

UNITED STATES PATENT AND TRADEMARK OFFICE
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MCF/kk

May 3, 2021

Opposition No. 91265526

Seeley International Pty Ltd

v.

Bradford White Corporation

By the Trademark Trial and Appeal Board:

On April 9, 2021, Applicant filed a proposed amendment to application Serial No. 88795673, with Opposer's consent, and on April 15, 2021, the parties filed a stipulation to dismiss the opposition without prejudice, contingent upon entry of the amendment.

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

From: Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls.

To: Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls, **all of the aforementioned being used solely for water heaters and heating boilers and controls therefor, and excluding all use relating to air conditioning systems, products, equipment, and components including, but not limited to, evaporative coolers, air conditioners, and cooling systems for the cooling of rooms, homes, spaces, or buildings.**

By the proposed amendment, Applicant seeks to amend the identification of goods in Class 11 as follows:

From: Water heaters; heating boilers; gas control valves for water heaters and heating boilers.

To: Water heaters; heating boilers; gas control valves for water heaters and heating boilers, **all of the aforementioned being used solely for water heaters and heating boilers and controls therefor, and excluding all use relating to air conditioning systems, products, equipment, and components including, but not limited to, evaporative coolers, air conditioners, and cooling systems for the cooling of rooms, homes, spaces, or buildings.**

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).

The contingency in the parties stipulation having now been met, the opposition is dismissed without prejudice.