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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
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Date	10/05/2011
Attachments	motion to amend application oct 5.pdf (2 pages)(52197 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

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 parties in this proceeding 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 amendment to the identification of the goods as stated in the agreement. Said amendment was filed on August 4, 2011. On August 11, applicant filed an amended motion to correct a reference made in the August 4, 2011 motion to an unrelated mark.

On September 9, 2011, the Trademark Trial and Appeal Board issued an order denying the amendment to the identification because the proposed wording expands the scope of part of the identification the goods as published. This board has suggested a modified amended identification that would be acceptable. Said modified amended identification has been approved and accepted by both the applicant and the opposer.

Accordingly, Applicant respectfully request that the identification of the goods of application serial no. 77823411, for the mark ECCO! GLASSWARE and design.

be amended so that it reads as follows:

Containers made of semi-worked glass, namely, vases; products made of glass for decoration purposes, namely, candle rings and holders, decorative glass centerpieces, and 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 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 Alexis E. Payne, Pattishall, McAuliffe, Newbury, Hillard & Geraldson LLP, 311 S. Wacker Drive, Suite 5000, Chicago, IL 60606.

Respectfully submitted.

Date: October 5, 2011



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