

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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SWF/DMD

May 24, 2022

Opposition No. 91269268

JLG Industries, Inc.

v.

S6 Innovations Inc.

By the Trademark Trial and Appeal Board:

On May 19, 2022, Applicant filed a proposed amendment to application Serial No. 79279812, with Opposer's consent, and Opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of its goods and services in International Classes 7 and 37 as follows (additions in bold and deletions in strikethrough)

From:

International Class 7: ~~Floating light and heavy machines, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, hoisting machines; light and heavy machinery, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, hoisting machines, wheel loaders, tiling machines for agriculture, combine harvester, timber harvesting machinery; floating cranes; cranes; floating excavating machines; excavator machines; floating operator~~

cabs for excavator machines, ~~cranes and~~ light and heavy machinery and equipment in the nature of dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, ~~hoisting machines~~; operator cabs for excavator machines, ~~cranes and~~ light and heavy machinery and equipment, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, ~~hoisting machines~~, wheel loaders, tiling machines for agriculture, combine harvester, timber harvesting machinery; operator cabs for amphibious vehicles; detachable cabs for amphibious vehicles; detachable cabs for excavator machines, ~~cranes and~~ light and heavy machinery and equipment, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, ~~hoisting machines~~, wheel loaders, tiling machines for agriculture, combine harvester, timber harvesting machinery; floating detachable cabs for amphibious vehicles; floating detachable cabs for excavator machines, ~~cranes and~~ light and heavy machinery and equipment, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, ~~hoisting machines~~

International Class 37: ~~Rental, leasing, repair, and maintenance of heavy machinery; rental, leasing, repair, and maintenance of floating light and heavy machinery and equipment; rental, leasing, repair, and maintenance of light and heavy machinery and equipment; rental, leasing, repair, and maintenance of floating cranes; rental, leasing, repair, and maintenance of cranes; rental, leasing, repair, and maintenance of floating excavators; rental, leasing, repair, and maintenance of excavators;~~ rental, leasing, repair, and maintenance of floating operator cabs for excavators, ~~cranes and~~ light and heavy machinery and equipment; rental, leasing, repair, and maintenance of operator cabs for excavators, ~~cranes and~~ light and heavy machinery and equipment; rental, leasing, repair, and maintenance of operator cabs for amphibious vehicles; rental, leasing, repair, and maintenance of detachable cabs for amphibious vehicles; rental, leasing, repair, and maintenance of detachable cabs for excavators, ~~cranes and~~ light and heavy machinery and equipment; rental, leasing, repair, and maintenance of floating detachable cabs for amphibious vehicles; rental, leasing, repair, and maintenance of floating detachable cabs for excavators, ~~cranes and~~ light and heavy machinery and equipment

To:

International Class 7: Floating operator cabs for excavator machines, light and heavy machinery and equipment in the nature of dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines; operator cabs for excavator machines, light and heavy machinery and equipment, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, wheel loaders, tiling machines for agriculture, combine harvester, timber harvesting machinery; operator cabs for amphibious vehicles; detachable cabs for amphibious vehicles; detachable cabs for excavator machines, light and heavy machinery and equipment, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines, wheel loaders, tiling machines for agriculture, combine harvester, timber harvesting machinery; floating detachable cabs for amphibious vehicles; floating detachable cabs for excavator machines, light and heavy machinery and equipment, namely, dredging machines, earth moving machines, mine working machines, drilling machines, tunnel boring machines, roadbuilding machines, loading and unloading machines; **none of the foregoing including platforms or cabs for use with aerial equipment or telescopic handlers, forklifts and rotating telehandlers, or loading and unloading machines in the nature of telehandlers**

International Class 37: Rental, leasing, repair, and maintenance of floating operator cabs for excavators, light and heavy machinery and equipment; rental, leasing, repair, and maintenance of operator cabs for excavators, light and heavy machinery and equipment; rental, leasing, repair, and maintenance of operator cabs for amphibious vehicles; rental, leasing, repair, and maintenance of detachable cabs for amphibious vehicles; rental, leasing, repair, and maintenance of detachable cabs for excavators, light and heavy machinery and equipment; rental, leasing, repair, and maintenance of floating detachable cabs for amphibious vehicles; rental, leasing, repair, and maintenance of floating detachable cabs for excavators, light and heavy machinery and equipment; **none of the foregoing including platforms or cabs for use with aerial equipment or telescopic handlers, forklifts and rotating telehandlers, or loading and unloading machines in the nature of telehandlers**

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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 Opposer's withdrawal having now been met, the opposition is dismissed without prejudice.