

ESTTA Tracking number: **ESTTA424510**

Filing date: **08/11/2011**

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

Proceeding	91196411
Party	Defendant SINDIVIDRO - Sindicato da Indústria de Vidros e Cristais Planos e Ocos no Estado de São Paulo
Correspondence Address	ARTURO PEREZ-GUERRERO LAW OFFICES OF ARTURO PEREZ-GUERRERO P.O. BOX 9024163 SAN JUAN, PR 00902-4163 UNITED STATES arturo@perezguerrero.com
Submission	Other Motions/Papers
Filer's Name	Arturo Perez-Guerrero
Filer's e-mail	arturo@perezguerrero.com
Signature	/Arturo Perez-Guerrero/
Date	08/11/2011
Attachments	amendment ECCO2.pdf (3 pages)(33784 bytes)

In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board

EKCO Houswares, Inc.
Plaintiff

Opposition No. 91196411

v.

Serial No. 77823411

SINVIDRO - Sindicato da Indústria de Vidros
e Cristais Planos e Ocos no Estado de São Paulo

AMENDED MOTION TO AMEND THE IDENTIFICATION OF THE GOODS
SOUGHT TO BE COVERED AS PART OF SETTLEMENT AGREEMENT

Comes now, SINVIDRO Sindicato da Indústria de Vidros e Cristais Planos e Ocos no Estado de São Paulo (SINVIDRO), and through its legal representation respectfully pleads and avers as follows:

The present amended motion is presented to correct a reference on the second page of the originally filed motion to an incorrect mark. That is, in the second page of this motion, as originally filed, the second full paragraph reads “Wherefore, Applicant respectfully requests the present amendment to be made of record and that the notice of allowance of the applied for mark, UNITITE IMPLANT and design, be issued thereafter” when it should read “...and that the notice of allowance of the applied for mark, ECCO! GLASSWARE and design, be issued thereafter.”

The parties in this proceeding have reached a settlement agreement according to which EKCO Houswares, Inc. (EKCO) will withdraw its opposition against the registration of the mark ECCO! GLASSWARE and design in exchange for, among other things, SINVIDRO’s deletion of the wording “household or kitchen utensils and containers made of semi-worked glass, namely, beverage glassware, bowls, and vases” as

well as “glass beverageware” and “serving ware, namely, spoons, tongs, snack trays, namely, serving trays”, from the identification of the goods included in the application for registration of the mark ECCO! GLASSWARE and design.

Accordingly, Applicant respectfully request that the identification of the goods of application serial no. 77823411, for the mark ECCO! GLASSWARE and design, and design be amended so that it reads as follows:

PRODUCTS MADE OF GLASS FOR DECORATION PURPOSES, NAMELY, VASES, CANDLE RINGS AND HOLDERS, DECORATIVE GLASS CENTERPICES, GLASS SCULPTURES,

The amended identification of goods is encompassed by the original identification and is clearly limiting in nature because it merely deletes some goods from that identification. Accordingly, pursuant to T.M.E.P. section 15.5(a), the amendment does not require either an additional search or republication of the mark.


Wherefore, Applicant respectfully requests the present amendment to be made of record and that the notice of allowance of allowance of the applied for mark, ECCO! GLASSWARE and design, be issued thereafter.

Certificate of Service

The undersigned hereby certifies that it is serving a copy of the present motion by email and first class mail to Allexis E. Payne, Pattishall, McAuliffe, Newbury, Hillard & Geraldson LLP, 311 S. Wacker Drive, Suite 5000, Chicago, IL 60606.

Respectfully submitted.

Date: August 11, 2011


Arturo Pérez-Guerrero
Attorney for Applicant
P.O. Box 9024163

San Juan, Puerto Rico 00902-4163
Phone: 787 722-3446
Fax: 787 725-3144
Email: arturo@perezguerrero.com