

ESTTA Tracking number: **ESTTA1162989**

Filing date: **09/30/2021**

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

Proceeding	91251432
Party	Defendant Cummins Inc.
Correspondence Address	JEANNE M GILLS FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60654 UNITED STATES Primary Email: ipdocketing@foley.com Secondary Email(s): kcalifa@foley.com, jwallace@foley.com, jolsen@foley.com 312-832-4500
Submission	Motion to Amend Application
Filer's Name	Jaclyne D. Wallace
Filer's email	jwallace@foley.com, ipdocketing@foley.com, jrodriguez@foley.com
Signature	/Jaclyne D. Wallace/
Date	09/30/2021
Attachments	Cummins-Autocar Updated Amendment 4852-0492-1085 v.1.pdf(78737 bytes)

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

In the Matter of Application Serial Number: 88/122,113
Mark: ALWAYS ON
Published: April 9, 2019 in International Classes 1, 7, 12, 25, 37, 40

Shem, LLC,)	
)	
)	Opposition No.: 91251432
Opposer)	
)	
v.)	
)	
Cummins Inc.,)	
)	
Applicant)	

CONSENT MOTION TO AMEND APPLICATION

In accordance with Rule 2.133(a) of the Trademark Rules of Practice and Section 514.02 of the Trademark Trial and Appeal Board Manual, applicant, Cummins Inc., with the consent of opposer, Shem, LLC, hereby moves the Board to amend the description of services in Int. Cl. 37 in App. No. 88/122,113 for the mark ALWAYS ON to: "Maintenance, repair and servicing of engines and of parts thereof manufactured and/or sold by or on behalf of Cummins Inc.; electrical generator maintenance and repair services; repair and maintenance of generating plants and generator sets; information and advisory services relating to all the aforesaid services." The goods and services in Classes 1, 7, 12, 25 and 40 are not amended.

Respectfully submitted by:

FOLEY & LARDNER LLP

/Jaclyne D. Wallace/

Jaclyne D. Wallace

321 North Clark Street

Chicago, Illinois 60654

Tel: (312) 832-4500

Fax: (312) 832-4700

Email: jwallace@foley.com; ipdocketing@foley.com

Attorneys for Applicant

Cummins Inc.

CERTIFICATE OF SERVICE

I, Jaclyne D. Wallace, hereby certify that a true and correct copy of the foregoing Consented Motion to Amend Application has been served via e-mail on this date upon:

Brett A August
baa@pattishall.com, docket@pattishall.com, ntp@pattishall.com

Date: September 30, 2021 /Jaclyne D. Wallace/