

ESTTA Tracking number: **ESTTA622493**

Filing date: **08/20/2014**

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

Proceeding	91216671
Party	Defendant Nanjing Fire Protection Technology Co., Ltd.
Correspondence Address	NANJING FIRE PROTECTION TECHNOLOGY CO LTD 599 ZHUSHAN RD, JIANGNING DISTRICT NANJING, 211100 CHINA tim@headleyiplaw.com
Submission	Other Motions/Papers
Filer's Name	Tim Headley
Filer's e-mail	tim@headleyiplaw.com
Signature	/Tim Headley/
Date	08/20/2014
Attachments	2014 08 20 Motion to limit applicant's description of goods.pdf(21621 bytes )

**In The United States Patent And Trademark Office  
Before The Trademark Trial And Appeal Board**

<b>Inficon GmbH</b>	§	
	§	
Opposer,	§	Opposition No. 91216671
v.	§	
	§	Mark: NaXtek (stylized)
<b>Nanjing Fire Protection Technology Co., Ltd.</b>	§	
	§	
	§	Application No. 86049708
Applicant	§	

**Agreed Motion To Limit Applicant’s Description Of Goods**

1. Both parties have signed a “Co-Existence Agreement”, which Applicant has filed with the TTAB on this date, August 20, 2014 (ESTTA Tracking number: ESTTA622449).
2. Pursuant to paragraphs 2, 6, & 7 of the Co-Existence Agreement, Applicant requests that the TTAB amend Applicant’s description of its goods to add the following limitation at the end of the description: “none of the above goods for use in the field of thin film deposition control”.
3. Thus, Applicant’s amended description of its goods would read as follows:

“Access control and alarm monitoring systems; Acoustic sound alarms; Alarm central units; Alarm installations and alarms; Alarm monitoring systems; Alarm that utilizes pressure sensitive pads to monitor patients or resident movement; Alarms for the detection of inflammable gases; Anti-intrusion alarms; Building security systems comprising software and hardware for providing picture, video, alarm status, building plans, and

other information to a remote station; Carbon dioxide discharge valves for use in fire suppression systems; Carbon dioxide refrigeration apparatus for use in fire suppression systems; Electrical controls for irrigation sprinkler systems; Electronic alarm for providing notice of bed-wetting; Electronic door alarms; Electronic exit alarms; Environmental monitoring system comprised of meters and sensors that measure pressure, humidity, temperature and includes alarm and reporting functions; Fire alarm and emergency evacuation devices, namely, fire alarm control panels, smoke detectors, heat detectors, alarm pull stations, audible and visible notification appliances, strobes, sirens, bells, horns, and speakers; Fire alarms; Fire alarms in the shape of Christmas tree ornaments; Fire and smoke detectors; Fire boats; Fire engines; Fire extinguishers; Fire extinguishing apparatus; Fire extinguishing apparatus for automobiles; Fire fighting equipment, namely, fire fighting monitors that spray foam or liquids on fires; Fire hose nozzles; Fire pumps; Fire sprinklers; Fire-extinguishers; Fire-extinguishing systems; Fire-fighting equipment, namely, water cannons; Gas alarms; Leak detecting device for water supplied home appliances consisting of water sensor, control unit with audible alarm and water valves; Manual control panels for use in carbon dioxide fire suppression systems. Release valves and switches for use in carbon dioxide fire suppression systems; Security alarm controllers; Security and fire alarms; Smoke alarm tester in the nature of a cool burning smoke generator; Smoke alarms; Sound alarms; Sprinkler heads for fire sprinklers; Sprinkler systems for fire protection; Sprinkler valve wiring hubs, including both computerized and non-computerized units; Telecommunications equipment, namely, fiber-optic transceivers, fiber optic repeaters, converters and optimizers, wave division multiplexers, free-space optics transmission systems, switches including Ethernet switches and routers, fiber-to-the-home and ethernet-over-VDSL access aggregators, terminators and repeaters, and remote presence management products, namely, switches, and console, alarm, sensor and power management devices; Thermally activated manually resettable fire safety valves; Wireless digital electronic apparatus to secure and protect data and images on all forms of wireless equipment including mobile telecommunications equipment using an automatic synchronization process and alarm notification of the loss or theft of the wireless equipment including mobile telecommunications equipment, none of the above goods for use in the field of thin film deposition control.”

4. Pursuant to paragraph 7 of the Co-Existence Agreement, if the TTAB accepts the foregoing limitation to Applicant’s description of its goods, then Opposer will withdraw its opposition.

Respectfully submitted,



Tim Headley  
Attorney For Applicant  
State Bar No. 09325210  
7941 Katy Fwy., Suite 506  
Houston, TX 77024-1924  
Phone: 713-467-8500  
Fax: 713-467-8501  
Email: [tim@headleyiplaw.com](mailto:tim@headleyiplaw.com)

### **Certificate of Filing**

I certify that Applicant's Motion, in Opposition No. 91216671, is being filed electronically via ESTTA on August 20, 2014, with:

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



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Tim Headley

### **Certificate Of Service**

I certify that on August 20, 2014, I will cause a copy of Applicant's motion, in Opposition No. 91216671, to be served by email (with his consent) on counsel for Opposer:

Jason S. Nardiello  
Hiscock & Barclay, LLP  
One Park Place  
300 South State Street  
Syracuse, New York 13202



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Tim Headley