

ESTTA Tracking number: **ESTTA1194250**

Filing date: **03/02/2022**

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

Application serial no.	90348549
Applicant	Progress Rail Services Corporation

## Notice of Appeal

Notice is given that Progress Rail Services Corporation appeals to the Trademark Trial and Appeal Board the refusal to register the application or the cancellation of the registration. A request for reconsideration has been filed. A suspension of the appeal is requested pending reconsideration.

The following goods or services are at issue on appeal:

- Class 009. First Use: None First Use In Commerce: None

All goods and services in the class are appealed, namely: Vehicle and machinery management systems comprised of recorded software and computer hardware for both remote and automated operation, monitoring, analysis, diagnostics, optimization, maintenance, physical inspection, alerts generation, collaborative communication, information management, and troubleshooting of vehicles, railroad equipment, and railroad assets, and parts, components, and equipment for all of the foregoing; vehicle and machinery management systems for vehicles, railway equipment, rail assets, and parts, and components, namely, recorded software and computer hardware for both remote and automated operation, monitoring, analysis, diagnostics, optimization, maintenance, physical inspection, alerts generation, collaborative communication, information management, and troubleshooting of vehicles, railroad equipment, and railroad assets, and parts, components, and equipment for all of the foregoing; downloadable and recorded software for both remote and automated operation, monitoring, analysis, diagnostics, optimization, maintenance, physical inspection, alerts generation, collaborative communication, information management, and troubleshooting of vehicles, railroad equipment, and railroad assets, and parts, components, and equipment for all of the foregoing; computer hardware for both remote and automated operation, monitoring, analysis, diagnostics, optimization, maintenance, physical inspection, alerts generation, collaborative communication, information management, and troubleshooting of vehicles, railroad equipment, and railroad assets, and parts, components, and equipment for all of the foregoing; automatic train operation systems namely, a train control system used in the railway industry for detecting and controlling trains, ground faults, broken rails, power failures, track switches and lights; automatic train control system, namely, a train control system used in the railway industry for detecting and controlling trains, ground faults, broken rails, power failures, track switches and lights; all of the foregoing in the field of train automation and none of the foregoing in the field of cyber security

Respectfully submitted,

/kls/

03/02/2022

KELU SULLIVAN

KELLY IP, LLP

1300 19TH STREET, NW, SUITE 300

WASHINGTON, DC 20036

UNITED STATES

Primary email: CATdocketing@kelly-ip.com

Secondary email(s): Stephanie.Bald@kelly-ip.com, kulu.sullivan@kelly-ip.com, kelly.kurtz@kelly-ip.com

202-808-3570

Docket no.	191.0397
------------	----------