

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

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Mailed: September 9, 2015

Opposition No. **91221202**

The Viking Corporation

v.

Viking Controls, Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On May 11, 2015, Applicant filed a proposed amendment to its Application Serial No. 86255273 with the Trademark Examining Operation. Although improperly filed, the Board considered the amendment. As Opposer's consent to the amendment was not of record, the Board deferred ruling on the proposed amendment and issued an order on August 17, 2015, allowing Applicant time in which to provide Opposer's consent. On August 27, 2015, Opposer filed its consent to the amendment.

By the proposed amendment, Applicant seeks to amend the recitation of services in International Class 37 as follows (amendment in bold type):

From: Installation, maintenance, and repair of environmental control systems for buildings; Installation, maintenance, and repair of systems for providing heating, ventilating, and air conditioning for industrial, commercial, governmental facilities; Installation, maintenance, and repair of heating, ventilating, and air conditioning systems for facility management controls; Maintenance of critical environmental control systems in

industrial, commercial, and governmental facilities; in International Class 37.

To: Installation, maintenance, and repair of environmental control systems for buildings; Installation, maintenance, and repair of systems for providing heating, ventilating, and air conditioning for industrial, commercial, governmental facilities; Installation, maintenance, and repair of heating, ventilating, and air conditioning systems for facility management controls; Maintenance of critical environmental control systems in industrial, commercial, and governmental facilities; **none of the aforesaid services relating to fire detection, fire protection or fire suppression**; in International Class 37.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, **Opposer is allowed until OCTOBER 8, 2015, to file a withdrawal of the opposition, failing which the Board may issue a notice of default against Applicant pursuant to Fed. R. Civ. P. 55(a) for its failure to answer the notice of opposition.**

Proceedings are otherwise **SUSPENDED**.

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