

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Am

Mailed: May 29, 2012

Opposition No. 91199964

RalphAnderl, ic! berlin
brillen GmbH

v.

INSPEC International Limited

Cheryl S. Goodman, Interlocutory Attorney:

On May 18, 2012, applicant filed a second proposed amendment to its application Serial No. 85046084, with opposer's consent.¹

By the proposed amendment applicant seeks to change the identification of goods **from**

"Articles of protective headgear including helmets; ear protectors including ear plugs; eye protectors including spectacles, goggles, face shields and visors; respiratory protection apparatus including masks, filters, hoods and breathing apparatus; apparatus for protection against falling including safety harnesses, belts, lifelines and safety rope systems for persons working at heights; articles of protective leg and footwear including boots and shoes; articles of protective hand wear including gloves, mittens and gauntlets; articles of protective clothing"

¹ Applicant's amendment does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, the parties are directed to the following URL where they may view a copy of said amendment:
<http://ttabvue.uspto.gov/ttabvue/v?pno=91199964&pty=OPP&eno=24>

to

"Articles of protective headgear including helmets; ear protectors including ear plugs; eye protectors including spectacles, goggles, face shields and visors, but excluding fashion eyewear, prescription glasses, sunglasses, sports glasses, magnifying spectacles, loupes and binocular loupes; respiratory protection apparatus including masks, filters, hoods and breathing apparatus; apparatus for protection against falling including safety harnesses, belts, lifelines and safety rope systems for persons working at heights; articles of protective leg and footwear including boots and shoes; articles of protective hand wear including gloves, mittens and gauntlets; articles of protective clothing, but excluding fashion clothing, fashion footwear and fashion headgear."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

With regard to the drawing, applicant seeks to amend the

drawing from:



to:



Standard No.

Applicant advises that "Standard No." is an unregistrable component, and refers to the standard against which the product was certified.

The Board finds that the addition of "Standard No." does not constitute a material alteration of the mark and that the mark remains a substantially exact representation of the mark in the foreign registration with the addition of the unregistrable term "Standard No."

Accordingly, the amended drawing is approved.

In conjunction with the amended drawing, applicant has provided a disclaimer: "applicant does not claim exclusive right to use 'Standard No.'" Applicant states that the terms "are hereby disclaimed as being solely an unregistrable component of the composite mark."

The disclaimer of the unregistrable component "Standard No." is approved. The disclaimer will be entered into the application as "No claim is made to the exclusive right to use Standard No. apart from the mark as shown."

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).