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

Proceeding no.	91277823
Party	Defendant Hottinger BrÃ¼el & Kjaer GmbH
Correspondence address	URSULA B DAY ATTY AND COUNSELOR AT LAW 35 WEST 35TH ST STE 900 NEW YORK, NY 10001 UNITED STATES Primary email: patentlaw@ursuladay.net 212-904-1815
Submission	Motion to Amend Application
Filer's name	Ursula B. Day
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Signature	/ursulabday/
Date	02/08/2024
Attachments	Opp-91277823.pdf(380359 bytes)

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

Quanta Associates, L.P., Opposer, v. Hottinger Brüel & Kjaer, Applicant,	Mark: HBK Hottinger Brüel & Kjaer Opp. No.: 91277823

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

CONSENTED TO MOTION TO AMEND APPLICATION 79/310,086

Pursuant to 37 C.F.R. Section 2.133 (a) and TBMP 605.03(b), Applicant in the above styled action, Hottinger Brüel & Kjaer (Hottinger), and pursuant to the Trademark Coexistence Agreement (TCA Agreement) that was signed on January 23, 2024 between Applicant and Opposer (Quanta), hereby requests amendment of the above-identified Application (79/310,086).

The amendment is as follows:

Amend Class 037 as follows:

~~Building, construction and demolition; installation, cleaning, repair and maintenance of machines and machine tools for treatment of materials and for manufacturing, of motors and engines, of veterinary, surgical and~~

~~medical apparatus and instruments; installation, cleaning, repair and maintenance in relation to information technology and audio-visual, multimedia and photographic devices, magnets, magnetizers and demagnetizers, scientific and laboratory devices for treatment using electricity, apparatus, instruments and cables for electricity, none of the foregoing including installation, cleaning, repair and maintenance of software; installation, cleaning, repair and maintenance in relation to optical devices, enhancers and correctors, safety, security, protection and signaling devices, navigation, guidance, tracking, targeting and map making devices, measuring, detecting and monitoring instruments, indicators and controllers, scientific research and laboratory apparatus, educational apparatus and simulators, data processing equipment, computers, none of the foregoing including installation, cleaning, repair and maintenance of software~~

Amend Class 037 as follows (clean copy):

"installation, maintenance, and repair of computer hardware; installation, maintenance, and repair of measuring and testing machines and instruments; consulting services in the field of computer hardware installation; providing information in the field of computer hardware installation; providing information relating to the repair or maintenance of measuring and testing machines; the aforementioned services only in relation to solutions, apparatus, instruments, and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass,

noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current as well as associated measuring hardware and electronics;"

Amend Class 042 as follows:

IT services, namely development, programming and implementation of computer software; development of computer hardware; ~~website~~ hosting ~~services;~~ software as a service (SaaS) featuring ~~software in the field of~~ testing, measuring~~, simulating, predicting and/or analyzing for~~ testing ~~and measurement of products, components, applications, surroundings, buildings or structures;~~ rental of computer software; rental of computer hardware; ~~providing computer facilities for the~~ electronic ~~storage of digital data;~~ information technology ~~[IT] consultancy services, IT~~ security ~~services in the nature of~~ protection ~~and recovery of~~ computer data; ~~IT~~ services, ~~namely~~ data duplication and conversion, data coding, computer analysis ~~and diagnostics~~, research ~~and~~ development ~~of~~ computers and computer systems, computer project management, data mining, digital watermarking, computer software support services, namely, troubleshooting ~~in the nature~~ of diagnosing computer hardware and software problems; IT services, ~~namely~~ technological services relating to computers, computer network services, namely, monitoring ~~and~~ troubleshooting technological ~~functions of~~ computer networks, updating of memory banks of computer systems, data migration, updating of websites,

for others, monitoring of computer systems by remote access; scientific and technological services~~, namely, rental of science equipment,~~ engineering services, ~~surveying~~ services,~~ exploration~~ services, ~~natural~~ science services in the field of testing, measuring, ~~simulating, predicting and/or analyzing~~; testing, authentication and quality control in the field of software design, software development, ~~product~~ design,~~ product~~ development, component testing, manufacturing and engineering; installation, repair and maintenance in relation to computer software

Amend Class 042 as follows (clean copy):

"IT services, namely, development of computer software, programming of computer software for others, and implementation of computer software; development of computer hardware; hosting software for use by others for operating apparatus; instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; hosting software for use by others for operating data acquisition systems that gather, record and analyze information pertaining to measured strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, rational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; hosting software for use by others for operating measuring signal conditioners that condition

signals from apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; hosting software for use by others for operating measuring amplifiers that amplify signals from apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; hosting software for use by others for operating calibration devices that calibrate apparatus, instruments and sensors for measuring strain, displacement position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; software as a service (SAAS) services featuring software for operating apparatus, instruments and sensors that measure strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; software as a service (SAAS) services featuring software for operating data acquisition systems that gather, record and analyze information pertaining to measured strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock,

acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; software as a service (SAAS) services featuring software for operating measuring signal conditioners that condition signals from apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; software as a service (SAAS) services featuring software for operating measuring amplifiers that amplify signals from apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; software as a service (SAAS) services featuring software for operating calibration devices that calibrate apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; rental of computer software; rental of computer hardware and computer peripherals; information technology consultancy; providing information in the field of information technology and software development; information technology security, protection and restoration, namely, maintenance of computer software relating to computer security

and prevention of computer risks; data duplication, namely, remote online backup of computer data and electronic measurement data; data conversion of computer programs; computer data and electronic measurement data; not physical conversion; data coding, namely, computer code conversion for others; computer systems analysis; computer diagnostic services; research and development of computer hardware and computer software systems; computer project management services; data mining; digital watermarking; computer software support services, namely, technical support services in the nature of troubleshooting of computer software problems; technological services relating to computers, namely, technical support services in the nature of diagnosing computer hardware and computer software problems; computer network services, namely, computer network configuration services and computer network design for others; updating of memory banks of computer systems, namely, updating of computer software; data migration services; updating of websites for others; monitoring of computer systems by remote access to ensure proper functioning; scientific and technological services, namely, scientific research and scientific analysis in the fields of computer hardware, computer programming, computer software, engineering, material testing, science, technology, and measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; testing,

authentication and quality control, namely, quality control of goods and services and material testing; design services, namely, design and development of computer hardware and computer software; design and development of apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current; installation, repair and maintenance of computer software; rental of computer hardware and computer software; rental of measuring apparatus being instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current, not for medical purposes; consulting services in the field of information technology; providing information in the field of information technology; the aforementioned services only in relation to solutions, apparatus, instruments and sensors for measuring strain, displacement, position, load, force, pressure, torque, weight, mass, noise, vibration, shock, acceleration, speed, rotational speed, angle, temperature, time, flow rate, fluid density, humidity, light, electrical voltage and electrical current as well as associated measuring hardware and electronics;"

Such action is accordingly solicited.

Date: February 8, 2024

Respectfully submitted,

/Ursula B. Day/

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Attorney for Defendant

CERTIFICATE OF SERVICE

I, Ursula B. Day, hereby certify that I caused a true and correct copy of the within Consented Motion To Amend to be served upon Opposer's Counsel of Record, via email, this 8th Day of February, 2024 as follows:

tdover@nossaman.com

/Ursula B. Day/