

ESTTA Tracking number: **ESTTA1055667**

Filing date: **05/15/2020**

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

Proceeding	91252919
Party	Defendant C2 Development, Inc.
Correspondence Address	JOSEPH W. BERENATO, III BERENATO & WHITE, LLC 6550 ROCK SPRING DRIVE, SUITE 240 BETHESDA, MD 20817 uspto.filings@bw-iplaw.com no phone number provided
Submission	Motion to Amend Application
Filer's Name	Joseph W. Berenato, III
Filer's email	uspto.filings@bw-iplaw.com
Signature	/jwb/
Date	05/15/2020
Attachments	MOTION.pdf(167030 bytes)

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

PRIME WIRE & CABLE, INC., : Opposition No. 91252919
: :
Opposer, : Mark: PRIME
: :
v. : U.S. App. Serial No. 88/009,726
: :
C2 Development, Inc. : :
: :
Applicant. : :

APPLICANT'S MOTION TO
AMEND THE IDENTIFICATION OF GOODS

In accordance with a Co-Existence Agreement executed by the parties in settlement of the above opposition, Applicant C2 Development, Inc. moves to amend the identification of goods in order to comply with a settlement agreement between the parties. The amendment narrows the identification of goods in Serial No. 88/009,726.

The amendment removes "horticulture applications" from the identificationso that the identification should now be: "LED (light emitting diode) lighting fixtures specifically for use with aquariums, vivariums, terrariums and refugiums; lighting fixtures specifically for use with aquariums, vivariums, terrariums and refugiums".

Upon approval of the amendment, the Opposer has agreed to file a dismissal terminating the proceeding and allowing the application with amended identification to proceed to registration.

Respectfully submitted,

/s/Joseph W. Berenato, III

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S MOTION TO AMEND THE IDENTIFICATION OF GOODS has been served on John K. Buche and Byron Ma of Buche & Associates, P.C., 875 Prospect St., Suite 305, La Jolla, CA 92037 via email communication to jbuche@buchelaw.com and bmay@buchelaw.com on May 15, 2020.

Signature _____/jwb/_____
Joseph W. Berenato, III
Attorney for Applicant