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mbm/kk

October 23, 2019

Opposition No. 91248426

*Legrand Home Systems, Inc.*

*v.*

*Nuvo Group Ltd*

**Mary Beth Myles, Interlocutory Attorney:**

On October 16, 2019, Applicant filed a proposed amendment to its application Serial No. 79230618, with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of goods in Class 9 as follows (deletions in strike through, additions in bold):

From: Computer hardware and software for use in big data analysis and data management and for listening, monitoring, tracking, recording, storing, managing, displaying, sharing and analyzing the mother and fetus medical parameters, signs, symptoms, and conditions, mother and fetus vitals including heartbeats, fetus position in-utero, fetus movements and kicks, fetus and mother's activity and sleep cycle, mother's skin temperature and breathing patterns, contractions, and the womb surroundings and sounds; computer application software which enables tracking, sharing, tagging and posting the mother and fetus heartbeats, photos, videos and other pregnancy milestones and information by means of a global computer network; fully integrated electronic system incorporating electric sensors embedded into a wearable belt for gathering biometric data, not for medical use; electronic pregnancy monitoring system comprising of wearable abdominal belt including sensors and vital signs sensors and computer application software for listening,

monitoring, tracking, recording, storing, managing, displaying, sharing and analyzing the mother and fetus medical parameters, signs, symptoms and conditions, mother and fetus vitals including heartbeats, fetus position in-utero, fetus movements and kicks, fetus and mothers activity and sleep cycle, mother's skin temperature and breathing patterns, contractions, and the womb surroundings and sounds; computer application software which helps guiding the mother toward lower stress breathing by analyzing and displaying breathing patterns; computer application software which enables to manually capture and record baby kicks, contractions, upcoming and past events relating to the pregnancy including doctor appointments, test results, photos and due date; computer application software that displays environmental conditions and provide activity recommendations based on air quality; computer application software that enables live video chats and/or messages with caregivers; computer hardware and software for use in big data analysis and data management and for listening, monitoring, tracking, recording, storing, managing, displaying and analyzing medical parameters, signs, symptoms, activity and sleep cycles and conditions; computer application software which enables sending, sharing, tagging and posting of medical parameters, signs, symptoms, activity and sleep cycle and conditions; health monitoring system comprised of electric sensors, electronic computer hardware, and computer software that reads and transmits data to and from electronic sensors and facilitates communications between consumers, patients and caregivers; abdominal belts containing an audio controller, ~~speakers, microphone, music player and audio transmitters for purposes of transmitting music/sounds/educational material to a fetus~~; an interactive electronic system comprising of sensors, actuators and central control unit for the purpose of providing controlled stimulation to babies and children; computer hardware, namely a recording and processing unit for recording inputs and for processing the input in relation to pregnancies; computer hardware, namely reproduction unit for controlled reproduction of events sensed by the system in relation to pregnancies; bio-feedback software; scientific teaching apparatus and instruments, namely bio-feedback apparatus for measuring physical properties or parameters.

To: Computer hardware and software for use in big data analysis and data management and for listening, monitoring, tracking, recording, storing, managing, displaying, sharing and analyzing the mother and fetus medical parameters, signs, symptoms, and conditions, mother and fetus vitals including heartbeats, fetus position in-utero,

fetus movements and kicks, fetus and mother's activity and sleep cycle, mother's skin temperature and breathing patterns, contractions, and the womb surroundings and sounds **for health-related purposes**; computer application software which enables tracking, sharing, tagging and posting the mother and fetus heartbeats, photos, videos and other pregnancy milestones and information by means of a global computer network **for health-related purposes**; fully integrated electronic system incorporating electric sensors embedded into a wearable belt for gathering biometric data, not for medical use, **but for health-related purposes**; electronic pregnancy monitoring system comprising of wearable abdominal belt including sensors and vital signs sensors and computer application software for listening, monitoring, tracking, recording, storing, managing, displaying, sharing and analyzing the mother and fetus medical parameters, signs, symptoms and conditions, mother and fetus vitals including heartbeats, fetus position in-utero, fetus movements and kicks, fetus and mothers activity and sleep cycle, mother's skin temperature and breathing patterns, contractions, and the womb surroundings and sounds **for health-related purposes**; computer application software which helps guiding the mother toward lower stress breathing by analyzing and displaying breathing patterns; computer application software which enables to manually capture and record baby kicks, contractions, upcoming and past events relating to the pregnancy including doctor appointments, test results, photos and due date **for health-related purposes**; computer application software that displays environmental conditions and provide activity recommendations based on air quality; computer application software that enables live video chats and/or messages with caregivers **for health-related purposes**; computer hardware and software for use in big data analysis and data management and for listening, monitoring, tracking, recording, storing, managing, displaying and analyzing medical parameters, signs, symptoms, activity and sleep cycles and conditions **for health-related purposes**; computer application software which enables sending, sharing, tagging and posting of medical parameters, signs, symptoms, activity and sleep cycle and conditions **for health-related purposes**; health monitoring system comprised of electric sensors, electronic computer hardware, and computer software that reads and transmits data to and from electronic sensors and facilitates communications between consumers, patients and caregivers; abdominal belts containing an audio controller; an interactive electronic system comprising of sensors, actuators and central control unit for the purpose of providing controlled

stimulation to babies and children **for health-related purposes**; computer hardware, namely a recording and processing unit for recording inputs and for processing the input in relation to pregnancies **for health-related purposes**; computer hardware, namely reproduction unit for controlled reproduction of events sensed by the system in relation to pregnancies **for health-related purposes**; bio-feedback software **for health-related purposes**; scientific teaching apparatus and instruments, namely bio-feedback apparatus for measuring physical properties or parameters **for health-related purposes**.

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, Opposer is allowed until thirty days from the 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).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.