

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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MW/RA

September 22, 2020

Opposition No. 91254047

Leviton Manufacturing Co., Inc.

v.

Extreme Copper Incorporated

Michael Webster, Interlocutory Attorney:

On August 5, 2020, Opposer filed a proposed amendment to Applicant's application Serial No. 88353833 and a revised proposed amended with Applicant's consent.¹

By the proposed amendment, the parties seek to amend the description of goods as follows:

From:²

Computer hardware; Computer hardware and computer peripheral devices; Computer hardware and computer peripherals; Computer hardware and peripheral devices; Computer hardware and peripheral devices and recorded computer software for data communication and translating and transmitting data sold therewith; Computer hardware and peripherals; Computer hardware and peripherals therefor; Computer hardware and recorded software for setting up and configuring local area networks sold as a unit; Computer hardware and recorded software for setting up and configuring wide area

¹ Although the filing states that it is made with the "written consent" of the parties in the proceeding, the filing does not include the written consent of Applicant.

² The Board notes that the motion does not include an accurate identification of the original/current identification of goods in the opposed application.

networks sold as a unit; Computer hardware and recorded software system for remotely monitoring environmental conditions and controlling devices within a building, facility, grounds, or designated spatial area; Computer hardware for ~~communicating~~ audio, video and data between computers via a global computer network, wide-area computer networks, and peer-to-peer computer networks; Computer hardware for IP video surveillance; ~~Computer hardware for telecommunications~~; Computer hardware, namely, firewalls; Computer hardware, namely, wireless network extenders; Computer hardware, namely, wireless network repeaters; Computers and computer hardware; Broadband power line communication systems for transferring broadband data over electrical power lines, comprised of computer hardware, software and modems; Communications servers; Electronic communications systems comprised of computer hardware and software for the transmission of data between two points; Gateway routers in the nature of computer control hardware; Optical communications systems comprised of optical and electronic hardware and computer software for the transmission of data between two points; all of the foregoing goods containing copper

To:

Computer hardware; Computer hardware and computer peripheral devices; Computer hardware and computer peripherals; Computer hardware and peripheral devices; Computer hardware and peripheral devices and recorded computer software for data communication and translating and transmitting data sold therewith; Computer hardware and peripherals; Computer hardware and peripherals therefor; Computer hardware and recorded software for setting up and configuring local area networks sold as a unit; Computer hardware and recorded software for setting up and configuring wide area networks sold as a unit; Computer hardware and recorded software system for remotely monitoring environmental conditions and controlling devices within a building, facility, grounds, or designated spatial area; Computer hardware for **the active transmission of** audio, video and data between computers via a global computer network, wide-area computer networks, and peer-to-peer computer networks; Computer hardware for IP video surveillance; ~~Computer hardware for telecommunications~~; Computer hardware, namely, firewalls; Computer hardware, namely, wireless network extenders; Computer hardware, namely, wireless network repeaters; Computers and computer hardware; Broadband power line communication systems for transferring broadband data **actively** over electrical power lines, comprised of computer hardware, software and modems; Communications servers; Electronic communications systems comprised of computer hardware and software for the **active** transmission of data between two points; Gateway routers in the nature of computer control hardware; Optical communications systems comprised of optical and electronic hardware and computer software for the **active**

transmission of data between two points; all of the foregoing goods containing copper **for use in connection with Ethernet extension and network extension.**

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.