

TTAB

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

In the matter of Trademark Application No. 76/118,557
Mark: CF ARTISAN
Filed: August 29, 2000



02-24-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

EMBARCADERO TECHNOLOGIES, INC.)
 Opposer)
)
 v.)
)
JOHNSON CONTROLS, INC.)
 Applicant)

03 MAR -4 11:30 AM '00

JOINT MOTION TO AMEND APPLICATION

Pursuant to TMEP § 1505.2(c), Applicant, Johnson Controls, Inc. and potential
Opposer Embarcadero Technologies, Inc. (the "Parties"); by and through their respective
attorneys hereby jointly submit this Motion to Amend Application. The Parties jointly request
that the Board suspend the time for filing an opposition and forward the file to the
Photocomposition Coordinators in the Publication and Issue Section of the Office, to amend the
application by deleting the entire, current identification of goods and services, and substituting
therefore the following:

International Class 9: Computer hardware and software used to monitor
mission critical applications in facility management control systems -
namely, heating, ventilation, air conditioning, refrigeration, energy,
lighting, electrical, fire alarm, and security access systems - for
industrial, commercial, and governmental facilities, and not relating to
database software, database management, database administration, or
database utilization.

International Class 35: Business consultation services - namely,
analyzing, planning, and monitoring resource investment for mission
critical programs facility management controls systems - namely,
heating, ventilation, air conditioning, refrigeration, energy, lighting,
electrical, fire alarm and security access systems - for industrial,
commercial, and governmental facilities.

International Class 42: Design and installation for others of computer application frameworks and facility management control systems – namely, heating, ventilation, air conditioning, refrigeration, energy, lighting, electrical, fire alarm and security access systems – for industrial, commercial, and governmental facilities, and not relating to database software, database management, database administration, or database utilization.

The Parties respectfully submit that the proposed amendment limits and clarifies the goods and services identified in the application, and does not add to those goods and services, in compliance with 37 C.F.R. § 2.71(b). Consequently, the Parties respectfully submit that the Examiner should accept this amendment, without requiring republication.

Once the Examiner has approved the amendment and the Photocomposition Coordinator enters it and returns the file to the TTAB, the Parties request that the TTAB close its file for this matter. Potential Opposer hereby confirms that it will not seek any further extensions or an opposition against this application.

This Joint Motion is being submitted in triplicate.

Respectfully submitted,

Dated this 18 day of February, 2003.

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CERTIFICATE OF SERVICE

I, ARDIS J. SITAR, hereby certify that on February 18,
2003, a true and correct copy of the JOINT MOTION TO AMEND APPLICATION were
served by first-class mail, postage prepaid, on the following:

Harold J. Milstein
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CERTIFICATE OF DEPOSIT

I, ARDIS J. SITAR, hereby certify that this paper is being deposited
with the United States Postal Service as first class mail, postage prepaid, in an envelope
addressed to:

Box TTAB NO FEE
ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-2513

On FEB. 18, 2003.

Ardis J. Sitar