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

Proceeding	91222680
Party	Defendant entegra technologies, inc.
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Attachments	ENTG 4368-01300 Consented Motion to Amend 4.13.2016.pdf(85766 bytes )

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

In the Matter of U.S. Trademark Application Serial No. 86/167,885 for the mark ENTEGRA CROSSFIRE (stylized) owned by Entegra Technologies, Inc.

ATI Technologies ULC	§	
	§	Opposition No. 91222680
Opposer,	§	
	§	
v.	§	Serial No. 86/167,885
	§	Mark: ENTEGRA CROSSFIRE (stylized)
Entegra Technologies, Inc.	§	
	§	
Applicant.	§	

**CONSENTED MOTION TO AMEND APPLICATION**

Applicant, Entegra Technologies, Inc., respectfully requests the U.S. Trademark Trial and Appeal Board (“Board”) approve the following amendment to Applicant’s recitation of goods and services in U.S. Trademark Application Serial No. 86/167,885:

Computers; namely tablet computers; desktop computers; tabletop computers; panel mount computers; mobile computers, all ruggedized and used for enterprise business systems; ~~computer hardware and computer peripherals; wireless computer peripherals;~~ mobile communications modules and sensors for use with rugged computers and tablet computers for enterprise business systems; electronic docking stations; computer docking stations; batteries and battery chargers; vehicle mount solutions, namely, mounting devices for computers and tablet computers; computer software, namely, computer operating system software for ruggedized computers used for enterprise business systems, computer application software for accessing and interacting with enterprise business systems and customer proprietary systems for general purpose data entry into database or spreadsheet applications, data retrieval systems, and internet web browsing systems; computer utility software for ruggedized computers used for enterprise business systems; all of the foregoing goods excluding semiconductors, circuit boards, peripheral graphics boards, and drive software for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation or playback, in International Class 009; and

Consulting services in the field of design, engineering, testing, certification, quality control, selection, implementation and use of ruggedized computer hardware and software systems for enterprise business system use by others, excluding consulting relating to semiconductors, circuit boards, peripheral graphics boards, and drive software

for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback, in International Class 042.

Upon entry of the requested amendment by the Board, the goods and services would be recited as follows:

Computers, namely, tablet computers, desktop computers, tabletop computers, panel mount computers, mobile computers, all ruggedized and used for enterprise business systems; mobile communications modules and sensors for use with rugged computers and tablet computers for enterprise business systems; electronic docking stations; computer docking stations; batteries and battery chargers; vehicle mount solutions, namely, mounting devices for computers and tablet computers; computer software, namely, computer operating system software for ruggedized computers used for enterprise business systems, computer application software for accessing and interacting with enterprise business systems and customer proprietary systems for general purpose data entry into database or spreadsheet applications, data retrieval systems, and internet web browsing systems; computer utility software for ruggedized computers used for enterprise business systems; all of the foregoing goods excluding semiconductors, circuit boards, peripheral graphics boards, and drive software for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation or playback, in International Class 009; and

Consulting services in the field of design, engineering, testing, certification, quality control, selection, implementation and use of ruggedized computer hardware and software systems for enterprise business system use by others, excluding consulting relating to semiconductors, circuit boards, peripheral graphics boards, and drive software for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback, in International Class 042.

Opposer, ATI Technologies ULC, has consented to this amendment via a Settlement Agreement entered into by the parties on April 12, 2016.

The Board has the authority to grant Applicant's proposed amendment pursuant to TMEP § 1505.01(f), which states "[i]f the applicant files an amendment after a notice of opposition has been filed, the Board will act on the amendment under 37 C.F.R. § 2.133. The Board has jurisdiction over any application in which an opposition has been filed." 37 C.F.R. § 2.133 further provides that "[a]n application subject to an opposition may not be amended in substance nor may a registration subject to a cancellation be amended or disclaimed in part, except with the

consent of the other party or parties and the approval of the Trademark Trial and Appeal Board, or upon motion.” Moreover, “[a] proposed amendment to any application or registration which is the subject of an inter partes proceeding must also comply with all other applicable rules and statutory provisions.”

Here, Applicant’s proposed amendment to its recitation of goods and services in International Classes 009 and 042 is made with the consent of Opposer and is otherwise in full compliance with the applicable rules and statutory provisions since it deletes and restricts items in the existing goods and services description. Specifically, Applicant’s proposed amendment to the existing recitation of goods and services deletes “computer hardware and computer peripherals; wireless computer peripherals” from the recitation in International Class 009, and more clearly specifies via restriction, the nature of remaining goods in International Class 009 and services in International Class 042. Pursuant to TMEP § 1505.02(a), “[i]f an applicant proposes to amend the identification of goods/services after publication by *restricting* or *deleting* items in the existing identification, and the amendment is otherwise proper, the USPTO will approve the amendment.”

For the foregoing reasons, Applicant respectfully requests that this Board approve Applicant's amendment to its recitation of goods and services in International Classes 009 and 042.

Respectfully Submitted,

ENTEGRATECHNOLOGIES, INC.

By: *Kristin Jordan Harkins*  
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**CERTIFICATE OF TRANSMISSION UNDER TBMP 110**

I HEREBY CERTIFY that a true and correct copy of this document, *Consented Motion to Amend Application*, in Opposition No. 91222680 is being filed electronically through <http://esta.uspto.gov> via the Trademark Trial and Appeal Board Electronic Filing System.

On Wednesday, the 13<sup>th</sup> day of April, 2016.

  
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Laura A. Brock

**CERTIFICATE OF SERVICE UNDER TBMP 113**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Consented Motion to Amend Application*, in Opposition No. 91222680 has been mailed by First Class U.S. Mail, postage prepaid, to counsel for Opposer, ATI Technologies ULC, as follows:

Belinda J. Scrimenti  
Pattishall McAuliff Newbury Hilliard et al.  
200 South Wacker Drive, Suite 2900  
Chicago, IL 60606

On Wednesday, the 13<sup>th</sup> day of April, 2016.

  
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Danielle Lehrman