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

Proceeding	91254047
Party	Plaintiff Leviton Manufacturing Co., Inc.
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Submission	Other Motions/Papers
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Date	04/22/2020
Attachments	Consented Motion to Proposed Amendments.pdf(249889 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Proceeding	91254047
Party	Plaintiff: Leviton Manufacturing Co, Inc.
Other Party	Defendant: Robert Nino, Extreme Copper Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Consented Motion to Proposed Amendment

The description of goods and services pertaining to EXTREME COPPER Application No. 88353833, which is the subject of the Opposition Proceedings should be amended pursuant to 37 C.F.R 2.133 (a) as set forth below:

EXTREME COPPER Application NO. 88353833

The description of goods and services presently reads as follows:

“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 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”

Applicant, Extreme Copper, Inc. and Leviton Manufacturing Co., Inc. consent to amend and restrict the identification of goods in the above-identified application by restriction the recitation of goods in International Class 9. The amended description of goods shall read as follows in the redlined version and the final proposed amended version below:

“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 **communicating 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 the active transmission of audio, video and data.**”

Thus, the proposed restricted recitation of goods shall read as follows:

“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, 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 the active transmission of audio, video and data.”

This amendment was filed on March 30, 2020 with the written consent of the parties in these proceedings.

Respectfully submitted,

/Kathryn M. Milam/
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Dated April 22, 2020

CERTIFICATE OF SERVICE

I, Samia E. Serna, hereby certify that a true and complete copy of the foregoing Consented Motion to Proposed Amendment has been served on Robert Nino by forwarding said copy on April 22, 2020, via First Class Mail to: Robert Nino, Extreme Copper, Inc., 107 N. Reino Road, Suite 233, Newbury Park, CA 91320 and via email to: Robert Nino, rob@extremecopper.com.

Date: April 22, 2020

Signature:


Samia E. Serna