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

Proceeding	91227088
Party	Plaintiff Andersen Corporation
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Submission	Withdrawal of Opposition
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Date	10/26/2017
Attachments	2017 10 26 Consented Req to Amend and Contingent Dismissal 91227088.PDF(149863 bytes)

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

Andersen Corporation,)	Opposition No. 91227088
)	
Opposer,)	Mark: AW and Design
)	
v.)	Serial No.: 86/407190
)	
Air Water, Inc.,)	Filing Date: September 26, 2014
)	
Applicant.)	Publication Date: September 29, 2015

CONSENTED REQUEST TO AMEND APPLICATION
AND CONTINGENT DISMISSAL OF OPPOSITION

Applicant, Air Water, Inc., through counsel, requests that the Board enter the following amendments in application Serial No. 86/407190. Opposer, Andersen Corporation, through counsel, consents to the amendments.

Applicant requests that Class 19 be deleted in its entirety.

In Class 6, Applicant requests that all goods be deleted except for “reservoirs of metal” as shown below:

~~iron and steel; nonferrous metals and their alloys; ores of metal; metal materials for building or construction, namely, metal decks, metal floor boards, metal pergolas, metal louvers, metal guard fence, metal fences, metal guardrail and metal joists; metal joinery fittings; metal hardware, namely, nuts, bolts, brackets; prefabricated building assembly kits of metal; reservoirs of metal; metal pulleys, springs and valves; industrial packaging containers of metal; loading and unloading pallets of metal; turn tables for load handling made of metal; traversers for load handling made of metal; artificial fish reefs of metal; metal moulds for forming cement products; transportable greenhouses of metal for household use; paint spraying booths of metal; prefabricated sectional poultry houses of metal; non-luminous beacons of metal; not luminous or mechanical road signs of metal; railway points; metal junctions for pipes; metal flanges; metal cotter pins; anchors; mooring bitts of metal; mooring bollards of metal; anvils; swage blocks; wire nets and gauzes; wire ropes; metal chains for dogs; water tanks of metal for household purposes; tool boxes of metal sold empty; money boxes of metal; metal stepladders and ladders; metal nameplates; towel dispensers of metal; hat hanging hooks of metal; letter boxes of metal; metal safes; upright signboards of common metal; sculptures of metal; exterior blind of metal; metal tombs and metal tomb plaques; buckles of common metal; ferrules of metal for canes and walking sticks; crampons being climbing irons; carabiners being metal hardware; diving platforms of metal; spurs; rock pitons of metal~~

In Class 37, Applicant requests that "general building construction works" be amended to "general building construction works not including doors and windows" and that "glass installation services" and "thermal insulating for buildings" be deleted as shown below:

general building construction works not including doors and windows; dredging; construction and maintenance services of property relating to civil engineering; road paving; masonry; ~~glass installation services~~; steel structure construction works; plastering; carpentry; tile laying, bricklaying or block laying; joinery; building reinforcing; painting; scaffolding, earthworks or concrete construction; upholstering; Building construction services, namely, installation of metal sheets; building damp-proofing; roofing services; plumbing; machinery installation; drilling of wells; electrical installation services, namely, installing electric appliances and power distribution work; telecommunication wiring; ~~thermal insulating for buildings~~; operation and maintenance of building equipment, namely, operation of crane, operation of equipment in operating room, operation of chemical plants and operation of air separation plant; shipbuilding; repair or maintenance of vessels; aircraft repair or maintenance; repair of bicycles; repair or maintenance of automobiles; repair or maintenance of railway rolling stocks; repair or maintenance of two-wheeled motor vehicles; repair or maintenance of chick brooders; repair or maintenance of egg incubators; repair or maintenance of medical apparatus and instruments; repair or maintenance of printing or bookbinding machines and apparatus; repair or maintenance of movie projectors; repair or maintenance of photographic machines and apparatus; repair or maintenance of elevators being lifts; repair or maintenance of chemical processing machines and apparatus; repair or maintenance of fire alarms; repair or maintenance of gasoline station equipment; repair or maintenance of glassware manufacturing machines and apparatus; repair or maintenance of mechanical parking systems; repair or maintenance of milk filtering machines; repair or maintenance of milking machines; repair or maintenance of industrial dishwashers; repair or maintenance of electric washing machines for industrial purposes; repair or maintenance of fishing machines and instruments; repair or maintenance of metalworking machines and tools; repair or maintenance of shoe making machines; repair or maintenance of plowing machines and implements other than hand-held tools; repair or maintenance of cultivating machines and implements; repair or maintenance of harvesting machines and implements; repair or maintenance of plant fiber processing machines and implements; repair or maintenance of fodder presses; repair or maintenance of fodder cutting machines; repair or maintenance of fodder mixing machines; repair or maintenance of cake-fodder crushing machines; repair or maintenance of industrial furnaces; repair or maintenance of mining machines and apparatus; repair or maintenance of rubber-goods manufacturing machines and apparatus; repair or maintenance of sericultural machines and implements; repair or maintenance of vending machines; repair or maintenance of guns; repair or maintenance of water purifying apparatus; repair or maintenance of electric lighting apparatus; repair or maintenance of machines and apparatus for processing foods or beverages; repair or maintenance of office machines and equipment; repair or maintenance of machines and apparatus for lumbering, woodworking, or veneer or plywood making; repair or maintenance of textile machines and apparatus; repair or maintenance of divers' apparatus; repair or maintenance of measuring and testing machines and instruments; repair or maintenance of tobacco processing machines; repair or maintenance of air-conditioning apparatus for industrial purposes; repair or maintenance of burners; repair or maintenance of boilers; repair or maintenance of pumps; repair or maintenance of freezing machines and apparatus; repair or maintenance of reservoirs; repair or maintenance of telecommunication machines and apparatus; repair or maintenance of computers including electric circuits; repair or maintenance of computers; repair or maintenance of power distribution or control machines and apparatus; repair or maintenance of power generators; repair or maintenance of electric motors; repair or maintenance of painting machines and apparatus; repair or maintenance of vehicle washing installations; repair or maintenance of construction machines and apparatus; repair or maintenance of waste compacting machines and apparatus; repair or maintenance of

waste crushing machines; repair or maintenance of machines and apparatus for pulp-making, papermaking or paper-working; repair or maintenance of semiconductor manufacturing machines and systems; repair or maintenance of apparatus and instruments for use in beauty salons or barbers' shops; repair or maintenance of plastic processing machines and apparatus; repair or maintenance of packaging or wrapping machines and apparatus; repair or maintenance of sewing machines; repair or maintenance of consumer electric appliances; repair or maintenance of amusement machines and apparatus; repair or maintenance of laboratory apparatus and instruments; repair of sports equipment; repair of toys or dolls; furniture restoration; umbrella repair; repair or maintenance of gas water heaters; repair or maintenance of non-electric cooking heaters; repair or maintenance of cooking pots and pans; repair or maintenance of musical instruments; repair of bags or pouches; safe maintenance or repair; shoe repair; setup or repair of locks; repair of toilet stool units with a washing water squirts; repair of fishing tackle; clock and watch repair or maintenance; sharpening of scissors and kitchen knives; repair of billiard equipment; repair of game machines and apparatus; repair of personal ornaments; repair of spectacles; repair or maintenance of bath fittings; fur care and repair; laundering; pressing of clothing; repair of tatami mats; clothing repair being mending clothing; fluffing of cotton batting for futon; chimney sweeping; cleaning of building exterior surfaces; window cleaning; carpet and rug cleaning; floor polishing; septic tank cleaning; reservoirs cleaning; street cleaning; bathtub and bath boiler cleaning; disinfecting of telephone hand-sets; vermin exterminating other than for agriculture, horticulture or forestry; rental of car-washing apparatus; rental of electric washing machines; rental of construction machines and apparatus; rental of floor cleaning machines; rental of mops

Accordingly, the parties respectfully request that proceedings be suspended until such time as the Board acts on the amendments.


Contingent on the Board's entry of this amendment, Opposer voluntarily dismisses Opposition No. 91227088 under Federal Rule of Civil Procedure 41(a) since no Answer or responsive pleading has been filed.


AIR WATER, INC.

ANDERSEN CORPORATION

By its Attorneys,

By its Attorneys,

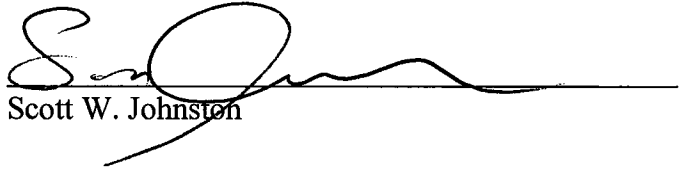
 Date 10-25-17
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 Date 10-26-17
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CONSENTED REQUEST TO AMEND APPLICATION AND CONTINGENT DISMISSAL OF OPPOSITION was served upon the following attorney of record for Applicant by First Class Mail, postage pre-paid, this 26th day of October, 2017:

Gary D. Krugman
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Scott W. Johnston