

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

nmt/wbc

Mailed: November 12, 2015

Cancellation No. 92059174

*MSC Services Corp. and Sid Tool Co., Inc.
dba MSC Industrial Supply Co.*

v.

MSC Technologies GmbH

By the Trademark Trial and Appeal Board:

On November 6, 2015, Respondent filed a renewed proposed amendment to its Registration No. 4448231, with Petitioner's consent, and Petitioner's withdrawal of the petition to cancel with prejudice, contingent upon entry of the amendment.

By the proposed amendment Respondent seeks to amend the identification of goods, by deleting in their entirety, the goods in International Classes 16 and 35.

Respondent's request is taken as a voluntary surrender of its Registration No. 4448231 in Classes 16 and 35 only, under Section 7(e) of the Trademark Act, with Petitioner's written consent.

In view thereof, Registration No. 4448231 will be cancelled in Classes 16 and 35 only in due course by the Commissioner for Trademarks.

Furthermore, Respondent seeks to amend the identification of goods and recitation of services in International Classes 9 and 42 to the following:

International Class 9

“Computers, namely, industrial PCs, human machine interface units comprising a computer and a display, panel PCs; embedded computers; embedded computer modules; embedded computer circuit boards and baseboards.”

International Class 42

“Design and development of embedded computers; technology consulting services in the fields of embedded computers and embedded computing; technical support services, namely, troubleshooting problems in the fields of embedded computers and embedded computing; providing information in the fields of developing embedded computers and embedded computing over computer networks and global communication networks.”

Inasmuch as the amendment now complies with the requirements of Trademark Rule 2.173, it is limiting in nature, and Petitioner consents thereto, the amendment is approved. *See* Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.¹

The contingency in petitioner's withdrawal having now been met, the petition to cancel is dismissed with prejudice.

¹ A copy of the Board's order granting the amendment, and respondent's declaration, will be forwarded electronically for uploading to the record of the registration.