amplifiers, and air guns which are parts of compressed air systems for part cooling, material conveying, part ejection, and air assist, and components thereof; machine parts, namely, atomizing nozzles for mixing liquids and compressed air for spraying coatings, cleaning, and painting parts; machine parts for compressed air systems, namely, air hoses, filters, pressure regulators, mufflers, metal pipe fittings, and magnetic bases, and components thereof; vacuum cleaners powered by compressed air for use in industrial environments, and components thereof; wet-dry vacuums powered by compressed air for use in industrial environments, and components thereof; pneumatic tube conveyors; vacuum pumps operated by compressed air, namely, vacuum generators that use venturis; none of the foregoing for use in domestic or commercial, as opposed to industrial, environments.

Applicant submits that the added language does not broaden the scope of goods listed in Class 007. Opposer Rexair LLC consents to entry of the foregoing amendment.

Applicant further submits that the term “venturis” appearing in the identification of goods above is the plural of “venturi.” Venturi is not a registered mark owned by a third party in the context of the foregoing identification of goods; it is a generic term in the relevant technological field. The term “venturi” or “venturis” has appeared frequently in the goods and services listings for trademarks in Class 007. See, for example, Reg. Nos. 4748881, 4271033, 4274507, 4737111,

4690256, and others. Applicant's vacuum generator generates a vacuum using compressed air and a venturi tube, which is commonly referred to as a venturi.

Opposer and Applicant agree to the withdrawal of Opposition No. 91218238 without prejudice, provided the Board approves of and enters this amendment.

Respectfully submitted,

/Theodore D. Lienesch/
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Date: June 9, 2015

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Date: June 9, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing STIPULATED MOTION TO AMEND APPLICATION AND WITHDRAW OPPOSITION WITHOUT PREJUDICE upon Opposer by causing a true and correct copy thereof to be sent via email (with consent) to Opposer's attorneys at lcallaghan@fishstewip.com and mfishman@fishstewip.com this 9 day of June, 2015.


