
To: Quiksilver, Inc (trademarks@quiksilver.com)

Subject: TRADEMARK APPLICATION NO. 78618407 - QUIKSILVER - N/A

Sent: 12/26/2006 1:12:58 PM

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[Important Email Information]

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/618407

APPLICANT: Quiksilver, Inc

**CORRESPONDENT ADDRESS:**

Attn: Legal Dept. Trademarks
 Quiksilver, Inc.
 15202 Graham Street
 Huntington Beach CA 92649-1109

RETURN ADDRESS:

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

If no fees are enclosed, the address should
 include the words "Box Responses - No Fee."

MARK: QUIKSILVER

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

trademarks@quiksilver.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 78/618407

The trademark examining attorney has carefully reviewed the request for reconsideration and is not persuaded by applicant's arguments. No new issue has been raised and no new compelling evidence has been presented with regard to the point(s) at issue in the final action. TMEP §715.03(a). Therefore, the request for reconsideration is **denied** and the final refusal under Section 2(d) for U.S. Registration Nos. 2346307 and 1080515 are continued. 37 C.F.R. §2.64(b); TMEP §715.04.

The refusal under Section 2(d) for U.S. Registration Nos. 2288626 and 1876013 is withdrawn based upon the amended identification of goods. The refusal under Section 2(d) for U.S. Registration No. 2286955 is withdrawn because the registration has been cancelled.

The filing of a request for reconsideration does *not* extend the time for filing a proper response to the final action, which runs from the date the final action was mailed. 37 C.F.R. §2.64(b); TMEP §§715.03 and 715.03(c).

MAINTAINED REFUSAL – 2(d)s

The refusal to register is MAINTAINED under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the mark for which registration is sought so resembles the marks shown in U.S. Registration Nos. 2346307 and 1080515 as to be likely, when used on or in connection with the identified goods/services, to cause confusion, or to cause mistake, or to deceive.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(d) is MAINTAINED.

Taking into account the relevant *DuPont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to

origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988); *Lone Star Mfg. Co. v. Bill Beasley, Inc.*, 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

The applicant applied to register QUIKSILVER for goods including, but not limited to, "protective helmets for use in sports; recorded materials featuring surfing, bodyboarding, snowboarding, skiing, kiteboarding and skateboarding, pre-recorded video tapes, digital video discs and CD-ROMs featuring surfing, bodyboarding, snowboarding, skiing, kite boarding and skateboarding; sporting and gymnastic wear, ski wear and snowboard wear namely ski suits, ski pants, ski trousers, ski jackets, snowboard pants, snowboard trousers and snowboard jackets; skateboard wear, surf caps, surf hoods, slippers, boots, shoes, beach shoes, thonged and strapped sandals, sporting and gymnastic footwear, athletic shoes, boots for sports, snow boots, snowboard boots, ski boots, après ski boots, kiteboard boots, surfboard boots, wakeboard boots; Surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, skateboards, kite boards; sporting accessories namely leg ropes and security leashes for sporting apparatus, sporting apparatus being ropes especially adapted and fitted as tow-in ropes and skiing ropes, ski bindings, surfboard deck grips, web gloves; swim fins including swim fins for bodyboarding, wax for skis and surfboards; covers and protective bags for sporting apparatus namely bags for surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, skateboards and kiteboards; wakeboard bindings; snowboard bindings; bindings for skis; wax combs."

The registered marks are QUICKSILVER for "sporting goods, namely, water skis, kneeboards and wake boards" and QUICKSILVER for "skateboards."

Despite applicant's arguments, the marks are highly similar in that the marks contain QUIKSILVER (or the phonetic equivalent, QUICKSILVER).

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. Instead, they need only be related in some manner, or the conditions surrounding their marketing be such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods and/or services come from a common source. *Online Careline Inc. v. America Online Inc.*, 229 F.3d 1080, 56 USPQ2d 1471 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Prods. Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re Int'l Tel. & Tel. Corp.*, 197 USPQ 910 (TTAB 1978); TMEP §1207.01(a)(i).

All of the marks are used to identify water skis, kneeboards, wake boards, and/or skateboards. Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that

the goods and/or services listed therein, namely, water skis, kneeboards, wake boards, and/or skateboards, are of a kind that may emanate from a single source. *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214, 1218 (TTAB 2001), citing *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); and *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988).

The same consumers will be exposed to the goods identified with both of the marks. The similarities among the marks and the goods of the parties are so great as to create a likelihood of confusion. Any doubt regarding a likelihood of confusion is resolved in favor of the prior registrant. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988); TMEP §§1207.01(d)(i).

For the foregoing reasons, the refusal of registration pursuant to Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), is believed proper and is made MAINTAINED.

/Carol Spils/
Trademark Attorney
United States Patent and Trademark Office
Law Office 104
(571)272-9226

Note:

In order to avoid size limitation constraints on large e-mail messages, this Office Action has been split into 2 smaller e-mail messages. The Office Action in its entirety consists of this message as well as the following attachments that you will receive in separate messages:

Email 1 includes the following 45 attachments

1. 75176585P001OF003
2. 75176585P002OF003
3. 75176585P003OF003
4. 75227517P001OF002
5. 75227517P002OF002
6. 75261301P001OF002
7. 75261301P002OF002
8. 75261302P001OF001
9. 75468335P001OF003
10. 75468335P002OF003
11. 75468335P003OF003
12. 75468557P001OF002
13. 75468557P002OF002
14. 75687623P001OF003
15. 75687623P002OF003
16. 75687623P003OF003
17. 75790621P001OF003
18. 75790621P002OF003
19. 75790621P003OF003
20. 75814508P001OF002
21. 75814508P002OF002
22. 76109257P001OF002
23. 76109257P002OF002
24. 76170700P001OF003
25. 76170700P002OF003
26. 76170700P003OF003
27. 76520855P001OF003
28. 76520855P002OF003
29. 76520855P003OF003
30. 76537255P001OF003
31. 76537255P002OF003
32. 76537255P003OF003
33. 76537256P001OF003
34. 76537256P002OF003
35. 76537256P003OF003
36. 76571002P001OF002
37. 76571002P002OF002
38. 78161759P001OF002
39. 78161759P002OF002
40. 78171840P001OF003
41. 78171840P002OF003
42. 78171840P003OF003
43. 78293762P001OF003

- 44. 78293762P002OF003
- 45. 78293762P003OF003

Email 2 includes the following 31 attachments

- 1. 78589778P001OF002
- 2. 78589778P002OF002
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- 4. 78595136P002OF002
- 5. 78629919P001OF003
- 6. 78629919P002OF003
- 7. 78629919P003OF003
- 8. 78641133P001OF003
- 9. 78641133P002OF003
- 10. 78641133P003OF003
- 11. 79000117P001OF002
- 12. 79000117P002OF002
- 13. 79000532P001OF002
- 14. 79000532P002OF002
- 15. 79000533P001OF002
- 16. 79000533P002OF002
- 17. 79001170P001OF002
- 18. 79001170P002OF002
- 19. 79005555P001OF004
- 20. 79005555P002OF004
- 21. 79005555P003OF004
- 22. 79005555P004OF004
- 23. 79005581P001OF003
- 24. 79005581P002OF003
- 25. 79005581P003OF003
- 26. 79008116P001OF003
- 27. 79008116P002OF003
- 28. 79008116P003OF003
- 29. 79009951P001OF003
- 30. 79009951P002OF003
- 31. 79009951P003OF003

Please ensure that you receive all of the aforementioned attachments, and if you do not, please contact the assigned-examining attorney.

TYPED DRAWING

Serial Number

75176585

Status

REGISTERED

Word Mark

KANA BEACH

Standard Character Mark

No

Registration Number

2436065

Date Registered

2001/03/20

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

KANA BEACH PRIVATE LIMITED COMPANY FRANCE Z.A. Pen Ar Menez 29280
LOCMARIA PLOUZANE FRANCE

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
diving suits; gloves for divers; optical goods, namely, sunglasses,
eyeglasses, eyeglass frames and eyeglass cases.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: bathing caps,
bathing shorts, bathing trunks, bath slippers; headbands; belts; hats;
socks; athletic footwear, namely, football shoes; beach shoes, ski
boots, athletic footwear, gymnastic shoes; slippers; wet suits for water
skiing; ear muffs; rope-soled sandals, espadrille; gloves; clothing,
namely, T-shirts, sweatshirts, long sleeve shirts, short-sleeve
shirts, undershirts, polo shirts, pullover shirts, jersey shirts,
vests, jackets, parkas, overalls, coveralls, trousers, pants, walking
shorts, skirts, dresses, tops, brassieres, swimwear, underwear, hats,
caps, and stockings; underwear, sweat absorbent underwear; children,
surf wetsuits, windsurf wetsuits, water ski wet suits, diving
wetsuits, ski suits, snow suits, snowboard suits, outdoor suits.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
skateboards; sailboards; surfboards; rollerskates; elbow guards for
athletic use; knee guards for athletic use; shin guards for athletic
use; water skis and surf skis; ear plugs for divers, scuba diving
masks and skin diving masks.

Foreign Country Name

FRANCE

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

96635665

Foreign Filing Date

1996/07/18

Foreign Registration Number

96635665

Foreign Registration Date

1996/07/18

Foreign Expiration Date

2006/07/18

Foreign Country Name

FRANCE

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

96624124

Foreign Filing Date

1996/04/30

Foreign Registration Number

96624124

Foreign Registration Date

1996/04/30

Foreign Expiration Date

2006/04/30

Filing Date

Print: Dec 26, 2006

75176585

1996/10/03

Examining Attorney
LAMOTHE, LESLEY

Attorney of Record
JO M FAIRBAIRN

DESIGN MARK

Serial Number

75227517

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Registration Number

2220842

Date Registered

1999/01/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

ILC TRADEMARK CORPORATION CORPORATION BR.VIRGIN ISLANDS TROPIC ISLE
BUILDING PO BOX 3443 ROAD TOWN, TORTOLA BR.VIRGIN ISLANDS

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
surfboards; windsurfing boards; skateboards; kneeboards; wakeboards;
skimboards; snow skis; snow ski poles; water skis; volleyballs; and
toys, namely, board games; toy cars; beach balls, kites and windsocks.
First Use: 1971/12/01. First Use In Commerce: 1971/12/01.

Prior Registration(s)

1099609;1151095;1163645;AND OTHERS

Filing Date

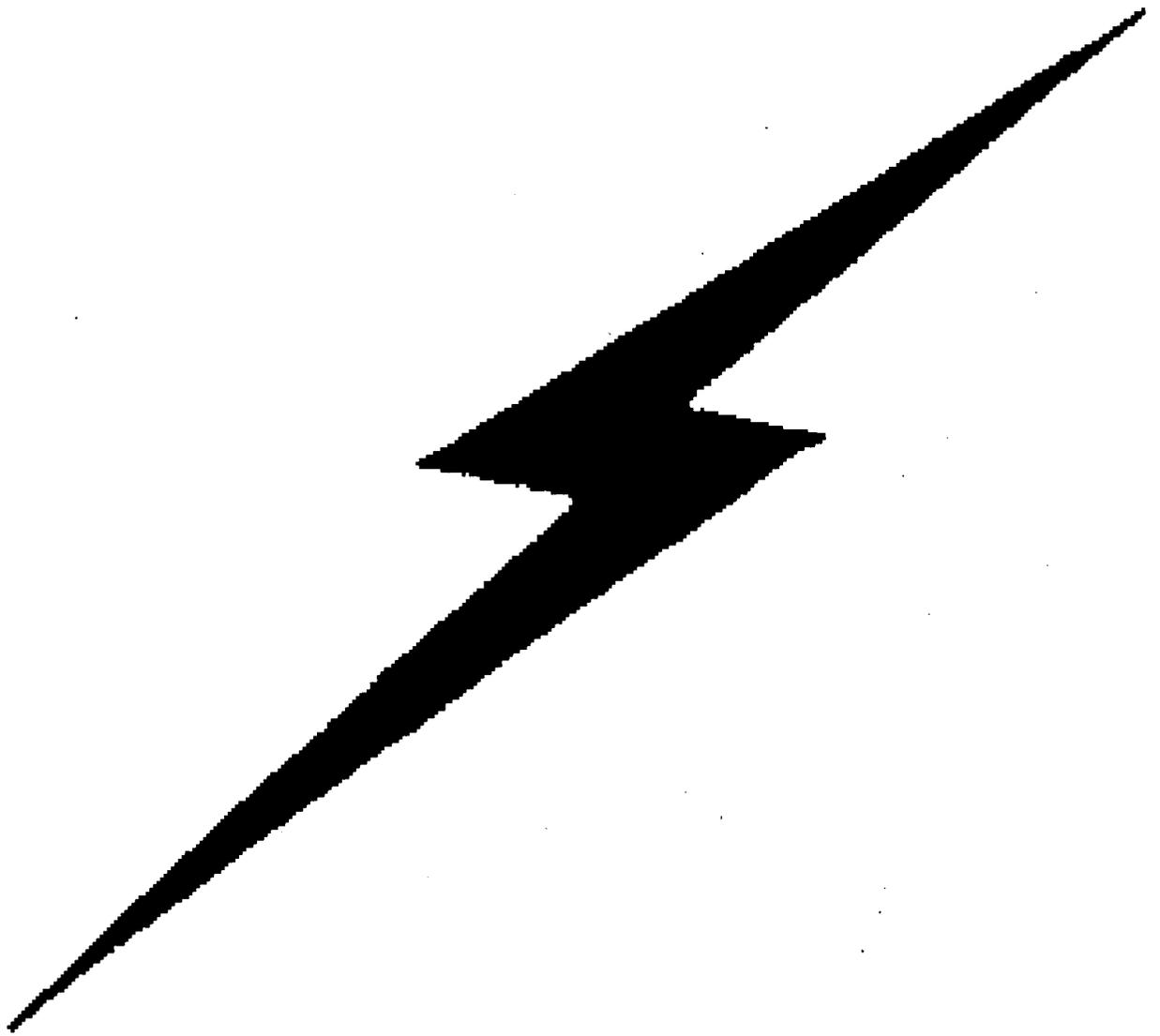
1997/01/17

Examining Attorney

GRUNDY, JUDITH

Attorney of Record

PAUL B EPNER



Print: Dec 26, 2006

75261301

DESIGN MARK

Serial Number

75261301

Status

CANCELLED - SECTION 8

Registration Number

2140941

Date Registered

1998/03/03

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Hang Ten International CORPORATION CALIFORNIA 705 12th Avenue San
Diego CALIFORNIA 92101

Goods/Services

Class Status -- SECTION 8 - CANCELLED. IC 028. US 022 023 038 050.
G & S: surfboards, skateboards, snowboards, water skis, wakeboards,
kneeboards, bodyboards. First Use: 1965/06/01. First Use In
Commerce: 1965/06/01.

Prior Registration(s)

0811306;1033976;1143042

Filing Date

1997/03/21

Examining Attorney

SLONIM, HOPE



Print: Dec 26, 2006

75261302

TYPED DRAWING

Serial Number

75261302

Status

CANCELLED - SECTION 8

Word Mark

HANG TEN

Standard Character Mark

No

Registration Number

2139079

Date Registered

1998/02/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Hang Ten International CORPORATION CALIFORNIA 705 12th Avenue San Diego CALIFORNIA 92101

Goods/Services

Class Status -- SECTION 8 - CANCELLED. IC 028. US 022 023 038 050.
G & S: surfboards, skateboards, snowboards, water skis, wakeboards, kneeboards, bodyboards. First Use: 1975/01/24. First Use In Commerce: 1975/01/24.

Prior Registration(s)

0811306;1033976;1143042

Filing Date

1997/03/21

Examining Attorney

SLONIM, HOPE

DESIGN MARK

Serial Number

75468335

Status

REGISTERED

Registration Number

2688885

Date Registered

2003/02/18

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

McCoy, Jeffrey A. INDIVIDUAL UNITED STATES 33752 Robles Drive Dana Point CALIFORNIA 92629

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: CLOTHING AND HEADWEAR, NAMELY, T-SHIRTS, TANK TOPS, SWEATSHIRTS, GOLF SHIRTS, CASUAL SHIRTS, KNIT SHIRTS, TRUNKS, SHORTS, SWEAT PANTS, OVERALLS, JACKETS, SNOWBOARD PANTS, SKI PANTS, JACKETS, PARKAS, BEANIES, HATS, BANDANNAS, HEAD BANDS, SUN VISORS, WET SUITS, SHIRTS IN THE NATURE OF RASH GUARDS, SKI BIBS, SKI SUITS. First Use: 1999/06/00. First Use In Commerce: 1999/06/00.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: SPORTING GOODS, NAMELY, SURFBOARDS, SNOWBOARDS, BODY BOARDS, SKIM BOARDS, SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, SNOW SKIS, WATER SKIS, KNEE BOARDS, SWIM FINS, BODY BOARD FINS, SURFBOARD FINS; LEASHES FOR SURFBOARDS AND BODYBOARDS; DECK GRIPS FOR USE WITH SURF BOARDS; SURFBOARD WAX AND CASES AND BAGS FOR THE AFORESAID GOODS. First Use: 1999/06/00. First Use In Commerce: 1999/06/00.

Filing Date

1998/04/15

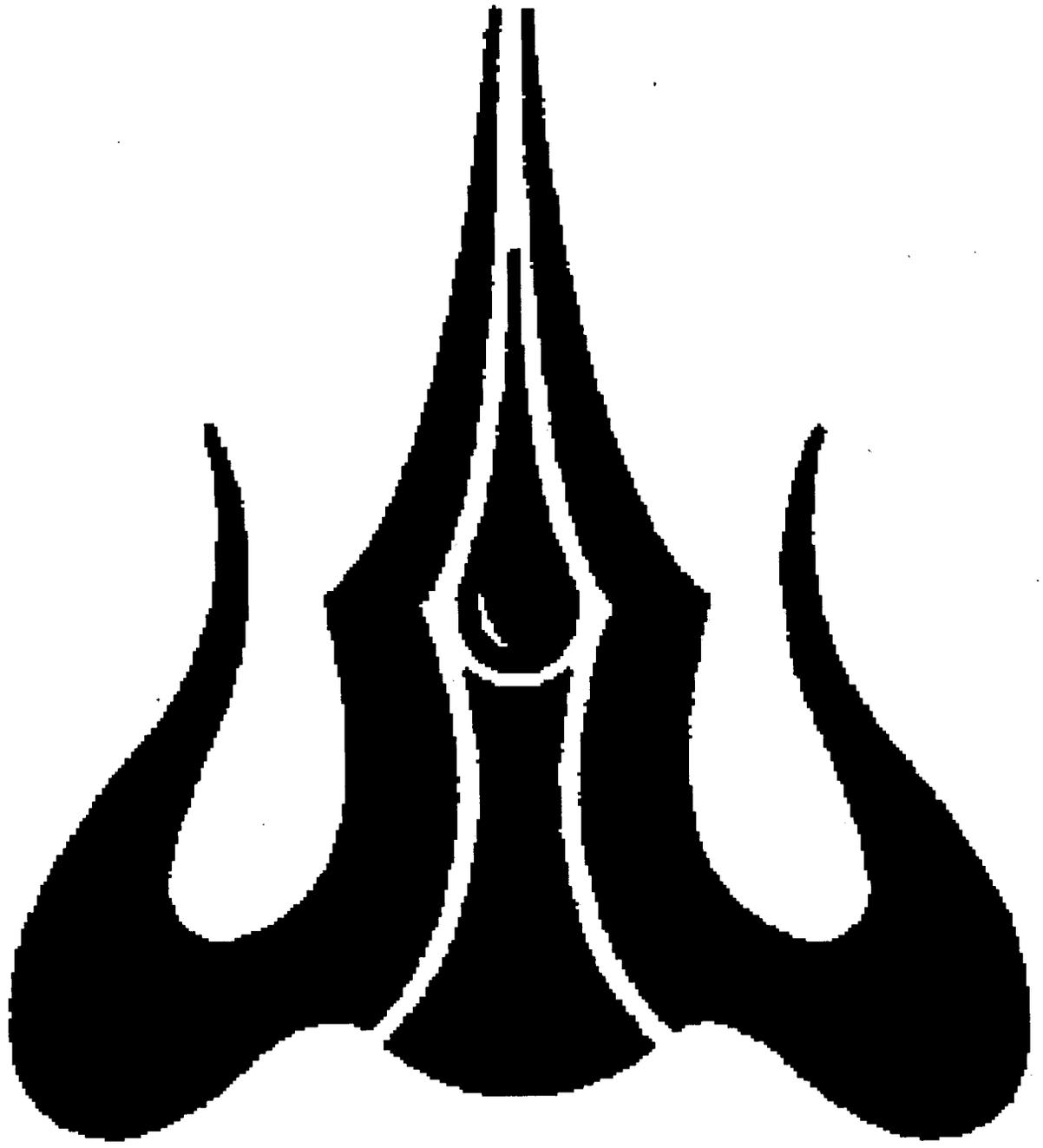
Examining Attorney

BAIRD, MICHAEL

Print: Dec 26, 2006

75468335

Attorney of Record
STEVEN J NATAUPSKY



TYPED DRAWING

Serial Number

75468557

Status

REGISTERED

Word Mark

DRIVEN FROM WITHIN

Standard Character Mark

No

Registration Number

2574040

Date Registered

2002/05/28

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

McCoy, Jeffrey A. INDIVIDUAL UNITED STATES 33752 Robles Drive Dana Point CALIFORNIA 92629

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: CLOTHING AND HEADWEAR, NAMELY, T-SHIRTS, TANK TOPS, SWEATSHIRTS, GOLF SHIRTS, CASUAL SHIRTS, KNIT SHIRTS, TRUNKS, SHORTS, SWEAT PANTS, OVERALLS, JACKETS, SNOWBOARD PANTS, SKI PANTS, JACKETS, PARKAS, BEANIES, HATS, BANDANNAS, HEAD BANDS, SUN VISORS, WET SUITS, SHIRTS IN THE NATURE OF RASH GUARDS, SKI BIBS, SKI SUITS. First Use: 1999/06/00. First Use In Commerce: 1999/06/00.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: SPORTING GOODS, NAMELY, SURFBOARDS, SNOWBOARDS, BODY BOARDS, SKIM BOARDS, SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, SNOW SKIS, WATER SKIS, KNEE BOARDS, SWIM FINS, BODY BOARD FINS, SURFBOARD FINS; LEASHES FOR SURFBOARDS AND BODY BOARDS; DECK GRIPS FOR USE WITH SURF BOARDS; SURFBOARD WAX AND CASES AND BAGS FOR THE AFORESAID GOODS. First Use: 2001/08/00. First Use In Commerce: 2001/08/00.

Print: Dec 26, 2006

75468557

Filing Date
1998/04/15

Examining Attorney
STOIDES, KATHERINE

Attorney of Record
STEVEN J NATAUPSKY

DESIGN MARK

Serial Number

75687623

Status

CANCELLATION PENDING

Word Mark

7SEVEN

Standard Character Mark

No

Registration Number

2551512

Date Registered

2002/03/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Seven S.P.A. CORPORATION ITALY Viale Italia, 73 10040 Leini Turin
ITALY

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Jackets, sweatshirts, pants, jeans, bermuda shorts, shorts, T-shirts, pullovers, tracksuits, bathing suits, scarves, hats, caps, socks, undershirts, slips, boxers, belts for clothing and footwear.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Surfboards, sailboards, water skis, skis, tennis and table tennis rackets and balls, ice skates, in-line skates, roller skates, skateboards, bobsleds, manually operated exercise equipment and exercise machines.

Foreign Country Name

ITALY

Foreign Registration Number

769,296

Print: Dec 26, 2006

75687623

Foreign Registration Date

1999/01/19

Foreign Expiration Date

2009/01/19

Prior Registration(s)

1708062

Filing Date

1999/04/21

Examining Attorney

ALT, JILL C.

Attorney of Record

Richard J. McKenna

★ seven

DESIGN MARK

Serial Number

75790621

Status

REGISTERED

Word Mark

SOLITUDE

Standard Character Mark

No

Registration Number

2381287

Date Registered

2000/08/29

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

OXFORD INDUSTRIES, INC. CORPORATION GEORGIA 222 PIEDMONT AVE., NE
ATLANTA GEORGIA 30308

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: WETSUITS FOR
SURFBOARDING AND WATER SPORTS. First Use: 1999/01/00. First Use In
Commerce: 1999/01/00.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: SPORTS
PRODUCTS, NAMELY, SURFBOARDS, SURFBOARD LEASHES; SURFBOARD FINS;
SURFBOARD WAX; SURFBOARD BAGS; SURFBOARD DAY BAGS; SURFBOARD CARRYING
POUCHES; WAKEBOARDS; WATER SKIS; AND SKATEBOARDS. First Use:
1999/01/00. First Use In Commerce: 1999/01/00.

Filing Date

1999/09/02

Examining Attorney

BLANDU, FLORENTINA

Print: Dec 26, 2006

75790621

Attorney of Record
John E. Kelly

SOLITUDE

DESIGN MARK

Serial Number

75814508

Status

REGISTERED

Word Mark

GLYDESPORTS

Standard Character Mark

No

Registration Number

2601780

Date Registered

2002/07/30

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

GlydeSports LLC CORPORATION MASSACHUSETTS P.O. Box 28 West Barnstable
MASSACHUSETTS 02668

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
BODYBOARDS AND ACCESSORIES, NAMELY, LEASHES; SURFBOARDS; WAKEBOARDS
AND ACCESSORIES, NAMELY, BINDINGS; SNOWBOARDS; WATER SKIS; SNOW SKIS;
KICKBOARDS; SAILBOARDS; SKATEBOARDS; AND NON-MOTORIZED SCOOTERS.
First Use: 1999/09/00. First Use In Commerce: 1999/09/00.

Filing Date

1999/10/04

Examining Attorney

MICKLEBURGH, LINDA

Attorney of Record

Bruce A. Tassan

GLYDESPORTS

Print: Dec 26, 2006

76109257

DESIGN MARK

Serial Number

76109257

Status

REGISTERED

Word Mark

SUBLIME

Standard Character Mark

No

Registration Number

2485081

Date Registered

2001/09/04

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

SCHLITZ, ERICH INDIVIDUAL UNITED STATES 101 Copperwood Way #B
Oceanside CALIFORNIA 92054

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
sporting goods in the nature of skateboards, inline skates,
surfboards, wake boards, snow boards, body boards, skis, water skis,
and non-motorized scooters. First Use: 2000/05/01. First Use In
Commerce: 2000/05/01.

Filing Date

2000/08/14

Examining Attorney

DONNELL, RICHARD

Attorney of Record

DONN K HARMS

SUBLIME

Print: Dec 26, 2006

76170700

DESIGN MARK

Serial Number

76170700

Status

REGISTERED

Word Mark

TAIL GUARD

Standard Character Mark

No

Registration Number

2687188

Date Registered

2003/02/11

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Surfco Hawaii CORPORATION HAWAII 98-273 Kuahao Place Pearl City HAWAII 96782

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: MOLDED SOFT PLASTIC PROTECTIVE STRIPS FOR RETROFITTING ONTO SURFBOARDS, KITE BOARDS, SKIM BOARDS, SKATEBOARDS, SNOW BOARDS, SNOW SKIS, WAKE BOARDS, WATER SKIS. First Use: 1996/07/22. First Use In Commerce: 2001/07/16.

Prior Registration(s)

1450967

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TAIL" APART FROM THE MARK AS SHOWN.

Filing Date

2000/11/22

Examining Attorney

Print: Dec 26, 2006

76170700

RICHARDS, LESLIE

Attorney of Record

Robert A. Vanderhyye

TAIL GUARD

DESIGN MARK

Serial Number

76520855

Status

REGISTERED

Word Mark

MOG

Standard Character Mark

No

Registration Number

2901270

Date Registered

2004/11/09

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Humus MOG Co., Ltd. CORPORATION REPUBLIC OF KOREA 130-7 Chungdam-dong,
Gangnam-gu Seoul, 135-100 REPUBLIC OF KOREA

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
Treadmills, rowing machines for physical exercise other than for
medical use, surfboards, water skis, skateboards, skis, stationary
exercise bicycles, rollers for stationary exercise bicycles, and
sailboards.

Foreign Country Name

REPUBLIC OF KOREA

Foreign Registration Number

0546087

Foreign Registration Date

2003/04/24

Foreign Expiration Date

2013/04/24

Print: Dec 26, 2006

76520855

Filing Date
2003/06/04

Examining Attorney
SMITH, REBECCA

Attorney of Record
David M. Kelly

MOG

DESIGN MARK

Serial Number

76537255

Status

REGISTERED

Word Mark

H

Standard Character Mark

No

Registration Number

2937283

Date Registered

2005/04/05

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Active Sports, Inc. CORPORATION MINNESOTA 300 South Owasso Blvd. St.
Paul MINNESOTA 55117

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Snowboard accessories, namely snowboard boots; snowboard clothing, namely coats, pants, and hats; wakeboard clothing, namely wet suits, hoods, gloves and footwear; sailboard clothing, namely wet suits, hoods, gloves, and footwear; wet suits; skateboard clothing, namely shoes, sandals, shirts, pants, and hats; in-line skating clothing, namely shirts, pants, and hats. First Use: 2002/12/01. First Use In Commerce: 2002/12/01.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Snowboards; snowboard bindings and snowboard storage bags; wakeboards; wakeboard bindings and wakeboard storage covers; sailboards; sailboard accessories, namely masts, booms, sails, keels, rigging, foot straps, and sailboard storage covers; kneeboards; skateboards; skateboard accessories, namely wheels, trucks, and ball bearings; skateboard elbow and knee pads for athletic use; skateboard carriers and

skateboard storage bags; and in-line skate accessories, namely wheels and ball bearings, in-line skating elbow and knee pads for athletic use, and in-line skate carriers. First Use: 2002/12/01. First Use In Commerce: 2002/12/01.

Prior Registration(s)

2115947

Filing Date

2003/08/14

Examining Attorney

BERK, STEVEN

Attorney of Record

Douglas L. Tschida



DESIGN MARK

Serial Number
76537256

Status
REGISTERED

Word Mark
HOUSE

Standard Character Mark
No

Registration Number
2937284

Date Registered
2005/04/05

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Active Sports, Inc. CORPORATION MINNESOTA 300 South Owasso Blvd. St.
Paul MINNESOTA 55117

Goods/Services
Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
Snowboards; snowboard bindings and snowboard storage bags; wakeboards;
wakeboard bindings and wakeboard storage covers; sailboards; sailboard
accessories, namely masts, booms, sails, keels, rigging, foot straps,
and sailboard storage covers; kneeboards; skateboards; skateboard
accessories, namely wheels, trucks, and ball bearings; skate board
elbow and knee pads for athletic use; skateboard carriers and
skateboard storage bags; and in-line skate accessories, namely wheels
and ball bearings, in-line skating elbow and knee pads for athletic
use, and in-line skate carriers. First Use: 1997/01/01. First Use In
Commerce: 1997/01/01.

Goods/Services
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Snowboard
accessories, namely snowboard boots; snowboard clothing, namely coats,
pants, and hats; wakeboard clothing, namely wet suits, hoods, gloves
and footwear; sailboard clothing, namely wet suits, hoods, gloves, and

Print: Dec 26, 2006

76537256

footwear; wet suits; skateboard clothing, namely shoes, sandals, shirts, pants, and hats; in-line skating clothing, namely shirts, pants, and hats. First Use: 1997/01/01. First Use In Commerce: 1997/01/01.

Prior Registration(s)

2115946;2115947

Filing Date

2003/08/14

Examining Attorney

BERK, STEVEN

Attorney of Record

Douglas L. Tschida

HOUSE

DESIGN MARK

Serial Number

76571002

Status

REGISTERED

Word Mark

SCRAMBLER

Standard Character Mark

No

Registration Number

2977948

Date Registered

2005/07/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

SALOMON S.A. CORPORATION FRANCE Siege Social de Metz-Tessy 74996
Annecy Cedex 9 FRANCE

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Sports
equipment, other than apparel and shoes, namely alpine and
cross-country snow skis, water skis and surfboards, snowboards,
accessories, namely ski brakes, ski poles, ski and snowboard bindings,
roller skates, in-line skates, skateboards. First Use: 2004/01/15.
First Use In Commerce: 2004/01/15.

Filing Date

2004/01/20

Examining Attorney

LAVINE, JACQUELINE A.

Attorney of Record

CHARLES E. BAXLEY

SCRAMBLER

TYPED DRAWING

Serial Number

78161759

Status

REGISTERED

Word Mark

MOVE OVER BOYS

Standard Character Mark

No

Registration Number

2953053

Date Registered

2005/05/17

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Matthews, Brenda R. INDIVIDUAL UNITED STATES PMB 408 204 N. El Camino Real, Suite E Encinitas CALIFORNIA 92024

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing, namely, tops and shirts, t-shirts, sweatshirts, sweatpants, sweaters, shorts, pants, slacks, jeans, dresses, skirts, jog warm-up suits, swim-wear, pajamas, underwear, hosiery, gloves, belts, coats, footwear, namely, beach footwear, athletic and casual footwear, headwear, namely, hats and caps, rash guards, wetsuits and hoods, gloves and boots for wetsuits. First Use: 2002/11/01. First Use In Commerce: 2004/07/14.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: surfboards, skateboards, snowboards, wakeboards, kneeboards, bodyboards, board wax; swim fins, leashes and sports gear straps. First Use: 2002/11/01. First Use In Commerce: 2004/07/14.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail

stores services, featuring surfboards, skateboards, snowboards, equipment, jewelry, accessories, clothing and clothing accessories for women related to surfing, skateboarding, athletic and casual activities; Computerized on-line retail store featuring surfboards, skateboards, snowboards, equipment, jewelry, accessories, clothing and clothing accessories for women related to surfing, skateboarding, athletic and casual activities. First Use: 2002/11/01. First Use In Commerce: 2004/07/14.

Filing Date

2002/09/07

Examining Attorney

MARTIN, EUGENIA

Attorney of Record

JEFFREY D. COHEN

DESIGN MARK

Serial Number

78171840

Status

REGISTERED

Word Mark

JUMPING JAX

Standard Character Mark

No

Registration Number

2799412

Date Registered

2003/12/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Yeong Ay Industrial Co., Ltd. CORPORATION TAIWAN No. 16, Lane 667,
Chung San Road Shen Kang Hsiang Taichung Hsien TAIWAN

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
Skateboards, skate wheels, roller skates; snow skis; water skis;
surfboards; hand grip exercisers; Physical fitness equipment, namely,
exercise weights, barbells, dumbbells, weight lifting benches, weight
trees for holding exercise weights, chest expanders; exercise
equipment, namely, rowing machines; weight lifting machines, namely,
manually operated, pull-down exercise equipment, abdominal exercise
machines; exercise treadmills; aerobic step machines. First Use:
2003/09/00. First Use In Commerce: 2003/09/00.

Filing Date

2002/10/07

Examining Attorney

PERKINS, KARLA

Attorney of Record

Print: Dec 26, 2006

78171840

John S. Egbert



MMPW9 IAX

DESIGN MARK

Serial Number
78293762

Status
REGISTERED

Word Mark
GOLDEN BREED

Standard Character Mark
No

Registration Number
3013897

Date Registered
2005/11/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner
Javatex Pty Ltd CORPORATION AUSTRALIA 45 Porter Street Prahran
AUSTRALIA VIC 3181

Goods/Services
Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S:
leather bags sold in bulk and goods of leather, namely, luggage,
trunks, traveling bags, handbags, knapsacks, all purpose carrying
bags, wrist mounted carry all bags, tote bags, all purpose athletic
bags, beach bags, duffel bags, gym bags, shopping bags made of
leather, overnight bags, school bags, book bags, souvenir bags, all
purpose sports bags, waist packs, clutch bags, waist mounted carry all
bags, wallets, purses, keycases; imitations of leather and non-leather
bags sold in bulk and goods of imitations of leather or non-leather,
namely, luggage, trunks, traveling bags, handbags, knapsacks, all
purpose carrying bags, wrist mounted carry all bags, tote bags, all
purpose athletic bags, beach bags, duffel bags, gym bags, overnight
bags, school bags, book bags, souvenir bags, all purpose sports bags,
waist packs, clutch bags, waist mounted carry all bags, wallets,
purses, keycases; and umbrellas. First Use: 2000/07/27. First Use In
Commerce: 2005/03/31.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing, namely, shirts, blouses, skirts, shorts, boardshorts, pants, jeans, jackets, fleecy-lined jackets, parkas, tops, fleecy-lined tops, t-shirts, jumpers, cardigans, sweat shirts, long-sleeved tops with rolled necks, swimwear, bikinis, wetsuits and hoods and gloves therefor, booties and swimming shoes, headwear, and footwear. First Use: 2000/07/27. First Use In Commerce: 2005/03/31.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: sporting articles and equipment, namely, surfboards, surfboard bags, surf skis, sail boards, water skis, inflatable rubber surf mats, wave skis, kite surfboards, skiffle boards, swimming gloves, roller skates, in-line skates, skateboards, snowboards, snow skis, wax for skis and boards, surf board covers and bags, surfboard leg ropes, and fittings for the aforesaid goods. First Use: 2000/07/27. First Use In Commerce: 2005/03/31.

Description of Mark

The mark consists in part of a conjoined male and female symbol.

Filing Date

2003/08/28

Examining Attorney

MACIOL, GENE

Attorney of Record

Kevin S. Costanza

Golden Breed ♀♂

DESIGN MARK

Serial Number

78589778

Status

REGISTERED

Word Mark

SUGARMILL

Standard Character Mark

Yes

Registration Number

3141394

Date Registered

2006/09/12

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

WALTER, KIMBERLY INDIVIDUAL UNITED STATES 1943 S. Tremont St.
Oceanside CALIFORNIA 92054

Owner

WALTER, MICHAEL INDIVIDUAL UNITED STATES 1943 S. Tremont St. Oceanside
CALIFORNIA 92054

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
Surfboards, body boards, wake boards, skateboards, snowboards, snow
skis, water skis, leashes used with surfboards, surfboard wax. First
Use: 1995/08/01. First Use In Commerce: 1996/08/26.

Filing Date

2005/03/17

Examining Attorney

LEE, DOUGLAS

Attorney of Record

Donn K. Harms, Esq.

SUGARMILL

Print: Dec 26, 2006

78595136

DESIGN MARK

Serial Number

78595136

Status

REGISTERED

Registration Number

3135267

Date Registered

2006/08/29

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

ILC Trademark Corp. CORPORATION BR.VIRGIN ISLANDS P.O. Box 3443
Tropic Isle Building, Road Town Tortola BR.VIRGIN ISLANDS

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
skateboards, surfboards, snowboards, water skis, waterboards,
kneeboards, and bodyboards. First Use: 1965/06/01. First Use In
Commerce: 1965/06/01.

Description of Mark

The mark consists of Double foot print device.

Filing Date

2005/03/25

Examining Attorney

CLARK, ROBERT C.



DESIGN MARK

Serial Number

78629919

Status

REGISTERED

Registration Number

3179586

Date Registered

2006/12/05

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

International Brand Licensing AG CORPORATION SWITZERLAND
Bahnhofstrasse 6 Klosters SWITZERLAND CH-7250

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
diving suits; scuba diving masks; snorkels; gloves for divers.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: clothing,
namely, wrist bands and headbands, scarves, bathing trunks, bathing
caps, bath robes, bathing suits, gloves, socks, track suits and
shorts, t-shirts, sweatshirts, pullovers, beachwear; footwear, beach
shoes, beach sandals; headwear.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
playthings and sporting articles, namely, darts and flying discs,
scuba fins, swim fins, beach balls, in-line roller skates,
skateboards, surf boards, water skis; protective athletic sporting
gear, namely, shin guards, knee and elbow guards; athletic wrist and
joint supports.

Foreign Country Name

SWITZERLAND

Foreign Priority

FOREIGN PRIORITY CLAIMED

Print: Dec 26, 2006

78629919

Foreign Application Number

03860/2004

Foreign Filing Date

2004/11/16

Foreign Registration Number

529723

Foreign Registration Date

2005/01/17

Foreign Expiration Date

2014/11/16

Filing Date

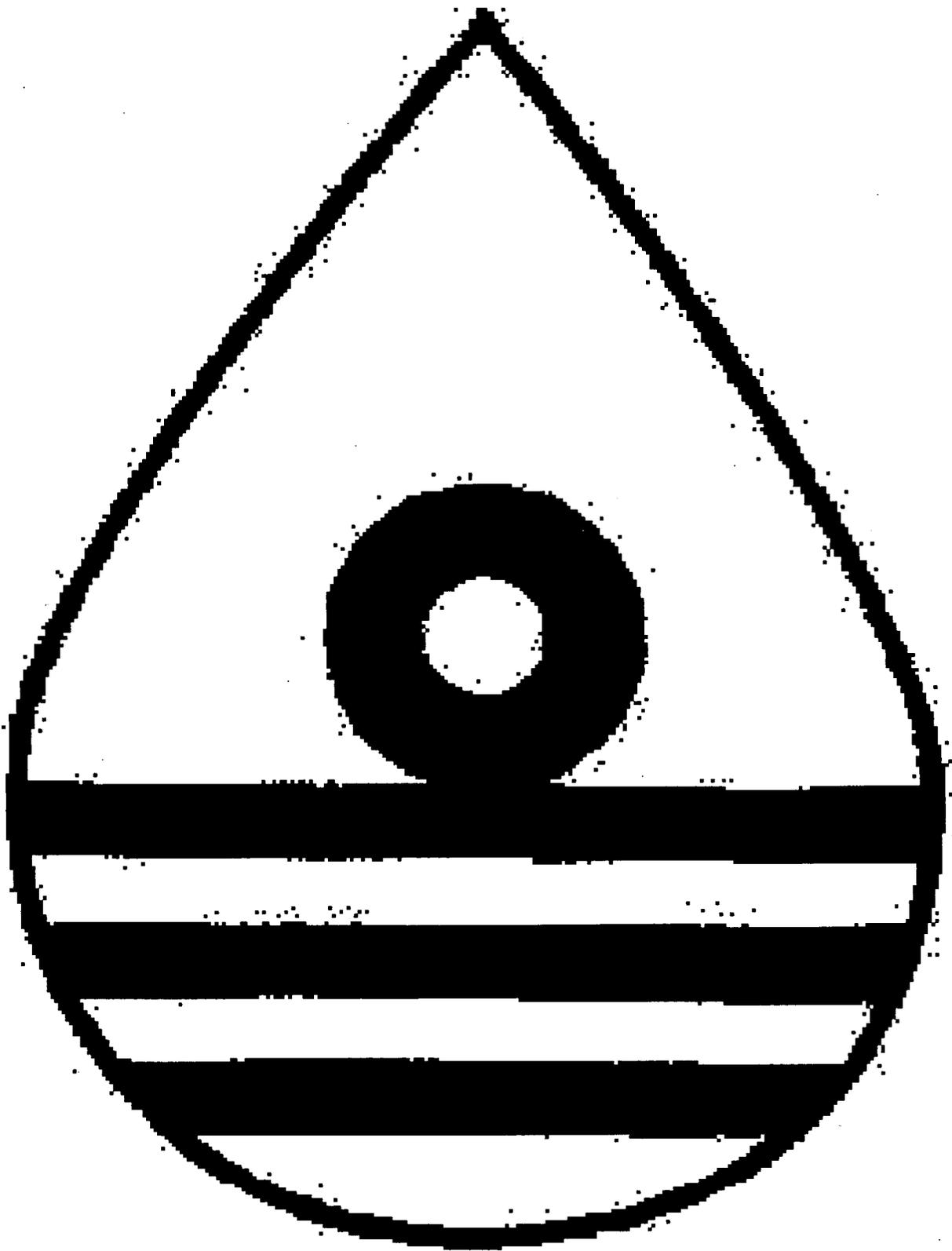
2005/05/13

Examining Attorney

PHAM, LANA

Attorney of Record

SUSAN UPTON DOUGLASS



DESIGN MARK

Serial Number

78641133

Status

REGISTERED

Word Mark

UHURU

Standard Character Mark

No

Registration Number

3119889

Date Registered

2006/07/25

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Reinhard, John Paul INDIVIDUAL UNITED STATES 208 Ogle St. #C Costa Mesa CALIFORNIA 92627

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, skateboards, kite boards; sporting accessories namely leg ropes and security leashes for sporting apparatus namely, surfboards, snowboards, snow skis, bodyboards and skateboards; surfboard deck grips, web gloves for use in surfing; swim fins including swim fins for bodyboarding, wax for skis and surfboards; covers and protective bags for sporting apparatus namely bags for surfboards, bodyboards, kneeboards, wakeboards, sailboards, surf skis, snowboards, snow skis, water-skis, skateboards and kiteboards, wax combs for use with surfboards, bodyboards and skis. First Use: 2004/11/15. First Use In Commerce: 2004/11/15.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Footwear, wetsuits, swimwear, singlets, t-shirts, shirts and casual tops with long and short sleeves, sleeveless shirts, sleeveless tops, bodysuits,

sweat tops, sweat hooded parkas, jackets, coats, jumpers, shorts, board shorts, walk shorts, volley shorts, long pants, beach pants, trousers, slacks, jeans, overalls, dresses, skirts, sarongs, leisure wear, ski wear and snowboard wear namely ski suits, ski pants, ski trousers, ski jackets, snowboard pants, snowboard trousers and snowboard jackets, skateboard wear namely, skateboard shorts, skateboard shorts, skateboard socks; aprons, pyjamas, dressing gowns, bathrobes, underwear, lingerie, stockings, pantyhose, socks, vests, belts, braces in the nature of suspenders, mittens, gloves, scarves, ear muffs, bandannas, beanies, headbands, hats, visors, caps, hoods and head coverings in the nature of hats with canopy of sunshield, surf caps, surf hoods, slippers, boots, shoes, beach shoes, thonged and strapped sandals, sporting and gymnastic footwear, athletic shoes, boots for sports, snow boots, snowboard boots, ski boots, après ski boots, kiteboard boots, surfboard boots. First Use: 2004/11/20. First Use In Commerce: 2004/11/20.

Description of Mark

The mark consists of A text component which reads; 'Uhuru'. On either side of the text component are graphic figures which represent a male (left) and female (right). These human figures have their arms lifted above their heads to represent freedom.

Translation Statement

The foreign wording in the mark translates into English as Freedom.

Filing Date

2005/06/01

Examining Attorney

KON, ELISSA GARBER

W U H U R U

DESIGN MARK

Serial Number

79000117

Status

REGISTERED

Registration Number

2963458

Date Registered

2005/06/21

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

SPOROPTIC POUILLOUX S.A. CORPORATION FRANCE 28 rue Boissy d'Anglas
F-75008 PARIS FRANCE

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S:
Jewelry; bijouterie; precious stones; timepieces namely watches;
chronometric instruments namely watches and chronometers.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing namely
pullovers, t-shirts, sport shirts, sweat shirts, swim suits, shirts,
jackets, coats, blouson styles blouses, waist coats, trousers,
waterproof jackets and pants, dresses, skirts, pair of shorts, socks,
gloves, scarves, ski suits; footwear excluding orthopedic footwear,
headwear; all these goods are for men, women and children.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Sports
articles, namely sport balls, tennis rackets, rackets ball rackets,
skis, water skis, ski bindings, surf skis, skateboards, sailboards,
surf boards.

Filing Date

2003/11/24

Examining Attorney

MARTIN, JENNIFER



Print: Dec 26, 2006

79000532

DESIGN MARK

Serial Number

79000532

Status

REGISTERED

Word Mark

SP UNITED

Standard Character Mark

Yes

Registration Number

2970784

Date Registered

2005/07/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

SP Manufacturing GmbH LTD. LIAB CO FED REP GERMANY An der B 421 D-54587
Birgel FED REP GERMANY

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Sports
articles, namely, snowboards, skis, bindings for snowboards and skis,
sleds and sleighs, surfboards, water skis and skateboards.

Filing Date

2003/12/15

Examining Attorney

DELANEY, ZHALEH

SP United

Print: Dec 26, 2006

79000533

DESIGN MARK

Serial Number

79000533

Status

REGISTERED

Word Mark

SP

Standard Character Mark

No

Registration Number

3109414

Date Registered

2006/06/27

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

SP Manufacturing GmbH LTD LIAB CO FED REP GERMANY An der B 421 D-54587
Birgel FED REP GERMANY

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Sports
articles, namely, snowboards, skis, bindings for snowboards and skis,
sleds and sleighs, surfboards, water skis and skateboards.

Filing Date

2003/12/15

Examining Attorney

DELANEY, ZHALEH

SE

Print: Dec 26, 2006

79001170

DESIGN MARK

Serial Number

79001170

Status

REGISTERED

Word Mark

CANDIDE THOVEX

Standard Character Mark

Yes

Registration Number

2992653

Date Registered

2005/09/06

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

THOVEX Candide INDIVIDUAL FRANCE Le Chalet de Marie Les Confins;
F-74220 LA CLUSAZ FRANCE

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S:
Gymnastic and sporting articles, namely, gymnastic training stools,
golf clubs, paragliders, ice skates, roller skates, skateboards,
sailboards, surf boards, snowshoes, skis, ski bindings and water skis.

Priority Date

2003/06/20

Filing Date

2003/12/19

Examining Attorney

ADKINS, CHRISTOPHER

CANDIDE
THOVEX

DESIGN MARK

Serial Number

79005555

Status

REGISTERED

Word Mark

PARIS SAINT-GERMAIN 1970

Standard Character Mark

No

Registration Number

3100914

Date Registered

2006/06/06

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

PARIS SAINT GERMAIN FOOTBALL Société anonyme à Directoire et conseil de surveillance FRANCE 24, rue du Commandant Guilbaud F-75016 PARIS FRANCE

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Board games; toys, namely, toy action figures, bath toys, children's multiple activity toys and music toys; gymnastics and sports articles excluding clothing, mats and footwear, namely fencing weapons, stationary exercise bicycles, bob-sleighs, play balls and balloons, billiards and marbles, billiard cues, billiard tables, skating boots with skates attached, boxing gloves, fishing rods, golf clubs, kites, targets, machines for physical exercises, namely, exercise tread mills, magic tricks, darts, sets of bowling pins, badminton and shuttlecock sets, gymnastics appliances and physical exercise apparatus for body-building, namely, chest expanders; dumb-bells, paragliders, ice skates, roller skates, skateboards and non-motorized sailboards, surf boards; protective padding for playing soccer, baseball, rugby, skis, boxing; rackets and baseball bats, skis, water skis, surf skis, tables for table soccer; tables for table tennis, Christmas tree decorations.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, hats, tops, pants, and jackets; footwear excluding orthopedic footwear; and headgear, namely, hats and caps.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, organizing and conducting conferences, conventions and exhibitions in the field of sports and cultural events; training services in the field of telecommunications; production of radio and television programs in the field of sports and cultural events; book and magazine publishing; book lending services; animal training; production of game shows, motion picture films; television broadcasting; theatrical booking agencies for artists; rental of videograms, phonograms, films, audio and video recordings and tapes, motion picture projection apparatus, decoders and encoders, theater sets and their accessories; organizing competitions and games for educational or entertainment purposes; production of game shows and debates; preparing press reports on topics of sports and cultural events; booking of seats for shows; sport camp services; organizing and conducting sports competitions; rental of sports equipment, namely, cycles, footballs, soccer balls, and tennis racquets; rental of stadium facilities; and assisting members of sports clubs in conducting sports and cultural activities.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PARIS SAINT-GERMAIN" and "1970" APART FROM THE MARK AS SHOWN.

Colors Claimed

The color(s) reflex white, blue, pantone red 199 is/are claimed as a feature of the mark.

Part of Mark in Color

The color white appears in the background of the mark. The color blue appears in the wording "PARIS SAINT-GERMAIN" and "1970". The color blue appears in the two portions of a circle that appear on the left and right sides of the representation of the Eiffel Tower. The color blue appears in the portion of the mark beneath the representation of the Eiffel Tower in the area surrounding the fleur-de-lis and baby carriage symbols. The color red appears in the upper and lower areas within the representation of the Eiffel Tower.

Filing Date

2004/03/24

Examining Attorney

HOLTZ, ALLISON

Attorney of Record

Print: Dec 26, 2006

79005555

Donald L. Dennison and Malcolm J. MacDonald



DESIGN MARK

Serial Number

79005581

Status

REGISTERED

Registration Number

3032498

Date Registered

2005/12/20

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

SALOMON S.A. Société anonyme FRANCE Lieudit La Ravoire F-74370
METZ-TESSY FRANCE

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing, namely, shirts, polo shirts, t-shirts, shorts, skirts, sweatshirts, Bermuda shorts, trousers, tank tops, wind cheaters, swimming costumes, snow gaiters, tracksuits, gloves, mittens, over-mittens, wool hats, head bands, caps, visors, belts, ski suits, parkas, anoraks and socks; sportswear, namely, clothing for skiing, mountaineering, tennis and cycling, namely, shirts, pants, shorts, tights, socks, headbands, caps, jackets, sport uniforms and underwear; down clothing, namely, jackets, vests and gloves; footwear, namely, boots and shoes for hiking, mountaineering, tennis, cycling and leisure; ski and after-ski boots; snowboard boots, their inner shoes and their reinforcements; overboots; inner and outer soles for shoes and boots.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Gymnastics and sports articles namely snow skis, water skis, surfboards, ski and surf bindings, ski poles and parts therefor namely, wrist straps, graps and hilts, edges of skis, cables for tying skis or ski boots, ski brakes, anti-friction plates for ski bindings, ice skates, snow sleds, sleighs, snowshoes, ski and binding covers, slant wedges for shoes or bindings on skis or skates, heel blocks, ski toe pieces, ski tips and tip protections, slalom gates and marker poles, ski was, golf clubs and sticks, golf and tennis balls, golf

bags and cases therefore, athletic knee and elbow pads, scrapers for skis, tennis rackets, racket covers, skateboards, roller skates and components of roller skates, namely brakes, brake linings, cassis for roller skate wheels, roller skate wheels; protective padding for sportswear, namely, elbow pads, knee pads, wrist protectors with or without gloves; kites; skate accessories, namely, ice-skating shoes and slippers without blades.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising services for others, namely, advertising mailing; newspaper subscription services for third parties; computerized file management; organization of exhibitions for commercial advertising in retail sales of sportswear, sports equipment, apparel and luggage.

Priority Date

2004/01/09

Description of Mark

The mark consists of Dashed lines radiating from a circular bulls-eye.

Filing Date

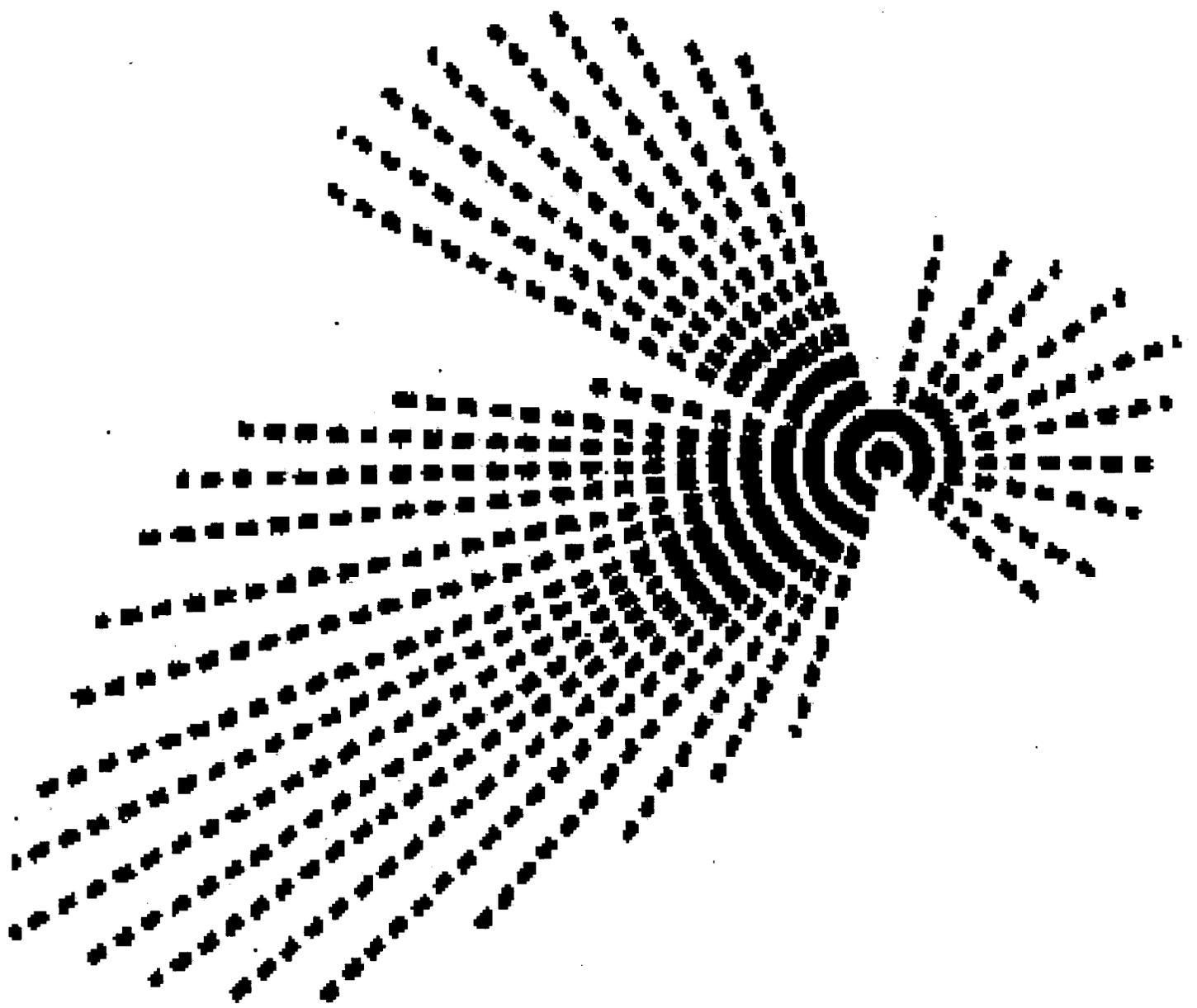
2004/06/21

Examining Attorney

DWYER, SEAN

Attorney of Record

Charles E. Baxley, Joseph T. Murray and James F. Baxley



DESIGN MARK

Serial Number

79008116

Status

REGISTERED

Word Mark

EE

Standard Character Mark

No

Registration Number

3046464

Date Registered

2006/01/17

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

ESCADA AG CORPORATION FED REP GERMANY Margaretha-Ley-Ring 1 85609
Aschheim FED REP GERMANY

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:
Perfumeries; cosmetics.

Goods/Services

Class Status -- ACTIVE. IC 012. US 019 021 023 031 035 044. G & S:
Vehicles, namely, bicycles, motorized scooters, mopeds, motorcycles,
motorboats and sailboats.

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Games
and playthings, namely, backgammon game sets, poker sets, chess sets,
checkers sets, board games, bridge sets, Mah Jong sets, playing cards,
card games, dice, yo yos, marbles, game tables, stuffed toys, jigsaw
puzzles, dart boards, pinball games, battery powered computer games,
collectible toy figures, toy pianos, toy clocks, toy watches, water
globes, toy xylophones; gymnastic and sports articles, namely, skis,
ski covers, covers for ski bindings, ski bags, ski poles, snowboards,

surfboards, water skis, skateboards, roller blades, roller skates, cricket bats, cricket balls, croquet sets, cue sticks, golf clubs, golf balls, golf bags, golf tees, golf accessory pouches, golf club heads, fitted head covers for golf clubs, golf putter covers, golf ball markers, golf club shafts, golf flags, golf gloves, grip tapes for golf clubs, putting practice mats, racquet ball balls, tennis balls, rackets for tennis, badminton, squash and racquet ball, racket cases for rackets for tennis, badminton, squash and racquet ball, personal yoga mats, yoga bands, yoga balls, personal exercise mats, bowling balls, bowling ball bags; decorations for Christmas trees.

Priority Date

2004/06/02

Description of Mark

The mark consists of a design of double letter e's facing each other.

Filing Date

2004/09/02

Examining Attorney

FLETCHER, TRACY

Attorney of Record

Lawrence E. Apolzon, Esq.



DESIGN MARK

Serial Number

79009951

Status

REGISTERED

Word Mark

VENUE

Standard Character Mark

No

Registration Number

3114455

Date Registered

2006/07/11

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

PIVA S.R.L. LTD LIAB CO ITALY Via Levada, 145 I-31040 Pederobba (Treviso) ITALY

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: SNOW BOARDS; SKATEBOARDS; SNOWBOARD BINDINGS, BOARDBAGS AND CASES; SURF BOARDS AND FINS; SNOW SLEDS; SKIS; WATER SKIS; SKI BINDINGS AND POLES; TENNIS RACKETS; ROLLER SKATES; ICE SKATES; GOLF BAGS AND CLUBS; BASKETBALLS; BASKETBALL BACKBOARDS; SPORT BALLS; EXERCISE BARS AND MACHINES; SURFBOARDS; SPORTSMAN'S FISHING BAGS; ARCHERY EQUIPMENT, NAMELY ARM GUARDS, ARROWS, BOWS, BOW CASES, QUIVERS AND TARGETS; ELBOW, HAND AND SHIN PADS FOR ATHLETIC USE; PLAYING CARDS.

Priority Date

2004/09/17

Description of Mark

The trademark consists of a sign representing a circle positioned centrally between two geometric elements of irregular shape placed sideways, there being, in an underlying position, the fancy wording VENUE in fancy characters.

Print: Dec 26, 2006

79009951

Filing Date

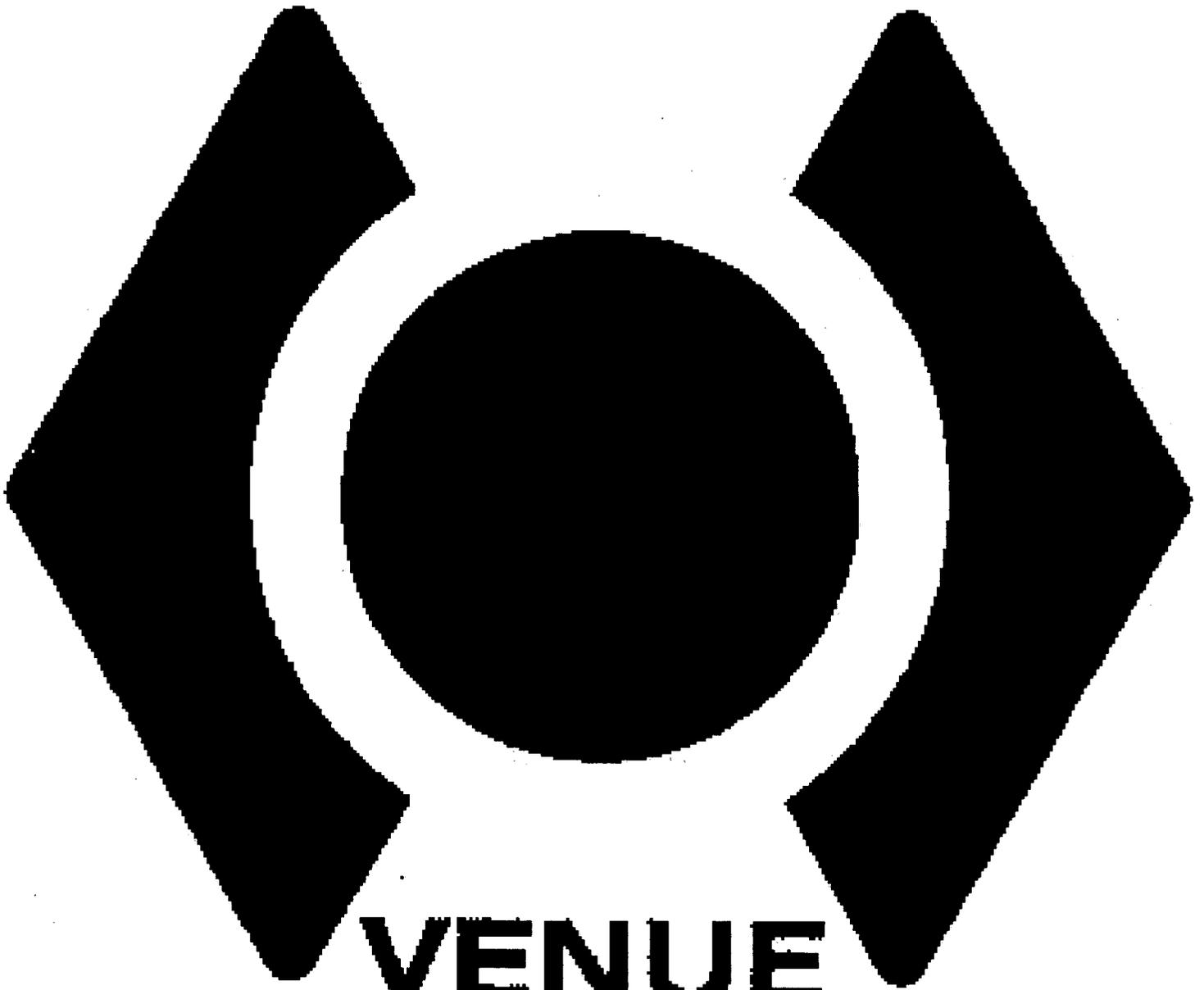
2004/12/02

Examining Attorney

GOODSAID, IRA J.

Attorney of Record

HERBERT DUBNO



VENUE

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

In re Trademark Application Serial No. 78-813,437
For the mark "TRANSPARENT LOGIC"
Published in the Official Gazette on October 3, 2006

Square D Company)
)
 Opposer,)
)
 v.)
)
 x365 Technologies, Inc.)
)
 Applicant)

Certificate of Mailing under 37 CFR § 2.197
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First-class mail in an envelope addressed to:
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
on 12/4/06
Date
Douglas A. Boehm
Signature
Douglas A. Boehm

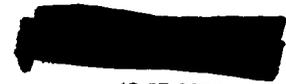
Opposition No. _____

TTAB

NOTICE OF OPPOSITION

Square D Company, a Delaware corporation, having a principal place of business at 1415 South Roselle Road, Palatine, Illinois 60067 ("Opposer"), believes it will be damaged by registration of the mark "TRANSPARENT LOGIC" shown in Trademark Application Serial No. 78-813,437 in International Class 9, filed by x365 Technologies, Inc., a Virginia corporation, having a principal place of business at 532 Waterwheel Road, Chesapeake, Virginia 23322 ("Applicant"), and Opposer hereby opposes registration of Applicant's proposed mark.

Applicant's proposed mark was published for opposition on October 3, 2006. Opposer filed a first request for extension of time to file a Notice of Opposition on November 1, 2006, which request was granted on the same day, extending the time to oppose until Saturday, December 2, 2006. Opposer filed this Notice of Opposition on Monday, December 4, 2006,



using the Certificate of Mailing procedure under 37 C.F.R. § 2.197. Hence, Opposer submits that this Notice of Opposition was timely filed.

The grounds for opposition are as follows:

1. Opposer is engaged in the manufacture, distribution, advertising, and sale of a wide variety of electrical distribution products and industrial automation and control products and services, including data processing software and telecommunications services.

2. Opposer's parent company, Schneider Electric Industries SAS, a French simplified joint stock company, is the owner (by virtue of a recorded change of name assignment from Schneider Electric Industries SA) of U.S. Trademark Registration Number 2,954,077, registered May 24, 2005, for the mark TRANSPARENT READY for the following goods and services:

(a) "Data processing apparatus, namely, object linking embedding process control and operating software and software comprising general purposes spreadsheets for collecting data on either an intranet or Internet connected personal computer to a programmable logic controller" in International Class 9, U.S. Classes 21, 23, 26, 36, and 38.

(b) "Electrical repairs and installation services of power and control equipment, namely circuit breakers, motor drives, heating apparatus, solenoids, electrical switches, switchboards, electrical proximity and inductive sensors for programmable logic controller systems, I/O modules, and integrated circuit cards" in International Class 37, U.S. Classes 100, 103, and 106.

(c) "Telecommunications services provided on computer networks, namely, providing telecommunications connections to a local area network or a global computer

network for monitoring and control services for industrial machines and processes; electronic transmission of messages and data; providing on-line chat rooms for transmission of messages among computer users concerning the operation, monitoring and control of automation industrial control systems and concerning engineering and related technical subjects; radio broadcasting services; electronic mail services; providing multiple user dial-up and dedicated access to the Internet and on-line help sites” in International Class 38, U.S. Classes 100, 101, and 104.

(d) “Building monitoring services; computer aided electronic Internet services, namely, providing temporary use of non-downloadable software from world wide web sites that transmits programmable logic control software via the Internet” in International Class 42, U.S. Classes 100 and 101.

A copy of the registration certificate for Opposer’s TRANSPARENT READY mark is attached hereto as Exhibit A. This registration is valid and enforceable under 15 U.S.C. §1115.

3. Opposer, through and by permission of its parent company, adopted and used its mark at least as early as those dates indicated in the registration, namely, May 2001. A sample of one of Opposer’s recent “Transparent Ready Power Distribution Equipment” advertising brochures is attached hereto as Exhibit B. This brochure, as well as others showing the use of Opposer’s registered mark, can be found via the Internet at Opposer’s “www.transparent-ready.com” web site. As a result of the extensive use, promotion, and advertising of Opposer’s TRANSPARENT READY mark throughout the world for its web-enabled power and control products and services, this trademark has acquired significant goodwill, gained wide public recognition, and become a substantial business asset of Opposer.

4. Applicant seeks registration on the Principal Register of the mark TRANSPARENT LOGIC for "Computer software for use in automated processing of business decisions, rules and workflow that may be downloaded from a global computer network" in International Class 009, U.S. Classes 21, 23, 26, 36, and 38. Applicant filed its Section 1(a) application for this mark on February 13, 2006, claiming a date of First Use and a date of First Use in Commerce of August 1, 2005.

5. There is no issue as to priority. Opposer's TRANSPARENT READY trademark registration date of May 24, 2005, is prior to Applicant's February 13, 2006, Filing Date and August 1, 2005, dates of First Use.

6. The proposed TRANSPARENT LOGIC mark for which Applicant seeks registration is confusingly similar to Opposer's registered TRANSPARENT READY mark, and the goods for which Applicant's proposed mark is intended to be used on are closely related to Opposer's goods recited in its registration.

7. A comparison of the marks shows that Applicant's proposed TRANSPARENT LOGIC mark so closely resembles Opposer's registered TRANSPARENT READY mark as to be likely, when used on or in connection with the goods or services of Applicant, to cause confusion. Both marks incorporate the same first word "Transparent" and only differ with regard to the second word. Both marks are similar in their entireties in appearance, connotation, and commercial impression. Upon information and belief, Opposer asserts that the marks will be used in the same channels of trade on goods marketed to the same types of purchasers. Hence, the marks are confusingly similar.

8. As to the similarity of goods, Opposer's registered TRANSPARENT READY mark is used on "process control and operating software" and "software ... for collecting data on

either an intranet or Internet connected personal computer ..." in International Class 9, as recited in Opposer's description of goods. Applicant's proposed TRANSPARENT LOGIC mark is intended to be used on "computer software for use in automated processing of business decisions, rules and workflow that may be downloaded from a global computer network" as recited in Applicant's description of goods in International Class 9. Both goods descriptions describe business-related computer software for automating workflow using the Internet and, as such, are confusingly similar.

9. Opposer's description of services set forth in International Class 38 recites "Telecommunications services provided on computer networks, namely, providing telecommunications connections to a local area network or a global computer network for monitoring and control services for industrial machines and processes; electronic transmission of messages and data; providing on-line chat rooms for transmission of messages among computer users concerning the operation, monitoring and control of automation industrial control systems and concerning engineering and related technical subjects; ... providing multiple user dial-up and dedicated access to the Internet and on-line help sites". These services include, or are at least very closely related to, Applicant's use of "computer software for use in automated processing of business decisions ... that may be downloaded from a global computer network". Hence, the goods are either the same or so closely related that confusion in the marketplace is bound to occur.

10. In view of the similarity of the marks and goods of the respective parties, it is believed that Applicant's proposed TRANSPARENT LOGIC mark so resembles Opposer's registered TRANSPARENT READY mark as to be likely to cause confusion, cause mistake, or to deceive.

11. Opposer is also the owner of a family of registered U.S. Trademarks containing the word "LOGIC", three of which are listed here:

(a) U.S. Trademark Registration Number 1,626,754, registered December 11, 1990, for the mark POWERLOGIC for the following goods and services: "Electronic monitoring and control system for electrical power distribution system, namely monitors, display terminals, meters, personal computers, switchgear, circuit breakers, load centers, modems and computer programs for the operation and simulation of electronic monitoring and control systems" in International Class 9, U.S. Classes 21, 26, and 38. A copy of this registration certificate is attached hereto as Exhibit C.

(b) U.S. Trademark Registration Number 2,342,710, registered April 18, 2000, for the mark MICROLOGIC for the following goods and services: "Electrical equipment namely circuit breakers" in International Class 9, U.S. Classes 21, 23, 26, 36, and 38. A copy of this registration certificate is attached hereto as Exhibit D.

(c) U.S. Trademark Registration Number 2,682,452, registered February 4, 2003, for the mark MOTOR LOGIC for the following goods and services: "Electrical overload relays" in International Class 9, U.S. Classes 21, 23, 26, 36, and 38. A copy of this registration certificate is attached hereto as Exhibit E.

12. There is no issue as to priority regarding these three "LOGIC" marks. The registration dates of 1990, 2000, and 2003 are all prior to Applicant's February 13, 2006, Filing Date, as well as prior to its August 1, 2005, dates of First Use.

13. Opposer adopted and used these three "LOGIC" marks at least as early as those dates indicated in the respective registrations. Furthermore, Opposer adopted and used these three "LOGIC" marks in conjunction with its TRANSPARENT READY mark at least as early as

2002. Three samples of such commercial use of one or more of Opposer's "LOGIC" marks with Opposer's TRANSPARENT READY mark in the same product advertising brochures are attached hereto as Exhibits. Specifically, Exhibit F shows the use of TRANSPARENT READY with POWERLOGIC and MICROLOGIC; Exhibit G shows the use of TRANSPARENT READY with POWERLOGIC and MICROLOGIC and MOTOR LOGIC; Exhibit H shows the use of TRANSPARENT READY with POWERLOGIC. These brochures, as well as others using Opposer's TRANSPARENT READY mark with one or more of its "LOGIC" marks, can be found via the Internet at Opposer's "www.transparent-ready.com" web site and other web sites.

14. Opposer markets its TRANSPARENT READY web-enabled power and control products with its POWERLOGIC power distribution products in the same marketing materials to the same purchasers. In fact, Opposer's TRANSPARENT READY mark is even used in the same sentence as its POWERLOGIC mark, as shown in both Exhibit B ("Transparent Ready[®] equipment incorporates PowerLogic[®] power monitoring technology ...", page 7) and Exhibit H ("Using standard POWERLOGIC[®] Web technologies, TRANSPARENT READY equipment provides ...", page 1).

15. Opposer, by its sales and advertising of its goods sold under its TRANSPARENT READY mark used with its POWERLOGIC and MICROLOGIC and MOTOR LOGIC marks, has developed exceedingly valuable goodwill throughout the United States with respect to said TRANSPARENT READY and "LOGIC" marks.

16. Use of Applicant's proposed TRANSPARENT LOGIC mark with business-related computer software would be taken by purchasers of such software as an indication of origin in Opposer, particularly since the first part "TRANSPARENT" is the same as the first part

of Opposer's registered TRANSPARENT READY mark, and the second part "LOGIC" is the same as the second part of several of Opposer's family of registered "LOGIC" marks, such as POWERLOGIC, MICROLOGIC, and MOTOR LOGIC. The net effect of a registered trademark having the first part "TRANSPARENT" and the second part "LOGIC" for use with business-related computer software would cause confusion in the marketplace, resulting in damage and injury to Opposer. Any such confusion inevitably would result in loss of sales to the Opposer.

17. As a result of the extensive use, promotion, and advertising of Opposer's TRANSPARENT READY mark throughout the world for its web-enabled power and control products, in conjunction with its POWERLOGIC and/or MICROLOGIC and/or MOTOR LOGIC trademarks for such power and control products, the registration of TRANSPARENT LOGIC by Applicant is likely to cause confusion or mistake in the minds of consumers and to lead prospective purchasers to believe Applicant's products as designated are products of Opposer, or in some way backed by, sponsored by, franchised by, approved, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of Opposer and its goodwill in its registered marks.

18. The proposed mark TRANSPARENT LOGIC is not registerable because it constitutes merely a trade name to identify the corporation "Transparent Logic Technologies Inc." Applicant's specimen itself, filed in the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration, supports such determination. A copy of the specimen is attached hereto as Exhibit I. The specimen, which was described by Applicant as "Screen copy of Internet Web Site page showing use of 'Transparent Logic'", states in the browser title

bar "Transparent Logic: Company", and refers only to Transparent Logic as a trade name to identify the company, e.g., "Hi, I'm Carl Hewitt, Transparent Logic founder and CEO."

19. The proposed mark TRANSPARENT LOGIC is not registerable because the specimen filed in the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration does not show TRANSPARENT LOGIC as a trademark used on or in connection with goods for which registration was being sought. The specimen, Exhibit I, does not show TRANSPARENT LOGIC as a trademark on or in connection with any goods. The specimen does, however, show several other of Applicant's trademarks, such as "LogicBase" or "Composer", in connection with Applicants goods, as shown in the lower left under the subtitle "Explore our Products".

20. The proposed mark TRANSPARENT LOGIC is not registerable because the drawing of the mark is not a substantially exact representation of the mark as used on or in connection with the goods or services, as shown by the specimen, Exhibit I. The drawing shows the two words "Transparent Logic" (two words separated by a space character), while the specimen filed with the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration shows a distinctly different logo with the single word "transparentlogic" (one word without any space character).

21. The proposed mark TRANSPARENT LOGIC is not registerable because, upon information and belief, Opposer alleges that there was no bona fide use in commerce prior to the filing of the application for registration. The specimen filed with the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration shows the use of a logo with the single word "transparentlogic" (one word without any space character) on a web page, which

does not provide a proper use basis for registration of the two-word mark "Transparent Logic" (two words separated by a space character) on computer software.

22. The proposed mark TRANSPARENT LOGIC is not registerable because, upon information and belief, Opposer alleges that the Applicant "x365 Technologies Inc." is not the proper owner of the proposed mark TRANSPARENT LOGIC, as set forth and sworn to in Applicant's application as of Applicant's February 13, 2006, Filing Date. In support of this allegation, Opposer has attached hereto as Exhibit J a printout page from the Virginia State Corporation Commission database showing that Applicant's corporate name "x365 Technologies, Inc." was changed to "Transparent Logic Technologies, Inc." on August 23, 2005, prior to such application Filing Date.

WHEREFORE, Opposer files this Notice of Opposition and prays that registration of the mark TRANSPARENT LOGIC be denied, and that this Opposition be sustained in favor of Opposer.

Please charge Opposer's Deposit Account No. 19-3875 (TMOPP0139) in the amount of \$300 for the filing fee per class as presented herewith. Any additional fees required to be paid by Opposer may be charged to this Deposit Account.

Respectfully submitted,

Square D Company

Date: December 4, 2006

By: *Douglas A. Boehm*

Douglas A. Boehm
Attorney for Opposer
Schneider Electric / Square D Company
1415 South Roselle Road
Palatine, Illinois 60067
doug.boehm@us.schneider-electric.com
(847)925-3458

Attached: Exhibits A through J

Int. Cls.: 9, 37, 38 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103, 104
and 106

Reg. No. 2,954,077

United States Patent and Trademark Office

Registered May 24, 2005

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

TRANSPARENT READY

SCHNEIDER ELECTRIC INDUSTRIES SA
(FRANCE CORPORATION)
89, BOULEVARD FRANKLIN ROOSEVELT
RUEIL-MALMAISON, FRANCE 92500

FOR: DATA PROCESSING APPARATUS, NAME-
LY, OBJECT LINKING EMBEDDING PROCESS
CONTROL AND OPERATING SOFTWARE AND
SOFTWARE COMPRISING GENERAL PURPOSES
SPREADSHEETS FOR COLLECTING DATA ON
EITHER AN INTRANET OR INTERNET CONN-
ECTED PERSONAL COMPUTER TO A PROGRAMMA-
BLE LOGIC CONTROLLER, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

FOR: ELECTRICAL REPAIRS AND INSTALLA-
TION SERVICES OF POWER AND CONTROL
EQUIPMENT, NAMELY CIRCUIT BREAKERS, MO-
TOR DRIVES, HEATING APPARATUS, SOLE-
NOIDS, ELECTRICAL SWITCHES,
SWITCHBOARDS, ELECTRICAL PROXIMITY
AND INDUCTIVE SENSORS FOR PROGRAMMA-
BLE LOGIC CONTROLLER SYSTEMS, I/O MOD-
ULES, AND INTEGRATED CIRCUIT CARDS, IN
CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: TELECOMMUNICATIONS SERVICES PRO-
VIDED ON COMPUTER NETWORKS, NAMELY,
PROVIDING TELECOMMUNICATIONS CONN-
ECTIONS TO A LOCAL AREA NETWORK OR A
GLOBAL COMPUTER NETWORK FOR MONITOR-
ING AND CONTROL SERVICES FOR INDUSTRIAL

MACHINES AND PROCESSES; ELECTRONIC
TRANSMISSION OF MESSAGES AND DATA; PRO-
VIDING ON-LINE CHAT ROOMS FOR TRANSMIS-
SION OF MESSAGES AMONG COMPUTER USERS
CONCERNING THE OPERATION, MONITORING
AND CONTROL OF AUTOMATION INDUSTRIAL
CONTROL SYSTEMS AND CONCERNING ENGI-
NEERING AND RELATED TECHNICAL SUBJECTS;
RADIO BROADCASTING SERVICES; ELECTRONIC
MAIL SERVICES; PROVIDING MULTIPLE USER
DIAL-UP AND DEDICATED ACCESS TO THE IN-
TERNET AND ON-LINE HELP SITES, IN CLASS 38
(U.S. CLS. 100, 101 AND 104).

FOR: BUILDING MONITORING SERVICES;
COMPUTER AIDED ELECTRONIC INTERNET
SERVICES, NAMELY, PROVIDING TEMPORARY
USE OF NON-DOWNLOADABLE SOFTWARE
FROM WORLD WIDE WEB SITES THAT TRANS-
MITS PROGRAMMABLE LOGIC CONTROL SOFT-
WARE VIA THE INTERNET, IN CLASS 42 (U.S. CLS.
100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
FRANCE APPLICATION NO. 013099528, FILED 5-
10-2001, REG. NO. 013099528, DATED 5-10-2001, EX-
PIRES 5-10-2011.

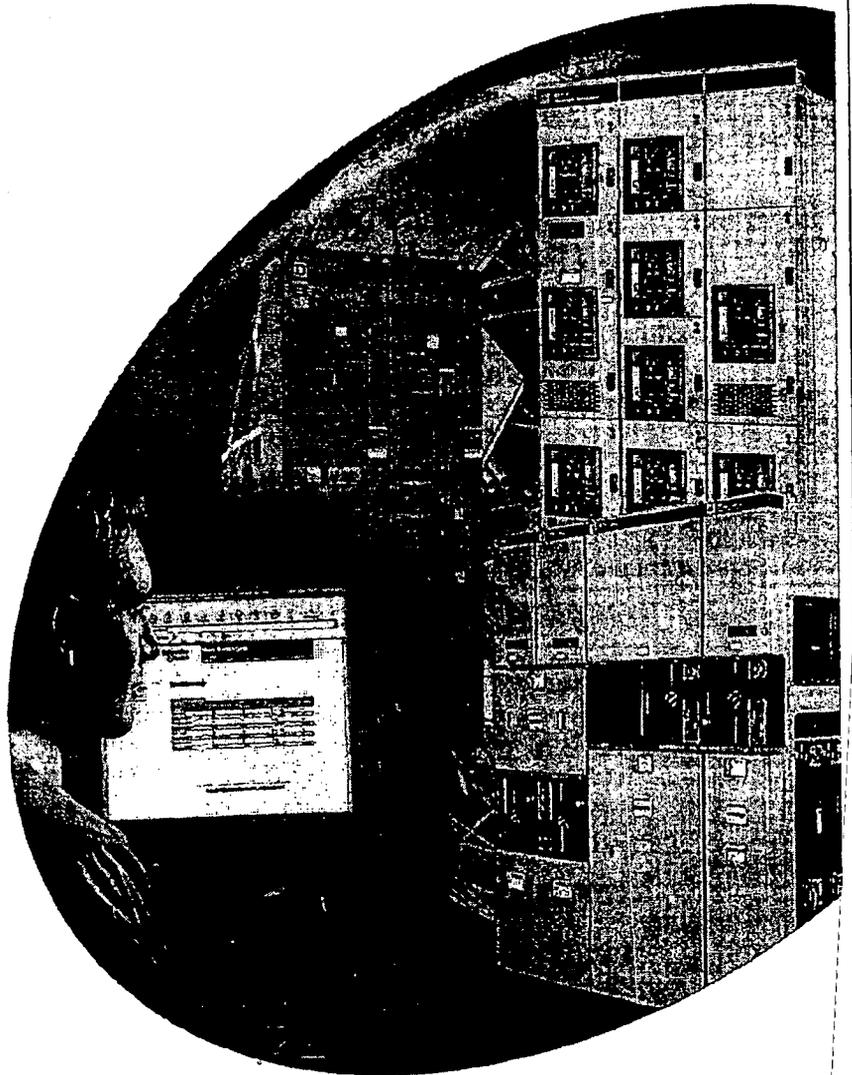
SER. NO. 76-332,734, FILED 11-2-2001.

ELIZABETH J. WINTER, EXAMINING ATTORNEY

Exhibit A

*Transparent Ready® Power
Distribution Equipment*
Simple, affordable access
to power system information.

**Transparent
Ready®**
Web-enabled Power & Control



a brand of
**Schneider
Electric**

 **SQUARE D**

Exhibit B

Transparent Ready® Means Energy Efficiency

Transparent Ready® power distribution equipment features an Ethernet interface, and an embedded Web server to provide you with the information you need to manage the cost and quality of power.

“Why did that breaker trip? Where can I add this new load? Who’s wasting energy?”

Reduce Energy Costs

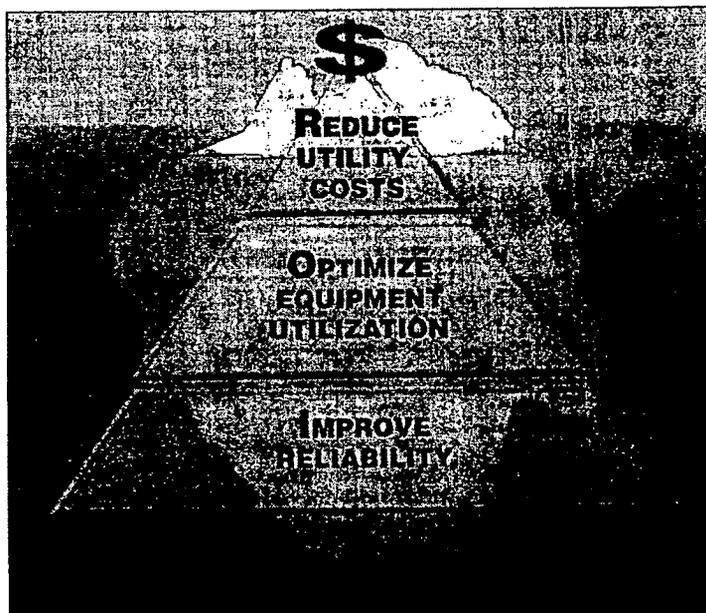
- Save 2-4% or more on power bills by knowing where energy is being used.
- Track the number of kilowatt hours used each month, by function or department.
- Identify where and when new peak demands occur, driving up utility bills.

Optimize Equipment Utilization

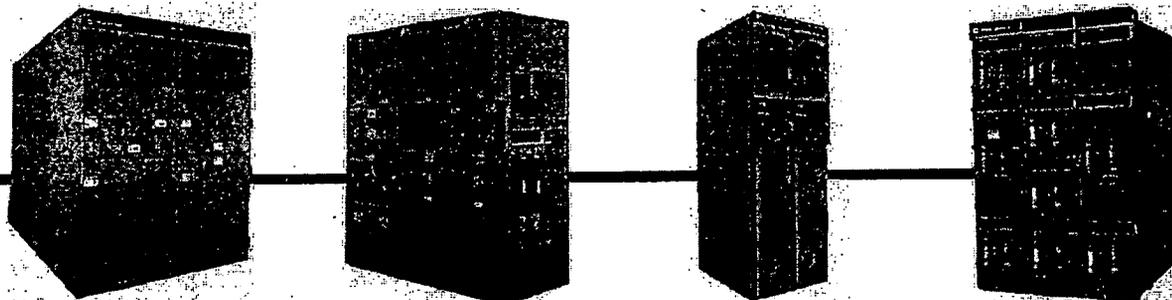
- Save 2-5% on operating costs and capital expenses by eliminating unnecessary purchases.
- Know where spare capacity exists before you add that new machine.
- Identify wasteful load unbalances or excessive loading on transformers that may be silently reducing longevity.
- By optimizing your electrical system, you will extend the life of your equipment and maximize your investment.

Improve Reliability

- Save thousands of dollars by avoiding downtime through advanced warning of abnormal conditions.
- With detailed metering data on all circuits, you will be able to spot potential hazards before they cause a costly shutdown.
- Quickly diagnose problems when interruptions do occur.



A complete range of power distribution equipment . . .



Transparent Ready® Means Affordability



Simple, affordable power monitoring

Transparent Ready® equipment is pre-engineered to include the most popular current, power and energy web pages, and is completely configured and tested at the factory. You know exactly what you're getting before you place the order.

"I need equipment that connects right into my existing network, without any system integration costs."

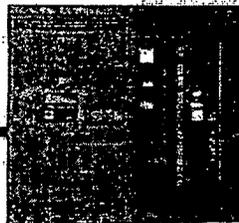
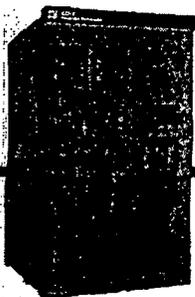


Leverage your existing IT infrastructure

With Transparent Ready equipment there is no need to run new proprietary networks around your facility. Just connect the equipment's built-in Ethernet interface to a nearby hub or switch on your existing Ethernet Local Area Network (LAN).

The only commissioning required is to set the equipment's network address. Now you're ready to access power system information from any PC on your network, using a standard Web browser.

... one convenient way to access information. Transparent Ready® equipment.



Transparent Ready® Means Easy Access to Power System Information

Standard Web pages
Transparent Ready® equipment comes with predefined Web pages so you can access power system data right away. The equipment hosts its own Web site giving you the data you need on main, tie and feeder circuits using a standard Web browser – just point and click.

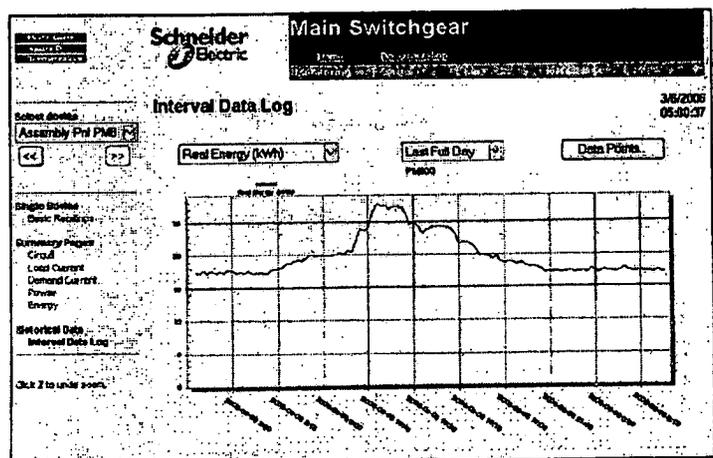
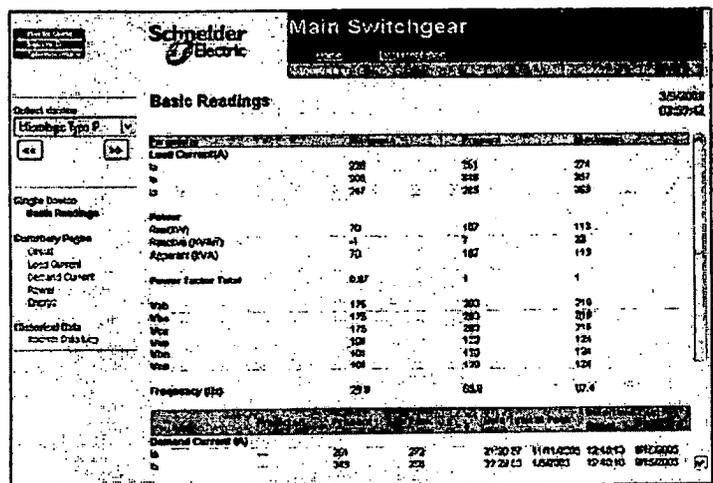
Detailed Readings Per Device
Displays detailed, device-specific information for each monitored device in the lineup. Each "Basic Readings" page provides real-time and historical data according to the device type.

- Analyze power quality, or diagnose power-related problems.
- Check breaker trip history, additional metering values, or device settings.

Historical Trending Per Device
The embedded Web server records metering data at user-defined intervals, and "Interval Data Log" pages provide a graphic trend plot for the specified period – day, week, or month.

- Understand energy usage throughout the month, by product or department.
- Spot abnormal trends or unusual consumption patterns quickly.
- Data is maintained in non-volatile memory to safeguard your investment.
- Archive data to your PC easily for long-term storage and further analysis and reporting.

Easy



Existing Ethernet LAN

Transparent Ready® Means Simplicity

Schneider Electric Main Switchgear

Circuit Summary 3-7-2008 12:06:29

Monitoring: Circuit, Load Current, Demand Current, Power, Energy

Circuit	RMS Current (Amps)	Real Power (kW)	Power Factor	Breaker Status
Main Meter	311	238	0.685 lag	closed
Feeder 1	189	149	0.691 lag	closed
Feeder 2	0	0	0	open
Feeder 3	115	87	0.672 lag	closed

Circuit Summary
Displays the RMS current, real power (kW), power factor, and breaker status for all monitored circuits in the equipment lineup. With unit substations, you even get a 'snapshot' of the transformer coil temperature and the fan status.

- Quickly check the status of all circuits.
- Compare circuit loading at a glance.

Schneider Electric Main Switchgear

Load Current Summary 3-07-2008 12:06:29

Monitoring: Circuit, Load Current, Demand Current, Power, Energy

Circuit	Phase A	Phase B	Phase C
Main	311	315	318
Feeder 1	189	190	200
Feeder 2	0	0	0
Feeder 3	115	117	118

Load Current Summary
Displays the RMS current values, per phase, for all monitored circuits in the lineup.

- Verify circuit loading, based on real-time data.
- Spot circuits with unbalanced single-phase loads.

Schneider Electric Main Switchgear

Demand Current Summary 3-07-2008 12:06:29

Monitoring: Circuit, Load Current, Demand Current, Power, Energy

Circuit	Phase A	Phase B	Phase C
Main Meter	302	302	302
Feeder 1	180	180	180
Feeder 2	0	0	0
Feeder 3	112	112	112

Demand Current Summary
Displays the demand current values (averaged over time), per phase, for all monitored circuits in the lineup.

- Know where spare capacity exists.
- Identify potential overloads before they occur.

Schneider Electric Main Switchgear

Power Summary 3-07-2008 12:06:29

Monitoring: Circuit, Load Current, Demand Current, Power, Energy

Circuit	Present Demand (kW)	Peak Demand (kW)	Recorded Time & Date
Main	223	425	07:29:17 02/14/2002
Feeder 1	143	338	07:28:17 02/14/2002
Feeder 2	0	0	
Feeder 3	82	143	08:11:53 09/22/2002

Power Summary
Displays the demand power values and the associated time/date for all monitored circuits in the lineup.

- Identify where and when new demand peaks occur each month.
- Discover where to make minor changes that result in big savings on your electric utility bill.

Schneider Electric Main Switchgear

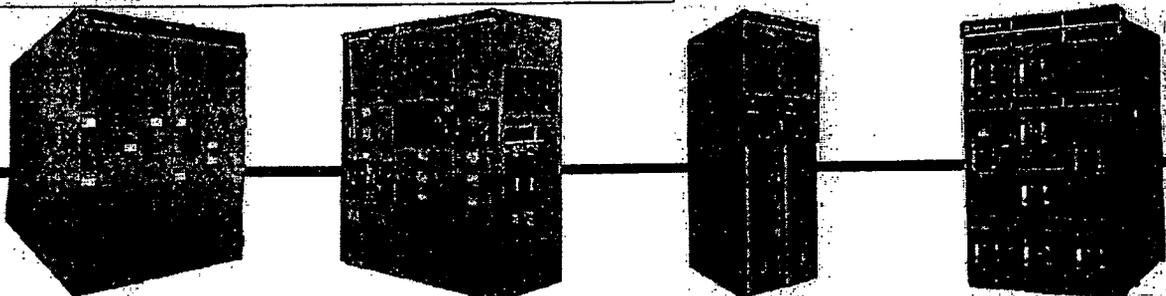
Energy Summary 3-07-2008 12:06:29

Monitoring: Circuit, Load Current, Demand Current, Power, Energy

Circuit	Energy (kWh)	Positive Energy (kWh)	Last Reset
Main	1530015	734415	11:58:59 09/30/2002
Feeder 1	962805	482827	11:58:59 09/30/2002
Feeder 2	119224	64348	11:58:59 09/30/2002
Feeder 3	452889	217389	11:58:59 09/30/2002

Energy Summary
Displays the energy values for all monitored circuits in the lineup.

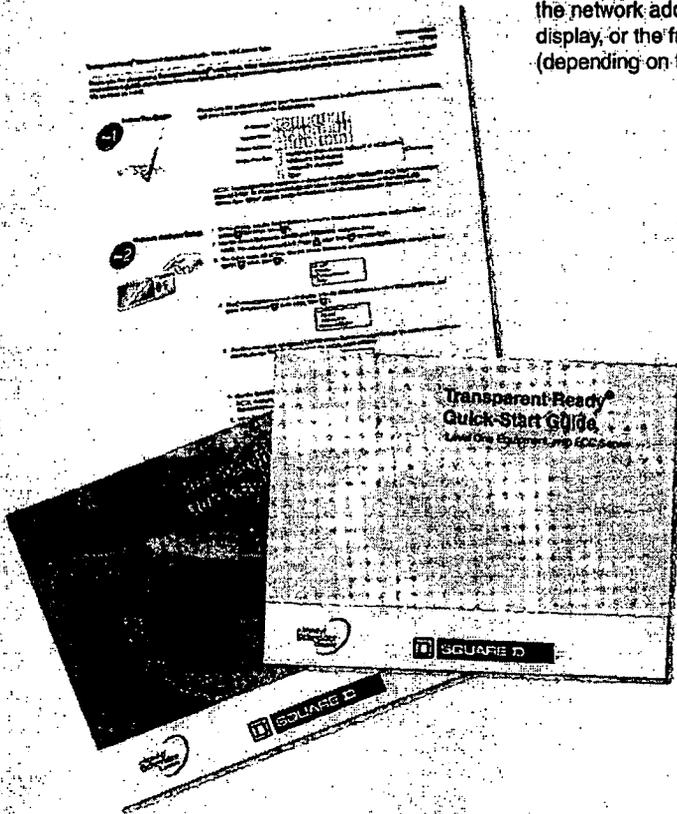
- Allocate energy costs by product or department, based on actual usage.
- Compare energy consumption across circuits.
- Encourage conservation through greater awareness of energy usage and potential savings.



Transparent Ready® Means Easy to Commission

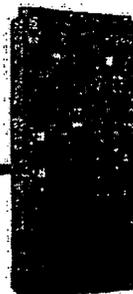
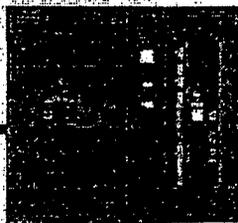
1.2.3

Commissioning is as easy as 1-2-3
Once your equipment's Ethernet interface is connected to your Ethernet network, you need only enter the equipment's network address. There is no need to shut down the equipment or open access panels. Just set the network address through the convenient display, or the front-accessible Ethernet port (depending on the model purchased).



A Quick-Start Guide is included with every Transparent Ready equipment lineup to make commissioning worry-free. Just follow the simple, three-step process and your equipment will be online in minutes:

1. Obtain a network address (IP address) from your network administrator.
2. Enter this information into the equipment via the local display or front Ethernet port.
3. Open your Web browser from any PC on your network and log on to your Transparent Ready® equipment home page.



Transparent Ready® Means Connectivity

PowerLogic®

Available everywhere on your network

Transparent Ready® equipment incorporates PowerLogic® power monitoring technology to form a stand-alone Web site, or become a building block in a complete PowerLogic power monitoring and control system.

You'll have easy access to power system information when you need it, and software tools to help you analyze conditions and take appropriate action. Also, thanks to the open connectivity of Ethernet, you can even share critical data with building automation or process control systems.

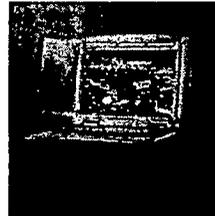
It doesn't stop within the walls of the facility. If you're an authorized user who travels and you have access to your company intranet, you can log in just as easily as you can check your e-mail. And, if you have multiple facilities connected to one intranet, any authorized user can check any equipment, at any location.

Transparent Ready equipment serves you the information you want, whenever you want it, wherever you want it.

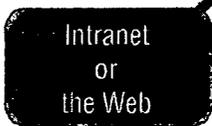
Leverage your existing network
You've already invested in a local area network (LAN) and other IT infrastructure to help manage your operation.

Because Transparent Ready equipment connects to your existing system, there are no additional costs. Just connect Transparent Ready equipment to your existing LAN and use the Web browsers that you already own.

It's that simple.



Corporate Engineering



Design



Production



Operations



Maintenance

Transparent Ready® Equipment Selection Guide

	TRE-1	TRE-2	TRE-2 Plus SMS*	Custom
Ethernet network connection, 100Mbps	■	■	■	
Integral Web server	■	■	■	
Summary power monitoring Web pages, all circuits	■	■	■	
Alternate Circuit Summary page for MCCs or unit substations	■	■	■	
Quick-Start Guide to ensure trouble-free commissioning	■	■	■	
Front-accessible Ethernet port, for local access		■	■	
Basic readings, all devices, for each device type		■	■	
Basic historical data logging, graphical trend plot		■	■	
Email data logs automatically for archived storage		■	■	
Optional energy cost reports available		■	■	
Setup, individual devices			■	
Meters, summary tables, barcharts			■	
Harmonic analysis, voltage disturbances			■	
Interactive graphics: one-line and elevation view			■	
User-configurable alarms			■	
User-configurable data logging and trending			■	
User-configurable Web pages and reports			■	
Customized system view or site plan of all lineups			■	

Custom-engineered solution based on
 TRE-1 or TRE-2 platform
 to meet special customer requirements

*PowerLogic System Manager Software (SMS) for comprehensive power monitoring and analysis

Transparent Ready Equipment Advantages

Using Web-enabled equipment is as easy as opening a Web page. Reduced energy costs, optimized equipment, and improved reliability are all just a click away.

- **Energy Efficiency** - Transparent Ready Equipment gives you the information you need to manage the cost and quality of power: reduce energy costs, optimize equipment utilization and improve system reliability.
- **Affordability** - Every lineup is pre-engineered and serves data from the intelligent breakers and relays you probably already specify.
- **Simplicity** - Each lineup includes its own Ethernet interface and Web server and connects to your network just like a PC or printer.
- **Easy to Commission** - Transparent Ready Equipment is completely configured and tested at the factory. Just set the network IP address using the included Quick-Start Guide.
- **Easy to Use** - Access power monitoring data using a standard Web browser from any computer on your network.
- **Economical** - Leverage your existing IT infrastructure and expertise, instead of adding new wires based on proprietary networks.
- **Connectivity** - Each Transparent Ready Equipment lineup serves as a stand-alone Web site or as a building block for other systems, such as a complete PowerLogic power monitoring and control system.

Schneider Electric - North American Operating Division

1010 Airpark Center Drive
 Nashville, TN 37217
 1-888-SquareD
 (1-888-778-2733)

For more information about Transparent Ready equipment, visit
www.us.squared.com/TRE.

Transparent Ready is a registered U.S. trademark of Schneider Electric for its web-enabled power and control products, software, and services.

Int. Cl.: 9

Prior U.S. Cls.: 21, 26 and 38

United States Patent and Trademark Office Reg. No. 1,626,754
Registered Dec. 11, 1990

**TRADEMARK
PRINCIPAL REGISTER**

POWERLOGIC

SQUARE D COMPANY (DELAWARE CORPORATION)
EXECUTIVE PLAZA
PALATINE, IL 60067

FOR: ELECTRONIC MONITORING AND CONTROL SYSTEM FOR ELECTRICAL POWER DISTRIBUTION SYSTEM, NAMELY MONITORS, DISPLAY TERMINALS, METERS, PERSONAL COMPUTERS, SWITCHGEAR, CIRCUIT BREAKERS, LOADCENTERS, MODEMS AND COMPUTER PROGRAMS FOR

THE OPERATION AND SIMULATION OF ELECTRONIC MONITORING AND CONTROL SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 26 AND 38).

FIRST USE 4-2-1989; IN COMMERCE 4-2-1989.

OWNER OF U.S. REG. NOS. 708,033 AND 783,553.

SER. NO. 73-815,520, FILED 7-28-1989.

KATHRYN DOBBS, EXAMINING ATTORNEY

Exhibit C

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,342,710

United States Patent and Trademark Office

Registered Apr. 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

MICROLOGIC

**SQUARE D COMPANY (DELAWARE CORPORATION)
1415 S. ROSELLE ROAD
PALATINE, IL 60067**

**FIRST USE 4-0-1985; IN COMMERCE
4-0-1985.**

**FOR: ELECTRICAL EQUIPMENT NAMELY
CIRCUIT BREAKERS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).**

SER. NO. 75-572,579, FILED 10-16-1998.

MARK SPARACINO, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,682,452

Registered Feb. 4, 2003

**TRADEMARK
PRINCIPAL REGISTER**

MOTOR LOGIC

SQUARE D COMPANY (DELAWARE CORPORATION)
1415 S. ROSELLE ROAD
PALATINE, IL 60067

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LOGIC", APART FROM THE
MARK AS SHOWN.

FOR: ELECTRICAL OVERLOAD RELAYS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 76-196,269, FILED 1-19-2001.

FIRST USE 2-0-1995; IN COMMERCE 2-0-1995.

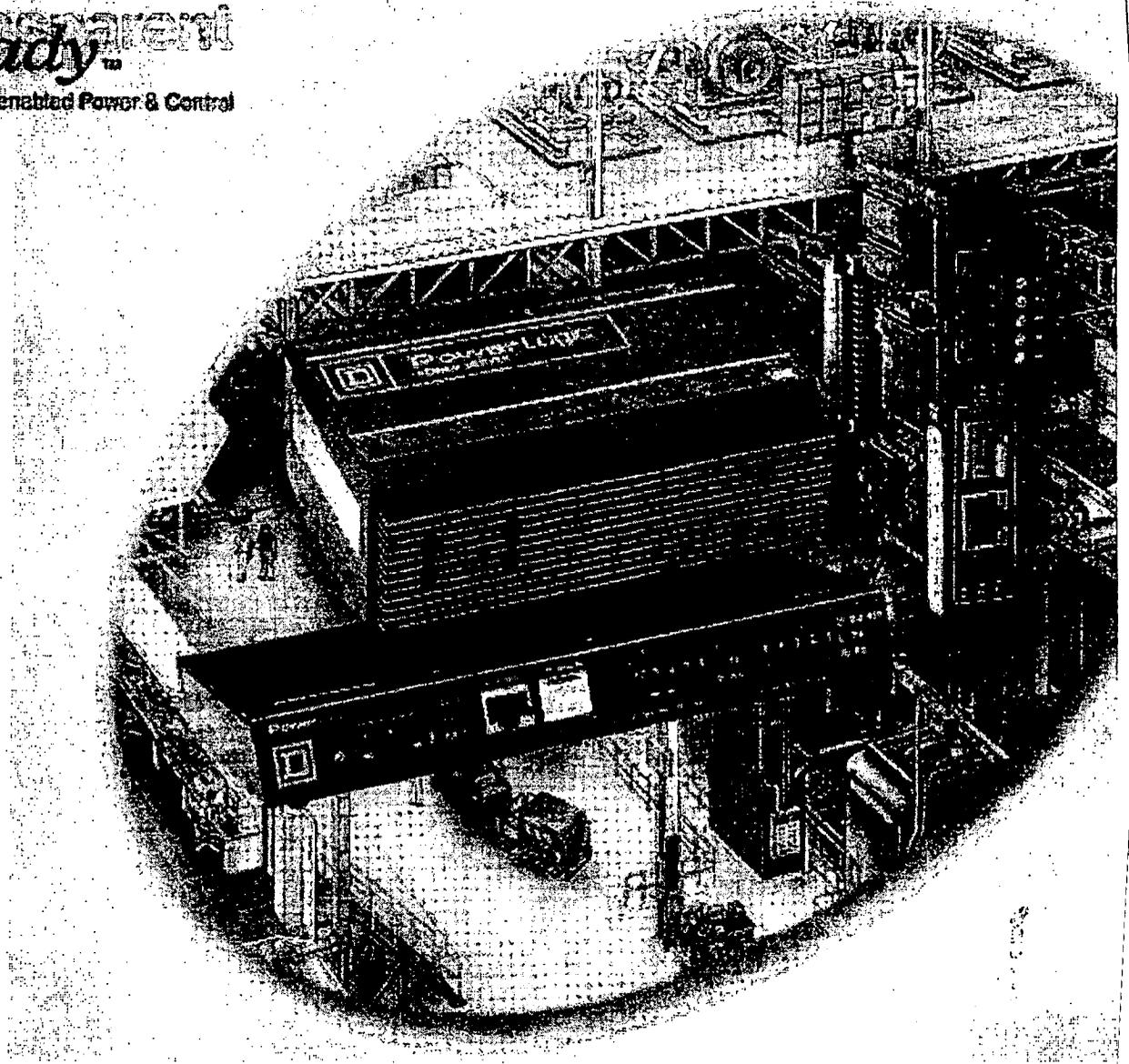
LESLEY LAMOTHE, EXAMINING ATTORNEY

Exhibit E

PowerLogic® Web-Enabled Network Components

Access valuable power and utility
information from your system

PowerLogic
Ready™
Web-enabled Power & Control



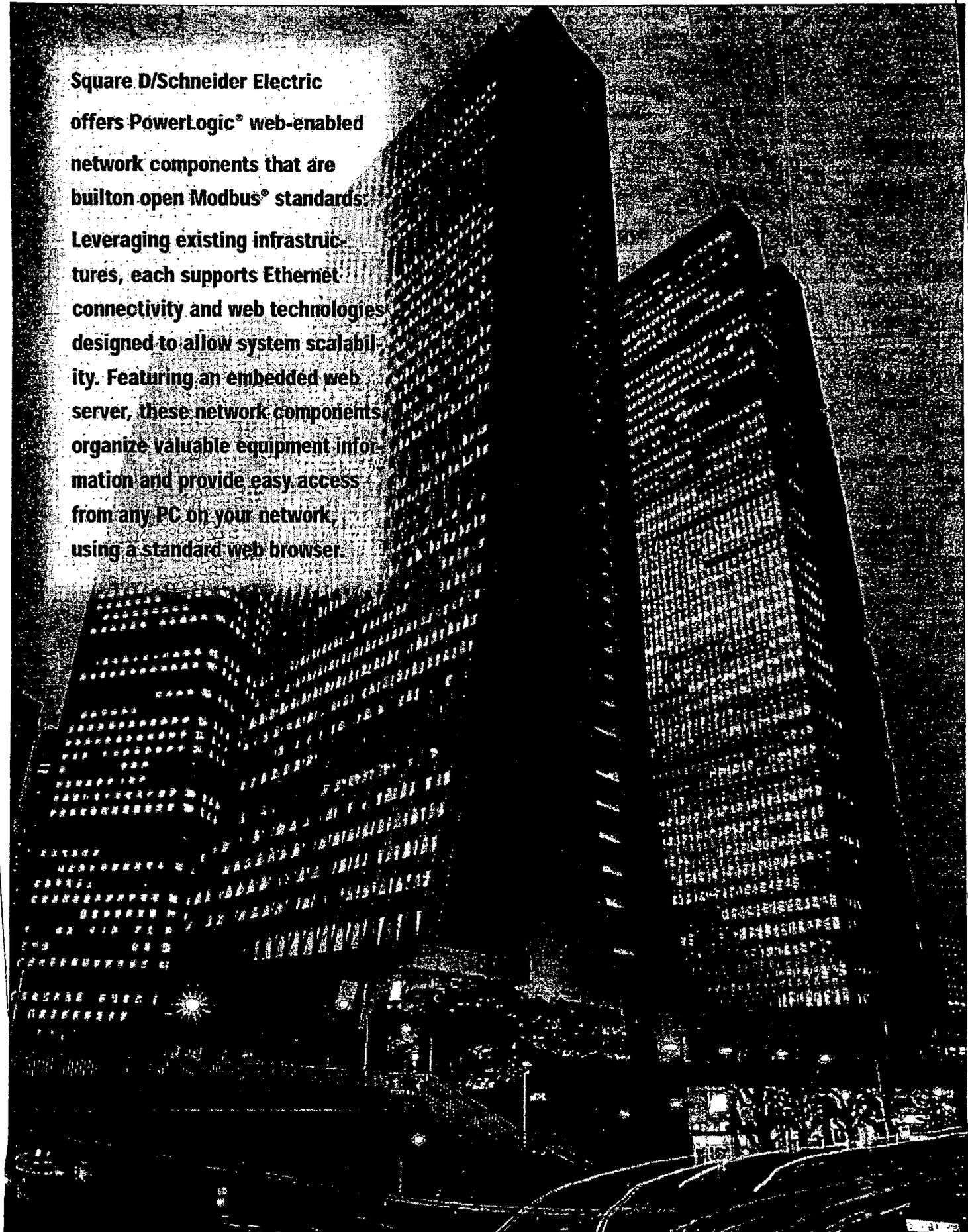
a brand of
Schneider
Electric

 **SQUARE D**

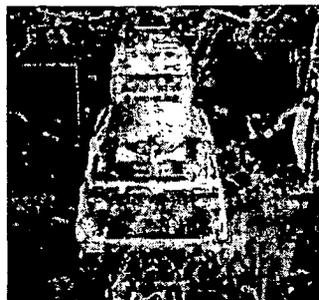
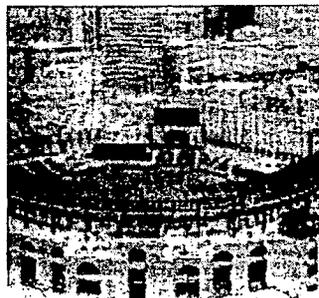
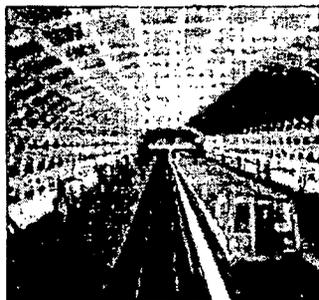
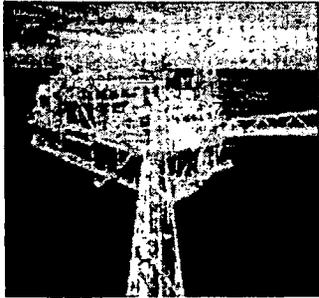
Exhibit F

**Square D/Schneider Electric
offers PowerLogic® web-enabled
network components that are
built on open Modbus® standards.**

**Leveraging existing infrastruc-
tures, each supports Ethernet
connectivity and web technologies
designed to allow system scalabil-
ity. Featuring an embedded web
server, these network components
organize valuable equipment infor-
mation and provide easy access
from any PC on your network,
using a standard web browser.**



PowerLogic® NETWORK SOLUTIONS



- *Easy Installation into New Equipment or Retrofit*
- *Scalable Connectivity Supporting Modbus® Devices*
- *Web-Enabled Information to Authorized Users*
- *Monitoring Power Equipment and Piped Utilities*
- *Remote Alarm Notification of System Events*
- *Definitive Conclusions*
- *Savings with Quick Return on Investment*

Integrated Approach for Total Solution

PowerLogic® web-enabled network components support a myriad of intelligent communicating devices and provide connectivity to system software. This support includes the complete range of Square D/Schneider Electric Transparent Ready power equipment, PowerLogic® monitoring devices as well as compatible Modbus® communicating devices. That means, in addition to providing real time and historical information, the PowerLogic® network communications will support incorporation of control components into the PowerLogic® system. These are typically integrated to monitor piped utilities such as water, air, gas and steam, as well as, provide status and control for peak shaving, load shedding, automatic transfer schemes and other energy reduction and reliability solutions.

Web Technologies Facilitate Knowledge That Result in Savings

Designed to be an "Out-of-the-box" application, PowerLogic® network components give unprecedented web-enabled access. With this level of access, from any computer on your network, you and other authorized users will never be out of touch with your equipment and piped utilities. The system information is presented in a manner that allows you to draw definitive conclusions so you will have the tools to help you facilitate information sharing and reduce utility costs. Save time and money knowing where spare capacity exists and improve system reliability by proactively identifying potential problems before they cause downtime. In short, you will be empowered to achieve savings and make informed decisions.

Scalable System Approach Grows With Your Organization

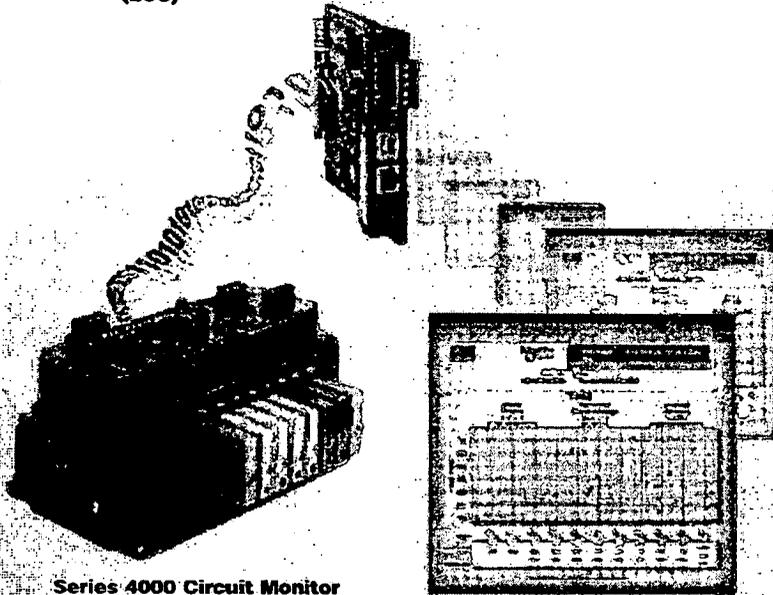
PowerLogic® web-enabled network components are flexible and let you take a building block approach. Start at any level, and when you're ready to grow, our system is designed to grow with you. Every level can stand alone, or be combined to provide a solution that is right for you. From simple metering to advanced corporate wide operations, PowerLogic® systems give you the information that you need, no matter where you are.

LEVEL	DESCRIPTION
Basic	Real Time Monitoring For Power Equipment and Piped Utilities
Intermediate	Power Monitoring for Unattended Operations
Advanced	Electrical System Management and Analysis for Plant/ Corporate Wide Operations

Square D also offers pre-defined Transparent Ready power equipment levels (TRE), based on the same PowerLogic® component platforms contained in this brochure. For more information about Square D Transparent Ready Equipment (TRE) see Document Number 1700BR0201.

BASIC

Ethernet Communication Card (ECC)



Series 4000 Circuit Monitor

Real Time Monitoring For Power Equipment and Pipelines

The Series 3000 and 4000 Circuit Monitors provide real-time monitoring of power equipment and pipelines. The monitors are designed to be plug-and-play, making them easy to install and use. They provide a comprehensive view of power system performance, including voltage, current, power, and energy. The monitors also support a variety of communication protocols, including Modbus, TCP, and Ethernet. This allows them to be integrated into a wide range of power management systems.

Ethernet Communication Card (ECC) provides connectivity

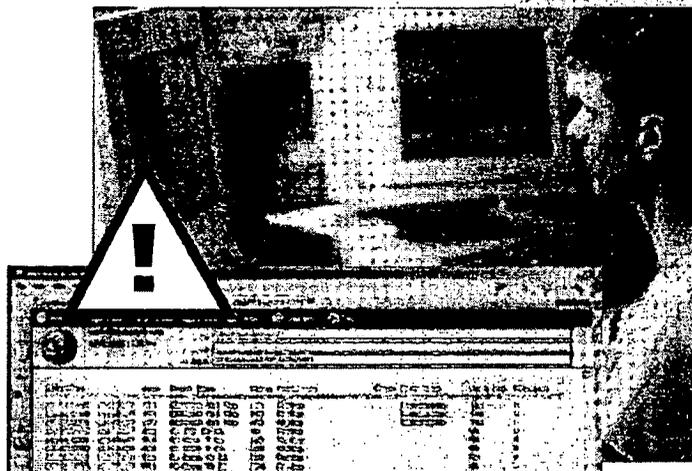
The Ethernet Communication Card expands the capability of the Series 3000 and 4000 Circuit Monitor as a total network solution for your power monitoring needs. Based on plug and play technology, the ECC, with Modbus/TCP protocol support, plugs into an expansion slot on the circuit monitor providing direct connection to the Ethernet network using either Cat5 Ethernet shielded or unshielded twisted pair or fiber cabling. An RS-485 Modbus master port on the ECC supports a daisy chain of up to 31 additional devices without a repeater, allowing the CM4000 or CM3000 with ECC to act as an Ethernet gateway for downstream devices.

Real time web viewing

In addition to providing direct, high speed Ethernet connectivity, the ECC includes embedded HTML pages. This web access allows real-time power system information from the circuit monitors through a standard web browser. The Web Page Generator (WPG) software shipped with the ECC, allows you to transfer standard pages, including summary views, for devices daisy-chained to the ECC's onboard RS-485 port. Custom pages are also supported for a total of 10 web pages that can be viewed over the network. You can even view this information from home or a remote location through your company's virtual private network connection.

Email on alarm

Series 3000 or 4000 Circuit Monitors equipped with an Ethernet Communication Card (ECC) can send emails on alarm occurrence for up to 15 different users, each with their own daily/weekly schedule. When conditions are outside normal parameters, a circuit monitor sends an email on alarm notification containing pass/fail power quality, disturbance direction, and other circuit information in the language selected to be used for the circuit monitor's remote display. It bundles up to 34 events in a single email. Emails are then received at a PC, PDA, mobile phone, etc., just like any other email. Using email is an effective means for notification of geographically dispersed personnel. Email also avoids firewall restrictions imposed by other data transfer methods.



Date/Time Priority	Event Name	Value	Condition	Phase	Direction	Data Log
6/20/2004 16:16:59	ENS0160 Swl Vbn	132	Pickup		Downstream	Yes 3
6/20/2004 16:16:59	ENS0160 Swl Vbn	132	Pickup		Downstream	Yes 3
6/20/2004 16:16:59	ENS0160 Swl Vbn	132	Pickup		Downstream	Yes 3
6/20/2004 16:16:59	PO THD Vc L1	40	Pickup			No 3
6/20/2004 16:16:59	PO Over V L1	126	Pickup			No 3
6/20/2004 16:16:59	PO Over V L2	132	Pickup			No 3
6/20/2004 16:16:59	PO Harm Vc L1	266	Pickup			No 3
6/20/2004 16:16:59	PO Harm Vb L1	264	Pickup			No 3
6/20/2004 16:16:59	PO Harm Va L1	265	Pickup			No 3

Ethernet Gateway (EGX) simplifies retrofit

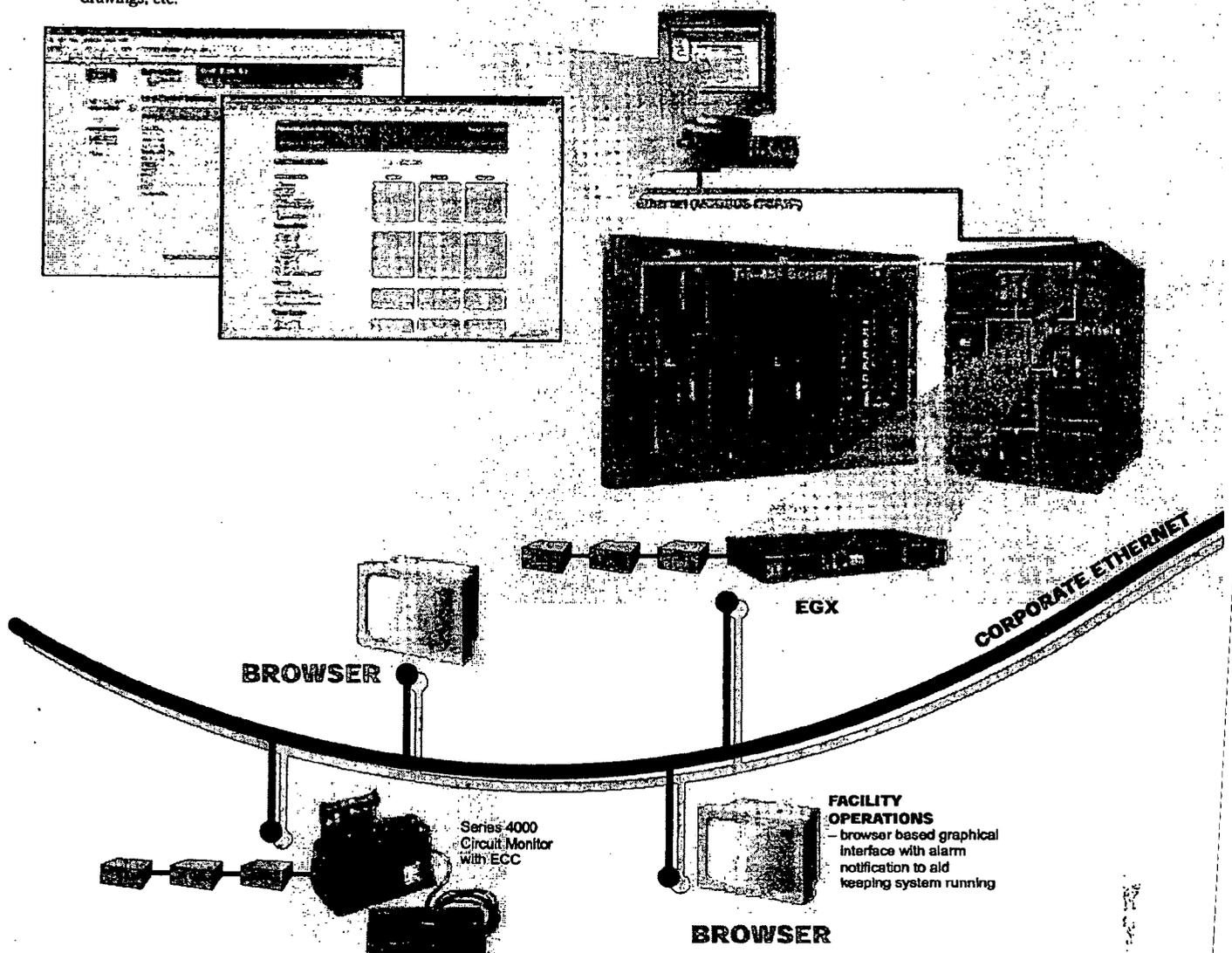
The PowerLogic® Ethernet Gateway (EGX) is an ideal solution for getting power system and other equipment status information onto the Ethernet network and into your web browser. It is small in size, making installation into equipment fast and easy.

Web Page Displays and Storage

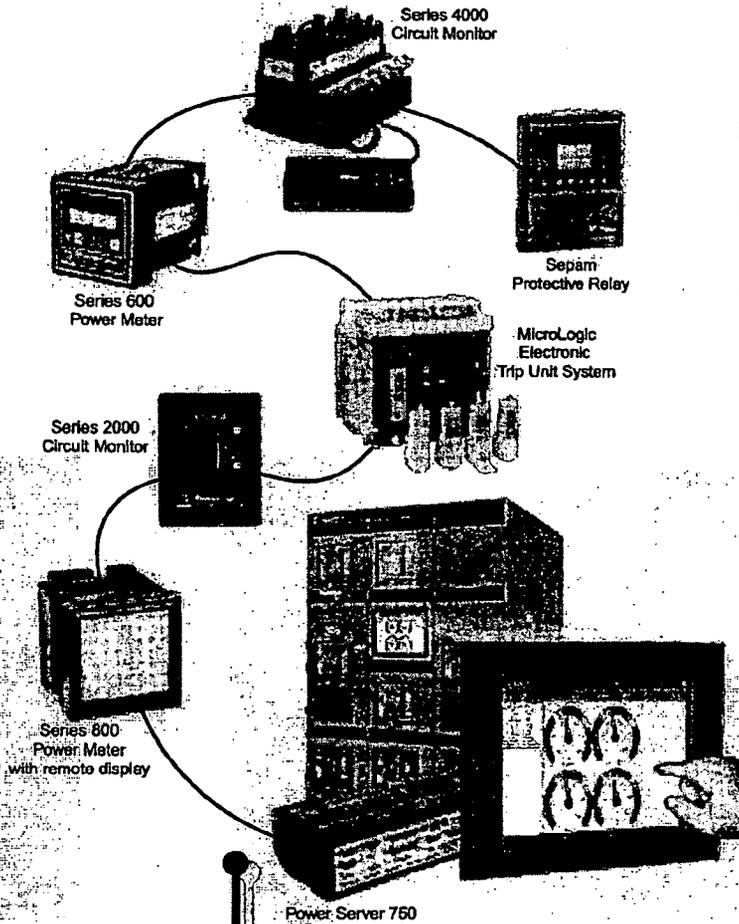
The integral web server inside the EGX400 alleviates the need for special end user software. Remote configuration and data can be viewed using a standard Internet browser. This includes access to usage consumption from piped utilities, and power equipment data from circuit monitors, circuit breaker trip units, programmable controllers, drives and protective relays. There are also standard pages for device resets, diagnostics and web server setup. In addition, there is 16 Mb of internal memory providing storage for standard and user-defined web pages for real time status, instruction manuals, equipment drawings, etc.

Collects and Trends

With reliable high-speed communications, the EGX provides fast system response, direct access to system data, and 38 days of 15-minute interval historical data logging with zoom. Up to 6 parameters can be logged for each connected device. This is particularly useful for capturing interval data for devices not capable of onboard logging. The EGX400 interval logs are also fully compatible with web query in Microsoft® Excel. Once the data is in the spreadsheet, you can analyze it by using the tools and features in Excel. Your imagination is the limit - allocate costs per shift or per manufacturing line, calculate demand, aggregate multiple circuits or facilities for total consumption, monitor energy consumption during peak periods, verify equipment is being shutdown properly during non-production hours, etc.



INTERMEDIATE



Power Monitoring for Equipment Level and Unattended Operations

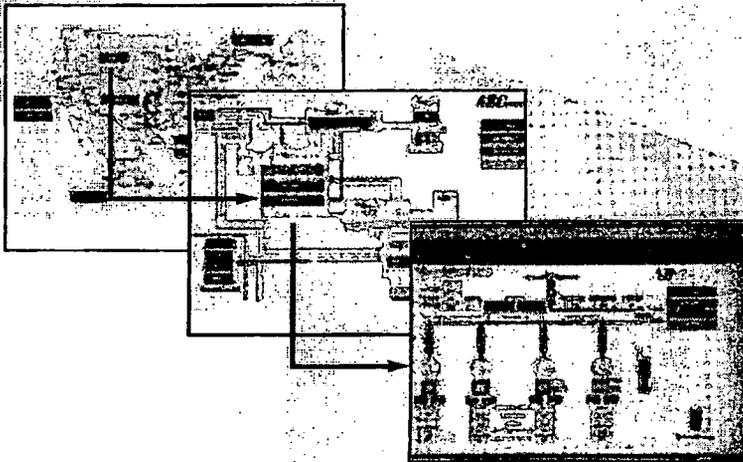
The PowerLogic® Intermediate Level System is designed for those businesses requiring a simple and easy point for monitoring unattended operations. It is ideally suited for remote location power equipment and piped utility plants where it can provide browser-based information, on-site, through a touch screen, to make maintenance functions, in that location, faster and easier. Additionally, it can provide the same browser-based information over the network so it can be accessed from anywhere. The main element of the Intermediate Level is the PowerLogic® Power Server.

Consolidates Information

Fully compatible with the Basic Level gateways, the Power Server communicates, collects and consolidates utility data (including water, air, gas, electric and steam). It is also possible for Power Servers to transfer information to a central Advanced Level PowerLogic® System Manager server.

Comprehensive Monitoring

A sampling of Power Server features include data logging, historical reports, graphical displays and real time trends for 64 devices connected via serial or Ethernet port. The Power Server also supports report by exception of alarms/events (email), automatic upload of onboard logging and waveform files, display of events with correlating waveform, and waveform analysis tools for displaying waveform, RMS plot and harmonic content.



BROWSER ENGINEERING

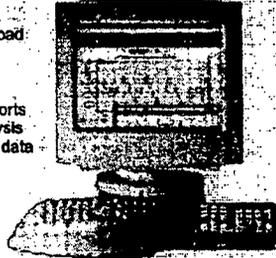
- browser based detailed electrical and mechanical info for design decisions and capacity planning studies
- waveform and power quality analysis

System Management and Analysis for Plant and Enterprise Wide Operations

The PowerLogic® Advanced Level is designed for businesses that require more in-depth monitoring and analysis. This level is well suited for a single plant, campus operation and aggregating information from multiple sites. The Advanced Level is powered by a PowerLogic® System Manager Software (SMS) installed on one network PC.

SMS SERVER

- automatic data upload
- piped utilities
- WAGES cost info
- usage trends
- browser based reports
- power quality analysis
- real time/graphical data
- alarming



Fully Instrumented System Networked to PowerLogic® System Manager

The diagram illustrates an example PowerLogic® System architecture on an Ethernet network topology. The intranet clients are ordinary PCs with Microsoft® Internet Explorer web browser. Together the PowerLogic® network communication components and SMS support PowerLogic® and Modbus® compatible devices that foster a completely integrated system approach for monitoring, controlling and managing your power equipment and piped utility assets.

MANAGEMENT

- browser based secure access to high level reports
- cost allocation, capital equipment and building improvement

BROWSER

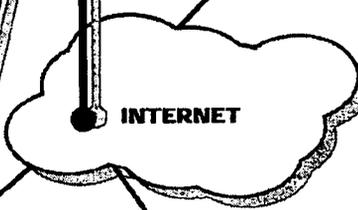


PAGER

get emails for early alarm notification with each user having time of day scheduling options



INTERNET



CORPORATE ETHERNET

Robust Capabilities for Large Systems

The SMS web-enabled product family capabilities include:

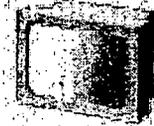
- Complete view of entire power system, with virtually unlimited number of devices
- Powerful department billing, cost allocation and power quality reporting capabilities
- Dynamic one-line diagrams and customized facility drawings
- Disturbance monitoring, alarm/event recording
- Ability - to analyze power quality by viewing waveforms, harmonics, and RMS plots
- Access to real-time data tables and trends
- Sequence of events information to pinpoint the root cause of power problems
- Email and paging capability to notify you of an impending problem

Corporate Distributed Monitoring

It is also possible for remote locations that use Power Servers to "PUSH" data to the System Manager computer with Enterprise Extensions. Each Power Server collects data at remote locations then periodically pushes data files to SMS server. Rather than polling across a large enterprise, SMS receives and processes the files. This "PUSH" method effectively utilizes the parallel processing power of the entire system.

BROWSER via VPN

- security through virtual private network only to authorized users
- connect to PowerLogic web-enabled network components or SMS to get info



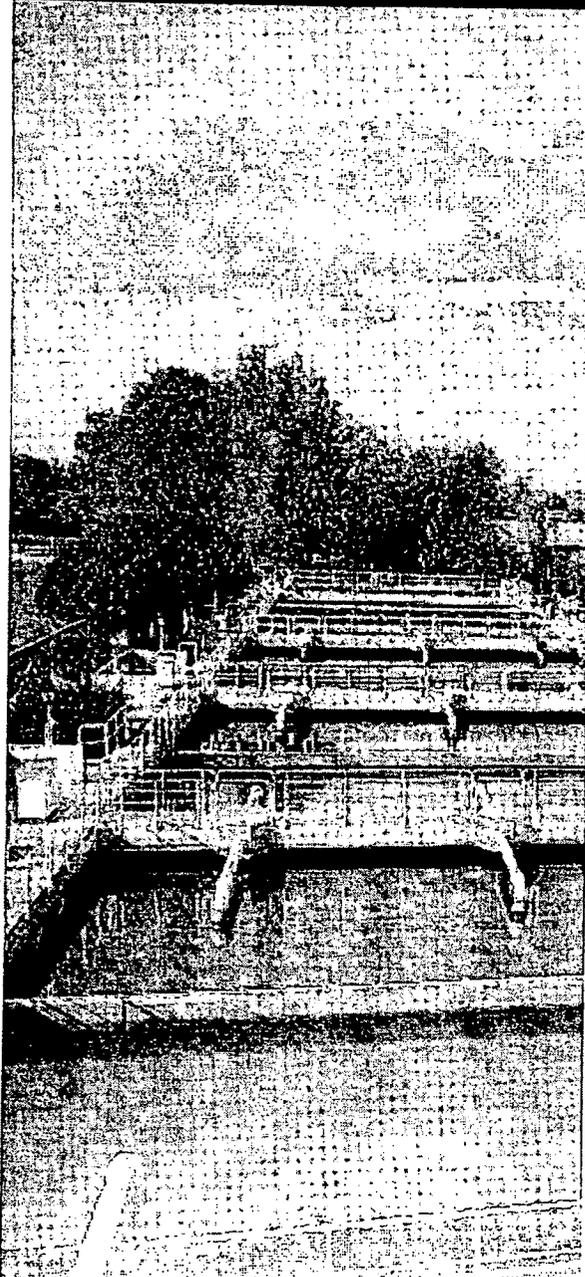
BROWSER

REMOTE SITE

Power Server pushes data to central SMS Server



SYSTEM COMPONENTS GIVE DEFINITIVE CONCLUSIONS



Instant access to utility, status, power and control information provides definitive conclusions

- Embedded web server technology provides information viewing with Internet Explorer browser
- Browser-based user interface to access all power and control information, reduces training virtually to zero
- Provides standard summary pages for downstream connected devices
- Drop-In sample web pages provide system performance summaries that are based on historical trend analysis - Power Quality Index, Alarm Summary, EN50160 Pass/Fail, and more
- Supports user-defined pages

Industry Standard Open Modbus® Protocol

- Leverage existing network infrastructure and expertise
- Supports Modbus® RTU, Modbus® ASCII, JBUS, SY/MAX protocol for 2 wire and 4 wire daisy chains, mixed mode daisy chains containing any combination of devices using above protocols
- Modbus® TCP/IP Ethernet enables integrated approach for total solution scalability
- Features embedded web server
- Supports wide use of Intranet and Internet technology
- Compatible with building and energy management systems

Industrial rated

- Compliant with Industry Standards (UL, CSA, FCC, CE)
- High performance and reliable communication
- Designed to withstand the rigors of electrical and industrial environments

Out-of-the-box application:

- Energy trends to Web query & Cost Allocation Reports aid utility cost reduction
- Access to system diagrams, instruction manuals, alarm diagnostics for better equipment management
- Power Quality information based on EN50160 & IEEE 1159 standards give pertinent information for improving system reliability
- Email alarms for early notification aid downtime reaction
- Includes time of day support for up to 15 different users

Easy system expansion

- Does not require high-level knowledge of Ethernet and communication
- On-the-fly device additions for system connectivity
- Downloadable firmware for easy future upgrades via the network from anywhere in the world

Remote Accessibility

- In the same manner that you can get your company email when at home or at another remote location, you can also connect to any PowerLogic® gateway, Power Server or System Manager web server to get system information over a secure VPN (virtual private network) or telephone line
- Security with data available only to authorized users
- With web technologies, you're connected 24/7

For more information about Transparent Ready, call your local field office representative, or log on to www.us.SquareD.com/TRLIC to see a demo and download handouts, catalogs, and instruction materials.

**Transparent
Ready**
Manufactured Power & Control

Visit our Web site at www.powerlogic.com
Document #3000BR0401 June 2004



© 2004 Schneider Electric
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Transparent Ready

Web-enabled Power & Control

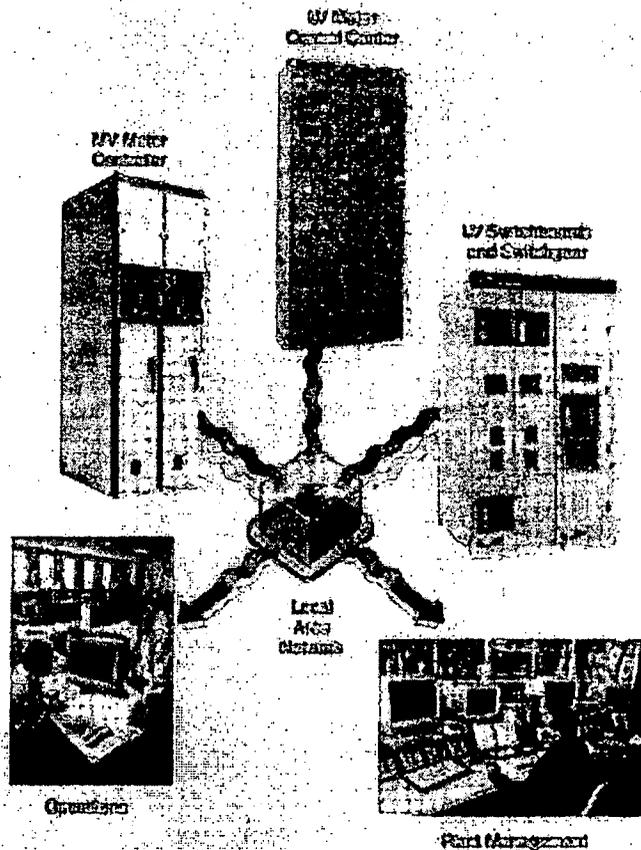
Features and Benefits

- **Flexible** - A wide range of SQUARE D power distribution equipment can be made TRANSPARENT READY.
- **Easy to Commission** - Simply obtain an IP address from your Network Administrator and follow three easy steps to unlock the power of your TRANSPARENT READY equipment (see 1700IB0201 and 1700IB0202).
- **No Integration Costs** - An Internet browser is all that you will need to access TRANSPARENT READY equipment information via your LAN. For Level One integration, there is no need to purchase additional software or equipment.
- **Unprecedented Access** - You can access power equipment system information from any authorized computer on your Intranet. This level of access means that you will never be out of touch with your equipment.
- **Reduced Operation Costs** - TRANSPARENT READY equipment will help you to facilitate information sharing and to optimize your processes. You will save time and money by knowing where spare capacity exists, and reduce downtime by identifying potential problems before they cause an outage.

TRANSPARENT READY™ Power Distribution Equipment, Level One

Web-Enabled Power and Control

TRANSPARENT READY™ power distribution equipment provides a secure window to your operations. By using your existing IS infrastructure, it allows you to monitor power usage, power quality, and equipment status. All from the comfort of your own desk chair.



TRANSPARENT READY power distribution equipment is available in four levels; this allows you to have only the functionality you need. From essential real-time system data to comprehensive monitoring and analysis, Square D/Schneider Electric ensures you get exactly the power distribution equipment monitoring capabilities you need.

This handout provides you with an overview of TRANSPARENT READY Level One power distribution equipment. If you have further questions, ask your field office representative, or call 1-888-SQUARED.



SQUARE D
Schneider Electric



Features and Benefits

■ **Easy to Use** - Obtaining real-time power equipment metering and system information is as easy as logging onto your personal web page. Also, a single Ethernet interface can serve web pages for your entire equipment line-up (up to 64 devices).

■ **Time-Saving** - Never wait for system status reports again. You can check reports at a glance, because TRANSPARENT READY web pages provide information in real-time, 24 hours a day, seven days a week.

■ **Open and Secure** - A secure login deters unauthorized access, but allows information sharing between authorized users.

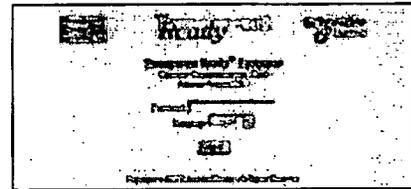
■ **Upgradable** - TRANSPARENT READY Level One equipment is based on open standards and web technology. This means that your new equipment can form the backbone of an extensive power distribution monitoring network, and it can grow as your organization grows.

The Power of Secure Access at Your Fingertips

TRANSPARENT READY™ Level One equipment comes standard with a web server to store web pages dedicated to power equipment data. Just type the equipment's IP address into your browser and you're ready to go!

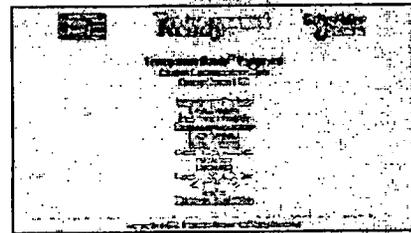
Login Page

Deters unauthorized access to secure data.



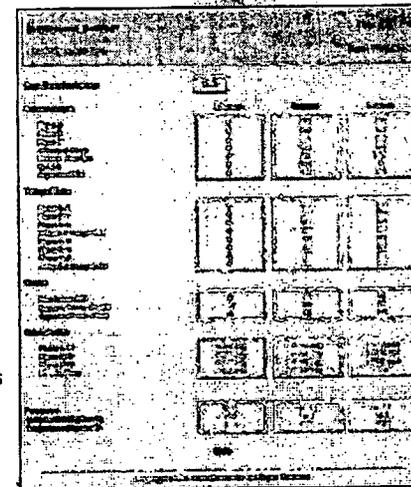
Home Page

Allows you to easily access metering, summary, and setup pages.



Main Metering Page
(Equipment with CM3000 or CM4000 and ECC only)
Provides automatically updated meter values.

- No need to walk your entire facility to view real-time meter readings.
- A running minimum/maximum history helps you spot abnormal conditions.



Circuit	RMS Current	Real Power	Power Factor	Breaker Status
1000	120.0	100.0	0.83	Open
1001	120.0	100.0	0.83	Open
1002	120.0	100.0	0.83	Open
1003	120.0	100.0	0.83	Open

Circuit Summary

Displays the RMS current three-phase average, the real power (kW), the power factor, and the circuit breaker status (if applicable). The unit substation version also displays the transformer coil temperatures and the fan status. In addition to the RMS current three-phase average and the device status, the MCC version displays the drive output frequency (Hz), and the thermal capacity (%).

- Quickly check the status of all circuits.
- Obtain full loading information.

Circuit	Phase A	Phase B	Phase C
1000	40.0	40.0	40.0
1001	40.0	40.0	40.0
1002	40.0	40.0	40.0
1003	40.0	40.0	40.0

Demand Current Summary

Displays the average demand current values for each phase (A, B, and C) for all circuits.

- Loading information is based on average demand.
- Know where spare capacity exists.
- Identify potential overloads before they occur.

Circuit	Energy	Reactive Energy	Last Reset
1000	100.0	50.0	10/10/00
1001	100.0	50.0	10/10/00
1002	100.0	50.0	10/10/00
1003	100.0	50.0	10/10/00

Energy Summary

Displays the energy (kWH), the reactive energy (kVARH), and the time and date of the last reset for all circuits.

- Allows you to determine energy costs based on actual usage.
- Encourages departmental energy savings.

Circuit	Phase A	Phase B	Phase C
1000	40.0	40.0	40.0
1001	40.0	40.0	40.0
1002	40.0	40.0	40.0
1003	40.0	40.0	40.0

Load Current Summary

Displays the current RMS values for each phase (A, B, and C) for all circuits.

- Helps you to verify loading.
- Aids in maintaining balance between the phases.

Circuit	Present Demand	Peak Demand	Time/Date
1000	100.0	150.0	10/10/00
1001	100.0	150.0	10/10/00
1002	100.0	150.0	10/10/00
1003	100.0	150.0	10/10/00

Power Summary

Displays the present demand (kW), the peak demand (kW), and the time and date the values were recorded.

- Helps you to manage energy expenses, because you know where and when peaks occur.

TRANSPARENT READY™ Power Distribution Equipment

The Devices that Make It Possible

Networking Devices

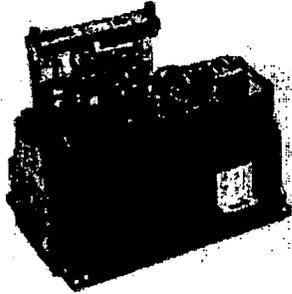
TRANSPARENT READY™ Level One equipment is available in two different communication configurations. Both provide access to your power equipment information via a POWERLOGIC Ethernet interface.

- Ethernet Communications Card (ECC) - Web-enables your POWERLOGIC circuit monitor and provides web-based access to downstream-connected devices. Equipment with an ECC includes a bonus web page with real-time metering data for the host circuit monitor (see Main Metering page).
- Ethernet Gateway (EGX) - Features an embedded web server and provides web-based access to downstream-connected devices. Equipment using an EGX includes a front-accessible connection for Ethernet to help make commissioning a snap!

Metering and Monitoring Devices

At the heart of the TRANSPARENT READY Level One system is an assortment of Square D/Schneider Electric products. You can tailor a system to precisely meet your needs by purchasing the devices that provide the system data you desire. The table below details the functionality supported by TRANSPARENT READY Level One web pages and the corresponding devices.

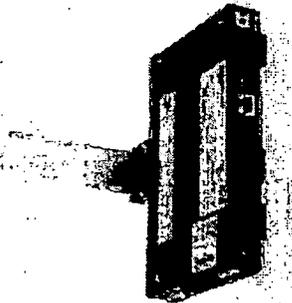
Whether a unit substation, an MCC, or stand-alone switchgear, TRANSPARENT READY Level One equipment provides real-time information at anytime, from anywhere, to any authorized user ... easily!



CM4000 with Ethernet Communications Card



Front-Accessible Connection for Ethernet



EGX Ethernet Gateway with DIN Rail Mount

	MICROLOGIC® P-Trap Unit	MICROLOGIC® A-Trap Unit	SEPA™ 1000+ Series 40	SEPA™ 1000+ Series 20	MOTOR LOGIC™ Plus Overload	ALTIVAR® 68 and 68 Drive	ALTISTART® 48 and 48 Soft Starts	MOTORPACT™ Soft Start Relay	MODEL 98 Temp. Controller	CM3000/CM4000 Circuit Monitor	PM600 Power Meter
RMS Current 3-Phase Average (Amps)	■	■	■	■	■	■	■	■	■	■	■
Real Power (kW)	■	■	■	■	■	■	■	■	■	■	■
Power Factor	■	■	■	■	■	■	■	■	■	■	■
Circuit Breaker Status (Open/Closed)	■	■	■	■	■	■	■	■	■	■	■
Motor Control Device Status	■	■	■	■	■	■	■	■	■	■	■
Fan Status (ON/OFF)	■	■	■	■	■	■	■	■	■	■	■
Transformer Coil Temperature (°C)	■	■	■	■	■	■	■	■	■	■	■
Drive Output Frequency (Hz)	■	■	■	■	■	■	■	■	■	■	■
Thermal Capacity (%)	■	■	■	■	■	■	■	■	■	■	■
RMS Current, Phases A, B, & C (Amps)	■	■	■	■	■	■	■	■	■	■	■
Average Demand Current, Phases A, B, & C (Amps)	■	■	■	■	■	■	■	■	■	■	■
Present Demand (kW)	■	■	■	■	■	■	■	■	■	■	■
Peak Demand (kW)	■	■	■	■	■	■	■	■	■	■	■
Date/Time Peak Demand Recorded	■	■	■	■	■	■	■	■	■	■	■
Energy (kWh)	■	■	■	■	■	■	■	■	■	■	■
Reactive Energy (kVARh)	■	■	■	■	■	■	■	■	■	■	■
Date/Time Energy & Reactive Energy Values Last Reset	■	■	■	■	■	■	■	■	■	■	■





Transparent Ready™ Power Distribution Equipment

Power system information
any time...anywhere

Transparent Ready®
Web-enabled Power and Control

SQUARE D® power distribution products are now available web-enabled, making power monitoring simple and affordable.

Using standard POWERLOGIC® web technologies, TRANSPARENT READY equipment provides quick access to power system data any time...from anywhere in the world.

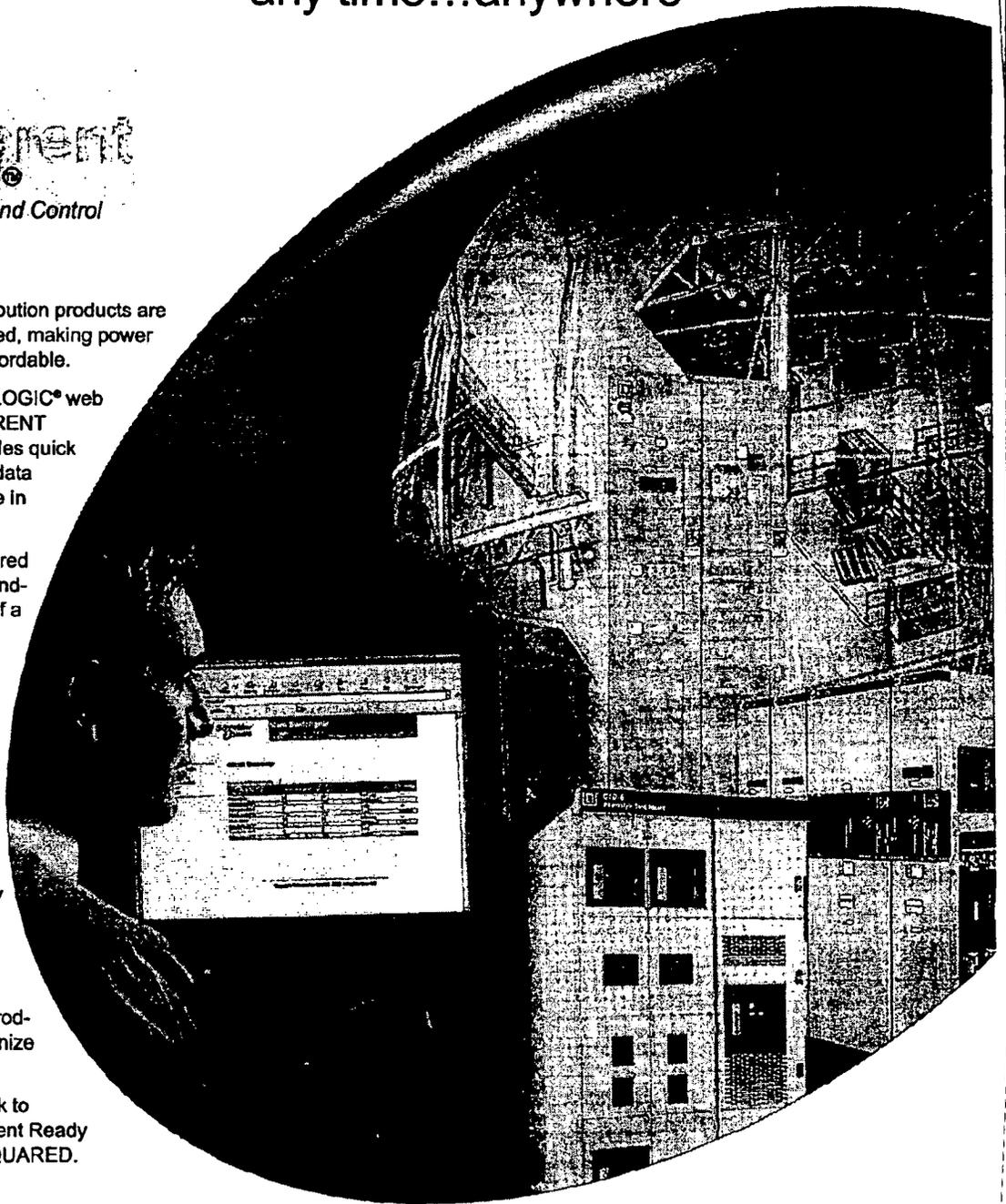
This simpler, pre-engineered offer can be sold on a stand-alone basis, OR as part of a complete POWERLOGIC system, offering:

- Reduced costs
- Easy commissioning
- Easy set-up and use
- Unprecedented access
- Flexibility

As we celebrate a century of the SQUARE D brand as the electrical industry leader, our goal remains to provide technologically advanced, safe, quality products our customers recognize and trust!

To order a brochure or talk to someone about Transparent Ready Equipment, call 1-888-SQUARED.

www.SquareD.com/TRE



SQUARE D
Schneider Electric
Building a New Electric World

Exhibit H

http://www.transparentlogic.com - Transparent Logic Company - Address: Internet Explorer

transparentlogic.com | company | technology | services | downloads | support | news | contact



Company

It is not all about technology
It is about who is behind it.

LogiBase

Works transparent and secure
In compliance with industry
Privacy and coding of critical
business logic.

Read more...

Company

18621

- CONTACT US
- CONTACT INFO
- MANAGE MY INFO

Explore our Products

- LogiBase
- meestro
- harmony
- MediSource
- DVO
- composer

A Note From Our President:

Hi,

For the first time, Transparent Logic's founder and CEO, I have been reading articles, developer comments and solving businesses' favorite technology to solve business problems in almost 50 years.

Like you, I've been frustrated by:

- Technology solutions that don't deliver on their promises
- Software requirements that require a PhD to use
- Cost prohibitive technology that only a select few could afford
- Searching for software solutions that were actually easy to integrate and use.

That's why I've made it my personal mission to provide powerful, efficient and easy-to-use products that help businesses and software companies effectively manage business processes and logic.

Our number one goal is simply to ensure you focus on what's most important to you - solving your business problems, without providing over technology. Realizing that our success is not in producing great products, but in making sure your businesses and software applications are taken to the next level, we are fully committed to partner with our clients, focusing on business problems and needs, and celebrate their successes as our own.

Our solutions may be state-of-the-art, but they won't break the bank. I invite you to get a full demo of our technology absolutely free and see for yourself how easy it is to get back control of your business logic and processes with the necessary software. I think you'll be pleasantly surprised.

Thank you for interest and all the best!

Call to: **meestro**
CEO-founder, Transparent Logic

Navigation

- Read Whitepapers
- View Screenshots
- Watch Product Videos
- Read Tutorials
- Attend a Seminar
- Get Live Demo
- Get Support
- Download LogiBase

Exhibit I

Commonwealth
of Virginia



State
Corporation
Commission

Enter

Signoff

Help

Print

WEB#575

TCP00004

CISM3155

CIS

OLD NAME INQUIRY

12/01/06

15:31:21

CORP ID: 0605687 - 3

CORP STATUS: 00 ACTIVE

CORP NAME: Transparent Logic Technologies, Inc.

OLD NAME:
X365 TECHNOLOGIES, INC.

DATE OF NAME CHANGE:
08/23/05

COMMAND:

NOTE: Function Key usage varies depending on the Application Screen.
For specifics, refer to Function Key Documentation.

Exhibit J

December 2, 2006. Opposer filed this Notice of Opposition on Monday, December 4, 2006, using the Certificate of Mailing procedure under 37 C.F.R. § 2.197. Hence, Opposer submits that this Notice of Opposition was timely filed.

The grounds for opposition are as follows:

1. Opposer is engaged in the manufacture, distribution, advertising, and sale of a wide variety of electrical distribution products and industrial automation and control products and services, including data processing software and telecommunications services.

2. Opposer is the owner (by virtue of a recorded change of name assignment from Schneider Electric Industries SA) of U.S. Trademark Registration Number 2,954,077, registered May 24, 2005, for the mark TRANSPARENT READY for the following goods and services:

(a) "Data processing apparatus, namely, object linking embedding process control and operating software and software comprising general purposes spreadsheets for collecting data on either an intranet or Internet connected personal computer to a programmable logic controller" in International Class 9, U.S. Classes 21, 23, 26, 36, and 38.

(b) "Electrical repairs and installation services of power and control equipment, namely circuit breakers, motor drives, heating apparatus, solenoids, electrical switches, switchboards, electrical proximity and inductive sensors for programmable logic controller systems, I/O modules, and integrated circuit cards" in International Class 37, U.S. Classes 100, 103, and 106.

(c) "Telecommunications services provided on computer networks, namely, providing telecommunications connections to a local area network or a global computer network for monitoring and control services for industrial machines and processes;

electronic transmission of messages and data; providing on-line chat rooms for transmission of messages among computer users concerning the operation, monitoring and control of automation industrial control systems and concerning engineering and related technical subjects; radio broadcasting services; electronic mail services; providing multiple user dial-up and dedicated access to the Internet and on-line help sites” in International Class 38, U.S. Classes 100, 101, and 104.

(d) “Building monitoring services; computer aided electronic Internet services, namely, providing temporary use of non-downloadable software from world wide web sites that transmits programmable logic control software via the Internet” in International Class 42, U.S. Classes 100 and 101.

A copy of the registration certificate for Opposer’s TRANSPARENT READY mark is attached hereto as Exhibit A. This registration is valid and enforceable under 15 U.S.C. §1115.

3. Opposer adopted and used its mark at least as early as those dates indicated in the registration, namely, May 2001. A sample of one of Opposer’s recent “Transparent Ready Power Distribution Equipment” advertising brochures is attached hereto as Exhibit B. This brochure, as well as others showing the use of Opposer’s registered mark, can be found via the Internet at Opposer’s “www.transparent-ready.com” web site. As a result of the extensive use, promotion, and advertising of Opposer’s TRANSPARENT READY mark throughout the world for its web-enabled power and control products and services, this trademark has acquired significant goodwill, gained wide public recognition, and become a substantial business asset of Opposer.

4. Applicant seeks registration on the Principal Register of the mark TRANSPARENT LOGIC for “Computer software for use in automated processing of business

decisions, rules and workflow that may be downloaded from a global computer network” in International Class 009, U.S. Classes 21, 23, 26, 36, and 38. Applicant filed its Section 1(a) application for this mark on February 13, 2006, claiming a date of First Use and a date of First Use in Commerce of August 1, 2005.

5. There is no issue as to priority. Opposer’s TRANSPARENT READY trademark registration date of May 24, 2005, is prior to Applicant’s February 13, 2006, Filing Date and August 1, 2005, dates of First Use.

6. The proposed TRANSPARENT LOGIC mark for which Applicant seeks registration is confusingly similar to Opposer’s registered TRANSPARENT READY mark, and the goods for which Applicant’s proposed mark is intended to be used on are closely related to Opposer’s goods recited in its registration.

7. A comparison of the marks shows that Applicant’s proposed TRANSPARENT LOGIC mark so closely resembles Opposer’s registered TRANSPARENT READY mark as to be likely, when used on or in connection with the goods or services of Applicant, to cause confusion. Both marks incorporate the same first word “Transparent” and only differ with regard to the second word. Both marks are similar in their entireties in appearance, connotation, and commercial impression. Upon information and belief, Opposer asserts that the marks will be used in the same channels of trade on goods marketed to the same types of purchasers. Hence, the marks are confusingly similar.

8. As to the similarity of goods, Opposer’s registered TRANSPARENT READY mark is used on “process control and operating software” and “software ... for collecting data on either an intranet or Internet connected personal computer ...” in International Class 9, as recited in Opposer’s description of goods. Applicant’s proposed TRANSPARENT LOGIC mark is

intended to be used on “computer software for use in automated processing of business decisions, rules and workflow that may be downloaded from a global computer network” as recited in Applicant’s description of goods in International Class 9. Both goods descriptions describe business-related computer software for automating workflow using the Internet and, as such, are confusingly similar.

9. Opposer’s description of services set forth in International Class 38 recites “Telecommunications services provided on computer networks, namely, providing telecommunications connections to a local area network or a global computer network for monitoring and control services for industrial machines and processes; electronic transmission of messages and data; providing on-line chat rooms for transmission of messages among computer users concerning the operation, monitoring and control of automation industrial control systems and concerning engineering and related technical subjects; ... providing multiple user dial-up and dedicated access to the Internet and on-line help sites”. These services include, or are at least very closely related to, Applicant’s use of “computer software for use in automated processing of business decisions ... that may be downloaded from a global computer network”. Hence, the goods are either the same or so closely related that confusion in the marketplace is bound to occur.

10. In view of the similarity of the marks and goods of the respective parties, it is believed that Applicant’s proposed TRANSPARENT LOGIC mark so resembles Opposer’s registered TRANSPARENT READY mark as to be likely to cause confusion, cause mistake, or to deceive.

11. Opposer is also the parent company of Square D Company, a Delaware corporation, which is the owner of a family of registered U.S. Trademarks containing the word "LOGIC", three of which are listed here:

(a) U.S. Trademark Registration Number 1,626,754, registered December 11, 1990, for the mark POWERLOGIC for the following goods and services: "Electronic monitoring and control system for electrical power distribution system, namely monitors, display terminals, meters, personal computers, switchgear, circuit breakers, load centers, modems and computer programs for the operation and simulation of electronic monitoring and control systems" in International Class 9, U.S. Classes 21, 26, and 38. A copy of this registration certificate is attached hereto as Exhibit C.

(b) U.S. Trademark Registration Number 2,342,710, registered April 18, 2000, for the mark MICROLOGIC for the following goods and services: "Electrical equipment namely circuit breakers" in International Class 9, U.S. Classes 21, 23, 26, 36, and 38. A copy of this registration certificate is attached hereto as Exhibit D.

(c) U.S. Trademark Registration Number 2,682,452, registered February 4, 2003, for the mark MOTOR LOGIC for the following goods and services: "Electrical overload relays" in International Class 9, U.S. Classes 21, 23, 26, 36, and 38. A copy of this registration certificate is attached hereto as Exhibit E.

12. There is no issue as to priority regarding these three "LOGIC" marks. The registration dates of 1990, 2000, and 2003 are all prior to Applicant's February 13, 2006, Filing Date, as well as prior to its August 1, 2005, dates of First Use.

13. Opposer, through its subsidiary corporation Square D, adopted and used these three "LOGIC" marks at least as early as those dates indicated in the respective registrations.

Furthermore, Opposer adopted and used these three "LOGIC" marks in conjunction with its TRANSPARENT READY mark at least as early as 2002. Three samples of such commercial use of one or more of Opposer's "LOGIC" marks with Opposer's TRANSPARENT READY mark in the same product advertising brochures are attached hereto as Exhibits. Specifically, Exhibit F shows the use of TRANSPARENT READY with POWERLOGIC and MICROLOGIC; Exhibit G shows the use of TRANSPARENT READY with POWERLOGIC and MICROLOGIC and MOTOR LOGIC; Exhibit H shows the use of TRANSPARENT READY with POWERLOGIC. These brochures, as well as others using Opposer's TRANSPARENT READY mark with one or more of its "LOGIC" marks, can be found via the Internet at Opposer's "www.transparent-ready.com" web site and other web sites.

14. Opposer markets its TRANSPARENT READY web-enabled power and control products with its POWERLOGIC power distribution products in the same marketing materials to the same purchasers. In fact, Opposer's TRANSPARENT READY mark is even used in the same sentence as its POWERLOGIC mark, as shown in both Exhibit B ("Transparent Ready[®] equipment incorporates PowerLogic[®] power monitoring technology ...", page 7) and Exhibit H ("Using standard POWERLOGIC[®] Web technologies, TRANSPARENT READY equipment provides ...", page 1).

15. Opposer, by its sales and advertising of its goods sold under its TRANSPARENT READY mark used with its POWERLOGIC and MICROLOGIC and MOTOR LOGIC marks, has developed exceedingly valuable goodwill throughout the United States with respect to said TRANSPARENT READY and "LOGIC" marks.

16. Use of Applicant's proposed TRANSPARENT LOGIC mark with business-related computer software would be taken by purchasers of such software as an indication of

origin in Opposer, particularly since the first part "TRANSPARENT" is the same as the first part of Opposer's registered TRANSPARENT READY mark, and the second part "LOGIC" is the same as the second part of several of Opposer's family of registered "LOGIC" marks, such as POWERLOGIC, MICROLOGIC, and MOTOR LOGIC. The net effect of a registered trademark having the first part "TRANSPARENT" and the second part "LOGIC" for use with business-related computer software would cause confusion in the marketplace, resulting in damage and injury to Opposer. Any such confusion inevitably would result in loss of sales to the Opposer.

17. As a result of the extensive use, promotion, and advertising of Opposer's TRANSPARENT READY mark throughout the world for its web-enabled power and control products, in conjunction with its POWERLOGIC and/or MICROLOGIC and/or MOTOR LOGIC trademarks for such power and control products, the registration of TRANSPARENT LOGIC by Applicant is likely to cause confusion or mistake in the minds of consumers and to lead prospective purchasers to believe Applicant's products as designated are products of Opposer, or in some way backed by, sponsored by, franchised by, approved, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of Opposer and its goodwill in its registered marks.

18. The proposed mark TRANSPARENT LOGIC is not registerable because it constitutes merely a trade name to identify the corporation "Transparent Logic Technologies Inc." Applicant's specimen itself, filed in the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration, supports such determination. A copy of the specimen is attached hereto as Exhibit I. The specimen, which was described by Applicant as "Screen copy of Internet Web Site page showing use of 'Transparent Logic'", states in the browser title

bar "Transparent Logic: Company", and refers only to Transparent Logic as a trade name to identify the company, e.g., "Hi, I'm Carl Hewitt, Transparent Logic founder and CEO."

19. The proposed mark TRANSPARENT LOGIC is not registerable because the specimen filed in the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration does not show TRANSPARENT LOGIC as a trademark used on or in connection with goods for which registration was being sought. The specimen, Exhibit I, does not show TRANSPARENT LOGIC as a trademark on or in connection with any goods. The specimen does, however, show several other of Applicant's trademarks, such as "LogicBase" or "Composer", in connection with Applicants goods, as shown in the lower left under the subtitle "Explore our Products".

20. The proposed mark TRANSPARENT LOGIC is not registerable because the drawing of the mark is not a substantially exact representation of the mark as used on or in connection with the goods or services, as shown by the specimen, Exhibit I. The drawing shows the two words "Transparent Logic" (two words separated by a space character), while the specimen filed with the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration shows a distinctly different logo with the single word "transparentlogic" (one word without any space character).

21. The proposed mark TRANSPARENT LOGIC is not registerable because, upon information and belief, Opposer alleges that there was no bona fide use in commerce prior to the filing of the application for registration. The specimen filed with the U.S. Patent and Trademark Office on which the Applicant bases its claim for registration shows the use of a logo with the single word "transparentlogic" (one word without any space character) on a web page, which

Int. Cls.: 9, 37, 38 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103, 104
and 106

Reg. No. 2,954,077

Registered May 24, 2005

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

TRANSPARENT READY

SCHNEIDER ELECTRIC INDUSTRIES SA
(FRANCE CORPORATION)
89, BOULEVARD FRANKLIN ROOSEVELT
RUEIL-MALMAISON, FRANCE 92500

FOR: DATA PROCESSING APPARATUS, NAME-
LY, OBJECT LINKING EMBEDDING PROCESS
CONTROL AND OPERATING SOFTWARE AND
SOFTWARE COMPRISING GENERAL PURPOSES
SPREADSHEETS FOR COLLECTING DATA ON
EITHER AN INTRANET OR INTERNET CONN-
ECTED PERSONAL COMPUTER TO A PROGRAMMA-
BLE LOGIC CONTROLLER, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

FOR: ELECTRICAL REPAIRS AND INSTALLA-
TION SERVICES OF POWER AND CONTROL
EQUIPMENT, NAMELY CIRCUIT BREAKERS, MO-
TOR DRIVES, HEATING APPARATUS, SOLE-
NOIDS, ELECTRICAL SWITCHES,
SWITCHBOARDS, ELECTRICAL PROXIMITY
AND INDUCTIVE SENSORS FOR PROGRAMMA-
BLE LOGIC CONTROLLER SYSTEMS, I/O MOD-
ULES, AND INTEGRATED CIRCUIT CARDS, IN
CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: TELECOMMUNICATIONS SERVICES PRO-
VIDED ON COMPUTER NETWORKS, NAMELY,
PROVIDING TELECOMMUNICATIONS CONN-
ECTIONS TO A LOCAL AREA NETWORK OR A
GLOBAL COMPUTER NETWORK FOR MONITOR-
ING AND CONTROL SERVICES FOR INDUSTRIAL

MACHINES AND PROCESSES; ELECTRONIC
TRANSMISSION OF MESSAGES AND DATA; PRO-
VIDING ON-LINE CHAT ROOMS FOR TRANSMIS-
SION OF MESSAGES AMONG COMPUTER USERS
CONCERNING THE OPERATION, MONITORING
AND CONTROL OF AUTOMATION INDUSTRIAL
CONTROL SYSTEMS AND CONCERNING ENGI-
NEERING AND RELATED TECHNICAL SUBJECTS;
RADIO BROADCASTING SERVICES; ELECTRONIC
MAIL SERVICES; PROVIDING MULTIPLE USER
DIAL-UP AND DEDICATED ACCESS TO THE IN-
TERNET AND ON-LINE HELP SITES, IN CLASS 38
(U.S. CLS. 100, 101 AND 104).

FOR: BUILDING MONITORING SERVICES;
COMPUTER AIDED ELECTRONIC INTERNET
SERVICES, NAMELY, PROVIDING TEMPORARY
USE OF NON-DOWNLOADABLE SOFTWARE
FROM WORLD WIDE WEB SITES THAT TRANS-
MITS PROGRAMMABLE LOGIC CONTROL SOFT-
WARE VIA THE INTERNET, IN CLASS 42 (U.S. CLS.
100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
FRANCE APPLICATION NO. 013099528, FILED 5-
10-2001, REG. NO. 013099528, DATED 5-10-2001, EX-
PIRES 5-10-2011.

SER. NO. 76-332,734, FILED 11-2-2001.

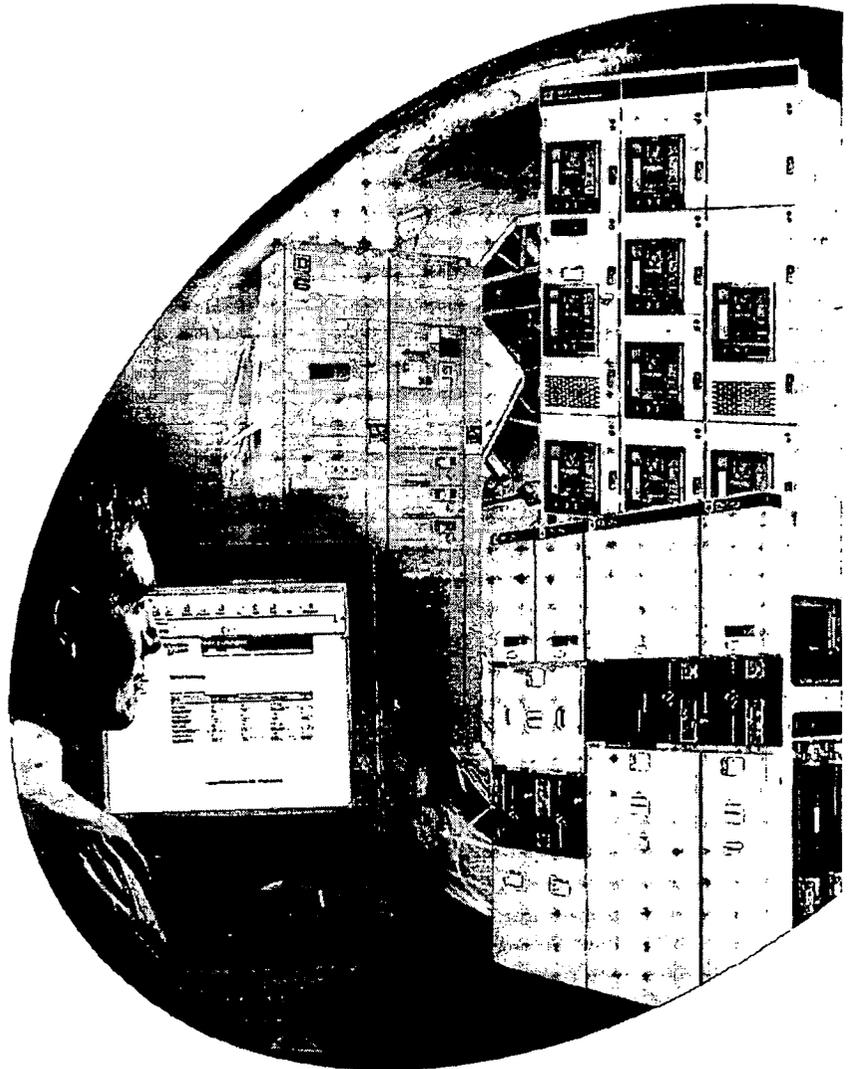
ELIZABETH J. WINTER, EXAMINING ATTORNEY

Exhibit A

*Transparent Ready® Power
Distribution Equipment*
Simple, affordable access
to power system information.

Ready®

Web-enabled Power & Control



a brand of
Schneider
Electric

S SQUARE D

Exhibit B

Transparent Ready® Means Energy Efficiency

Transparent Ready® power distribution equipment features an Ethernet interface, and an embedded Web server to provide you with the information you need to manage the cost and quality of power.

“Why did that breaker trip? Where can I add this new load? Who’s wasting energy?”

Reduce Energy Costs

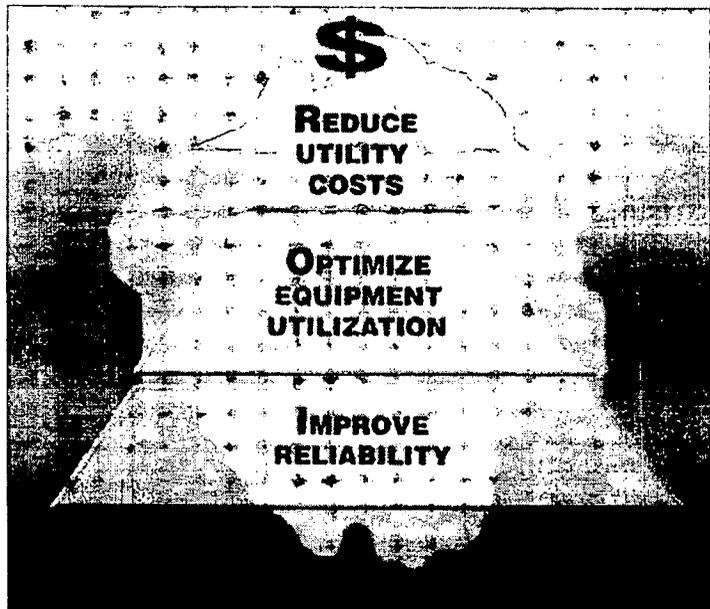
- Save 2-4% or more on power bills by knowing where energy is being used.
- Track the number of kilowatt hours used each month, by function or department.
- Identify where and when new peak demands occur, driving up utility bills.

Optimize Equipment Utilization

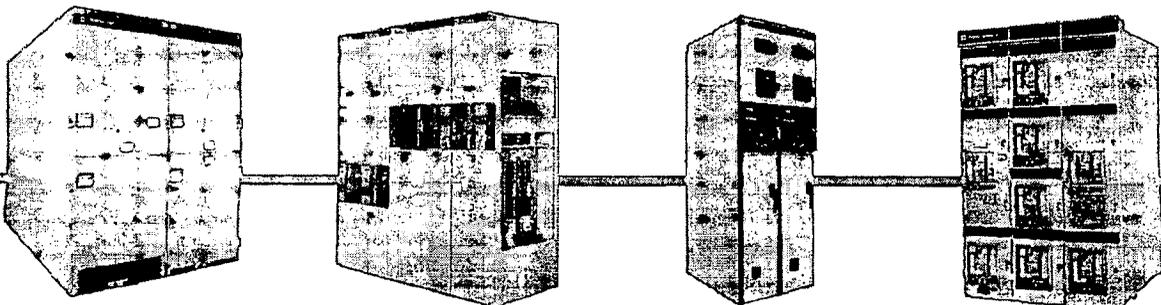
- Save 2-5% on operating costs and capital expenses by eliminating unnecessary purchases.
- Know where spare capacity exists before you add that new machine.
- Identify wasteful load unbalances or excessive loading on transformers that may be silently reducing longevity.
- By optimizing your electrical system, you will extend the life of your equipment and maximize your investment.

Improve Reliability

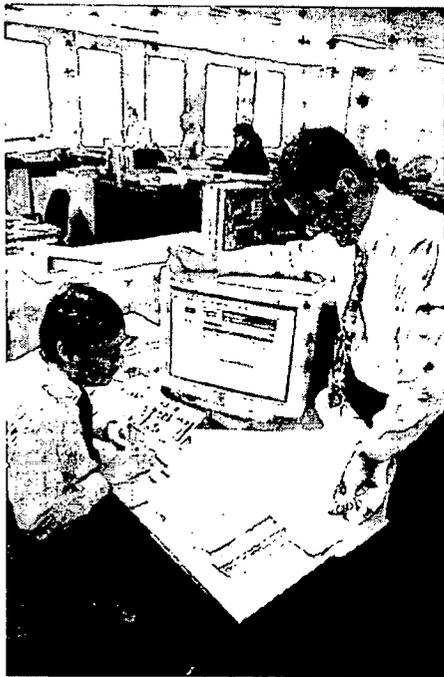
- Save thousands of dollars by avoiding downtime through advanced warning of abnormal conditions.
- With detailed metering data on all circuits, you will be able to spot potential hazards before they cause a costly shutdown.
- Quickly diagnose problems when interruptions do occur.



A complete range of power distribution equipment ...



Transparent Ready® Means Affordability



Simple, affordable power monitoring

Transparent Ready® equipment is pre-engineered to include the most popular current, power and energy web pages, and is completely configured and tested at the factory. You know exactly what you're getting before you place the order.

"I need equipment that connects right into my existing network, without any system integration costs."

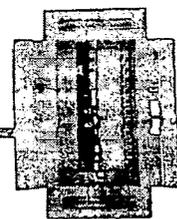
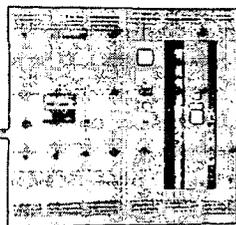
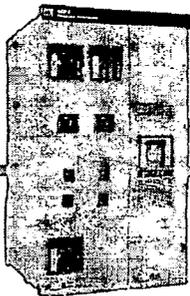


Leverage your existing IT infrastructure

With Transparent Ready equipment there is no need to run new proprietary networks around your facility. Just connect the equipment's built-in Ethernet interface to a nearby hub or switch on your existing Ethernet Local Area Network (LAN).

The only commissioning required is to set the equipment's network address. Now you're ready to access power system information from any PC on your network, using a standard Web browser.

... one convenient way to access information. Transparent Ready® equipment.



Transparent Ready® Means Easy Access to Power System Information

Standard Web pages

Transparent Ready® equipment comes with predefined Web pages so you can access power system data right away. The equipment hosts its own Web site giving you the data you need on main, tie and feeder circuits using a standard Web browser – just point and click.

Detailed Readings Per Device

Displays detailed, device-specific information for each monitored device in the lineup. Each "Basic Readings" page provides real-time and historical data according to the device type.

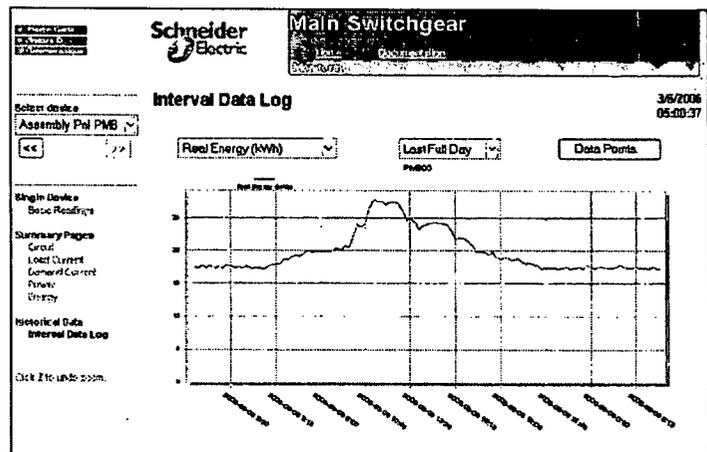
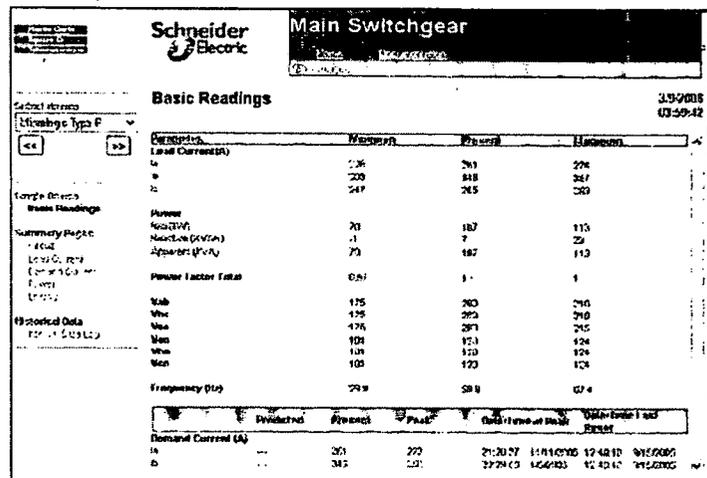
- Analyze power quality, or diagnose power-related problems.
- Check breaker trip history, additional metering values, or device settings.

Historical Trending Per Device

The embedded Web server records metering data at user-defined intervals, and "Interval Data Log" pages provide a graphic trend plot for the specified period – day, week, or month.

- Understand energy usage throughout the month, by product or department.
- Spot abnormal trends or unusual consumption patterns quickly.
- Data is maintained in non-volatile memory to safeguard your investment.
- Archive data to your PC easily for long-term storage and further analysis and reporting.

Easy



Existing Ethernet LAN

Transparent Ready® Means Simplicity

Schneider Electric Main Switchgear

Monitoring
Circuit
Load Current
Demand Current
Power
Energy

Circuit Summary 3-17-2008 12:00:00

Circuit	RMS Current (Amps)	Real Power (kW)	Power Factor	Breaker Status
Main Meter	311	236	0.85 lag	closed
Feeder 1	185	149	0.85 lag	closed
Feeder 2	0	0	1	open
Feeder 3	115	07	0.87 lag	closed

Circuit Summary

Displays the RMS current, real power (kW), power factor, and breaker status for all monitored circuits in the equipment lineup. With unit substations, you even get a 'snapshot' of the transformer coil temperatures and the fan status.

- Quickly check the status of all circuits.
- Compare circuit loading at a glance.

Schneider Electric Main Switchgear

Monitoring
Circuit
Load Current
Demand Current
Power
Energy

Load Current Summary 3-17-2008 12:00:00

Circuit	Phase A	Phase B	Phase C
Main	311	315	318
Feeder 1	185	188	200
Feeder 2	0	0	0
Feeder 3	115	117	118

Load Current Summary

Displays the RMS current values, per phase, for all monitored circuits in the lineup.

- Verify circuit loading, based on real-time data.
- Spot circuits with unbalanced single-phase loads.

Schneider Electric Main Switchgear

Monitoring
Circuit
Load Current
Demand Current
Power
Energy

Demand Current Summary 3-17-2008 12:00:00

Circuit	Phase A	Phase B	Phase C
Main Meter	302	302	302
Feeder 1	190	190	190
Feeder 2	0	0	0
Feeder 3	112	112	112

Demand Current Summary

Displays the demand current values (averaged over time), per phase, for all monitored circuits in the lineup.

- Know where spare capacity exists.
- Identify potential overloads before they occur.

Schneider Electric Main Switchgear

Monitoring
Circuit
Load Current
Demand Current
Power
Energy

Power Summary 3-17-2008 12:00:00

Circuit	Present Demand (kW)	Peak Demand (kW)	Recorded Time & Date
Main	223	425	07:29:17 02/24/2003
Feeder 1	141	338	07:29:17 02/24/2003
Feeder 2	0	0	---
Feeder 3	82	112	08:11:53 01/22/2003

Power Summary

Displays the demand power values and the associated time/date for all monitored circuits in the lineup.

- Identify where and when new demand peaks occur each month.
- Discover where to make minor changes that result in big savings on your electric utility bill.

Schneider Electric Main Switchgear

Monitoring
Circuit
Load Current
Demand Current
Power
Energy

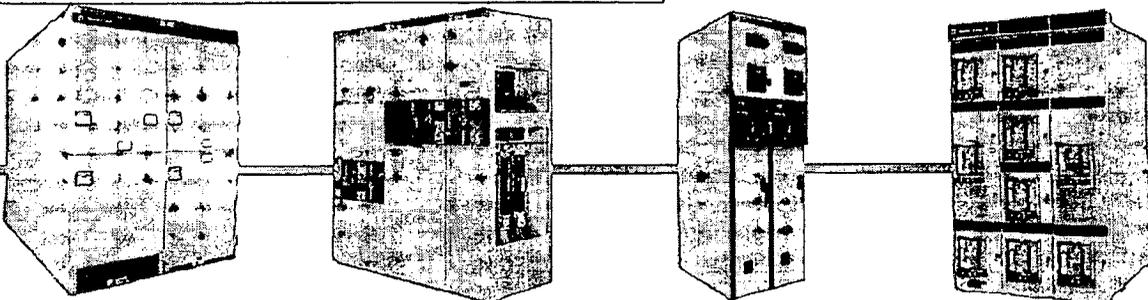
Energy Summary 3-17-2008 12:00:00

Circuit	Energy (kWh)	Reactive Energy (kVArh)	Last Power
Main	1530015	734415	11:58:59 08/30/2002
Feeder 1	983909	482877	11:58:59 08/30/2002
Feeder 2	113734	54349	11:58:59 08/30/2002
Feeder 3	452886	217388	11:58:59 08/30/2002

Energy Summary

Displays the energy values for all monitored circuits in the lineup.

- Allocate energy costs by product or department, based on actual usage.
- Compare energy consumption across circuits.
- Encourage conservation through greater awareness of energy usage and potential savings.

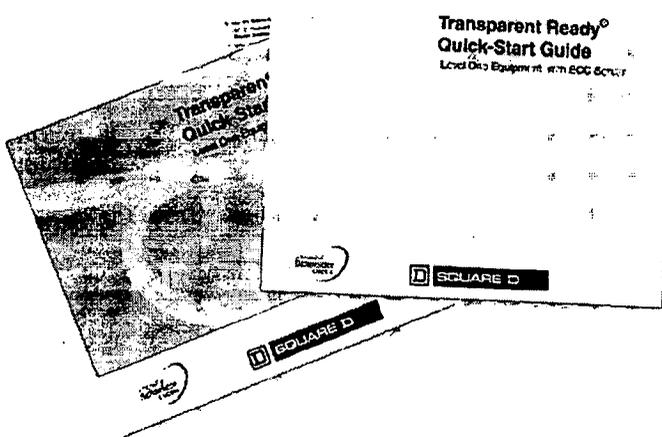
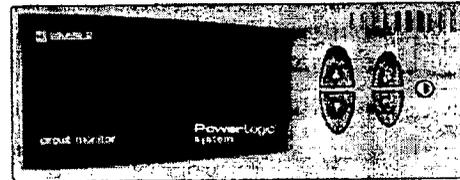
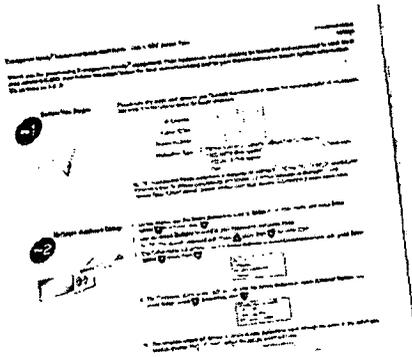


Transparent Ready® Means Easy to Commission

1. 2. 3.

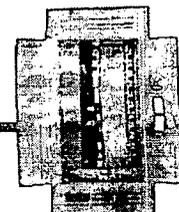
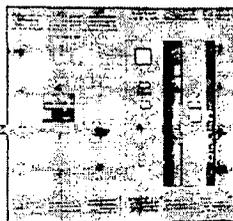
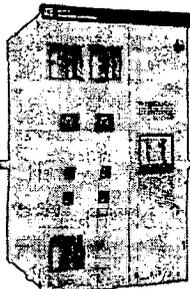
Commissioning is as easy as 1-2-3

Once your equipment's Ethernet interface is connected to your Ethernet network, you need only enter the equipment's network address. There is no need to shut down the equipment or open access panels. Just set the network address through the convenient display, or the front-accessible Ethernet port (depending on the model purchased).



A Quick-Start Guide is included with every Transparent Ready equipment lineup to make commissioning worry-free. Just follow the simple, three-step process and your equipment will be online in minutes:

1. Obtain a network address (IP address) from your network administrator.
2. Enter this information into the equipment via the local display or front Ethernet port.
3. Open your Web browser from any PC on your network and log on to your Transparent Ready® equipment home page.



Transparent Ready® Means Connectivity

PowerLogic®

Available everywhere on your network

Transparent Ready® equipment incorporates PowerLogic® power monitoring technology to form a stand-alone Web site, or become a building block in a complete PowerLogic power monitoring and control system.

You'll have easy access to power system information when you need it, and software tools to help you analyze conditions and take appropriate action. Also, thanks to the open connectivity of Ethernet, you can even share critical data with building automation or process control systems.

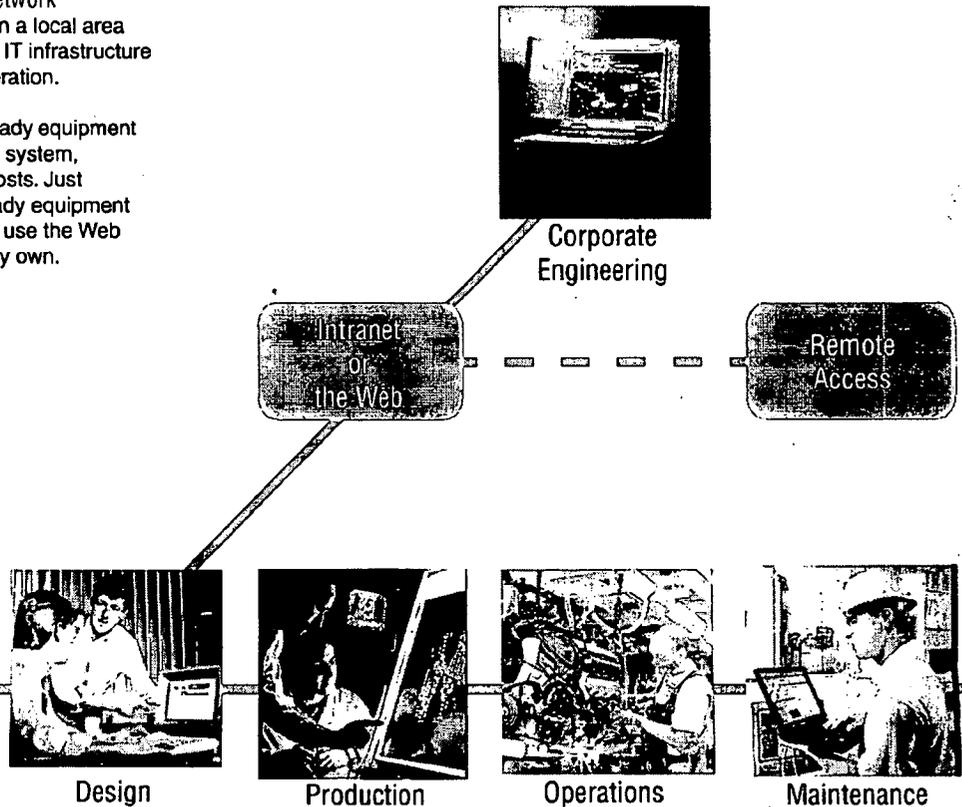
It doesn't stop within the walls of the facility. If you're an authorized user who travels and you have access to your company intranet, you can log in just as easily as you can check your e-mail. And, if you have multiple facilities connected to one intranet, any authorized user can check any equipment, at any location.

Transparent Ready equipment serves you the information you want, whenever you want it, wherever you want it.

Leverage your existing network
You've already invested in a local area network (LAN) and other IT infrastructure to help manage your operation.

Because Transparent Ready equipment connects to your existing system, there are no additional costs. Just connect Transparent Ready equipment to your existing LAN and use the Web browsers that you already own.

It's that simple.



Transparent Ready® Equipment Selection Guide

	TRE-1	TRE-2	TRE-2 Plus SMS*	Custom
Ethernet network connection, 100Mbps	■	■	■	■
Integral Web server	■	■	■	■
Summary power monitoring Web pages, all circuits	■	■	■	■
Alternate Circuit Summary page for MCCs or unit substations	■	■	■	■
Quick-Start Guide to ensure trouble-free commissioning	■	■	■	■
Front-accessible Ethernet port, for local access	■	■	■	■
Basic readings, all devices, for each device type	■	■	■	■
Basic historical data logging, graphical trend plot	■	■	■	■
Email data logs automatically for archived storage	■	■	■	■
Optional energy cost reports available	■	■	■	■
Setup, individual devices	■	■	■	■
Meters, summary tables, barcharts	■	■	■	■
Harmonic analysis, voltage disturbances	■	■	■	■
Interactive graphics: one-line and elevation view	■	■	■	■
User-configurable alarms	■	■	■	■
User-configurable data logging and trending	■	■	■	■
User-configurable Web pages and reports	■	■	■	■
Customized system view or site plan of all lineups	■	■	■	■

Custom-engineered solution based on
TRE-1 or TRE-2 platform
to meet special customer requirements

*PowerLogic System Manager Software (SMS) for comprehensive power monitoring and analysis

Transparent Ready Equipment Advantages

Using Web-enabled equipment is as easy as opening a Web page. Reduced energy costs, optimized equipment, and improved reliability are all just a click away.

- **Energy Efficiency:** Transparent Ready Equipment gives you the information you need to manage the cost and quality of power. Reduce energy costs, optimize equipment utilization and improve system reliability.
- **Affordability:** Every lineup is pre-engineered and serves data from the intelligent breakers and relays you probably already specify.
- **Simplicity:** Each lineup includes its own Ethernet interface and Web server and connects to your network just like a PC or printer.
- **Easy to Commission:** Transparent Ready Equipment is completely configured and tested at the factory. Just set the network IP address using the included Quick-Start Guide.
- **Easy to Use:** Access power monitoring data using a standard Web browser from any computer on your network.
- **Economical:** Leverage your existing IT infrastructure and expertise. Instead of adding new wires based on proprietary networks.
- **Connectivity:** Each Transparent Ready Equipment lineup serves as a stand-alone Web site or as a building block for other systems such as a complete PowerLogic power monitoring and control system.

Schneider Electric - North American Operating Division

1010 Airpark Center Drive
Nashville, TN 37217
1-888-SquareD
(1-888-778-2733)

For more information about Transparent Ready equipment, visit
www.us.squared.com/TRE.

Transparent Ready is a registered U.S. trademark of Schneider Electric for its web-enabled power and control products, software, and services.

Int. Cl.: 9

Prior U.S. Cls.: 21, 26 and 38

United States Patent and Trademark Office

Reg. No. 1,626,754
Registered Dec. 11, 1990

**TRADEMARK
PRINCIPAL REGISTER**

POWERLOGIC

SQUARE D COMPANY (DELAWARE CORPORATION)
EXECUTIVE PLAZA
PALATINE, IL 60067

FOR: ELECTRONIC MONITORING AND CONTROL SYSTEM FOR ELECTRICAL POWER DISTRIBUTION SYSTEM, NAMELY MONITORS, DISPLAY TERMINALS, METERS, PERSONAL COMPUTERS, SWITCHGEAR, CIRCUIT BREAKERS, LOADCENTERS, MODEMS AND COMPUTER PROGRAMS FOR

THE OPERATION AND SIMULATION OF ELECTRONIC MONITORING AND CONTROL SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 26 AND 38).

FIRST USE 4-2-1989; IN COMMERCE 4-2-1989.

OWNER OF U.S. REG. NOS. 708,033 AND 783,553.

SER. NO. 73-815,520, FILED 7-28-1989.

KATHRYN DOBBS, EXAMINING ATTORNEY

Exhibit C

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,342,710

United States Patent and Trademark Office

Registered Apr. 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

MICROLOGIC

**SQUARE D COMPANY (DELAWARE CORPORATION)
1415 S. ROSELLE ROAD
PALATINE, IL 60067**

**FIRST USE 4-0-1985; IN COMMERCE
4-0-1985.**

**FOR: ELECTRICAL EQUIPMENT NAMELY
CIRCUIT BREAKERS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).**

SER. NO. 75-572,579, FILED 10-16-1998.

MARK SPARACINO, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,682,452

Registered Feb. 4, 2003

**TRADEMARK
PRINCIPAL REGISTER**

MOTOR LOGIC

SQUARE D COMPANY (DELAWARE CORPORATION)
1415 S. ROSELLE ROAD
PALATINE, IL 60067

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LOGIC", APART FROM THE
MARK AS SHOWN.

FOR: ELECTRICAL OVERLOAD RELAYS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 76-196,269, FILED 1-19-2001.

FIRST USE 2-0-1995; IN COMMERCE 2-0-1995.

LESLEY LAMOTHE, EXAMINING ATTORNEY

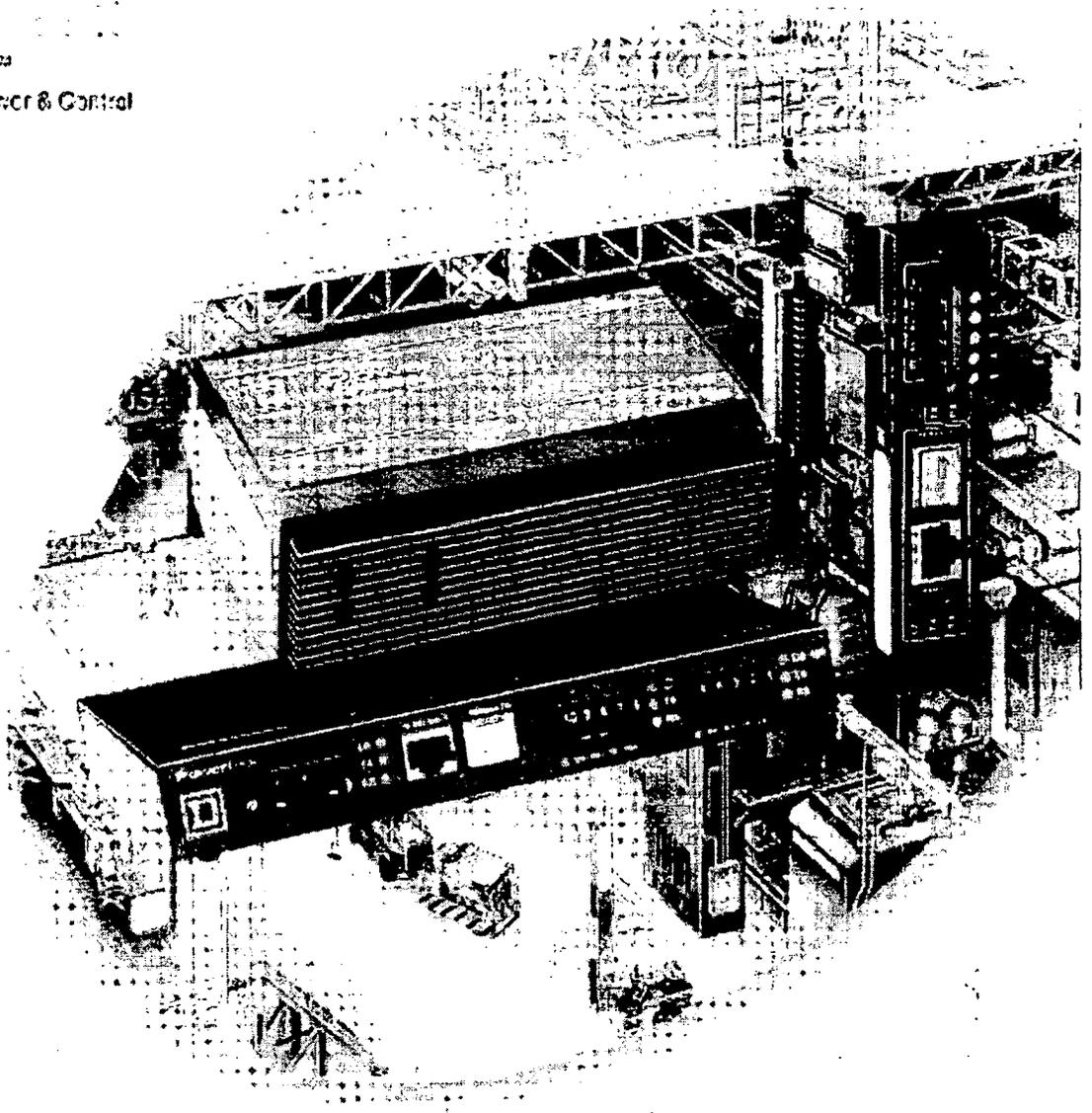
Exhibit E

PowerLogic® Web-Enabled Network Components

Access valuable power and utility
information from your system

Ready™

Web-enabled Power & Control



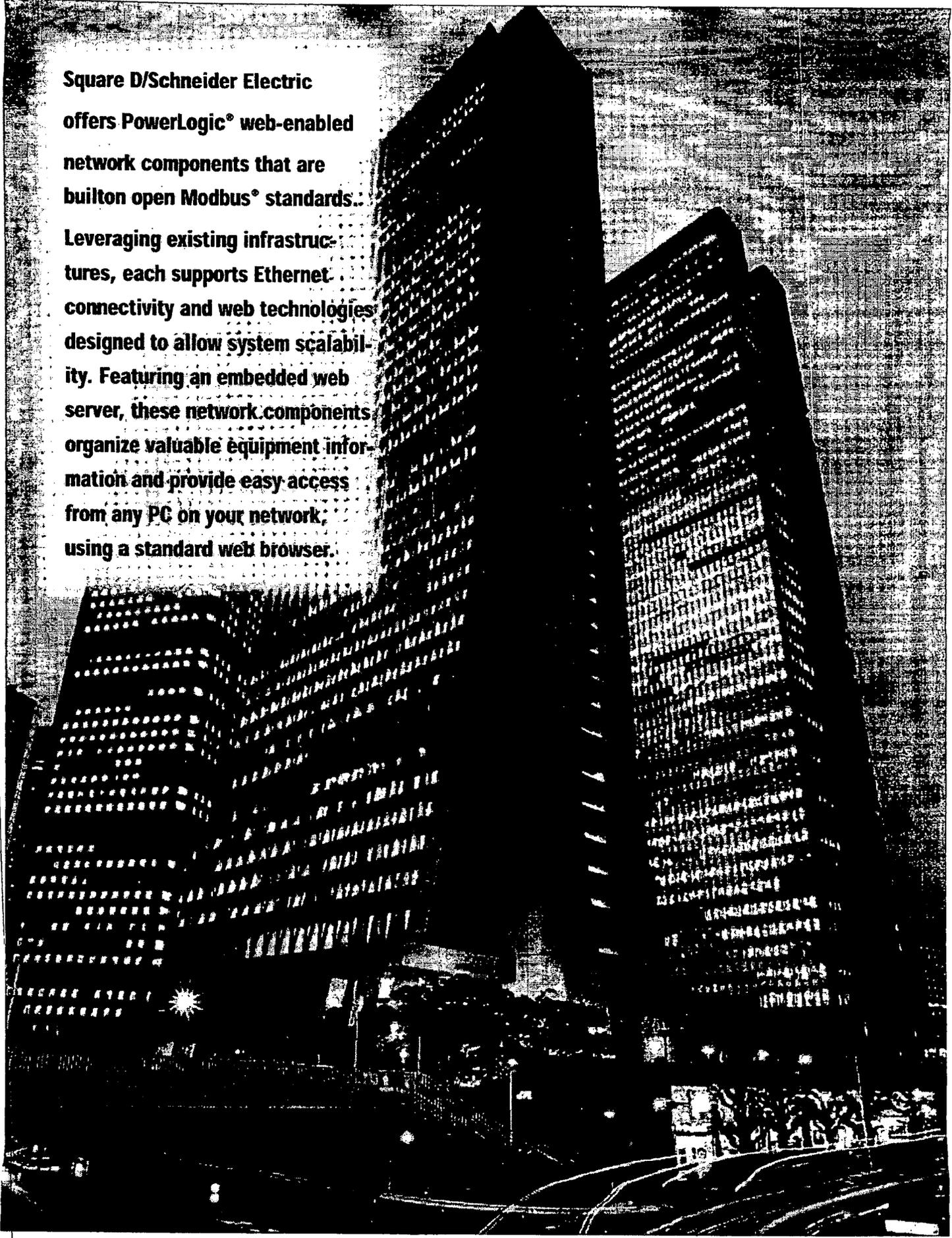
a brand of
**Schneider
Electric**

S SQUARE D

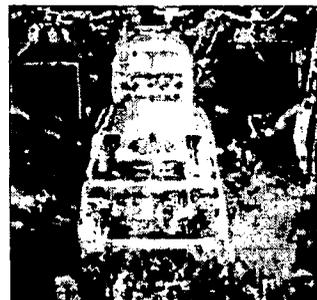
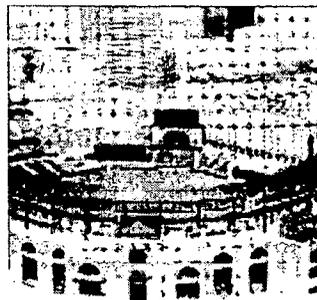
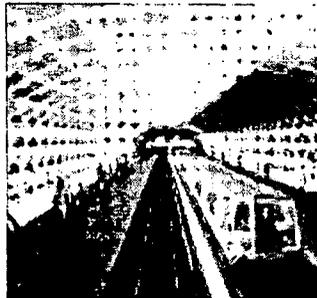
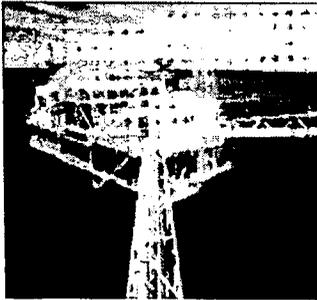
Exhibit F

**Square D/Schneider Electric
offers PowerLogic® web-enabled
network components that are
built on open Modbus® standards.**

**Leveraging existing infrastruc-
tures, each supports Ethernet
connectivity and web technologies
designed to allow system scalabil-
ity. Featuring an embedded web
server, these network components
organize valuable equipment infor-
mation and provide easy access
from any PC on your network,
using a standard web browser.**



PowerLogic® NETWORK SOLUTIONS



- *Easy Installation into New Equipment or Retrofit*
- *Scalable Connectivity Supporting Modbus® Devices*
- *Web-Enabled Information to Authorized Users*
- *Monitoring Power Equipment and Piped Utilities*
- *Remote Alarm Notification of System Events*
- *Definitive Conclusions*
- *Savings with Quick Return on Investment*

Integrated Approach for Total Solution

PowerLogic® web-enabled network components support a myriad of intelligent communicating devices and provide connectivity to system software. This support includes the complete range of Square D/Schneider Electric Transparent Ready power equipment, PowerLogic® monitoring devices as well as compatible Modbus® communicating devices. That means, in addition to providing real time and historical information, the PowerLogic® network communications will support incorporation of control components into the PowerLogic® system. These are typically integrated to monitor piped utilities such as water, air, gas and steam, as well as, provide status and control for peak shaving, load shedding, automatic transfer schemes and other energy reduction and reliability solutions.

Web Technologies Facilitate Knowledge That Result in Savings

Designed to be an "Out-of-the-box" application, PowerLogic® network components give unprecedented web-enabled access. With this level of access, from any computer on your network, you and other authorized users will never be out of touch with your equipment and piped utilities. The system information is presented in a manner that allows you to draw definitive conclusions so you will have the tools to help you facilitate information sharing and reduce utility costs. Save time and money knowing where spare capacity exists and improve system reliability by proactively identifying potential problems before they cause downtime. In short, you will be empowered to achieve savings and make informed decisions.

Scalable System Approach Grows With Your Organization

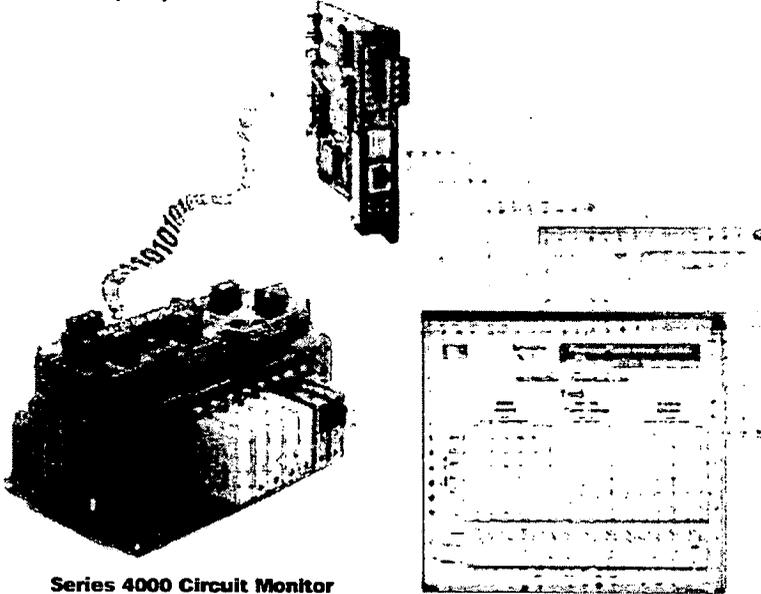
PowerLogic® web-enabled network components are flexible and let you take a building block approach. Start at any level, and when you're ready to grow, our system is designed to grow with you. Every level can stand alone, or be combined to provide a solution that is right for you. From simple metering to advanced corporate wide operations. PowerLogic® systems give you the information that you need, no matter where you are.

LEVEL	DESCRIPTION
Basic	Real Time Monitoring For Power Equipment and Piped Utilities
Intermediate	Power Monitoring for Unattended Operations
Advanced	Electrical System Management and Analysis for Plant/ Corporate Wide Operations

Square D also offers pre-defined Transparent Ready power equipment levels (TRE), based on the same PowerLogic® component platforms contained in this brochure. For more information about Square D Transparent Ready Equipment (TRE) see Document Number 1700BR0201.

BASIC

Ethernet Communication Card (ECC)



Series 4000 Circuit Monitor

Real Time Monitoring For Power Equipment and Piped Utilities

The PowerLogic® Basic Level is for businesses that require real-time metering, alarm notification, status, power quality, energy and demand information (including forecasting), on a circuit-by-circuit basis to the people who need it most. The heart of the Basic Level is served by the PowerLogic® Web-Enabled Ethernet Gateways known as the Ethernet Communication Card (ECC) or the PowerLogic® Ethernet Gateway (EGW).

Ethernet Communication Card (ECC) provides connectivity

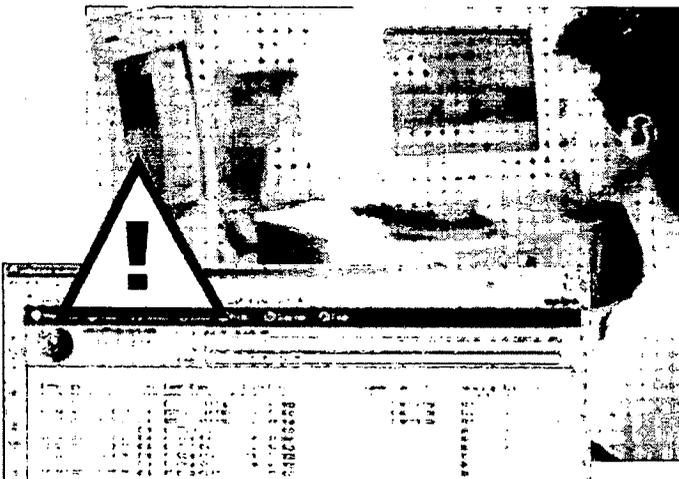
The Ethernet Communication Card expands the capability of the Series 3000 and 4000 Circuit Monitor as a total network solution for your power monitoring needs. Based on plug and play technology, the ECC, with Modbus®/TCP protocol support, plugs into an expansion slot on the circuit monitor providing direct connection to the Ethernet network using either Cat5 Ethernet shielded or unshielded twisted pair or fiber cabling. An RS-485 Modbus® master port on the ECC supports a daisy chain of up to 31 additional devices without a repeater, allowing the CM4000 or CM3000 with ECC to act as an Ethernet gateway for downstream devices.

Real time web viewing

In addition to providing direct, high speed Ethernet connectivity, the ECC includes embedded HTML pages. This web access allows real-time power system information from the circuit monitors through a standard web browser. The Web Page Generator (WPG) software shipped with the ECC, allows you to transfer standard pages, including summary views, for devices daisy-chained to the ECC's onboard RS-485 port. Custom pages are also supported for a total of 10 web pages that can be viewed over the network. You can even view this information from home or a remote location through your company's virtual private network connection.

Email on alarm

Series 3000 or 4000 Circuit Monitors equipped with an Ethernet Communication Card (ECC) can send emails on alarm occurrence for up to 15 different users, each with their own daily/weekly schedule. When conditions are outside normal parameters, a circuit monitor sends an email on alarm notification containing pass/fail power quality, disturbance direction, and other circuit information in the language selected to be used for the circuit monitor's remote display. It bundles up to 34 events in a single email. Emails are then received at a PC, PDA, mobile phone, etc., just like any other email. Using email is an effective means for notification of geographically dispersed personnel. Email also avoids firewall restrictions imposed by other data transfer methods.



Date/Time	Event Name	Value	Condition	Phase	Direction	Data Log	
6/20/2004 16:16:59	ENS0160 Swl Vbn	132	Pickup		Downstream	Yes	3
6/20/2004 16:16:59	ENS0160 Swl Vbn	132	Pickup		Downstream	Yes	3
6/20/2004 16:16:59	ENS0160 Swl Vcn	132	Pickup		Downstream	Yes	3
6/20/2004 16:16:59	PQ THD Vc L1	40	Pickup			No	3
6/20/2004 16:16:59	PQ Over V L1	126	Pickup			No	3
6/20/2004 16:16:59	PQ Over V L2	132	Pickup			No	3
6/20/2004 16:16:59	PQ Harm Vc L1	266	Pickup			No	3
6/20/2004 16:16:59	PQ Harm Vb L1	284	Pickup			No	3
6/20/2004 16:16:59	PQ Harm Va L1	265	Pickup			No	3

Ethernet Gateway (EGX) simplifies retrofit

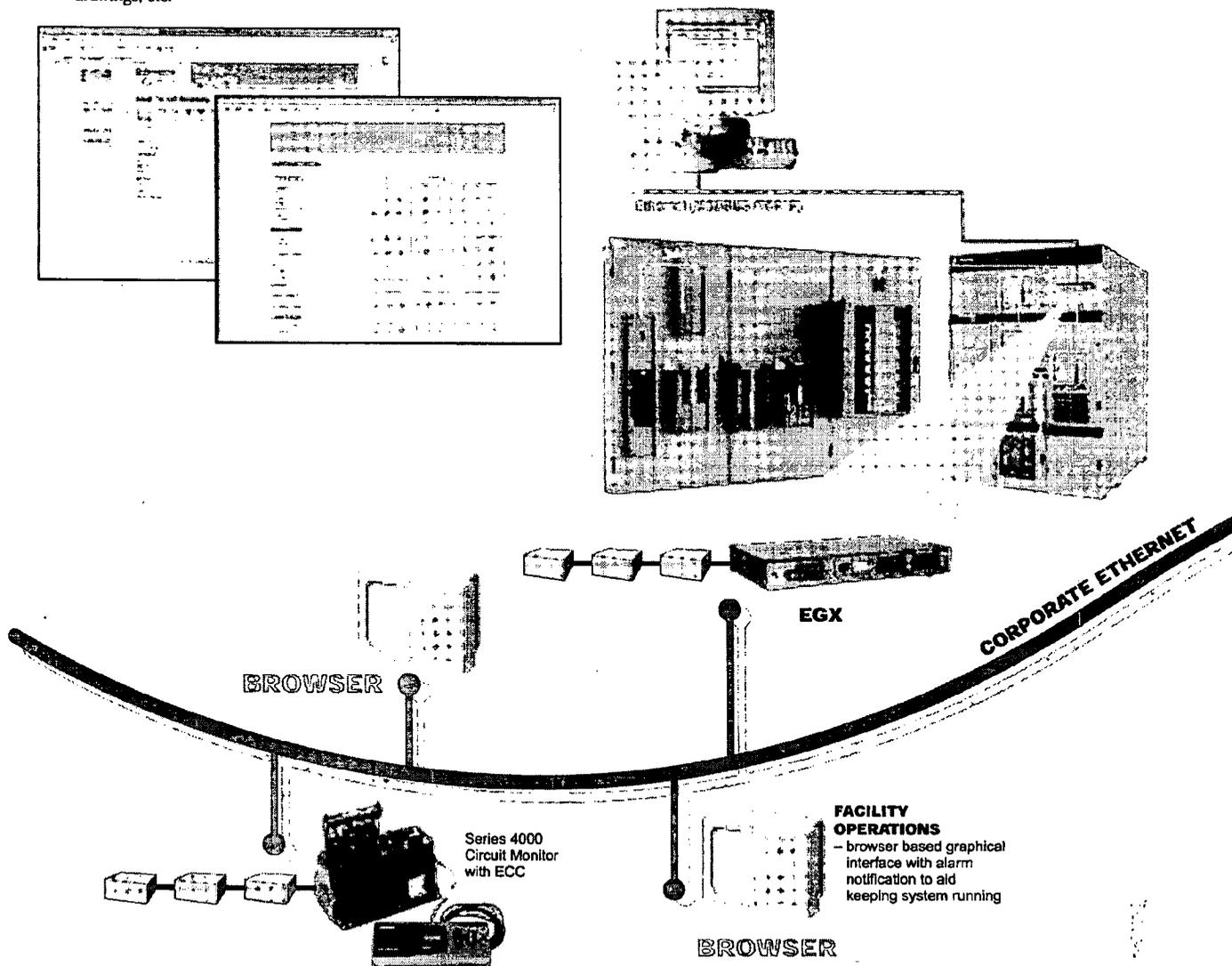
The PowerLogic® Ethernet Gateway (EGX) is an ideal solution for getting power system and other equipment status information onto the Ethernet network and into your web browser. It is small in size, making installation into equipment fast and easy.

Web Page Displays and Storage

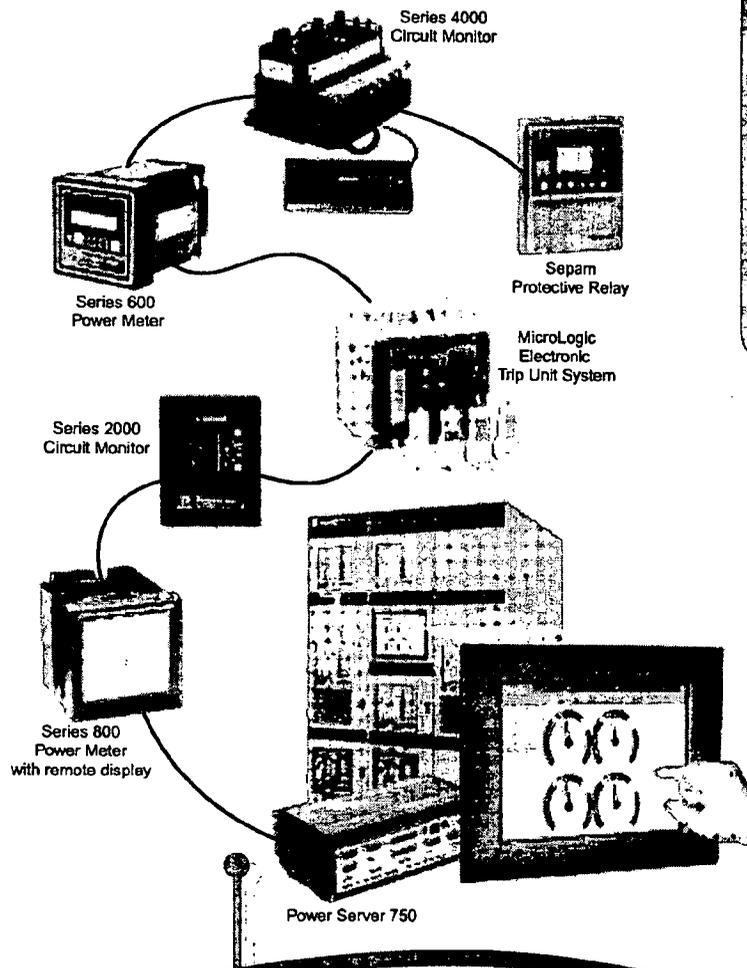
The integral web server inside the EGX400 alleviates the need for special end user software. Remote configuration and data can be viewed using a standard Internet browser. This includes access to usage consumption from piped utilities, and power equipment data from circuit monitors, circuit breaker trip units, programmable controllers, drives and protective relays. There are also standard pages for device resets, diagnostics and web server setup. In addition, there is 16 Mb of internal memory providing storage for standard and user-defined web pages for real time status, instruction manuals, equipment drawings, etc.

Collects and Trends

With reliable high-speed communications, the EGX provides fast system response, direct access to system data, and 38 days of 15-minute interval historical data logging with zoom. Up to 6 parameters can be logged for each connected device. This is particularly useful for capturing interval data for devices not capable of onboard logging. The EGX400 interval logs are also fully compatible with web query in Microsoft® Excel. Once the data is in the spreadsheet, you can analyze it by using the tools and features in Excel. Your imagination is the limit - allocate costs per shift or per manufacturing line, calculate demand, aggregate multiple circuits or facilities for total consumption, monitor energy consumption during peak periods, verify equipment is being shutdown properly during non-production hours, etc.



INTERMEDIATE



Power Monitoring for Equipment Level and Unattended Operations

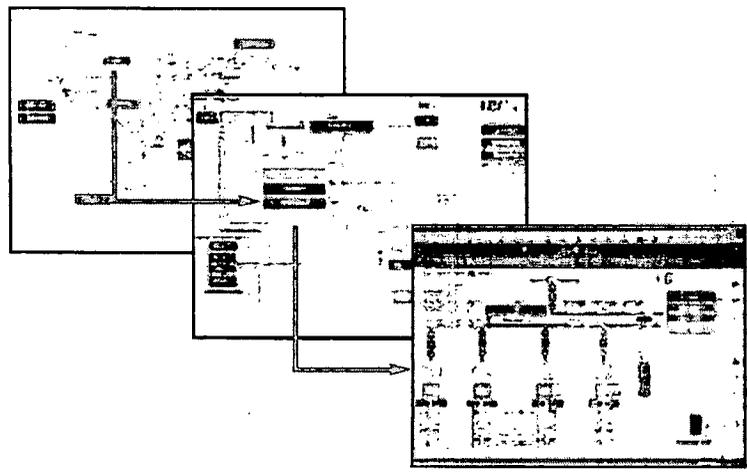
The PowerLogic Intermediate Level System is designed for those environments requiring a simple and easy to install monitoring and control system. It is ideally suited for monitoring power equipment and providing alarms which can provide warning of equipment failure or abnormal conditions. It can also make use of interlocking devices to prevent unsafe operation. Additionally, the system provides the ability to record and store a number of data files. It can be accessed from a computer. The system is available in the Intermediate Level and PowerLogic Power Server.

Consolidates Information

Fully compatible with the Basic Level gateways, the Power Server communicates, collects and consolidates utility data (including water, air, gas, electric and steam). It is also possible for Power Servers to transfer information to a central Advanced Level PowerLogic™ System Manager server.

Comprehensive Monitoring

A sampling of Power Server features include data logging, historical reports, graphical displays and real time trends for 64 devices connected via serial or Ethernet port. The Power Server also supports report by exception of alarms/events (email), automatic upload of onboard logging and waveform files, display of events with correlating waveform, and waveform analysis tools for displaying waveform, RMS plot and harmonic content.



BROWSER ENGINEERING

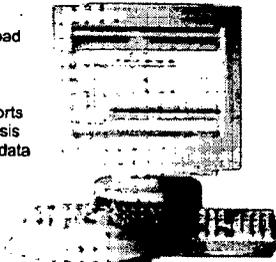
- browser based detailed electrical and mechanical info for design decisions and capacity planning studies
- waveform and power quality analysis

System Management and Analysis for Plant and Enterprise Wide Operations

The PowerLogic® Advanced Level is designed for businesses that require more in-depth monitoring and analysis. This level is well suited for a single plant, campus operation and aggregating information from multiple sites. The Advanced Level is powered by a PowerLogic® System Manager Software (SMS) installed on one network PC.

SMS SERVER

- automatic data upload
- piped utilities
- WAGES cost info
- usage trends
- browser based reports
- power quality analysis
- real time/graphical data
- alarming



Fully Instrumented System Networked to PowerLogic® System Manager

The diagram illustrates an example PowerLogic® System architecture on an Ethernet network topology. The intranet clients are ordinary PCs with Microsoft® Internet Explorer web browser. Together the PowerLogic® network communication components and SMS support PowerLogic® and Modbus® compatible devices that foster a completely integrated system approach for monitoring, controlling and managing your power equipment and piped utility assets.

MANAGEMENT

- browser based secure access to high level reports
- cost allocation, capital equipment and building improvement

BROWSER

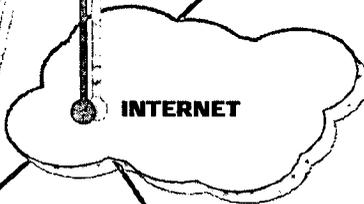


PAGER

get emails for early alarm notification with each user having time of day scheduling options



INTERNET



CORPORATE ETHERNET

Robust Capabilities for Large Systems

The SMS web-enabled product family capabilities include:

- Complete view of entire power system, with virtually unlimited number of devices
- Powerful department billing, cost allocation and power quality reporting capabilities
- Dynamic one-line diagrams and customized facility drawings
- Disturbance monitoring, alarm/event recording
- Ability - to analyze power quality by viewing waveforms, harmonics, and RMS plots
- Access to real-time data tables and trends
- Sequence of events information to pinpoint the root cause of power problems
- Email and paging capability to notify you of an impending problem

Corporate Distributed Monitoring

It is also possible for remote locations that use Power Servers to "PUSH" data to the System Manager computer with Enterprise Extensions. Each Power Server collects data at remote locations then periodically pushes data files to SMS server. Rather than polling across a large enterprise, SMS receives and processes the files. This "PUSH" method effectively utilizes the parallel processing power of the entire system.

BROWSER via VPN

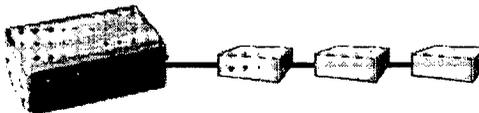
- security through virtual private network only to authorized users
- connect to PowerLogic web-enabled network components or SMS to get info

BROWSER



REMOTE SITE

Power Server pushes data to central SMS Server



SYSTEM COMPONENTS GIVE DEFINITIVE CONCLUSIONS

Instant access to utility, status, power and control information provides definitive conclusions

- Embedded web server technology provides information viewing with Internet Explorer browser
- Browser-based user interface to access all power and control information, reduces training virtually to zero
- Provides standard summary pages for downstream connected devices
- Drop-In sample web pages provide system performance summaries that are based on historical trend analysis - Power Quality Index, Alarm Summary, EN50160 Pass/Fail, and more
- Supports user-defined pages

Industry Standard Open Modbus® Protocol

- Leverage existing network infrastructure and expertise
- Supports Modbus® RTU, Modbus® ASCII, JBUS, SY/MAX protocol for 2 wire and 4 wire daisy chains, mixed mode daisy chains containing any combination of devices using above protocols
- Modbus® TCP/IP Ethernet enables integrated approach for total solution scalability
- Features embedded web server
- Supports wide use of Intranet and Internet technology
- Compatible with building and energy management systems

Industrial rated

- Compliant with Industry Standards (UL, CSA, FCC, CE)
- High performance and reliable communication
- Designed to withstand the rigors of electrical and industrial environments

Out-of-the-box application:

- Energy trends to Web query & Cost Allocation Reports aid utility cost reduction
- Access to system diagrams, instruction manuals, alarm diagnostics for better equipment management
- Power Quality information based on EN50160 & IEEE 1159 standards give pertinent information for improving system reliability
- Email alarms for early notification aid downtime reaction
Includes time of day support for up to 15 different users

Easy system expansion

- Does not require high-level knowledge of Ethernet and communication
- On-the-fly device additions for system connectivity
- Downloadable firmware for easy future upgrades via the network from anywhere in the world

Remote Accessibility

- In the same manner that you can get your company email when at home or at another remote location, you can also connect to any PowerLogic® gateway, Power Server or System Manager web server to get system information over a secure VPN (virtual private network) or telephone line
- Security with data available only to authorized users
- With web technologies, you're connected 24/7

For more information about Transparent Ready, call your local field office representative, or log on to www.us.SquareD.com/TRLC to see a demo and download handouts, catalogs, and instruction materials.

Ready.
Transparent Ready. Always.

Visit our Web site at www.powerlogic.com
Document #3000BR0401 June 2004



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Ready

Web-enabled Power & Control

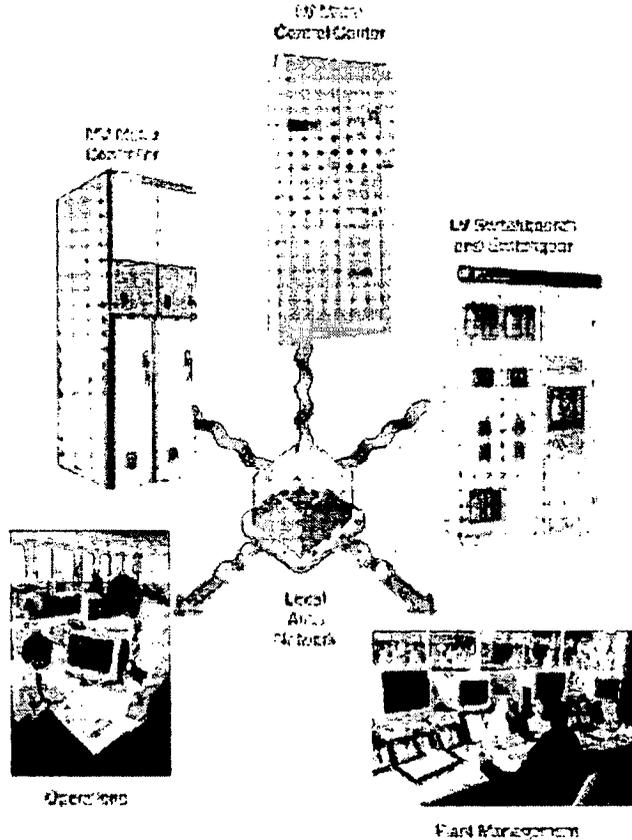
TRANSPARENT READY™ Power Distribution Equipment, Level One

Web-Enabled Power and Control

TRANSPARENT READY™ power distribution equipment provides a secure window to your operations. By using your existing IS infrastructure, it allows you to monitor power usage, power quality, and equipment status. All from the comfort of your own desk chair.

Features and Benefits

- **Flexible** - A wide range of SQUARE D power distribution equipment can be made TRANSPARENT READY.
- **Easy to Commission** - Simply obtain an IP address from your Network Administrator and follow three easy steps to unlock the power of your TRANSPARENT READY equipment (see 1700IB0201 and 1700IB0202).
- **No Integration Costs** - An Internet browser is all that you will need to access TRANSPARENT READY equipment information via your LAN. For Level One integration, there is no need to purchase additional software, or equipment.
- **Unprecedented Access** - You can access power equipment system information from any authorized computer on your Intranet. This level of access means that you will never be out of touch with your equipment.
- **Reduced Operation Costs** - TRANSPARENT READY equipment will help you to facilitate information sharing and to optimize your processes. You will save time and money by knowing where spare capacity exists, and reduce downtime by identifying potential problems before they cause an outage.



TRANSPARENT READY power distribution equipment is available in four levels; this allows you to have only the functionality you need. From essential real-time system data to comprehensive monitoring and analysis, Square D/Schneider Electric ensures you get exactly the power distribution equipment monitoring capabilities you need.

This handout provides you with an overview of TRANSPARENT READY Level One power distribution equipment. If you have further questions, ask your field office representative, or call 1-888-SQUARED.



SQUARE D
Schneider Electric

Exhibit G

The Power of Secure Access at Your Fingertips

TRANSPARENT READY™ Level One equipment comes standard with a web server to store web pages dedicated to power equipment data. Just type the equipment's IP address into your browser and you're ready to go!

Features and Benefits

- **Easy to Use** - Obtaining real-time power equipment metering and system information is as easy as logging onto your personal web page. Also, a single Ethernet interface can serve web pages for your entire equipment line-up (up to 64 devices).
- **Time-Saving** - Never wait for system status reports again. You can check reports at a glance, because TRANSPARENT READY web pages provide information in real-time, 24 hours a day, seven days a week.
- **Open and Secure** - A secure login deters unauthorized access, but allows information sharing between authorized users.
- **Upgradable** - TRANSPARENT READY Level One equipment is based on open standards and web technology. This means that your new equipment can form the backbone of an extensive power distribution monitoring network, and it can grow as your organization grows.

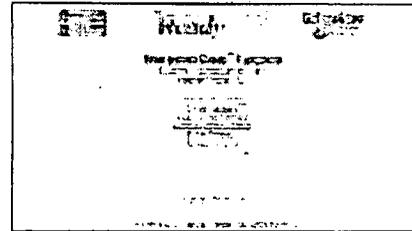
Login Page

Deters unauthorized access to secure data.



Home Page

Allows you to easily access metering, summary, and setup pages.



Main Metering Page

(Equipment with CM3000 or CM4000 and ECC only)
Provides automatically updated meter values.

- No need to walk your entire facility to view real-time meter readings.
- A running minimum/maximum history helps you spot abnormal conditions.

Equipment	Voltage	Current	Power	Energy
CM3000	120V	10A	1200W	100kWh
CM4000	240V	20A	4800W	200kWh
ECC	120V	5A	600W	50kWh

Circuit	RMS Current (A)	Real Power (kW)	Power Factor	Breaker Status
1000	100	100	0.95	Open
1001	100	100	0.95	Open
1002	100	100	0.95	Open
1003	100	100	0.95	Open
1004	100	100	0.95	Open
1005	100	100	0.95	Open

Circuit Summary

Displays the RMS current three-phase average, the real power (kW), the power factor, and the circuit breaker status (if applicable). The unit substation version also displays the transformer coil temperatures and the fan status. In addition to the RMS current three-phase average and the device status, the MCC version displays the drive output frequency (Hz), and the thermal capacity (%).

- Quickly check the status of all circuits.
- Obtain full loading information.

Circuit	Phase A (A)	Phase B (A)	Phase C (A)
1000	100	100	100
1001	100	100	100
1002	100	100	100
1003	100	100	100
1004	100	100	100
1005	100	100	100

Demand Current Summary

Displays the average demand current values for each phase (A, B, and C) for all circuits.

- Loading information is based on average demand.
- Know where spare capacity exists.
- Identify potential overloads before they occur.

Circuit	Energy (kWh)	Reactive Energy (kVARh)	Last Reset
1000	100	100	10/10/2000
1001	100	100	10/10/2000
1002	100	100	10/10/2000
1003	100	100	10/10/2000
1004	100	100	10/10/2000
1005	100	100	10/10/2000

Energy Summary

Displays the energy (kWh), the reactive energy (kVARh), and the time and date of the last reset for all circuits.

- Allows you to determine energy costs based on actual usage.
- Encourages departmental energy savings.

Circuit	Phase A (A)	Phase B (A)	Phase C (A)
1000	100	100	100
1001	100	100	100
1002	100	100	100
1003	100	100	100
1004	100	100	100
1005	100	100	100

Load Current Summary

Displays the current RMS values for each phase (A, B, and C) for all circuits.

- Helps you to verify loading.
- Aids in maintaining balance between the phases.

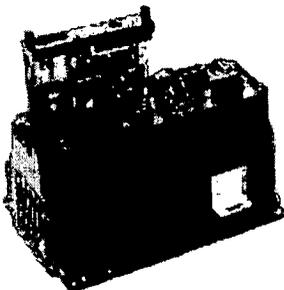
Circuit	Present Demand (kW)	Peak Demand (kW)	Last Record
1000	100	100	10/10/2000
1001	100	100	10/10/2000
1002	100	100	10/10/2000
1003	100	100	10/10/2000
1004	100	100	10/10/2000
1005	100	100	10/10/2000

Power Summary

Displays the present demand (kW), the peak demand (kW), and the time and date the values were recorded.

- Helps you to manage energy expenses, because you know where and when peaks occur.

TRANSPARENT READY™ Power Distribution Equipment



CM4000 with Ethernet Communications Card



Front-Accessible Connection for Ethernet



EGX Ethernet Gateway with DIN Rail Mount

The Devices that Make It Possible

Networking Devices

TRANSPARENT READY™ Level One equipment is available in two different communication configurations. Both provide access to your power equipment information via a POWERLOGIC Ethernet interface.

- Ethernet Communications Card (ECC) - Web-enables your POWERLOGIC circuit monitor and provides web-based access to downstream-connected devices. Equipment with an ECC includes a bonus web page with real-time metering data for the host circuit monitor (see Main Metering page).
- Ethernet Gateway (EGX) - Features an embedded web server and provides web-based access to downstream-connected devices. Equipment using an EGX includes a front-accessible connection for Ethernet to help make commissioning a snap!

Metering and Monitoring Devices

At the heart of the TRANSPARENT READY Level One system is an assortment of Square D/Schneider Electric products. You can tailor a system to precisely meet your needs by purchasing the devices that provide the system data you desire. The table below details the functionality supported by TRANSPARENT READY Level One web pages and the corresponding devices.

Whether a unit substation, an MCC, or stand-alone switchgear; TRANSPARENT READY Level One equipment provides real-time information at anytime, from anywhere, to any authorized user ... easily!

	MICROLOGIC® P Trip Unit	MICROLOGIC® A Trip Unit	SEPAM 1000+ Series 40	SEPAM 1000+ Series 20	MOTOR LOGIC™ Plus Overload	ALTIVAR® 58 and 66 Drive	ALTISTART® 48 and 48 Soft Starts	MOTORPACT™ Soft Start Relay	MODEL 98 Temp. Controller	CM3000/CM4000 Circuit Monitor	PM600 Power Meter
RMS Current 3-Phase Average (Amps)	■	■	■	■	■	■	■	■	■	■	■
Real Power (kW)	■	■	■	■	■	■	■	■	■	■	■
Power Factor	■	■	■	■	■	■	■	■	■	■	■
Circuit Breaker Status (Open/Closed)	■	■	■	■	■	■	■	■	■	■	■
Motor Control Device Status	■	■	■	■	■	■	■	■	■	■	■
Fan Status (ON/OFF)	■	■	■	■	■	■	■	■	■	■	■
Transformer Coil Temperature (°C)	■	■	■	■	■	■	■	■	■	■	■
Drive Output Frequency (Hz)	■	■	■	■	■	■	■	■	■	■	■
Thermal Capacity (%)	■	■	■	■	■	■	■	■	■	■	■
RMS Current, Phases A, B, & C (Amps)	■	■	■	■	■	■	■	■	■	■	■
Average Demand Current, Phases A, B, & C (Amps)	■	■	■	■	■	■	■	■	■	■	■
Present Demand (kW)	■	■	■	■	■	■	■	■	■	■	■
Peak Demand (kW)	■	■	■	■	■	■	■	■	■	■	■
Date/Time Peak Demand Recorded	■	■	■	■	■	■	■	■	■	■	■
Energy (kWH)	■	■	■	■	■	■	■	■	■	■	■
Reactive Energy (kVARH)	■	■	■	■	■	■	■	■	■	■	■
Date/Time Energy & Reactive Energy Values Last Reset	■	■	■	■	■	■	■	■	■	■	■





Transparent Ready™ Power Distribution Equipment

Power system information
any time...anywhere

Transparent Ready™

Web-enabled Power and Control

SQUARE D® power distribution products are now available web-enabled, making power monitoring simple and affordable.

Using standard POWERLOGIC® web technologies, TRANSPARENT READY equipment provides quick access to power system data any time...from anywhere in the world.

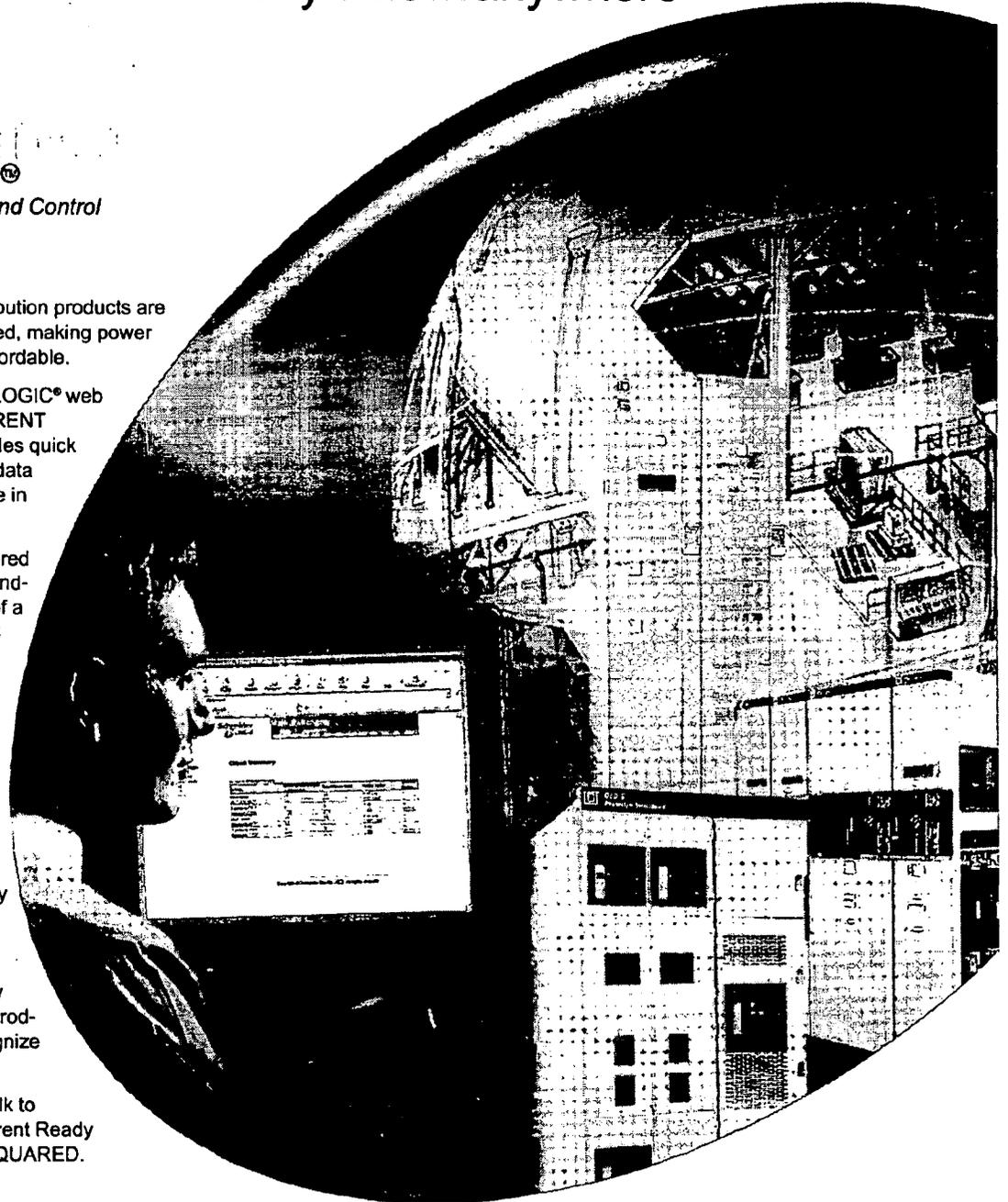
This simpler, pre-engineered offer can be sold on a stand-alone basis, OR as part of a complete POWERLOGIC system, offering:

- Reduced costs
- Easy commissioning
- Easy set-up and use
- Unprecedented access
- Flexibility

As we celebrate a century of the SQUARE D brand as the electrical industry leader, our goal remains to provide technologically advanced, safe, quality products our customers recognize and trust!

To order a brochure or talk to someone about Transparent Ready Equipment, call 1-888-SQUARED.

www.SquareD.com/TRE

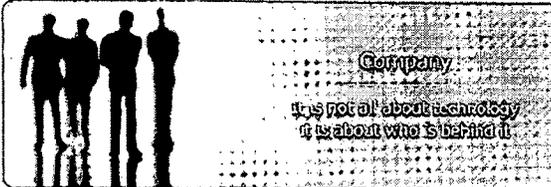


SQUARE D
Schneider Electric
Building a New Electric World

Exhibit H

transparentlogic

home | company | technology | services | downloads | support | news | contact



HIGHLIGHTS

LogicBase

Process management and decision technologies to enable business users to take control of critical business logic.

Read case

home > company

Company

- 2008
- 2007
- 2006
- 2005

Explore our Products

- LogicBase
- maestro
- harmony
- Medionics
- DIVO!
- composer

A Note From Our President

Hi,

I'm Carl Hessel, Transparent Logic founder and CEO. I have been leading software development companies and helping businesses leverage technology to solve business problems for almost 20 years.

Like you, I've been frustrated by:

- Technology solutions that don't deliver on their promises
- Software applications that require a PhD to use
- Cost-prohibitive technology that only a select few could afford
- Searching for software solutions that were actually easy to integrate and truly "user-friendly"

That's why I've made it my personal mission to provide powerful, affordable and easy to use products that help businesses and software companies effectively manage business processes and logic.

Our number one goal is simply to enable you to do what's most important to you - solving your business problems, not just providing cool technology. Realizing that our success is not in producing great products but in making sure your business and software applications are taken to the next level, we are fully committed to partner with our clients - focusing on business problems and values, and celebrate their successes as our own.

Our solutions may be state-of-the-art but they won't break the bank. I invite you to get a sneak-peek of our technology architecture and see for yourself how easy it is to get back control of your business logic and processes with this revolutionary software. I think you'll be pleasantly surprised!

Thank you for interest and all the best!

Carl D. Hessel
CEO, Founder, Transparent Logic

Next Steps

- Watch Webinars
- View Greenprints
- Watch Product Videos
- Read Tutorials
- Attend Seminars
- Get a Demo
- Download LogicBase

Exhibit I

Commonwealth
of Virginia



State
Corporation
Commission

Enter

Signoff

Help

Print

WEB#575

CIS

12/01/06

TCP00004 CISM3155

OLD NAME INQUIRY

15:31:21

CORP ID: 0605687 - 3 CORP STATUS: 00 ACTIVE

CORP NAME: Transparent Logic Technologies, Inc.

OLD NAME:
X365 TECHNOLOGIES, INC.

DATE OF NAME CHANGE:
08/23/05

COMMAND: _____

NOTE: Function Key usage varies depending on the Application Screen.
For specifics, refer to Function Key Documentation.

Exhibit J