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

Proceeding	91220850
Party	Defendant Certilogo SPA
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Attachments	Motion to Amend Application and Contingent Motion to Withdraw Opposition 91220850.pdf(16252 bytes )

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

**CAVIUM, INC.,**

Opposer,

v.

**CERTILOGO SPA,**

Applicant.

Opposition No. **91220850**

Application Serial No. 79/152,000

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**MOTION TO AMEND APPLICATION WITH CONSENT**  
**AND**  
**CONTINGENT MOTION TO WITHDRAW OPPOSITION WITHOUT PREJUDICE**  
**WITH CONSENT**

Pursuant to 37 C.F.R. §2.133(a) and TBMP §514, and the agreement of the Parties, Applicant, Certilogo SPA, through counsel, hereby moves the Trademark Trial and Appeal Board (hereinafter referred to as the “Board”) to amend Application Serial No. 79/152,000.

Applicant requests that the Board amend the identification of goods in Application Serial No. 79/152,000, from the current identification of: *“Electric and electronic control apparatus for the remote control of servers mainframes; computer cursor control devices, namely, computer mouse, light pen and trackballs; computer access control security systems, namely, computer systems comprised of computer hardware and software for permitting or restricting access to data processing systems; electronic payment terminals; software for the access control to computers; electronic security systems and terminals comprising software and hardware for providing picture and video to a remote station; hardware and software for encoding keys and digital certificates; electronic apparatus for the generation and/or*

*verification of digital signatures; software for secure data storing and retrieving; anti-counterfeit electronic systems and anti-falsification electronic systems, namely, electronic systems comprised of computer hardware and software that matches individual software applications and data via unique numerical codes to prevent false and/or counterfeit access; bar code readers; magnetic coding devices, namely, electronic coding units; computer software for the identification, marking, certification and tracking of products; computer software for protection against counterfeiting and commercial fraud; electronic security systems, namely, computer systems comprised of hardware and software for the application of unique holograms to data for preventing brand and product piracy, counterfeiting and commercial fraud; computer software to protect against unauthorized access to databases and other digitally stored information; magnetic encoded credit cards; electronic encoded chip cards used for the purchase of goods and services; computer software platforms for data processing systems, of payment management for web sites and/or electronic sale; memory cards; printers for computers, computer cursor control devices, namely, computer mice, digitizer tablets, light pens, touch pads, trackballs; computer storage devices, namely, blank flash drives, portable computers,” in International Class 9; to the agreed upon amended identification, as follows:*

**“Electronic apparatus for the generation and/or verification of digital signatures; software for secure data storing and retrieving; anti-counterfeit electronic systems and anti-falsification electronic systems, namely, electronic systems comprised of computer hardware and software that matches individual software applications and data via unique numerical codes to prevent false and/or counterfeit access; bar code readers; magnetic coding devices, namely, electronic coding units; computer software for the identification, marking, certification and tracking of products; computer software for protection against**

**counterfeiting and commercial fraud; electronic security systems, namely, computer systems comprised of hardware and software for the application of unique holograms to data for preventing brand and product piracy, counterfeiting and commercial fraud; computer software platforms for data processing systems, of payment management for web sites and/or electronic sale,”** in International Class 9.

Applicant submits that the amendment does not exceed the scope of the identification of goods in the subject application.

Opposer, Cavium, Inc., through counsel, consents to the amendment of International Class 9 in the subject application, as identified above.

Contingent upon the acceptance by the Board of the above-identified amendment, then, pursuant to 37 C.F.R. §2.106(c) and TBMP §601.01, Opposer, through counsel, withdraws the Notice of Opposition filed against Applicant, without prejudice.

Applicant, through counsel, consents to the contingent withdrawal without prejudice of the present opposition.

If the above-identified amendment is not accepted by the Board, the Parties request that the opposition be suspended for thirty (30) days, so that the Parties may negotiate a further amendment to the subject application acceptable to the Board.

Accordingly, the Parties, through their undersigned counsels, respectfully request that the Board grant this Motion to Amend Application and Contingent Motion to Withdraw Opposition Without Prejudice.

May 11, 2015

Respectfully submitted,

/fbhatti/

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May 11, 2015

Respectfully submitted,

/rgan/

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**CERTIFICATE OF SERVICE**

I, Christopher Emond, hereby certify that a true and complete copy of the foregoing Motion to Amend Application and Contingent Motion to Withdraw Opposition Without Prejudice has been served on Opposer's attorney of record, Farah P. Bhatti, Esq., by transmitting said copy on this 11<sup>th</sup> day of May 2015, via First Class Certified Mail, postage prepaid to:

Farah P. Bhatti, Esq.  
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          /cpe/            
Christopher Emond