

ESTTA Tracking number: **ESTTA1312124**Filing date: **09/25/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91284755
Party	Defendant Westermo Network Technologies AB
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Submission	Motion to Amend Application
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Signature	/molly crandall/
Date	09/25/2023
Attachments	Joint Consent Motion to Amend Application No 79316766.pdf(190921 bytes)

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

In re Application No. 79316766
Priority Date: January 27, 2021
Filed: May 26, 2021
Published: November 1, 2022
Mark: MERLIN & Design



CUBIC DEFENSE APPLICATIONS, INC.,)	
)	Opposition No.: 91284755
Opposer,)	
)	
v.)	
)	
WESTERMO NETWORK TECHNOLOGIES AB,)	
)	
Applicant.)	
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JOINT CONSENT MOTION TO AMEND APPLICATION NO. 79316766

The parties have agreed to settle this proceeding on the condition that Applicant submits a limitation to the identification of goods in International Class 9 of Application No. 79316766 for the mark MERLIN & Design. As such, pursuant to Sec. 514.02 of the of the Trademark Trial and Appeal Board Manual of Procedure, Opposer and Applicant, through their attorneys of record, hereby respectfully move the Board to amend the identification of the goods in Class 9 in US App. No. 79316766 for the mark MERLIN & Design as follows:

Add the following limitation at the end of the Class 9 goods description:

“; all of the aforementioned not for use in connection with waveform technology and waveform technology goods.”

The Class 9 goods, as amended, will read as follows:

Computer networking and data communications equipment, namely, industrial cellular network routers and cellular routers; network routers; all the aforementioned goods for

the express use of establishing an agnostic communications link over a variety of media and applications; **all of the aforementioned not for use in connection with waveform technology and waveform technology goods**

Opposer and Applicant respectfully submit that this amendment is appropriate because it does not involve an addition to or broadening of the goods, rather, it limits and narrows the goods. For the same reason, Opposer and Applicant submit that republication of the mark is not required. Opposer and Applicant consent to this motion.

Dated: September 23, 2023

Respectfully submitted,

Applicant:

Westermo Network Technologies AB

By its attorney(s),



Molly Mack Crandall

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ATTORNEY FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that I served, on September 25, 2023, a true copy of the **JOINT CONSENT MOTION TO AMEND APPLICATION NO. 79316766** upon Opposer's counsel, Kristin Strojan, via the following email addresses of record:

Emails:

kstrojan@kilpatricktownsend.com

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tmadmin@kilpatricktownsend.com

denverteas@kilpatricktownsend.com

A handwritten signature in black ink that reads "Molly Mack Crandall". The signature is written in a cursive style with a large initial "M".

Molly Mack Crandall