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

Proceeding	91221024
Party	Defendant Evotek Engineering SRL
Correspondence Address	DENNIS H CAVANAUGH D H CAVANAUGH ASSOCIATES 555 5TH AVE FL 17 NEW YORK, NY 10017-9254 UNITED STATES dhc@dhcavanaugh.net
Submission	Other Motions/Papers
Filer's Name	Dennis H. Cavanaugh
Filer's e-mail	dhc@dhcavanaugh.net
Signature	/Dennis H. Cavanaugh/
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Attachments	INFICON EVOTEK STIPULATION 2.pdf(444894 bytes)

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

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INFICON GmbH, :
Opposer, : Opposition No.: 91221024
v. :
EVOTEK ENGINEERING SRL, :
Applicant, :
-----X

**COMBINED STIPULATED REQUEST FOR AMENDMENT OF APPLICATION
AND CONDITIONAL MOTION FOR THE WITHDRAWAL OF OPPOSITION AND
STIPULATED MOTION TO SUSPEND OPPOSITION PROCEEDING**

I. Stipulated Request for Amendment

Pursuant to 37 C.F.R. 2.133 (a), Opposer hereby files this Stipulated Request for Amendment of Application Ser. No. 79/123,209, with the consent of Applicant pursuant to the Settlement Agreement entered into between the parties in this matter attached hereto. Opposer hereby requests the identification of goods in Class 9 be amended as follows:

E EVOTEK ENGINEERING (stylized), Application Ser. No. 79/123,209 – “Apparatus for transmission or reproduction of sound or images, stands for mobile telephones, covers for mobile telephones, stands for audio-video apparatus and mechanisms, blank magnetic data carriers, blank recording discs, blank compact discs, and DVDs; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling

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electricity, namely, electric and electronic apparatus and instruments for controlling the operation and driving of vehicles; onboard electronic components of vehicles, namely, computer hardware, central processing units, electrical controllers, multiplexers, electric switches, electronic display screens and structural parts thereof; onboard electronic components of vehicles, namely, electronic controls for internal combustion engines or electric motors for land vehicles; vehicle onboard electronic communications network systems comprised of computer hardware and software for the transmission of data; computer network interface devices; computer network interface devices for vehicle data networks and vehicle bus systems; computer hardware in the nature of computer mainframes for use in vehicles; computer hardware for use in managing data in vehicle data networks, namely, multiplexers and multiplexers with digital graphic display screens; central onboard electronic controllers for vehicles; network routers for vehicles; electrical switches, namely, switch panels for vehicles; meters for measuring electricity; voltage regulators; voltage and amperage testers; cash registers, calculating machines, data processing apparatus, computers; computer software for use in the field of vehicle and engine design, controlling vehicle simulators, carbon fiber applications and acoustics, simulators for training of vehicles driving, simulators for

Exotek Engineering S.A.

driving and control of vehicles; fire-extinguishing apparatus, **all of the foregoing not for leak detection.**”

The foregoing Amendment proposes to more narrowly define the identification of goods in Class 9 in this application. The Amendment is being filed pursuant to a Settlement Agreement with Opposer. The amendment does not affect the substance of the Applicant’s mark and more narrowly defines the scope of the goods covered by the application. Therefore, it is submitted the amendment can be entered without republication. The identification of goods and services in Classes 12 and 42 are unaffected by this amendment and remain the same.

II. Stipulated Motion to Suspend the Opposition Proceeding

The parties respectfully request that the opposition proceeding be suspended so that the Board and Examiner can evaluate the proposed amendment to the application.

III. Stipulated Conditional Motion for Withdrawal

Petitioner requests that the Notice of Opposition that it filed in connection with Application Ser. No. 79/123,209 against EVOTEK be withdrawn conditioned upon the Trademark Trial and Appeal Board’s and/or Examiner’s acceptance of the Request to Amend the Identification of Goods in said application.

INFICON GmbH and Evotek Engineering SRL stipulate that the opposition proceeding shall be dismissed without prejudice upon the Board’s acceptance of the Request to Amend the Identification of Goods in Application Ser. No. 79/123,209.

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The undersigned consented to all of the foregoing:



Dennis H. Cavanaugh, Esq.
D H Cavanaugh Associates
555 Fifth Avenue, 17th Floor
New York, NY 10017
(212) 856-7210

Attorneys for Applicant

Dated: 9/13/2016



Jason S. Nardiello, Esq.
BARCLAY DAMON, LLP
300 South State Street
Syracuse, New York 13202
(315) 425-2817

Attorneys for Opposer

Dated: 9/13/2016



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CERTIFICATE OF SERVICE

DENNIS H. CAVANAUGH, declares that:

1. I am counsel for the Applicant in the captioned action, and that on the execution date which appears below, a true copy of the foregoing was served on Opposer's counsel, by causing the same to be emailed, per prior agreement, addressed as follows:

JNardiello@barclaydamon.com

2. Pursuant to 28 U.S.C. Sect. 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on September 23, 2016

/Dennis H. Cavanaugh/
By _____
Dennis H. Cavanaugh