

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86335273
LAW OFFICE ASSIGNED	LAW OFFICE 119
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86335273/large
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
<p>Dear Commissioner:</p> <p>This communication is being filed in response to the final office action dated April 20, 2015. Pursuant to TMEP §715.03 and 37 C.F.R. § 2.64(b), Applicant Ubiquiti Networks, Inc. respectfully submits this communication both as a Response to Office Action and as a Request for Reconsideration of the Office Action. Ubiquiti respectfully requests that the Examining Attorney reconsider his refusal to register the mark based on the additional information submitted with this communication. Ubiquiti is also filing a Notice of Appeal concurrently with this Response to Office Action and Request for Reconsideration.</p> <p style="text-align: center;">APPLICANT’S TRADE DRESS HAS ACQUIRED DISTINCTIVENESS</p> <p>The Examining Attorney has maintained the refusal of registration of the above-referenced mark, which Ubiquiti calls “the UniFi Green Ring” trade dress, on the grounds that it does not function as a source identifier as an ornamental color mark, and that the evidence submitted with Ubiquiti’s prior office action response is insufficient to prove acquired distinctiveness.</p> <p>In response, Ubiquiti submits additional evidence in the form of five declarations from Ubiquiti’s</p>	

customers and a supplemental declaration from its vice president of business development (Declaration of Ben Moore (“Moore Decl.”)) [1], all of which establish that the UniFi Green Ring trade dress has acquired distinctiveness in the nearly five years of use by Ubiquiti. Ubiquiti respectfully submits that this evidence shows that the UniFi Green Ring trade dress indeed functions as a source identifier and thus should be permitted registration on the Principal Register.

A. Ubiquiti Has Substantially and Exclusively Used the Applied-for Trade Dress for Nearly Five Years

The first UniFi WAP device featuring the Green Ring trade dress was sold by Ubiquiti on December 16, 2010.[2] (Moore Decl. ¶ 15.) Ubiquiti has made substantially exclusive and continuous use in commerce of its applied-for trade dress for nearly five years. Although length of use alone is generally not sufficient to show acquired distinctiveness, Ubiquiti believes it is compelling in this case because Ubiquiti was the first to adopt the UniFi Green Ring trade dress when other companies were selling WAP devices that lacked a distinctive color ring or the use of a colored light as a source identifier. (See March 3, 2015 Office Action Response, Moore Decl. ¶ 4.) The fact that Ubiquiti has not used the UniFi Green Ring trade dress for at least five years at the time of this filing should not bar registration under Section 2(f), as Ubiquiti’s related trade dress application (Serial No. 86/335,268 for the “UniFi Disk” trade dress) was recently approved for publication on the Principal Register based on a Section 2(f) claim despite being in use for less than five years. Like with Ubiquiti’s UniFi Disk trade dress, the evidence of acquired distinctiveness in Ubiquiti’s UniFi Green Ring trade dress is substantial.

Ubiquiti’s Green Ring Trade Dress is Not Merely a Color Mark

While the Examining Attorney states that “[g]iven the nature of the mark, the applicant’s length of use does not affect a determination as to whether the proposed color mark is perceived as an ornamental feature of the goods,” Applicant respectfully submits that the Examining Attorney has subjected Applicant’s Green Ring trade dress to a higher standard of acquired distinctiveness than is appropriate. The UniFi Green Ring trade dress is not merely a color mark. It consists of (1) a *green* colored (2) *ring* that is (3) applied to the *center* of the *top* panel of Ubiquiti’s UniFi WAP devices. (Moore Decl. ¶ 3.) These three components combined—the color, design, and placement of Ubiquiti’s UniFi Green Ring trade dress—serve to distinguish Ubiquiti’s products from others and to identify Ubiquiti as the source of the products. Significantly, the UniFi Green Ring trade dress was the first colored ring trade dress that Ubiquiti adopted for its UniFi WAP product line, to be used with the UniFi Disk trade dress, and

Ubiquiti has used and promoted the UniFi Green Ring trade dress extensively in commerce to identify products in Ubiquiti's family of UniFi WAP devices. (*Id.* ¶¶ 3, 15.) Now, all of the UniFi WAP devices are easily recognizable through either the Green Ring or Blue Ring trade dress placed on top of Ubiquiti's products and the UniFi Disk trade dress that features the products in a round disk shape with a center-lighted ring on the top panel (i.e., the Green Ring or Blue Ring trade dress). (*Id.* ¶ 3.) Because the applied-for trade dress is not merely a color mark, the cases relied on by the Examining Attorney for the proposition that the "burden of proving that a color mark has acquired distinctiveness is substantial" are inapposite.

No Other Company Uses a Mark Similar to Ubiquiti's Green Ring Trade Dress

In the wireless industry, no other company uses a colored ring on the face of the product as a distinguishing source designator for WAP products. (*Id.* ¶ 10.) Not only do competing devices have a different shape and design from Ubiquiti's UniFi WAP devices, the devices of other manufacturers are usually not marketed by the manufacturers or distributors with colored indicators. (*Id.*) The exclusive use of the UniFi Green Ring trade dress by Ubiquiti is evidenced by retailer advertisements for indoor WAP devices from a variety of manufacturers. For example, Microcom, one of Ubiquiti's distributors who also sells WAP devices manufactured by other companies and advertises all of its offerings at its website, does not sell any other device similar to the Ubiquiti's UniFi WAP devices, which are featured on Microcom's website with a distinctive green or blue ring at the center of the top panel. (*Id.* Ex. E.) Accordingly Ubiquiti has made substantially exclusive and continuous use in commerce of the UniFi Green Ring trade dress for nearly five years (since at least as early as December 16, 2010).

B. Ubiquiti Has Extensively Promoted the Applied-for Trade Dress in the United States

Ubiquiti respectfully submits that it has provided evidence of extensive promotional efforts and a successful marketing model, as explained in its March 3, 2015 office action response and submitted with this response.

Ubiquiti Has Widely Marketed Its Green Ring Trade Dress as a Source Identifier

As noted previously, Ubiquiti relies on the Ubiquiti Community and authorized Ubiquiti distributors to drive market awareness and demand for Ubiquiti products. (*Id.* ¶ 4.) Ubiquiti's vice president of business development works closely with some of Ubiquiti's largest distributors and resellers in the marketing of Ubiquiti's wireless access point products. (*Id.*) When Ubiquiti first launched WAP

products with the UniFi Green Ring trade dress, it emphasized both the unique disk shape of the devices and the distinctive placement of the colored ring on these devices when it introduced them to distributors and resellers. (*Id.*) The UniFi Green Ring trade dress was an essential source identifier for Ubiquiti's UniFi product family because Ubiquiti chose not to place any of its word marks (such as UBIQUITI or UNIFI) on top of the UniFi WAP devices to maintain their sleek aesthetic look, and because it believed the centered, colored ring was an important part of that look that would be distinctive to customers. (*Id.*) To educate customers that these products came from a single company, Ubiquiti, it emphasized the placement and color of the ring as a feature of the product that could only be associated with Ubiquiti and thus would be used by customers to identify or request Ubiquiti's WAP products. (*Id.*)

Ubiquiti has discussed this customer education with its distributors and resellers, and its promotional materials provide evidence that Ubiquiti engages in a "hero" style of campaign to educate end users that the colored rings on top of the UniFi WAP products identify Ubiquiti as the source. (*Id.* ¶ 5.) The Examining Attorney suggests that "look for" advertising is a requirement for acquired distinctiveness and appears to discount the plausibility or effect of a "product as hero" marketing campaign. However, "product as hero" marketing is a widely-recognized marketing strategy used in many industries, by companies like Apple, Samsonite, and others. (*Id.* ¶ 6, Ex. C.) This style of marketing focuses on the visual appearance of a product and does not have to be accompanied by "look for" statements. As an example, Apple's "product as hero" strategy for Apple's iPhone product is to market "how distinctive it is" and "how consistent" Apple has kept the iPhone trade dress over time. (*Id.* Ex. C.)

Because Ubiquiti's UniFi WAP products looked so different from the WAP devices that had been in the market up until late 2010, Ubiquiti did not need to engage in "look for" advertising. (*Id.*)

Ubiquiti's promotional images intentionally featured and continue to feature large images of the top view of the UniFi WAP products to show green or blue-colored rings at the center. (*Id.*) What the customer consistently sees, from multiple angles of this view, is the distinctive placement and color of the rings. (*Id.*) These attributes do not need to be literally described for a customer to notice them as the placement and color are evident from the images. (*Id.*) As shown in a 2010 newsletter distributed

by Ubiquiti when it first launched its UniFi WAP products, Ubiquiti’s early marketing was designed to draw the consumer’s attention to the colored ring of the UniFi WAP device. (*Id.* ¶ 5, Ex. A.) This was achieved by creating a “crowd effect” through dozens of UniFi Green Ring WAP devices placed side by side and in front and behind one another, with the bright green, centered ring the most attractive and discernable element of all the products displayed. (*Id.*) Ubiquiti has kept to this “crowd effect” marketing style over the years. Its current website uses the same “crowd effect” it introduced in 2010, this time with the UniFi Blue Ring WAP product (highlighting the bright blue, centered ring of each product in a crowd of devices) as well as a photo of a single UniFi Blue Ring WAP device purposely placed against a dark background to make the bright blue, centered ring on top of the product stand out even further. (*Id.* Ex. B.)

Ubiquiti’s Distributors Have Also Marketed the Green Ring Trade Dress

Almost all of Ubiquiti’s distributors and resellers receive marketing materials for the UniFi Green Ring and Blue Ring WAP devices directly from Ubiquiti. (*Id.* ¶ 8.) The promotional images of Ubiquiti’s UniFi WAP products on the distributors or resellers’ websites are usually the images provided by Ubiquiti. (*Id.*) Although the Examining Attorney states that there are “many” distributors who supposedly do not advertise or list the UniFi WAP products with images that show the UniFi Green Ring trade dress, Ubiquiti finds only one example of this from www.solidsignal.com in the cited evidence. (*Id.*) There, the reseller uses an image showing three UniFi WAP devices together in a product listing for a “3 Pack,” but the listing also tells the customer to “Check out the original UNIFI AP Here.” (*Id.* Ex. D.) As shown in that base listing, the reseller advertises Ubiquiti’s original WAP device with the UniFi Green Ring trade dress. (*Id.*)

The Examining Attorney also cites Ubiquiti’s Amazon.com “advertisement” as evidence that there are “numerous WAP devices without any coloration in the ‘LED provisional ring.’” The webpage evidence does not support the Examining Attorney’s understanding. In the Amazon.com webpage that the Examining Attorney points to, the image shown at the very top of the page to the left of the product name, “Ubiquiti Networks UniFi AP Enterprise WiFi System,” is a UniFi WAP device with a green, centered ring (the UniFi Green Ring trade dress) that Ubiquiti uses to identify the UniFi product—manufactured by Ubiquiti—that is available for sale on Amazon.com from Ubiquiti’s resellers. (*Id.* ¶ 9.) The cited webpage evidence does not show any other WAP devices, and even if the

webpage did display images of other devices, those devices are most likely not Ubiquiti's WAP devices and are instead alternative buying options for non-Ubiquiti devices listed by Amazon. (*Id.*)

That some distributors may not provide "look for" statements along with images that prominently feature a colored ring at the center of Ubiquiti's WAP devices does not prove that the UniFi Green Ring trade dress is merely an ornamental design feature. As noted above, Ubiquiti's promotional images are designed to emphasize the distinctive source-identifying features of Ubiquiti's UniFi WAP devices, including the color and placement of the rings featured in the UniFi Green Ring and Blue Ring trade dresses, and these images are provided to Ubiquiti's distributors for marketing purposes. Many distributors use not only the images provided by Ubiquiti, but also Ubiquiti's promotional data sheets that are designed to draw attention to the colored, centered ring on the face of the devices. (*See id.* Ex. E.)

Ubiquiti's Sales Demonstrate the Green Ring Trade Dress has Acquired Distinctiveness

Evidence of "very substantial advertising and sales," which Ubiquiti has provided, may support an acquired distinctiveness claim, particularly in a case like this where the UniFi Green Ring trade dress is "something more" than a common geometric shape due to its color, ring design, and placement. *See In re Haggard Co.*, 217 U.S.P.Q. 81, 84 (T.T.A.B. 1982) (design held registrable under Section 2(f) based on evidence of substantial advertising and sales and the Board finding the design to be, "because of its serrated left edge, something more than a common geometric shape or design"). While the Examining Attorney focuses on advertising expenditures, Ubiquiti's success in promoting the UniFi Green Ring trade dress by engaging in viral marketing through the Ubiquiti Community and Ubiquiti's distributors and resellers can be found in Ubiquiti's sales. For products featuring the UniFi Green Ring trade dress, Ubiquiti's strong sales revenue and year-after-year growth show that the Green Ring trade dress has acquired distinctiveness. In the U.S., Ubiquiti's UniFi Green Ring WAP product sales revenue was approximately \$23 million in Fiscal Year (FY) 2015, \$17 million in FY 2014, \$7 million in FY 2013, \$5 million in FY 2012, and \$0.9 million in FY 2011. (Moore Decl. ¶ 12.) Total U.S. revenue to date is over \$52 for the UniFi Green Ring WAP products. (*Id.*) Worldwide, Ubiquiti's UniFi Green Ring WAP product sales revenue was approximately \$67 million in FY 2015, \$50 million in FY 2014, \$19 million in FY 2013, \$16 million in FY 2012, and \$2.5 million in FY 2011. (*Id.* ¶ 13.) And total

worldwide revenue to date is over \$154 million for the UniFi Green Ring WAP products. (*Id.*)

As further discussed below, Ubiquiti's successful sales of the UniFi WAP products are directly attributable to Ubiquiti's distinctive UniFi Green Ring trade dress.

C. Ubiquiti Has Made Successful Efforts to Have the Applied-for Trade Dress Associated with Ubiquiti

Ubiquiti's successful efforts to associate the UniFi Green Ring trade dress with Ubiquiti is evidenced by the five customer declarations that Ubiquiti submits with this office action response. The declarations are from five of Ubiquiti's largest distributors and resellers who purchase the UniFi WAP devices from Ubiquiti and are familiar with end users' perceptions of products in the wireless market, including their perceptions of Ubiquiti's UniFi Green Ring trade dress.

These declarations are relevant in establishing acquired distinctiveness as they show customer recognition of the UniFi Green Ring trade dress as a source indicator. *See* T.M.E.P. § 1212.06(c). Each of the declarants has been a distributor or seller of Ubiquiti's products with the UniFi Green Ring trade dress since at least 2011, have sold hundreds of thousands of the UniFi WAP products (as well as products from other companies) to end users, and are familiar with customers' market demands for wireless networking products so they can attest to the characteristics of Ubiquiti's UniFi WAP products that set them apart from competitors. They also can attest to the fact that Ubiquiti is the first to have adopted the UniFi Disk and UniFi Green Ring trade dress in the industry, and that the overall design of the UniFi Green Ring trade dress continues to be a distinguishing source identifier in the market today. In cases similar to this, customer declarations from retailers who are familiar with the market have been accepted as evidence of acquired distinctiveness. *See, e.g., In re Bose Corp.*, 216 U.S.P.Q. 1001, 1005 (T.T.A.B. 1983), *aff'd*, 772 F.2d 866, 227 U.S.P.Q. 1 (Fed. Cir. 1985) (finding a retailer's statement that he has been in contact with many end purchasers who would recognize the applied-for design as originating with the applicant as evidence of acquired distinctiveness).

As demonstrated in the supporting customer declarations, end users of Ubiquiti's products ask for the UniFi WAP devices by expressly identifying its distinctive trade dress elements (such as the overall shape or the colored ring design) because the devices are not branded with a word mark and customers

cannot refer to them in any other way than by its trade dress elements. This is strong evidence that Ubiquiti’s extensive advertising of the UniFi Green Ring trade dress has successfully educated consumers that the trade dress is a source indicator. Ubiquiti does not promote the UniFi Green Ring trade dress as performing a function in its promotional images. (*Id.* ¶ 7.) Therefore, the fact that customers refer to Ubiquiti’s products by the UniFi Green Ring and Blue Ring trade dresses indicates that the color and placement of the rings are distinctive design features of the UniFi Green Ring and UniFi Blue Ring trade dress that identify Ubiquiti as the source.

Accordingly, Ubiquiti believes it has submitted sufficient evidence that its UniFi Green Ring trade dress has come to be associated solely with Ubiquiti’s goods as used within the wireless access point device field, and thus respectfully requests that the Examining Attorney withdraw her refusal based upon Sections 1, 2, and 45 of the Lanham Act.

CONCLUSION

It is believed that Applicant has responded to all of the Examining Attorney’s questions and objections and that the application is now in condition to go forward to publication. If the Examining Attorney has any questions or wishes to discuss any of the information contained herein so as to expedite matters, he is requested to telephone the undersigned at (415) 268-6538.

[1] The Examining Attorney gave little weight to Mr. Moore’s declaration submitted with Ubiquiti’s first office action response, but in both that declaration and Mr. Moore’s supplemental declaration, Ubiquiti has provided substantial evidence to demonstrate the “factual basis for the declarant’s belief that the design had become distinctive,” without relying on “conclusory” statements. In addition, the conclusions of acquired distinctiveness in Mr. Moore’s declarations are supported by the five Ubiquiti customer declarations that Ubiquiti has submitted with this response. Thus, Ubiquiti submits that these are not the type of declarations that should be accorded little weight under the case law cited.

[2] Although the first use dates in Ubiquiti’s application are stated as January 15, 2011, Ubiquiti has determined that the date of first sale of Ubiquiti’s UniFi product with the UniFi Green Ring trade dress was December 16, 2010. (*See Moore Decl. Ex. F.*)

EVIDENCE SECTION

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SIGNATORY'S NAME	Jennifer Lee Taylor
SIGNATORY'S POSITION	Attorney of record, California bar member
DATE SIGNED	10/20/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
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**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **86335273** (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/86335273/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Dear Commissioner:

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APPLICANT’S TRADE DRESS HAS ACQUIRED DISTINCTIVENESS

The Examining Attorney has maintained the refusal of registration of the above-referenced mark, which Ubiquiti calls “the UniFi Green Ring” trade dress, on the grounds that it does not function as a source identifier as an ornamental color mark, and that the evidence submitted with Ubiquiti’s prior office action response is insufficient to prove acquired distinctiveness.

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No Other Company Uses a Mark Similar to Ubiquiti's Green Ring Trade Dress

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website with a distinctive green or blue ring at the center of the top panel. (*Id.* Ex. E.) Accordingly Ubiquiti has made substantially exclusive and continuous use in commerce of the UniFi Green Ring trade dress for nearly five years (since at least as early as December 16, 2010).

B. Ubiquiti Has Extensively Promoted the Applied-for Trade Dress in the United States

Ubiquiti respectfully submits that it has provided evidence of extensive promotional efforts and a successful marketing model, as explained in its March 3, 2015 office action response and submitted with this response.

Ubiquiti Has Widely Marketed Its Green Ring Trade Dress as a Source Identifier

As noted previously, Ubiquiti relies on the Ubiquiti Community and authorized Ubiquiti distributors to drive market awareness and demand for Ubiquiti products. (*Id.* ¶ 4.) Ubiquiti’s vice president of business development works closely with some of Ubiquiti’s largest distributors and resellers in the marketing of Ubiquiti’s wireless access point products. (*Id.*) When Ubiquiti first launched WAP products with the UniFi Green Ring trade dress, it emphasized both the unique disk shape of the devices and the distinctive placement of the colored ring on these devices when it introduced them to distributors and resellers. (*Id.*) The UniFi Green Ring trade dress was an essential source identifier for Ubiquiti’s UniFi product family because Ubiquiti chose not to place any of its word marks (such as UBIQUITI or UNIFI) on top of the UniFi WAP devices to maintain their sleek aesthetic look, and because it believed the centered, colored ring was an important part of that look that would be distinctive to customers. (*Id.*) To educate customers that these products came from a single company, Ubiquiti, it emphasized the placement and color of the ring as a feature of the product that could only be associated with Ubiquiti and thus would be used by customers to identify or request Ubiquiti’s WAP products. (*Id.*)

Ubiquiti has discussed this customer education with its distributors and resellers, and its promotional materials provide evidence that Ubiquiti engages in a “hero” style of campaign to educate end users that the colored rings on top of the UniFi WAP products identify Ubiquiti as the source. (*Id.* ¶ 5.) The Examining Attorney suggests that “look for” advertising is a requirement for acquired distinctiveness and appears to discount the plausibility or effect of a “product as hero” marketing campaign. However, “product as hero” marketing is a widely-recognized marketing strategy used in many industries, by companies like Apple, Samsonite, and others. (*Id.* ¶ 6, Ex. C.) This style of marketing focuses on the

visual appearance of a product and does not have to be accompanied by “look for” statements. As an example, Apple’s “product as hero” strategy for Apple’s iPhone product is to market “how distinctive it is” and “how consistent” Apple has kept the iPhone trade dress over time. (*Id.* Ex. C.)

Because Ubiquiti’s UniFi WAP products looked so different from the WAP devices that had been in the market up until late 2010, Ubiquiti did not need to engage in “look for” advertising. (*Id.*) Ubiquiti’s promotional images intentionally featured and continue to feature large images of the top view of the UniFi WAP products to show green or blue-colored rings at the center. (*Id.*) What the customer consistently sees, from multiple angles of this view, is the distinctive placement and color of the rings. (*Id.*)

These attributes do not need to be literally described for a customer to notice them as the placement and color are evident from the images. (*Id.*) As shown in a 2010 newsletter distributed by Ubiquiti when it first launched its UniFi WAP products, Ubiquiti’s early marketing was designed to draw the consumer’s attention to the colored ring of the UniFi WAP device. (*Id.* ¶ 5, Ex. A.) This was achieved by creating a “crowd effect” through dozens of UniFi Green Ring WAP devices placed side by side and in front and behind one another, with the bright green, centered ring the most attractive and discernable element of all the products displayed. (*Id.*) Ubiquiti has kept to this “crowd effect” marketing style over the years. Its current website uses the same “crowd effect” it introduced in 2010, this time with the UniFi Blue Ring WAP product (highlighting the bright blue, centered ring of each product in a crowd of devices) as well as a photo of a single UniFi Blue Ring WAP device purposely placed against a dark background to make the bright blue, centered ring on top of the product stand out even further. (*Id.* Ex. B.)

Ubiquiti’s Distributors Have Also Marketed the Green Ring Trade Dress

Almost all of Ubiquiti’s distributors and resellers receive marketing materials for the UniFi Green Ring and Blue Ring WAP devices directly from Ubiquiti. (*Id.* ¶ 8.) The promotional images of Ubiquiti’s UniFi WAP products on the distributors or resellers’ websites are usually the images provided by Ubiquiti. (*Id.*) Although the Examining Attorney states that there are “many” distributors who supposedly do not advertise or list the UniFi WAP products with images that show the UniFi Green Ring trade dress, Ubiquiti finds only one example of this from www.solidsignal.com in the cited evidence. (*Id.*)

There, the reseller uses an image showing three UniFi WAP devices together in a product listing for a “3 Pack,” but the listing also tells the customer to “Check out the original UNIFI AP Here.” (*Id.* Ex. D.) As

shown in that base listing, the reseller advertises Ubiquiti’s original WAP device with the UniFi Green Ring trade dress. (*Id.*)

The Examining Attorney also cites Ubiquiti’s Amazon.com “advertisement” as evidence that there are “numerous WAP devices without any coloration in the ‘LED provisional ring.’” The webpage evidence does not support the Examining Attorney’s understanding. In the Amazon.com webpage that the Examining Attorney points to, the image shown at the very top of the page to the left of the product name, “Ubiquiti Networks UniFi AP Enterprise WiFi System,” is a UniFi WAP device with a green, centered ring (the UniFi Green Ring trade dress) that Ubiquiti uses to identify the UniFi product—manufactured by Ubiquiti—that is available for sale on Amazon.com from Ubiquiti’s resellers. (*Id.* ¶ 9.) The cited webpage evidence does not show any other WAP devices, and even if the webpage did display images of other devices, those devices are most likely not Ubiquiti’s WAP devices and are instead alternative buying options for non-Ubiquiti devices listed by Amazon. (*Id.*)

That some distributors may not provide “look for” statements along with images that prominently feature a colored ring at the center of Ubiquiti’s WAP devices does not prove that the UniFi Green Ring trade dress is merely an ornamental design feature. As noted above, Ubiquiti’s promotional images are designed to emphasize the distinctive source-identifying features of Ubiquiti’s UniFi WAP devices, including the color and placement of the rings featured in the UniFi Green Ring and Blue Ring trade dresses, and these images are provided to Ubiquiti’s distributors for marketing purposes. Many distributors use not only the images provided by Ubiquiti, but also Ubiquiti’s promotional data sheets that are designed to draw attention to the colored, centered ring on the face of the devices. (*See id.* Ex. E.)

Ubiquiti’s Sales Demonstrate the Green Ring Trade Dress has Acquired Distinctiveness

Evidence of “very substantial advertising and sales,” which Ubiquiti has provided, may support an acquired distinctiveness claim, particularly in a case like this where the UniFi Green Ring trade dress is “something more” than a common geometric shape due to its color, ring design, and placement. *See In re Haggard Co.*, 217 U.S.P.Q. 81, 84 (T.T.A.B. 1982) (design held registrable under Section 2(f) based on evidence of substantial advertising and sales and the Board finding the design to be, “because of its serrated left edge, something more than a common geometric shape or design”). While the Examining Attorney focuses on advertising expenditures, Ubiquiti’s success in promoting the UniFi Green Ring

trade dress by engaging in viral marketing through the Ubiquiti Community and Ubiquiti's distributors and resellers can be found in Ubiquiti's sales. For products featuring the UniFi Green Ring trade dress, Ubiquiti's strong sales revenue and year-after-year growth show that the Green Ring trade dress has acquired distinctiveness. In the U.S., Ubiquiti's UniFi Green Ring WAP product sales revenue was approximately \$23 million in Fiscal Year (FY) 2015, \$17 million in FY 2014, \$7 million in FY 2013, \$5 million in FY 2012, and \$0.9 million in FY 2011. (Moore Decl. ¶ 12.) Total U.S. revenue to date is over \$52 for the UniFi Green Ring WAP products. (*Id.*) Worldwide, Ubiquiti's UniFi Green Ring WAP product sales revenue was approximately \$67 million in FY 2015, \$50 million in FY 2014, \$19 million in FY 2013, \$16 million in FY 2012, and \$2.5 million in FY 2011. (*Id.* ¶ 13.) And total worldwide revenue to date is over \$154 million for the UniFi Green Ring WAP products. (*Id.*)

As further discussed below, Ubiquiti's successful sales of the UniFi WAP products are directly attributable to Ubiquiti's distinctive UniFi Green Ring trade dress.

C. Ubiquiti Has Made Successful Efforts to Have the Applied-for Trade Dress Associated with Ubiquiti

Ubiquiti's successful efforts to associate the UniFi Green Ring trade dress with Ubiquiti is evidenced by the five customer declarations that Ubiquiti submits with this office action response. The declarations are from five of Ubiquiti's largest distributors and resellers who purchase the UniFi WAP devices from Ubiquiti and are familiar with end users' perceptions of products in the wireless market, including their perceptions of Ubiquiti's UniFi Green Ring trade dress.

These declarations are relevant in establishing acquired distinctiveness as they show customer recognition of the UniFi Green Ring trade dress as a source indicator. *See* T.M.E.P. § 1212.06(c). Each of the declarants has been a distributor or seller of Ubiquiti's products with the UniFi Green Ring trade dress since at least 2011, have sold hundreds of thousands of the UniFi WAP products (as well as products from other companies) to end users, and are familiar with customers' market demands for wireless networking products so they can attest to the characteristics of Ubiquiti's UniFi WAP products that set them apart from competitors. They also can attest to the fact that Ubiquiti is the first to have adopted the UniFi Disk and UniFi Green Ring trade dress in the industry, and that the overall design of the UniFi Green Ring trade dress continues to be a distinguishing source identifier in the market today. In cases similar to this,

customer declarations from retailers who are familiar with the market have been accepted as evidence of acquired distinctiveness. *See, e.g., In re Bose Corp.*, 216 U.S.P.Q. 1001, 1005 (T.T.A.B. 1983), *aff'd*, 772 F.2d 866, 227 U.S.P.Q. 1 (Fed. Cir. 1985) (finding a retailer's statement that he has been in contact with many end purchasers who would recognize the applied-for design as originating with the applicant as evidence of acquired distinctiveness).

As demonstrated in the supporting customer declarations, end users of Ubiquiti's products ask for the UniFi WAP devices by expressly identifying its distinctive trade dress elements (such as the overall shape or the colored ring design) because the devices are not branded with a word mark and customers cannot refer to them in any other way than by its trade dress elements. This is strong evidence that Ubiquiti's extensive advertising of the UniFi Green Ring trade dress has successfully educated consumers that the trade dress is a source indicator. Ubiquiti does not promote the UniFi Green Ring trade dress as performing a function in its promotional images. (*Id.* ¶ 7.) Therefore, the fact that customers refer to Ubiquiti's products by the UniFi Green Ring and Blue Ring trade dresses indicates that the color and placement of the rings are distinctive design features of the UniFi Green Ring and UniFi Blue Ring trade dress that identify Ubiquiti as the source.

Accordingly, Ubiquiti believes it has submitted sufficient evidence that its UniFi Green Ring trade dress has come to be associated solely with Ubiquiti's goods as used within the wireless access point device field, and thus respectfully requests that the Examining Attorney withdraw her refusal based upon Sections 1, 2, and 45 of the Lanham Act.

CONCLUSION

It is believed that Applicant has responded to all of the Examining Attorney's questions and objections and that the application is now in condition to go forward to publication. If the Examining Attorney has any questions or wishes to discuss any of the information contained herein so as to expedite matters, he is requested to telephone the undersigned at (415) 268-6538.

[1] The Examining Attorney gave little weight to Mr. Moore's declaration submitted with Ubiquiti's first office action response, but in both that declaration and Mr. Moore's supplemental declaration, Ubiquiti has provided substantial evidence to demonstrate the "factual basis for the declarant's belief that the design had become distinctive," without relying on "conclusory" statements. In addition, the conclusions

of acquired distinctiveness in Mr. Moore's declarations are supported by the five Ubiquiti customer declarations that Ubiquiti has submitted with this response. Thus, Ubiquiti submits that these are not the type of declarations that should be accorded little weight under the case law cited.

[2] Although the first use dates in Ubiquiti's application are stated as January 15, 2011, Ubiquiti has determined that the date of first sale of Ubiquiti's UniFi product with the UniFi Green Ring trade dress was December 16, 2010. (*See* Moore Decl. Ex. F.)

EVIDENCE

Evidence in the nature of declarations in support of office action response has been attached.

Original PDF file:

[evi_20413008-20151020234138249170_.Baltic_Networks_Customer_Decl.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

[evi_20413008-20151020234138249170_.Double_Radius_Customer_Decl.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

[evi_20413008-20151020234138249170_.Invictus_Customer_Decl.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

[evi_20413008-20151020234138249170_.Microcom_Customer_Decl.pdf](#)

Converted PDF file(s) (7 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

Original PDF file:

[evi_20413008-20151020234138249170_.Streakwave_Customer_Decl.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

Original PDF file:

[evi_20413008-20151020234138249170_.Ben_Moore_Supp_Decl.pdf](#)

Converted PDF file(s) (7 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

Original PDF file:

[evi_20413008-20151020234138249170 . Moore Decl Exhibits.pdf](#)

Converted PDF file(s) (80 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

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[Evidence-7](#)

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[Evidence-80](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Jennifer Lee Taylor/ Date: 10/20/2015

Signatory's Name: Jennifer Lee Taylor

Signatory's Position: Attorney of record, California bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86335273

Internet Transmission Date: Tue Oct 20 23:49:49 EDT 2015

TEAS Stamp: USPTO/RFR-204.130.0.8-201510202349494770

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-N/A-20151020234138249170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ubiquiti Networks, Inc.

Marks:



Serial Nos.: 86/335,268, 86/335,247,
86/335,273

Filing Date: Jul. 11, 2014

Trademark Atty: Elizabeth F. Jackson

Law Office: 113

Trademark Atty: Michael Tanner

Law Office: 119

DECLARATION OF BRIAN VARGYAS

I, Brian Vargyas, state and declare:

1. I am the Chief Executive Officer of Baltic Networks, Inc. ("Baltic Networks"), which has been my position since 2005. I make this declaration in support of Ubiquiti Networks' three applications to register the trade dress in its UniFi wireless access point ("WAP") products, as shown in Application Serial Nos. 86/335,268 (the "UniFi Disk" trade dress), 86/335,247 (the "UniFi Blue Ring" trade dress), and 86/335,273 (the "UniFi Green Ring" trade dress), collectively known as the UniFi WAP Trade Dress. I make this declaration based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. Baltic Networks was founded in 2005 outside of Chicago, Illinois. We provide cost effective wireless networking and machine-to-machine (M2M) solutions to everyone who is looking for a wireless solution, whether it be a WISP, a hot-spot provider, or a digital signage installer.

3. As distributors, we offer a complete line of products and custom solutions for wired and wireless networking systems and components, including routers, antennas, backhaul equipment, power supplies, and radios in licensed and un-licensed frequencies.
4. As consultants, we offer a full spectrum of network engineering services, with in-depth expertise for M2M solution design and deployment. Having the experience of design and deployment of hotspots and kiosks at all major airports across the United States and United Kingdom combined with the distribution rights of some of the most cost-effective broadband solutions available, we have all that is needed to build a solution that is cost-effective, responsive and reliable.
5. Because we provide system and network design and consultation to our customers, we really get to know our customers and their needs.
6. We began selling Ubiquiti's UniFi wireless access point ("WAP") devices, with the applied for trade dress, in February 2011. We are a Certified Ubiquiti trainer and work closely with our customers to train them on Ubiquiti products, including UniFi WAP devices.
7. I know the U.S. wireless device market very well and I believe that Ubiquiti's UniFi WAP devices have a unique design. When Ubiquiti introduced its products, the WAP devices that were then on the market were square or rectangular in shape, not round. They were also rather thick and had a large number of protruding antennas.
8. Ubiquiti's UniFi WAP devices were not like this at all. They were a round disk shape with a center ring for the LED light and a slimmer profile with a gentle edge-to-edge continuous curve across the top surface of the device, with the curvature remaining continuous through the center portion surrounded by the ring. The edges of the devices were straight and slightly tapered inward to create a cleaner look for the devices. Ubiquiti's devices had a much sleeker and very unique industrial design compared to other products in the market at the time.
9. They remain unique today. I know the market well and I am not aware of anyone else who is making a WAP device with a similar shape to Ubiquiti's – although some are now offering round devices. Even those, however, do not have the same overall profile, including

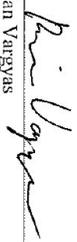
the curved top surface and the straight and clean tapered side edges. Moreover, none has copied the unique central ring design that Ubiquiti uses for its LED light. Others use traditional LED button indicators.

10. Because of the nature of our consulting, a large portion of our sales efforts are done verbally or in connection with an overall system design. We tend not to do traditional advertising for the products that we distribute as it is not very useful in this market. Instead, we merely display images of the products and their specifications on our website, and then we discuss them with our customers in person, via email, or over the phone.

11. I believe that Ubiquiti's applied for trade dress has come to symbolize Ubiquiti's excellence in wireless communications products. When customers look for Ubiquiti's WAP devices, they often refer to the overall shape and central LED ring to identify the products, not to the Ubiquiti name, because the design is so distinct. We understand what product they mean.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of Applicant, and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 4th day of September, 2015, in Lisle, Illinois.



Brian Vargyas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ubiquiti Networks, Inc.

Marks:



Serial Nos.: 86/335,268, 86/335,247,
86/335,273

Filing Date: Jul. 11, 2014

Trademark Atty: Elizabeth F. Jackson

Law Office: 113

Trademark Atty: Michael Tanner

Law Office: 119

DECLARATION OF RICHARD WARMATH

I, Richard Warmath, state and declare:

1. I am the Chief Executive Officer of DoubleRadius, Inc. ("DoubleRadius"), which has been my position since 2001. I make this declaration in support of Ubiquiti Networks' three applications to register the trade dress in its UniFi wireless access point ("WAP") products, as shown in Application Serial Nos. 86/335,268 (the "UniFi Disk" trade dress), 86/335,247 (the "UniFi Blue Ring" trade dress), and 86/335,273 (the "UniFi Green Ring" trade dress), collectively known as the UniFi WAP Trade Dress. I make this declaration based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. DoubleRadius is a distributor of network communication equipment throughout the U.S. and Canada, headquartered just outside of Charlotte, North Carolina. DoubleRadius was formed with the goal of providing best of breed networking, consulting, designing, planning and financing solutions to the data communications community. We began helping a wide range of customers including internet service providers, telcos, municipalities and utility companies, working with both new and established businesses. Through the years we have partnered with the best manufacturers in the world to concentrate on WAN & LAN connectivity

requirements including wireless, dial-up, DSL, routing, and switching. Our solutions-oriented approach has been driven by our desire to exceed the expectations of our customers.

3. We provide our customers with networking and communications products from top manufacturers and exciting new companies. We also offer a full range of innovative solutions and services to virtually any industry. Our experienced, knowledgeable professionals will walk our customers through every step of the process - from consultation and design to deployment and management.

4. We began selling Ubiquiti Networks' products in 2005, and Ubiquiti's UniFi wireless access point ("WAP") devices, with the applied for trade dress, in 2011. To date, we have sold over 200,000 units of UniFi wireless access point ("WAP") devices, with the applied for trade dress. In the first 6 months of 2015 alone, we have sold over \$2.8 million worth of UniFi wireless access point ("WAP") devices, with the applied for trade dress.

5. In addition to networking equipment distribution, we have a Managed Service Provider (MSP) business. An MSP is a company that remotely manages a customer's IT infrastructure and/or end-user systems, typically on a proactive basis and under a subscription model. As an MSP, DoubleRadius has directly deployed in excess of three thousand UniFi wireless access point ("WAP") devices with the applied for trade dress for customers that include hotels, restaurants, coffee shops, schools, etc.

6. Because of our close relationship with our customers, we really get to know them and their needs, and we discuss the products that we offer with them.

7. I believe that I have a very good understanding of the wireless device market in the United States. When Ubiquiti came out with its UniFi WAP devices with the applied for trade dress, they looked like nothing else in the market. Almost all other WAP devices were square or rectangular, projected far more from the wall or ceiling, and a variety of wireless antennas protruding from the top surfaces.

8. Ubiquiti's UniFi WAP device is very different compared to other products in the market in January 2011. It has a round disk shape with a center ring for the LED light and a slimmer profile with a gentle continuous curve across the top surface of the device, with the

curvature remaining continuous through the center portion surrounded by the ring. The edges of the devices are slightly taper inward to create a cleaner look for the devices.

9. I am still not aware of anyone else who is making a WAP device with a similar shape to Ubiquiti's. Ubiquiti's round shape has been copied quite a bit, but no one has copied the overall profile of Ubiquiti's device, including the curved top surface and the unique central ring design that Ubiquiti uses for its LED light. Third parties continue to use traditional LED button light indicators.

10. Because DoubleRadius directly deploys large numbers of Ubiquiti's WAP devices directly in customer facilities, I know that customers view the shape and the blue and green rings as source identifiers. If they call with a question about their WAP devices and I ask them which device they have, they routinely describe the overall shape and colored rings and that is how I know that it is a Ubiquiti device. Because Ubiquiti does not put its name on the top surface of the devices, our customers cannot refer to anything other than the shape to identify the devices.

11. I am able to clearly identify a UniFi WAP from a distance as a Ubiquiti device because of its unique shape and the LED ring.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of Applicant; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 31 day of August, 2015, in Indian Trail, North Carolina.



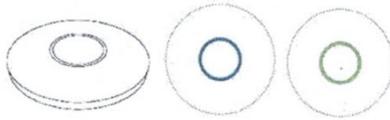
Richard Warmath

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ubiquiti Networks, Inc.

Marks:



Serial Nos.: 86/335,268, 86/335,247,
86/335,273

Filing Date: Jul. 11, 2014

Trademark Atty: Elizabeth F. Jackson

Law Office: 113

Trademark Atty: Michael Tanner

Law Office: 119

DECLARATION OF RICK LINDAHL

I, Rick Lindahl, state and declare:

1. I am the President of Invictus Networks, LLC (“Invictus”), which has been my position since 2001. I make this declaration in support of Ubiquiti Networks’ three applications to register the trade dress in its UniFi wireless access point (“WAP”) products, as shown in Application Serial Nos. 86/335,268 (the “UniFi Disk” trade dress), 86/335,247 (the “UniFi Blue Ring” trade dress), and 86/335,273 (the “UniFi Green Ring” trade dress), collectively known as the UniFi WAP Trade Dress. I make this declaration based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. Invictus is a wireless integrator, a value added reseller, and a value-added equipment distributor of wireless and communications products, based outside of Portland, Oregon. We sell throughout the United States. With years of experience consulting, integrating and selling fixed-wireless solutions, Invictus represents industry leading manufacturers and has the knowledge to design, integrate, install and service voice, data, video and hybrid wireless

networks. We believe that in order to be successful, our clients will require of us a cost-effective, robust and scalable wireless solution.

3. As a wireless integrator, Invictus specializes in bringing together component subsystems into a whole and ensuring that those subsystems function together, a practice known as system integration. For example we set up entire wireless systems, in some cases using multiple brands of products, so that we best meet our customers' needs. Our customers have included a variety of school districts, municipalities, colleges and utilities, NASA (at the Kennedy Space Center), the Burning Man festival, and businesses such as Microsoft, Raytheon, and CNF.

4. Because we are a value-added reseller and a value-added distributor, we really get to know our customers and their needs.

5. We began selling Ubiquiti's UniFi wireless access point ("WAP") devices, with the applied for trade dress, in 2011. We currently sell thousands of Ubiquiti's UniFi wireless access point devices each quarter. We are an authorized and certified Ubiquiti reseller and work closely with our customers to train them on Ubiquiti products, including UniFi WAP devices.

6. Ubiquiti's WAP devices with the applied for trade dress are some of our best-selling products.

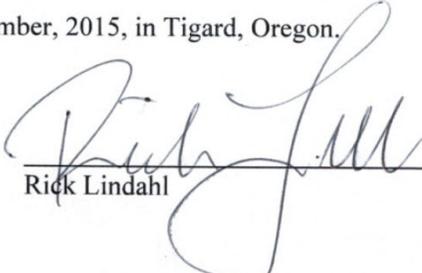
7. Having been in the wireless field for so long, I know the market well and I am positive that Ubiquiti's UniFi WAP devices do not look like any other product in the market. When Ubiquiti's products first came out, WAP devices commonly were thick, square or rectangle, and had lots of antennas sticking out from various surfaces, and multiple blinking and flashing LED lights. Ubiquiti's stood apart. They were round disks with one center ring for the LED light and a slimmer profile with a gentle edge-to-edge continuous curve across the top surface of the device, with the curvature remaining continuous through the center portion surrounded by the ring. The edges of the devices are straight and slightly taper inward to create a cleaner look for the devices.

8. Ubiquiti's devices still stand apart from its competitors. I know that others are starting to copy Ubiquiti's round shape, but none has copied the overall profile, including the curved top surface and the straight and clean tapered side edges. Moreover, none has copied the unique central ring design that Ubiquiti uses for its colored LED light. Most third-party devices continue to be cluttered with traditional LED button indicators, ridges, and uneven surfaces, even if they are round.

9. I know that Ubiquiti's unique WAP device design is used to identify the product because we get inquiries from customers who describe the products for us and we are able to identify them as Ubiquiti's UniFi WAP devices based upon their descriptions. I know this because no one else sells a WAP product with that shape, or with the central LED ring. I also have customers who know that the disk-shaped devices with the colored ring are made by Ubiquiti, and specifically ask for Ubiquiti's disk-shaped WAP devices with the colored ring.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of Applicant; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 3rd day of September, 2015, in Tigard, Oregon.

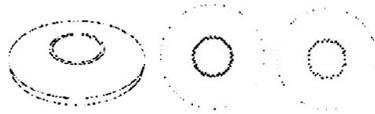

Rick Lindahl

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ubiquiti Networks, Inc.

Marks:



Serial Nos.: 86/335,268, 86/335,247,
86/335,273

Filing Date: Jul. 11, 2014

Trademark Atty: Elizabeth F. Jackson

Law Office: 113

Trademark Atty: Michael Tanner

Law Office: 119

DECLARATION OF DAVID GOLOB

I, David Golob, state and declare:

1. I am the Chief Executive Officer of Microcom Technologies, Inc. ("Microcom"), which has been my position since 1999. I make this declaration in support of Ubiquiti Networks' three applications to register the trade dress in its UniFi wireless access point ("WAP") products, as shown in Application Serial Nos. 86/335,268 (the "UniFi Disk" trade dress), 86/335,247 (the "UniFi Blue Ring" trade dress), and 86/335,273 (the "UniFi Green Ring" trade dress), collectively known as the UniFi WAP Trade Dress. I make this declaration based on my own personal knowledge and, if called as a witness. I could and would testify competently thereto.

2. Founded in 1999, Microcom is a stocking, wholesale distributor of wireless networking products located in Calabasas, California. We distribute products around the world through a global network of Microcom Reseller Partners including value-added resellers, systems integrators and consultants.

A handwritten signature in black ink, appearing to be 'D. Golob', is located in the bottom right corner of the page.

3. We were Ubiquiti Networks' first distributor in the United States, starting to distribute its products in 2005, and Ubiquiti's UniFi wireless access point ("WAP") devices, with the applied for trade dress, in 2011. We have sold over 100,000 units of the UniFi WAP with the applied for trade dress. Although we carry dozens of different brands of wireless access point devices, Ubiquiti's UniFi wireless access point devices remains one of our featured brands.

4. I believe that I have a very good understanding of the wireless device market in the United States as I have been selling such products since Microcom was founded in 1999. Before Ubiquiti introduced its UniFi WAP devices with the applied for trade dress, there were no products that looked like them in the marketplace. The WAP devices sold up until that point in time were rectangular or square, had lots of protruding antennas and a variety of lighted squares and bottoms, and they were much thicker.

5. Ubiquiti's UniFi WAP device looked completely different. It was sleek with a round disk shape with a center ring for the LED light and a slimmer profile with a gentle continuous curve across the top surface of the device, with the curvature remaining continuous through the center portion surrounded by the ring. The edges of the devices are slightly taper inward to create a cleaner look for the devices. I thought it was unique when it came out and I believe it remains unique today, and that it is readily identifiable as a Ubiquiti product because of its unique shape and LED ring. I am attaching to this declaration our current listing of indoor WAP devices, which makes it very clear how much Ubiquiti's UniFi WAP devices stand apart from the others in terms of industrial design. See <http://www.microcom.us/wireless-lan--access-point---client-bridge--indoor.html>, attached hereto as Exhibit A. Each of Ubiquiti's UniFi WAPs are shown on our website with its unique green or blue colored ring, because customers associate these colored rings with Ubiquiti's UniFi devices.

6. While others have started making round WAP devices, copying the shape that Ubiquiti uses, I am not aware of anyone who has copied the overall profile, including the curved top surface and the clean tapered side edges. I am also not aware of anyone who has copied the

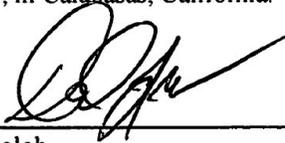
unique central ring design that Ubiquiti uses for its LED light. Third parties continue to use traditional LED button indicators.

7. The shape and central LED ring is so unique that we feature it prominently on our website when we offer the products for sale. We are confident that our customers see the devices and recognize them as coming from a single source based upon their overall appearance.

8. I believe that Ubiquiti's applied for trade dress has come to symbolize Ubiquiti's excellence in wireless communications products. In fact, from time to time, customers come to us looking for Ubiquiti's WAP devices and refer to the overall shape and central LED ring to identify the products.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of Applicant; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 15th day of September, 2015, in Calabasas, California.



David Golob

Exhibit A

8/26/2015

INDOOR

Sign In Register

Tel: 818.880.8008 Fax: 818.880.8150

VIEW CART



Search

Home > WIRELESS LAN > ACCESS POINT / CLIENT BRIDGE > INDOOR



INDOOR

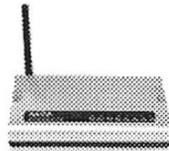
- Antennas
- Cable Products
- Cell Phone Accessories
- Connectors / Adapters
- Enclosures
- Network Hardware
- Power Products
- Signal Filters / Splitters
- Surge Protectors
- Tools / Test Equipment
- VoIP
- Video Surveillance
- Wireless LAN
- Microcom Academy

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 Ubiquiti EdgeRouter X-SFP: Advanced gigabit Ethernet router with SFP port @ubnt: ER-X-SFP - NEW item - in stock!
microcom.us/erx-sfp.html

Microcom 24 Aug
 @MicrocomTweet
 Pepwave MAX-BR1 M2M 4G LTE router for Verizon/AT&T/T-Mobile @peplink MAX-BR1-LTE-US-T - NEW item - in stock now!
microcom.us/max1-lte-us-t



ALFA AIP-W610H
~~\$59.00~~ \$15.99



ENGENIUS EAP150
\$79.00



ENGENIUS EAP300
\$99.00



ENGENIUS EAP350
\$119.00



ENGENIUS EAP600
\$179.00



ENGENIUS EAP900H
\$249.00



ENGENIUS EAP9550
\$89.00



ENGENIUS ECB150
\$79.00



ENGENIUS ECB300
\$99.00



ENGENIUS ECB350
\$129.00



ENGENIUS ECB600
\$199.00



ENGENIUS EWS210AP
\$189.00



ENGENIUS EWS310AP
\$349.00



ENGENIUS EWS320AP
\$499.00



IGNITENET SS-AC1200
\$139.00



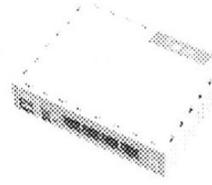
IGNITENET SS-N300
\$99.95



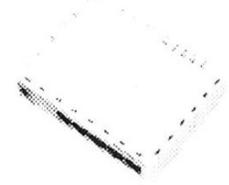
KARO TECHNOLOGY WEJ-11G-O
\$129.95



MIKROTIK RB751U-2HnD
\$69.95



MIKROTIK hAP-lite
\$24.95



MIKROTIK RB951-2n
\$49.95



MIKROTIK RB951G-2HnD
\$89.95



MIKROTIK RB951Ui-2HnD
\$69.95



MIKROTIK mAP-2n
\$49.95



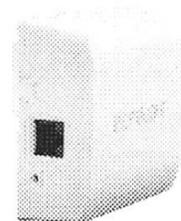
PEPWAVE AP ONE
\$249.00



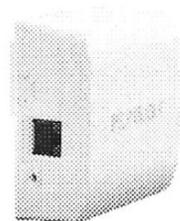
PEPWAVE AP ONE AC MINI
~~\$129.00~~ \$125.13



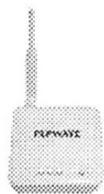
PEPWAVE AP ONE 300M
~~\$249.00~~ \$241.53



PEPWAVE AP ONE IN-WALL
\$299.00



PEPWAVE AP ONE IN-WALL
~~\$299.00~~ \$290.03



PEPWAVE AP ONE MINI
\$99.95



PEPWAVE DEVICE CONNECTOR
\$199.00



PEPWAVE DEVICE CONNECTOR 300M
~~\$199.00~~ \$193.03



PEPWAVE SURF ON-THE-GO
~~\$99.95~~ \$96.03

8/26/2015

INDOOR



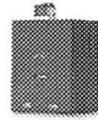
PEPWAVE SURF SOHO
\$149.00



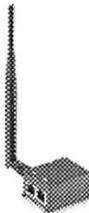
PEPWAVE SURF SOHO-T
\$179.00



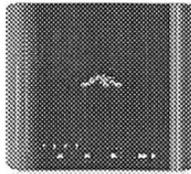
PEPWAVE SURF-200
~~\$99.00~~ \$9.99



UBIQUITI AIRGATEWAY
\$19.95



UBIQUITI AIRGATEWAY-LR
\$34.95



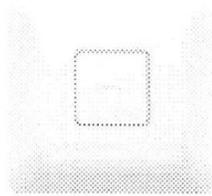
UBIQUITI AIRROUTER
\$44.95



UBIQUITI AIRROUTER-HP
\$74.95



UBIQUITI UNIFI AP
~~\$79.95~~ \$69.00



UBIQUITI UNIFI AP-AC
\$339.00



UBIQUITI UNIFI AP-LR
~~\$99.95~~ \$89.00



UBIQUITI UNIFI AP-PRO
~~\$249.00~~ \$229.00



XCLAIM Xi-1
\$89.00



XCLAIM Xi-2
\$199.00



XCLAIM Xi-3
\$249.00

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Sign up to receive product news and special deals via email: [SIGN UP](#)



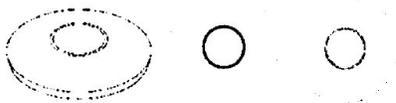
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ubiquiti Networks, Inc.

Marks:



Serial Nos.: 86/335,268, 86/335,247,
86/335,273

Filing Date: Jul. 11, 2014

Trademark Atty: Elizabeth F. Jackson

Law Office: 113

Trademark Atty: Michael Tanner

Law Office: 119

DECLARATION OF CARL MOBERG

I, Carl Moberg, state and declare:

1. I am the Chief Executive Officer of Streakwave Wireless, Inc. (“Streakwave”), which has been my position since 2001. I make this declaration in support of Ubiquiti Networks’ three applications to register the trade dress in its UniFi wireless access point (“WAP”) products, as shown in Application Serial Nos. 86/335,268 (the “UniFi Disk” trade dress), 86/335,247 (the “UniFi Blue Ring” trade dress), and 86/335,273 (the “UniFi Green Ring” trade dress), collectively known as the UniFi WAP Trade Dress. I make this declaration based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. Streakwave is a worldwide distributor of network communication equipment, headquartered in San Jose, California. We offer complete lines of wireless broadband networking equipment, two-way communications, telecommunications solutions, IP surveillance/security and green technologies from top-tier manufacturers. We have seven sales and distribution facilities worldwide. Our U.S. facilities are located in: San Jose in California,

Salt Lake City in Utah, and Cincinnati in Ohio, and in four additional locations outside of the United States. We distribute third-party wireless broadband equipment in North America, South America, Australia, New Zealand, and Middle East.

3. Streakwave prides itself on technical expertise along with offering first-tier technical support for most products. Streakwave's sales engineering/account management team verbally assists clients with all aspects of: planning, design, network layout, troubleshooting, site survey assistance and implementation. These attributes accompanied by unparalleled customer service proves Streakwave is the leader among product equipment providers.

4. Because we are a value-added distributor, we also provide system and network design and consultation to our customers. As a result, we really get to know our customers and their needs.

5. We began selling Ubiquiti Networks' products in 2005 and Ubiquiti's UniFi wireless access point ("WAP") devices, with the applied for trade dress, in 2011. I understand that we are one of Ubiquiti's largest distributors in the U.S. We sold over 250,000 units of Ubiquiti's UniFi WAP devices, with the applied for trade dress. Last year (2014) alone, we sold over \$10 million dollars of Ubiquiti's UniFi WAP devices with the applied for trade dress.

6. I believe that I have a very good understanding of the wireless device market in the United States. At the time that we first started to sell Ubiquiti's UniFi WAP devices, third parties were commonly selling WAP devices that featured a square or rectangular shape, a substantially higher profile, and a variety of wireless antennas protruding from the top surfaces.

7. In contrast, Ubiquiti's UniFi WAP device has a round disk shape with a center green or blue ring and a slimmer profile with a gentle continuous curve across the top surface of the device, with the curvature remaining continuous through the center portion surrounded by the ring. The edges of the devices are slightly taper inward to create a cleaner look for the devices. It was a much sleeker and very unique industrial design compared to other products in the market at the time.

8. I am not aware of anyone else who is making a WAP device with a similar shape to Ubiquiti's. Many others have started to copy Ubiquiti's round shape, but none has copied the overall profile, including the curved top surface and the clean tapered side edges. Moreover, none has copied the unique central ring design that Ubiquiti uses for its colored green or blue LED light. Third parties continue to use traditional LED button indicators.

9. When we first saw Ubiquiti's unique WAP design, we were enthusiastic because the design set the products so far apart from the competition. Because the products were so distinctive, we thought that they could essentially sell themselves, but we also promoted them to customers as products with a unique design that sets them apart from the market and that will look clean and sleek when installed on the wall or ceiling of the customers' premises.

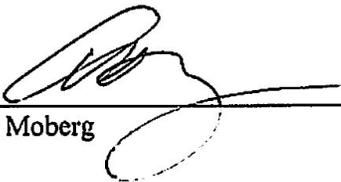
10. Because of the nature of our value-added services, a large portion of our sales efforts are done verbally or in connection with a system design, so we do not invest significantly in traditional advertising for the products that we distribute. Instead, we merely display images of them, as well as specifications, on our website, and then we discuss them with our customers in person, via email, or over the phone.

11. I believe that Ubiquiti's applied for trade dress has come to symbolize Ubiquiti's excellence in wireless communications products. In fact, from time to time, customers come to us looking for Ubiquiti's WAP devices and refer to the overall shape and centrally located colored ring to identify the products. They are definitely not referring to a third-party product when they describe the flat disc shape with clean line curvature and a centrally positioned circular ring. I know this because no one else sells a WAP product with that shape, or with the central colored ring.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any

resulting registration, declares that he is properly authorized to execute this document on behalf of Applicant; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 3 day of September , 2015, in San Jose, California.



Carl Moberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Ubiquiti Networks, Inc.

Marks:



Serial Nos.: 86/335,247, 86/335,273

Filing Date: Jul. 11, 2014

Trademark Atty: Michael Tanner

Law Office: 119

DECLARATION OF BENJAMIN MOORE

I, Benjamin Moore, state and declare:

1. I am the Vice President of Business Development at Ubiquiti Networks, Inc. (“Ubiquiti”), which has been my position since May 2008. I am authorized by Ubiquiti to make this declaration in support of Ubiquiti’s applications to register the trade dress in its UniFi wireless access point (“WAP”) products, as shown in Application Serial Nos. 86/335,247 (the “UniFi Blue Ring” trade dress) and 86/335,273 (the “UniFi Green Ring” trade dress). I make this supplemental declaration based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. I understand that the Examining Attorney did not find Ubiquiti’s office action response, and my prior declaration, sufficient to establish that the UniFi Blue and Green Ring trade dresses have acquired distinctiveness and serve as source identifiers for Ubiquiti’s WAP products. I disagree with this assessment and provide further information for the Examining Attorney to consider.

3. The UniFi Blue Ring trade dress and the UniFi Green Ring trade dress are not merely color marks. Both trade dresses consist of a colored ring (in blue or green) that is applied to the center of the top panel of Ubiquiti's UniFi WAP devices. Ubiquiti has used and promoted both the UniFi Blue Ring trade dress and the UniFi Green Ring trade dress extensively in commerce to identify products in Ubiquiti's family of UniFi WAP devices. All of the UniFi WAP devices are easily recognizable through the Blue Ring or Green Ring trade dress placed on top of Ubiquiti's products and the UniFi Disk trade dress that features the products in a round disk shape with a center-lighted ring on the top panel (i.e., the Blue Ring or Green Ring trade dress).¹

4. As I explained in my prior declaration, Ubiquiti does not currently have a direct sales force, but instead relies on the Ubiquiti Community and authorized Ubiquiti distributors to drive market awareness and demand for Ubiquiti products. As a part of my marketing responsibilities, I regularly work closely with some of our largest distributors and resellers in the marketing of our products. When we first launched WAP products with the UniFi Blue Ring or Green Ring trade dress, we emphasized both the unique disk shape of the devices and the distinctive placement of the colored rings on these devices when we introduced them to our distributors and resellers. The Blue Ring and Green Ring trade dresses were essential source identifiers for Ubiquiti's UniFi product family because Ubiquiti chose not to place any of its word marks (such as UBIQUITI or UNIFI) on top of the UniFi WAP devices to maintain their sleek aesthetic look, and because it believed the centered, colored rings were an important part of that look that would be distinctive to customers. To educate customers that these products came from a single company, Ubiquiti, we emphasized the placement and color of the rings as features of the product that could only be associated with us and thus would be used by customers to identify or request Ubiquiti's WAP products.

¹ Ubiquiti has also applied to register the UniFi Disk trade dress in Application Serial No. 86/335,268, and I understand the examining attorney for that application has approved the trade dress for publication based on our submitted evidence of acquired distinctiveness.

5. We discussed this customer education verbally when we met with distributors and resellers, and also by featuring the colored rings on top of the UniFi WAP products in all of our informational and marketing materials, as well as in the physical packaging of the products (the boxes in which they are sold). Attached hereto as Exhibit A is an example of the early materials distributed by Ubiquiti that prominently featured the colored ring trade dress in its UniFi WAP products. As shown in the 2010 newsletter, Ubiquiti's marketing was designed to draw the consumer's attention to the colored ring of the UniFi WAP device, which we achieved by creating a "crowd effect" through dozens of UniFi Green Ring WAP devices placed side by side and in front and behind one another, with the bright green, centered ring the most attractive and discernable element of all the products displayed. We have kept to this "crowd effect" marketing style even in our current materials. Attached hereto as Exhibit B are screenshots from Ubiquiti's website [www.ubnt.com and www.ubnt.com/enterprise], using the same "crowded effect" technique with the UniFi Blue Ring WAP product (highlighting the bright blue, centered ring of each product in a crowd of devices) as well as a photo of a single UniFi Blue Ring WAP device purposely placed against a dark background to make the bright blue, centered ring on top of the product stand out even further.

6. Because our UniFi WAP products looked so different from the WAP devices that had been in the market up until late 2010, we did not think that we needed to engage in "look for" advertising. Our promotional materials intentionally featured and continue to feature large images of the top view of the UniFi WAP products to show the green or blue-colored rings at the center. What the customer consistently sees, from multiple angles of this view, is the distinctive placement and color of the rings. These attributes do not need to be literally described for a customer to notice them as the placement and color are evident from the images. This type of marketing strategy that visually highlights a look of a product is recognized as "product as hero" marketing and is used in many industries, by companies like Apple, Samsonite, and others. Attached hereto as Exhibit C are copies of articles written on the subject of the "product as hero" marketing [<http://www.bhatnaturally.com/advertising/packattack->

[product-as-hero-in-the-digital-age/](#), <http://www.wired.com/2012/08/phil-schiller-testifies/>, and <http://mashable.com/2014/05/05/samsonite-marketing-strategy/#A.VCwzFWEaqh>].

7. Ubiquiti does not promote the UniFi Green Ring or UniFi Blue Ring trade dress as performing a function on its product packaging or in its website promotional images. The color and placement of the rings are distinctive design features of the UniFi Green Ring and UniFi Blue Ring trade dress that identify Ubiquiti as the source of the UniFi WAP products, and that is why virtually all of the product images on Ubiquiti's product packaging and website show the products with the green or blue ring centered on top of the devices.

8. Almost all of Ubiquiti's distributors and resellers receive marketing materials for the UniFi Green Ring and Blue Ring WAP devices directly from Ubiquiti. The images of Ubiquiti's UniFi WAP products on the distributors or resellers' websites are usually the images provided by Ubiquiti. I have reviewed the examples cited by the Examining Attorney as instances where our resellers supposedly did not advertise or list our UniFi WAP products with images that show the UniFi Green Ring or UniFi Blue Ring trade dress. There is only one example of this from www.solidsignal.com. There, the reseller uses an image showing three UniFi WAP devices together in a product listing for a "3 Pack," but the listing also tells the customer to "Check out the original UNIFI AP Here," which links to a different listing that shows a single WAP device with the UniFi Green Ring trade dress. Attached hereto as Exhibit D is a copy of the complete listing cited by the Examining Attorney [<http://www.solidsignal.com/pview.asp?p=uap-lr-3>] and the linked listing for the original product showing the UniFi Green Ring trade dress [[http://www.solidsignal.com/pview.asp?p=UAP&d=Ubiquiti-UniFI-AP-Wireless-AP/Bridge-802.11b/g/n-\(UAP\)](http://www.solidsignal.com/pview.asp?p=UAP&d=Ubiquiti-UniFI-AP-Wireless-AP/Bridge-802.11b/g/n-(UAP))].

9. The Examining Attorney also cites Ubiquiti's Amazon.com "advertisement" as evidence that there are "numerous WAP devices without any coloration in the 'LED provisional ring.'" The webpage evidence does not support the Examining Attorney's understanding. In the Amazon.com webpage that the Examining Attorney points to, the image shown at the very

top of the page to the left of the product name, “Ubiquiti Networks UniFi AP Enterprise WiFi System,” is a UniFi WAP device with a green, centered ring (the UniFi Green Ring trade dress) that Ubiquiti uses to identify the UniFi product—manufactured by Ubiquiti—that is available for sale on Amazon.com from Ubiquiti’s resellers. The cited webpage evidence does not show any other WAP devices, and even if the webpage did display images of other devices, those devices are most likely not Ubiquiti’s WAP devices and are instead alternative buying options for non-Ubiquiti devices listed by Amazon.

10. Having worked in the wireless market for over 15 years, I am well aware of Ubiquiti’s competitors. Not only do competing devices have a different shape and design from Ubiquiti’s UniFi WAP devices, the devices of other manufacturers are usually not marketed by the manufacturers or distributors with colored indicators. For example, of the indoor WAP devices sold by one of Ubiquiti’s distributors, Microcom, only Ubiquiti’s UniFi WAP devices are shown with a distinctive green or blue ring at the center of the top panel. No other competing device uses a colored ring on the face of the product as a distinguishing source designator. Attached hereto as Exhibit E is a copy of Microcom’s product listings for indoor WAP devices [<http://www.microcom.us/wireless-lan--access-point---client-bridge--indoor.html>] and a UniFi promotional data sheet that Ubiquiti provided to Microcom to make available on its website [<http://www.microcom.us/uapl.html> and http://site.microcom.us/UniFi_Datasheet.pdf].

11. I have asked some of our largest distributors and resellers to submit declarations to the Trademark Office explaining their perceptions of the market. They work most closely with the end users and are in the best position to describe the market in detail.

12. Our method of promoting our products by engaging in viral marketing through the Ubiquiti Community and distributors and resellers has been and continues to be successful. The Examining Attorney states that the prior sales figures provided in my declaration are misleading to the extent that they include all of Ubiquiti’s WAP products. But even when distinguishing between WAP products with the UniFi Green Ring trade dress versus those with

the UniFi Blue Ring trade dress, Ubiquiti's strong sales revenue and year-after-year growth show that both the Blue Ring and Green Ring trade dresses have acquired distinctiveness.

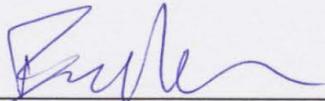
13. In the U.S. alone, our UniFi Green Ring WAP product sales revenue was approximately \$23 million in Fiscal Year (FY) 2015, \$17 million in FY 2014, \$7 million in FY 2013, \$5 million in FY 2012, and \$0.9 million in FY 2011. The U.S. revenue for UniFi Blue Ring WAP product sales was \$17 million in FY 2015, \$11 million in FY 2014, \$3 million in FY 2013, and \$0.8 million in FY 2012. Total U.S. revenue to date is over \$52 million for the UniFi Green Ring WAP products and \$31 million for the UniFi Blue Ring WAP products.

14. Worldwide, our UniFi Green Ring WAP product sales revenue was approximately \$67 million in FY 2015, \$50 million in FY 2014, \$19 million in FY 2013, \$16 million in FY 2012, and \$2.5 million in FY 2011. The worldwide revenue for UniFi Blue Ring WAP product sales was approximately \$36 million in FY 2015, \$26 million in FY 2014, \$7 million in FY 2013, and \$1.5 million in FY 2012. Total worldwide revenue to date is over \$154 million for the UniFi Green Ring WAP products and \$70 million for the UniFi Blue Ring WAP products.

15. Ubiquiti's first UniFi WAP device had the UniFi Green Ring trade dress applied to the center of the top panel of the device, and was sold on December 16, 2010. Ubiquiti's products are manufactured and shipped from outside the United States. Attached hereto as Exhibit F is a copy of Ubiquiti's sales invoice for that first sale.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this document on behalf of Applicant; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 20th day of October, 2015, in Washington, Utah.



Benjamin Moore

EXHIBIT A



www.ubnt.com [View our Products](#) [Community Forum](#)

The image features a vast field of white, spherical Ubiquiti UniFi access points, each with a green circular logo. In the foreground, a computer monitor displays the UniFi management interface. The interface includes a top status bar with the following data:

Access Points:	241	4	0	Stations:	1140	900
connected		disconnected	pending	users		guests

The interface also shows a map of 'Jenny's Office' with a heatmap overlay, a list of 'Unplaced APs' (Office 1, Office 2, Office 3), and various system settings like 'System', 'Guest Control', and 'Admin Settings'. A large UniFi access point is prominently displayed in the foreground on the right side of the monitor.

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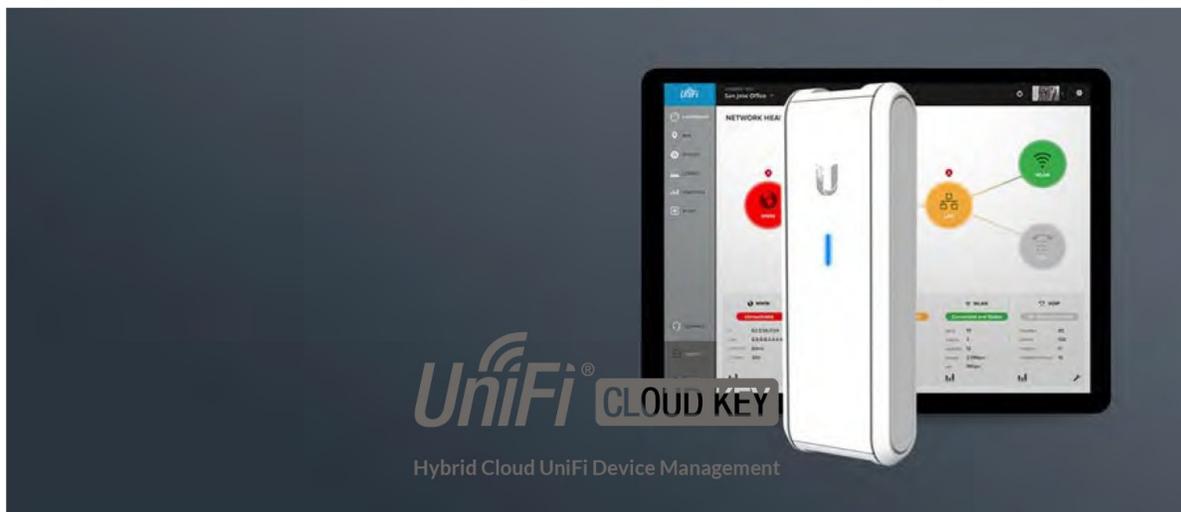
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EXHIBIT B



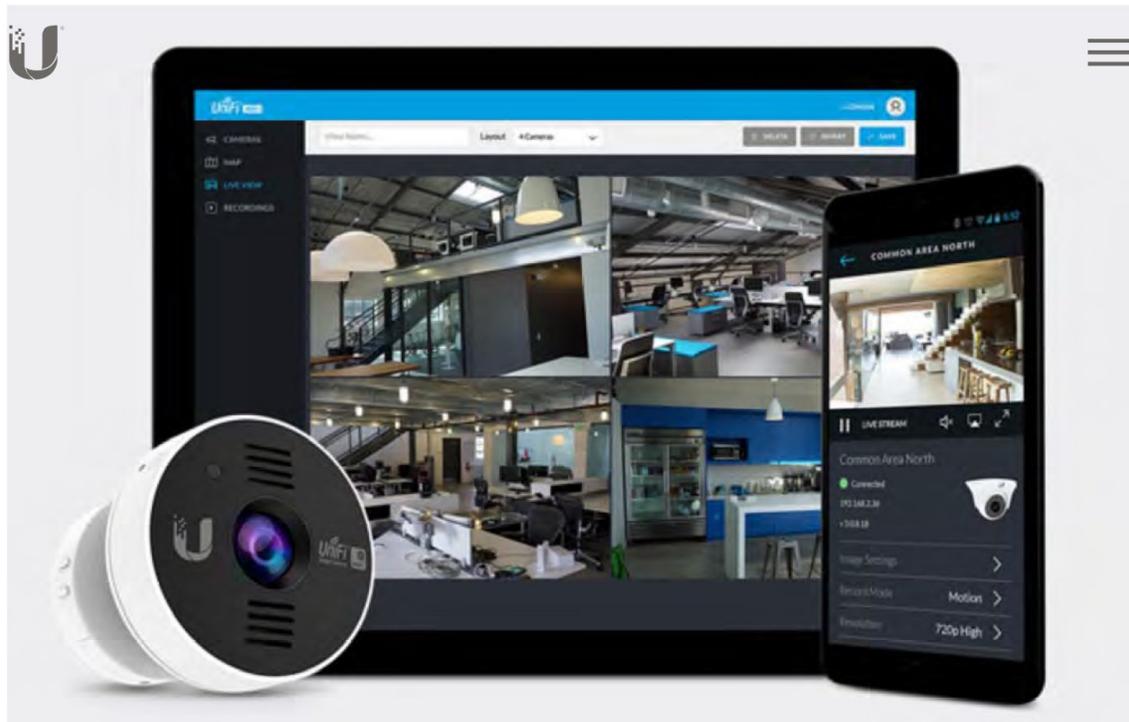


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users online



978,518

total posts



992

posts today





United States Side of Niagara Falls Uses airFiber and UniFi

UBNT-Matt_B., *1 month, 3 weeks ago*



Test install up a Tree , including solar Panels, in southern Mexico

biland, *2 months ago*



5X Replaces M5 Backhaul to Solar Location

WisTech, 2 months, 2 weeks ago

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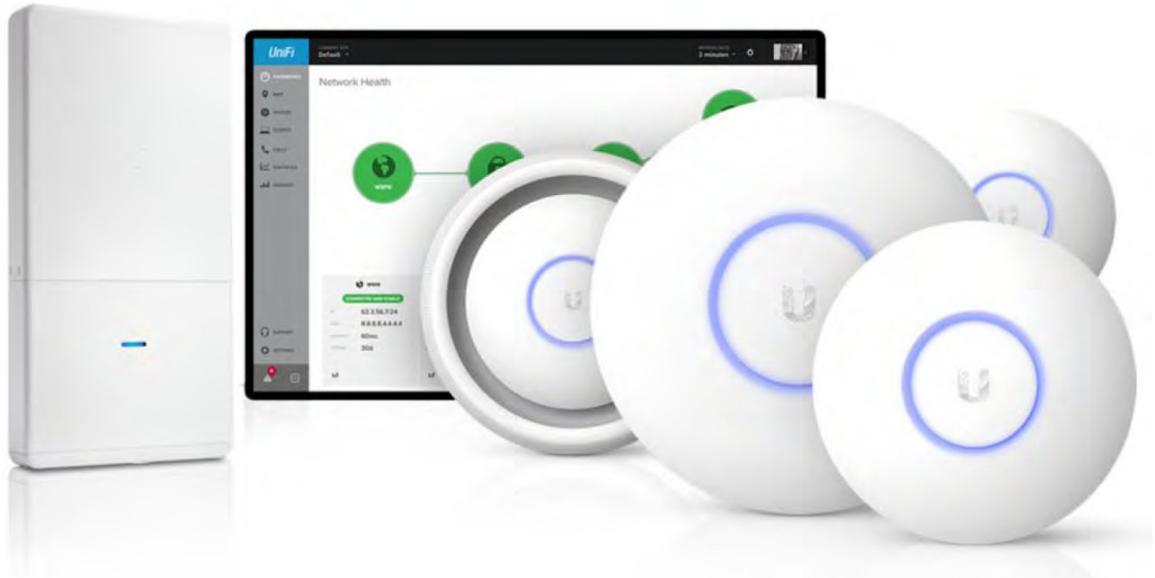
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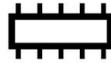
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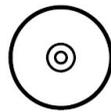
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Advertising. Brands. Apple. New Media

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#packattack: product as hero in the digital age

January 14, 2015 by [bhatnaturally](#) – 1 Comment

One of the earliest lessons in advertising is to ‘always make the product the hero’. When practiced well it makes for memorable advertising. Most of the advertising we like has this element – the product and its key feature is always central to the story. Sure there are other kinds of ads where the product or brand is incidental which maybe effective too – but that is leaving a lot to chance...on the creative execution. Anyway, I am digressing – the new campaign for [Temptations](#), a brand of cat food from Mars Inc., is doing the round of ad blogs and social networks. Not surprisingly, it is smack bang on about the product.

It also leverages what works well in the digital media from a share-worthy point of view: cat videos. Combine the two and you’ve got a compelling video.



Agency: [adam&eveDDB](#)
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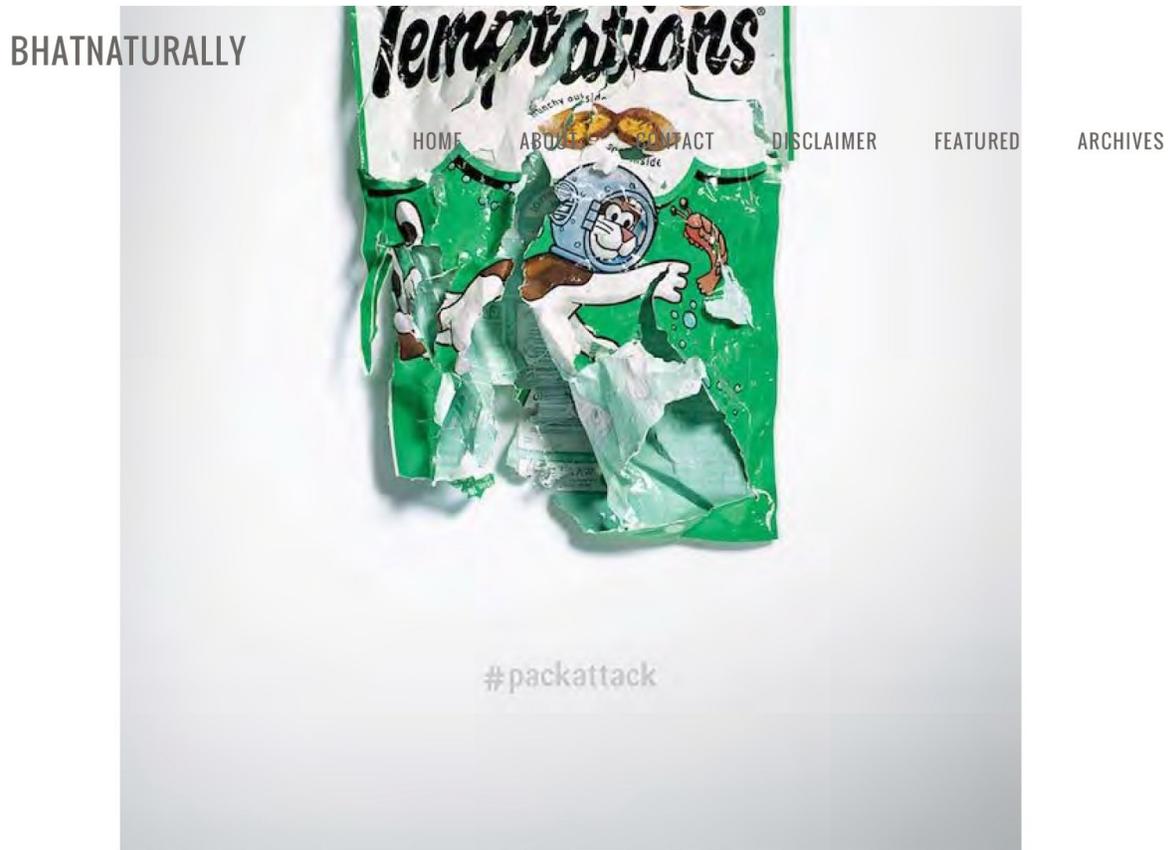
The print ads are brilliant too – but I guess they work best after you’ve seen the video.

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Loved it. Remember the recent #CatswithThumbs ads for Cravendale?

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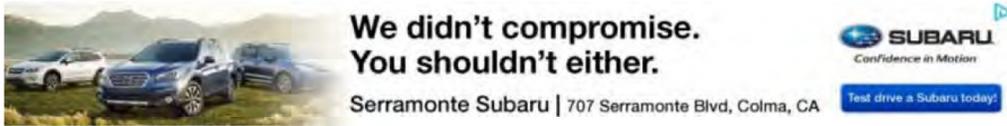
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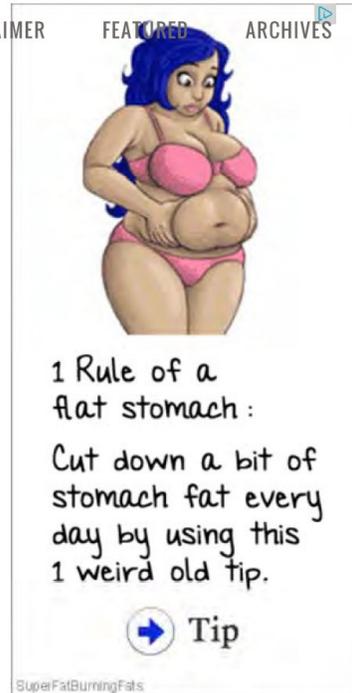
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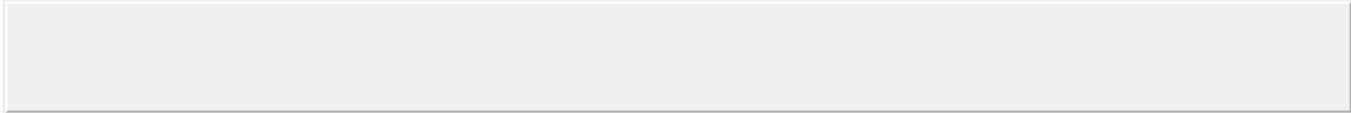
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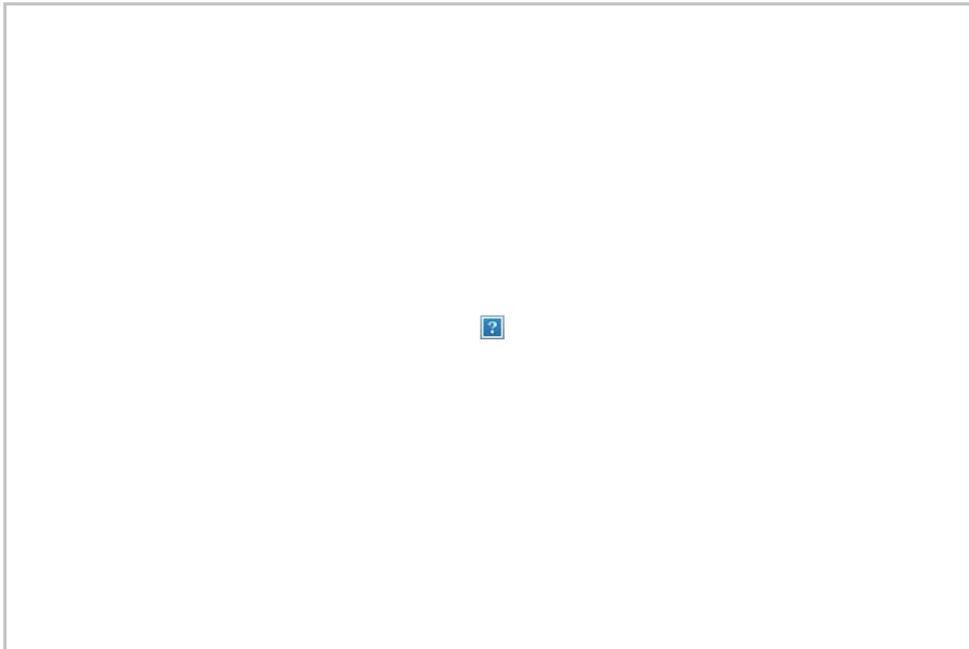
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Phil Schiller Testifies: 'You're Stealing All the Value We've Created'



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Phil Schiller, Apple's senior vice president of product marketing, is a regular speaker at all Apple media events.

SAN JOSE, California — Phil Schiller was the first witness to speak at the *Apple v. Samsung* trial Friday, and his words sent a very clear message to the assembled jury: The iPhone and iPad's designs are revolutionary and iconic, and Samsung outright copied all this unique (and patented) Apple-owned mojo.

"[Copying] creates a huge problem in marketing on many levels. We market our product as the hero and how distinctive it is, how consistent we've kept it over time," said Schiller, Apple's senior vice president of worldwide marketing, as he was questioned by Apple lawyer Harold McElhinny. "Now when someone comes up with a product that copies that design and copies that marketing, then customers can get confused on whose product is whose.... If you steal [the way the iPhone looks] you're stealing all the value we've created."

Dressed in a suit (an unusual sight in Silicon Valley), Schiller came across as calm and practiced. Compared to his performances during high-stakes Apple media events (see image above), it appeared that speaking in front of a jury was a piece of cake for the senior VP. When he first took to the stand, Schiller talked about how Apple transitioned from the audio player business to the smartphone arena. □

'I was pretty shocked when I saw the Galaxy S phone and the extent to which it appeared to copy Apple's products. My first thought was they're going to steal our whole product line.'

— Phil Schiller

□

"There were many things that led to the iPhone at Apple," said Schiller. "We were searching for what to do after iPod that would make sense. If we can make the iPod, what else can we do?" Apple employees tossed around ideas like making a camera, a car, and other "crazy stuff," Schiller said.

"We realized at the time cellphones weren't any good as entertainment devices," Schiller said. Additionally, at the same time, Apple started working on a tablet device that would later become the iPad, which used multitouch so you could type directly on the screen. These ideas eventually led to the iPhone. Schiller testified that what the device did would be important, but Apple also cared about how it looked.

"It's important to me that a product be unique and distinctive over time," Schiller said. Looking at a slide of each iteration of iPhone design, Schiller commented that "you see the very consistent shape to it." He also took Samsung to task for copying the iPhone's design: "I was pretty shocked when I saw the Galaxy S phone and the extent to which it appeared to copy Apple's products," Schiller said, adding later, "My first thought was they're going to steal our whole product line."

Schiller also said making a tablet was a “big gamble” because it would mean entering a new device category. “People had tried to make tablets before and failed miserably,” he said, and the iPad was following in the footsteps of the very successful iPod and iPhone.

There were unique marketing challenges for the iPad, Schiller said. “The advertisement has to give you a sense of how it might work, and what it might do for you before you have a chance to head to the store and try it yourself,” he said. Apple’s TV ads have to “create a reason that you might want a tablet in your life,” he said.

Samsung Gets Its Turn to Dine on Grilled Schiller

After Apple’s legal team questioned Schiller, Samsung attorney Bill Price began cross-examining the senior VP. Schiller’s responses were generally terse, and often just supplied the bare minimum of a response. Much of Price’s questioning tried to establish that some of Apple’s patented design elements — such as the shape of the iPhone with its curved corners — were functional, not just aesthetic. Providing an example, Price said curved corners simply make it easier to put the device in one’s pocket. Schiller didn’t bite.

Whether consumers become “confused” by iPhone and Samsung smartphone similarities was also a hot topic. After seeing and reluctantly handling some Samsung smartphones (CNET’S Josh Lowensohn described Schiller’s handling of the Samsung Continuum “[like it might give him a communicable disease](#)”), Schiller said, “I looked at this phone and it was my opinion that Samsung has ripped off a number of our design elements and in doing that may be causing confusion.”

Price also tried to demonstrate that “ease of use” is more important than “attractive appearance and design” when people buy iPhones. He used data from Apple customer surveys in an attempt to undermine both the importance of Apple’s design patents, and the amount Apple is asking for in damages. Price followed this up with a bar graph showing that 78 percent of iPhone owners use a case or bumper with their iPhones.

At one point in the questioning, Price needled into the topic of *future* iPhone design — an area of intense interest for tech watchers worldwide. Trying to make a point that Apple changes its design every few years, Price asked Schiller if Apple would be changing the design of the iPhone for the iPhone 5.

The question was immediately objected to by Apple counsel Harold McElhinny, but Judge Koh, surprisingly, didn’t overrule — the query was relevant to Price’s point. Every reporter’s ears in the room perked up and the room hushed in anticipation of Schiller’s response. But unfortunately, after a brief back and forth with the judge, Schiller simply responded with, “I’d prefer not to tell confidential information about future products.”

In Apple and Samsung’s year-plus long court battles, Apple claims Samsung is infringing on design patents for the iPhone and iPad, as well as utility patents covering things such as the “bounce-back” effect when you reach the end of a list in the UI. Samsung is claiming Apple is infringing on its essential 3G transmission patent holdings. The jury trial for the case [began on Monday](#), and each side made [opening statements](#) presenting its case to jurors on Tuesday.

Before the jurors entered the courtroom Friday morning, Judge Koh addressed [a public statement](#) made by Samsung in which the company released evidence excluded from the trial. “I will not let any theatrics or any sideshow distract from what we are to do, which is to fairly try this case,” Koh said.

“My sole concern is to preserve the impartiality of the jury,” Judge Koh said sternly. To this end, Koh questioned each juror individually to ask if he or she had been influenced by any media since last in court. One juror had seen a headline about Apple’s design team working at a kitchen table, but said this would not influence his judgment in the case.

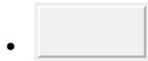
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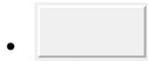


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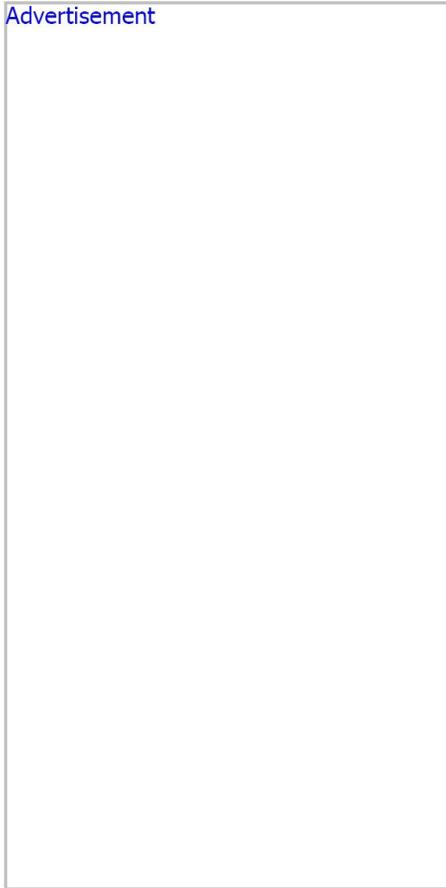
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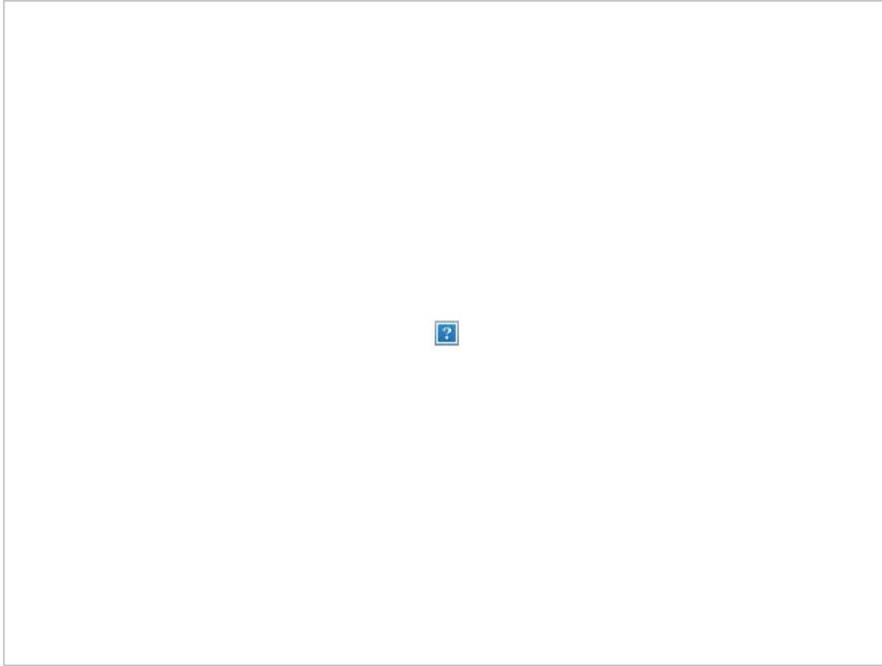
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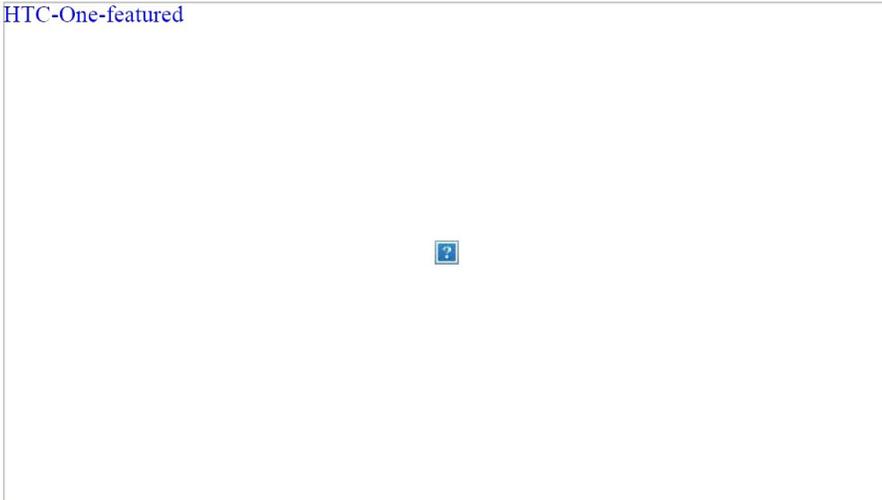


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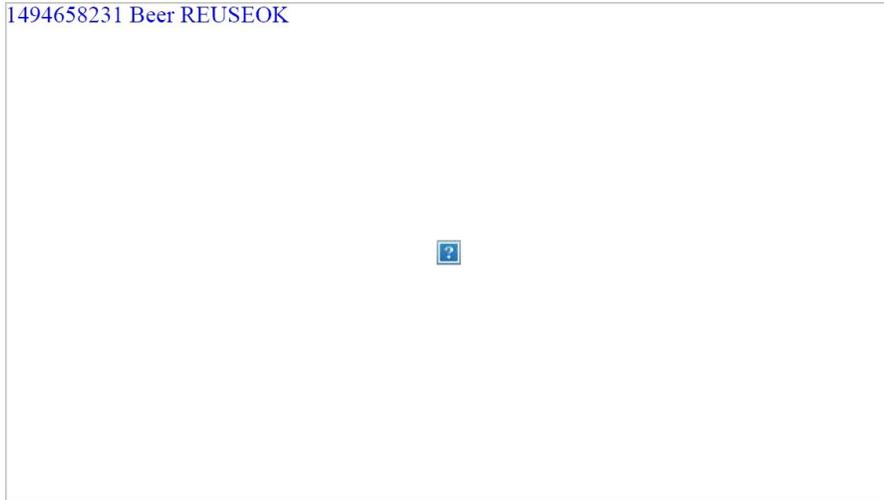


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Samsonite's Brand Strategy: 'The Product Is the Hero'

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IMAGE: FLICKR, DON O'BRIEN

BY T.L. STANLEY
MAY 05, 2014

Samsonite products have been charged by a bull, caught in revolving doors, tossed out of cabs and mauled by the entire Pittsburgh Steelers football team. But they have not — repeat, not — suffered a beat down from a gorilla.

Rather, that was a bright red piece of American Tourister luggage, not Samsonite, being manhandled by a primate in an iconic 1971 TV commercial. (It wasn't a real gorilla, animal lovers; it was an actor in a monkey suit.)

SEE ALSO: [The Johnnie Walker Brand: A Rich Blend of Design and Progress](#)

But Samsonite executives understand, and forgive, the confusion. The company eventually bought American Tourister and revived the gorilla character in its advertising, recognizing a breakout star when it saw one.

Samsonite Slogans: Innovation, Durability and History

Samsonite, meanwhile, hasn't shied away from using toughness as a [lynchpin of its marketing through the years](#). In fact, the heritage brand launched with print ads in 1910 that showed founders Jesse Shwayder and his business-partner brothers standing on suitcases to show how sturdy they were. It was called the Shwayder Brothers Trunk Company in those days, based in Denver, Colorado, but renamed Samsonite in the '60s in a hat tip to the Biblical strongman Samson.

Ad taglines have included the [swifty 1969 slogan](#), "If you traveled the way your luggage does, would you look as good as Samsonite?" A bag had to be nearly indestructible, the ad implied, to survive those clumsy skyscapes.

Recent campaigns emphasize not just how muscular the products are, but how lightweight and maneuverable they are because of newly developed materials and technology. "Light meets might" serves as a tagline, for instance, for the [Lift](#) luggage line that debuted in January.



IMAGE: SAMSONITE

"We really focus on quality, durability and innovation in our messaging," said [Stephanie Goldman](#), Samsonite's director of marketing communications who also handles sibling brands American Tourister, [High Sierra](#) and [Hartmann](#). "We make sure it's clear to the consumer what they get if they buy a Samsonite product. The product is the hero of our advertising."

Historically, Samsonite has shared screen time and print ad space with famous folks, like that memorable 1977 TV spot featuring the Pittsburgh Steelers attacking a football field full of hard-sided luggage and doing their worst. (The bags proved to be as brawny as the professional NFL players.) And there was a

[musical number](#) that same year that featured a young Marilu Henner prancing around a showroom full of bags and singing about a Samsonite sale.

And, Samsonite executives sheepishly admit now, there was a celebrity foray in the '90s that didn't catch on with consumers. Sorry, car racer [Danica Patrick](#) and entrepreneur [Sir Richard Branson](#), but your print ads under the "Life's an adventure," tagline failed to move the needle. Even a logical cross-promotion with Branson's [Virgin Atlantic](#) airlines couldn't save the relationship.

And though it's fiction, an episode of AMC's lauded drama [Mad Men](#) paired Samsonite with larger-than-life athletes of the day Joe Namath, Muhammad Ali and Sonny Liston. The brainstorm from the show's ad mavens Don Draper and Peggy Olson, in the now famous episode called [The Suitcase](#), never materialized.

A Clear Focus on Unique Features

So, these days, instead of using pop culture figures, sports stars or business leaders, Samsonite focuses almost solely on its unique product features. That's been true for about the last decade, Goldman said. When she arrived at the company in 2005, there was a concerted effort to overhaul the marketing, making the luggage and travel pieces, backpacks, tablet cases and laptop holders the stars of their own campaigns.



IMAGE: SAMSONITE

That strategy has given rise to TV commercials called "The Wheel" and "Bullfight," showing how easily Samsonite luggage swivels around on its spherical spinners, and balloon- and kite-filled ads for Lift2 that emphasize the line's light-as-air appeal.

1/15 Samsonite Spinners - Running of the Bulls



Traditionally a television, print and out-of-home advertiser, Samsonite still relies on those media placements now, but with a decidedly different mix. Commercials on broadcast TV are nearly nonexistent these days, where once they were a staple, and even cable buys are rare. The brand still does its fair share of print advertising in *USA Today*, *Condé Nast* magazines, *Fortune* and other widely circulated national publications.

If Samsonite buys outdoor media, the brand opts for a high-impact, high-profile approach like digital billboards in Times Square rather than one-off ads in airports. For the past four years, the company has done a so-called [Penn Station domination](#) in November, where it takes over some 200-plus media units in the busy New York landmark, plastering its message everywhere from stairs and pillars to clocks and rotundas.

"We like to do outdoor with a lot of impact," Goldman said. "We used this past Penn Station buy for our 'Samsonite & Day' campaign, showing that wherever you go, whenever you go, we have products for you."

The brand relied on some local color with slogans like, "Lightweight spinners: In NYC you gotta just roll with it," and "Perfect fit: Like squeezing into a subway car."

Moving the Conversation to Digital

Like some other heritage brands, the company didn't jump feet first into digital media but now turns to it often, especially for college-targeted products, like backpacks and tablet cases.

Prior to 2010, there was no online advertising for Samsonite, Goldman said. That's changed considerably, with some campaigns being 100% digital, using [Amazon](#), [Best Buy](#), [Orbitz](#), [Expedia](#), [Travelocity](#) and other sites, as well as social media platforms. Mobile marketing is now a go-to tool, as well, she said, with product-based ads. The creative work, along with the media buying and placement, comes from the brand's agency, Boston-based [Comnelly Partners](#).

To target the marketing and keep the brand fresh, the agency produced a spy-themed, Parkour-laced ad for Samsonite's business bags. The product "adapts to any job," and is "ready for anywhere," according to digital ad placements on [GameSpot](#) and other 18-to-34-year-old male-centric sites. An accompanying [mini-action film](#) distributed to [College Humor](#) and [Maxim](#) shows the bag making it through a rooftop run, flips, twists and jumps to elude some fictional bad guys without a scratch or dent.

The move to digital and the brand's innovations in lightweight luggage appear to be working. In 2013, Samsonite's net sales [surpassed \\$2 billion](#) for the first time in the brand's 104-year history, marking a 15% increase over 2012.

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Description

UniFi is a revolutionary WiFi system which combines carrier class performance, unlimited scalability, disruptive pricing, and a virtual management controller. The UniFi AP uses a clean industrial design that seamlessly blends into typical environments. The APs feature the latest in WiFi 802.11n MIMO technology. All accessories are included to mount the devices either on the wall or ceilings. Also included is Power Over Ethernet (POE) functionality which allows both power and data to be carried over a single Ethernet cable to the device. At the front-center of the device is a status LED ring which can provide the administrator with location tracking and alerts for each device. After the UniFi server is installed on a Mac or PC, the UniFi controller can be accessed through any device using a web browser. The UniFi controller allows the operator to instantly provision thousands of UniFi APs, map out networks, quickly manage system traffic, and further provision individual UniFi AP devices.



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Features

- Indoor Ultra-Long Range 802.11n 300Mbps WiFi AP
- UniFi makes it easy to keep track of alerts and recent events on your network(s).
- Keep track and control access of specific users/guests connected to your network(s).
- Option to create one large wireless network across multiple APs that lets users seamlessly roam.
- Check out the original [UniFi AP Here](#)
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- Links 50% further than the base model UAP
- 300+Mbps speeds and 600ft range
- Sleek Design
- Advanced Software Support
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- Easily install, configure, and manage all of your access points from one location
- **Ubiquiti Products will only be shipped to the customers billing address used when placing the order. We will not ship to third party location.**

Specs

UniFi is a revolutionary WiFi system which combines carrier class performance, unlimited scalability and a virtual management controller.

Indoor Ultra-Long Range 802.11n 300Mbps WiFi AP

Introducing PowerAP N, an indoor ultra-long range 802.11n WiFi Access point capable of connecting up to 300 feet away at 300+ Mbps speeds.

Sleek Design

PowerAP N features 5 X 10/100 BASE-TX (Cat 5, RJ-45) Ethernet Ports and two external antenna connectors (dual omni antennas included).

Advanced Software Support

PowerAP N utilizes Ubiquiti's AirOS which builds upon the market-leading intuitive user-interface loaded with advanced wireless configurations and routing functionality

Save money. Save time.

Unlike traditional enterprise WiFi systems utilizing a hardware WiFi Switch, UniFi uses a virtual client/server application that requires zero cost and no additional hardware.

Intuitive Software

Install, configure, and manage all of your UniFi Wireless Access Points with the intuitive and easy to learn UniFi User Interface.

Powerful Hardware

UniFi Access Points feature the latest in WiFi 802.11n MIMO technology -- capable of 300Mbps speeds with ranges up to 500 ft.

Expandable

Unlimited Scalability. Build your wireless networks as small or big as you need. Start with one, expand to thousands.

- Power supply: 100-240VAC 24VDC 1A US-style plug

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Availability: **Usually Ships Same Day**
Condition: New

Your Price: \$74⁹⁹

List Price: \$189.99



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Description

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ENGENIUS EWS310AP \$349.00	ENGENIUS EWS320AP \$499.00	IGNITENET SS-AC1200 \$139.00	IGNITENET SS-N300 \$99.95



KARO TECHNOLOGY WEJ-11G-O
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MIKROTIK RB751U-2HnD
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MIKROTIK hAP-lite
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MIKROTIK RB951-2n
\$49.95



MIKROTIK RB951G-2HnD
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MIKROTIK RB951Ui-2HnD
\$69.95



MIKROTIK mAP-2n
\$49.95



PEPWAVE AP ONE
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PEPWAVE AP ONE AC MINI
~~\$129.00~~ \$125.13



PEPWAVE AP ONE 300M
~~\$249.00~~ \$241.53



PEPWAVE AP ONE IN-WALL
\$299.00



PEPWAVE AP ONE IN-WALL
~~\$299.00~~ \$290.03



PEPWAVE AP ONE ENTERPRISE
~~\$249.00~~ \$241.53



PEPWAVE AP ONE MINI
\$99.95



PEPWAVE DEVICE CONNECTOR
\$199.00



PEPWAVE DEVICE CONNECTOR 300M
~~\$199.00~~ \$193.03



PEPWAVE SURF ON-THE-GO



PEPWAVE SURF SOHO



PEPWAVE SURF SOHO-T



PEPWAVE SURF-200

~~\$99.95~~ **\$96.03**



UBIQUITI AIRGATEWAY
\$19.95

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UBIQUITI AIRGATEWAY-LR
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UBIQUITI AIRROUTER
\$44.95

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UBIQUITI AIRROUTER-HP
\$74.95



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~~\$79.95~~ **\$69.00**



UBIQUITI UNIFI AP-AC
\$339.00



UBIQUITI UNIFI AP-AC-
EDU
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\$89.95



UBIQUITI UNIFI AP-AC-LR
\$109.00



UBIQUITI UNIFI AP-LR
~~\$99.95~~ **\$89.00**



UBIQUITI UNIFI AP-PRO
~~\$249.00~~ **\$229.00**



XCLAIM Xi-1
\$89.00



XCLAIM Xi-2
\$199.00



XCLAIM Xi-3
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Item# UAP-LR

~~\$99.95~~ **\$89.00**

Availability: In stock

Quantity: 1

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PRODUCT DESCRIPTION

WIRELESS AP, 802.11b/g/n 500mW

UniFi AP-LR (Long Range): Enterprise WiFi System

[Click here to view data sheet](#)

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UniFi is a revolutionary WiFi system which combines carrier class performance, unlimited scalability and a virtual management controller.

UAP-LR (Long Range): Link 50% further than the base model UAP with UAP-LR. 802.11n MIMO, 300+Mbps speeds, 600ft range.

The UniFi AP uses a clean industrial design that seamlessly blends into typical environments. The AP's are feature the latest in WiFi 802.11n MIMO technology. All accessories are included to mount the devices either on the wall or ceilings. Also included is Power Over Ethernet (POE) functionality which allows both power and data to be carried over a single Ethernet cable to the device. At the front-center of the device is a status LED ring which can provide the administrator with location tracking and alerts for each device.

Save money. Save time.

Unlike traditional enterprise WiFi systems utilizing a hardware WiFi Switch, UniFi uses a virtual client/server application that requires zero cost and no additional hardware.

Intuitive Software

Install, configure, and manage all of your UniFi Wireless Access Points with the intuitive and easy to learn UniFi User Interface.

Powerful Hardware

UniFi Access Points feature the latest in WiFi 802.11n MIMO technology -- capable of 300Mbps speeds with ranges up to 500 ft.

Expandable

Unlimited Scalability. Build your wireless networks as small or big as you need. Start with one, expand to thousands.

- Power supply: 100-240VAC 24VDC 1A US-style plug
- US power cord, US/FCC channel/frequency plan only

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UniFi

Enterprise WiFi System

Models: UAP, UAP-LR, UAP-Outdoor, UAP-Mini

Unlimited Indoor/Outdoor AP Scalability in a Unified Management System

150 - 300 Mbps 802.11b/g/n WiFi Technology

Intuitive UniFi Controller Software

Hotspot Management - Customization and Built-In Billing Options



Overview

Scalable and Unified Enterprise WiFi Management

The UniFi Enterprise WiFi System is a scalable enterprise access point solution designed to be easily deployed and managed. All UniFi Access Point (AP) models (UAP-Mini, UAP, UAP-LR and UAP-Outdoor) have a sleek design and can be easily mounted to a ceiling tile or wall using the included mounting hardware. They are powered using the included Power over Ethernet (PoE) adapter, which provides power and data using a single cable.

The UniFi Enterprise WiFi System includes the UniFi Controller software. The software installs on any PC or Mac within the network and is easily accessible through any standard web browser. Using the UniFi Controller software, an Enterprise WiFi network can be instantly configured and administered without any special training. Real-time status, automatic UAP device detection, map loading, and advanced security options are all seamlessly integrated.

Features

Design Aesthetic industrial design with unique LED provisioning ring which provides an administrator location tracking and alerts for each device.

Powerful Hardware UniFi AP devices feature the latest in WiFi 802.11n technology (b/g/n supported)—capable of 150 Mbps speeds (UAP-Mini) and 300 Mbps speeds (UAP, UAP-LR and UAP-Outdoor) with ranges from 300 ft. (UAP-Mini), 400 ft. (UAP) and 600 ft. (UAP-LR and UAP-Outdoor).

Intuitive UniFi Controller Software Install, configure, and manage all of your UniFi AP devices with the intuitive and easy-to-learn UniFi Controller software User Interface (no special training needed).

Expandable Unlimited scalability. Build wireless networks as small or big as needed. Start with one (or upgrade to a 3-pack) and expand to thousands while maintaining a single unified management system.

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UniFi AP-Mini (UAP-Mini)

802.11n UniFi AP, our most affordable unit. Capable of 150+Mbps speeds and links of up to 300 ft.

UAP-Mini available in single-pack

Included:

- Wall and Ceiling Mount Adapter Kit
- Power Over Ethernet Adapter
- UniFi Controller Software Installation CD



UniFi AP (UAP)

802.11n MIMO UniFi AP. Capable of 300+Mbps speeds and links of up to 400 ft.

UAP available in single-pack and 3-pack.

Included:

- Wall and Ceiling Mount Adapter Kit
- Power Over Ethernet Adapter
- UniFi Controller Software Installation CD

Overview

Features

Easy Mounting Sleek wall-mountable and ceiling tile mountable design (all accessories included).

Power over Ethernet (PoE) Includes Power over Ethernet (PoE) functionality which allows both power and data to be carried over a single Ethernet cable to the device.

Wireless Uplinks One wired UniFi AP uplink supports 4 wireless downlinks allowing wireless adoption of devices and real-time changes to network topology.

L3 Manageability With L3 Manageability, the UniFi Controller software can be run in a different subnet to the UniFi APs it manages, allowing “no-touch” AP provisioning.

Hotspot Management All UniFi APs include Hotspot functionality including:

- Built-in support for billing integration using major credit cards via PayPal™.
- Built-in support for voucher-based authentication.
- Built in Hotspot Manager for voucher creation, guest management and payment refund.
- Full customization of Hotspot portal pages.

Rate Limiting Take advantage of UniFi’s rate limiting for your Guest Portal and Hotspot package offerings. Apply different bandwidth rates (download/upload), limit total data usage and limit duration of use.

Google Maps™ Integration Upload your own custom-created coverage maps or configure your map using the built-in Google Maps API.

Email Alerts Enable delivery of custom email alerts to your inbox to report on any status changes in the UniFi Controller software.



UniFi AP-Long Range (UAP-LR)

Link 50% further than the base model UAP with UAP-LR. 802.11n MIMO, 300+Mbps speeds, 600 ft range.

UAP-LR available in single-pack and 3-pack.

Included:

- Wall and Ceiling Mount Adapter Kit
- Power Over Ethernet Adapter
- UniFi Controller Software Installation CD



UniFi AP-Outdoor (UAP-Outdoor)

Take UniFi outdoors and link 50% further than the base model UAP with UAP-Outdoor. Includes 2 external omni antennas and secondary Ethernet port. 802.11n MIMO, 300+Mbps speeds, 600 ft range.

UAP-Outdoor available in single-pack.

Included:

- Wall and Ceiling Mount Adapter Kit
- Power Over Ethernet Adapter
- UniFi Controller Software Installation CD

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UniFi Controller Software

Packed with Features

After the UniFi Controller software is installed on a Mac or PC, the UniFi Controller can be accessed through any device using a web browser. The UniFi Controller allows the operator to instantly provision thousands of UniFi APs, map out networks, quickly manage system traffic, and further provision individual UniFi AP devices.

Users and Guests

Keep track and control access of specific users/guests connected to your network(s).

Remote Firmware Upgrade

Save time and effort by remotely upgrading device firmware.

Guest Portal Support

Easy customization and advanced options for Guest Portals including authentication, Hotspot setup options and the ability to run as an External Portal Server.

Events and Alerts

UniFi makes it easy to view and set up email delivery of alerts and recent events on your network(s).

One Unified Network

Option to create one large wireless network across multiple APs that lets users seamlessly roam.

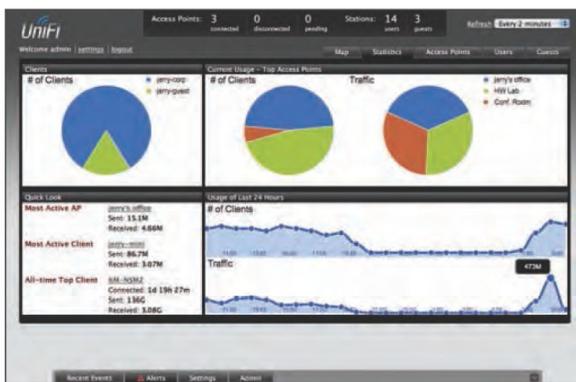
Save money. Save time.

Unlike traditional enterprise WiFi systems utilizing a hardware WiFi Switch, UniFi uses a virtual client/server application that requires zero cost and no additional hardware.



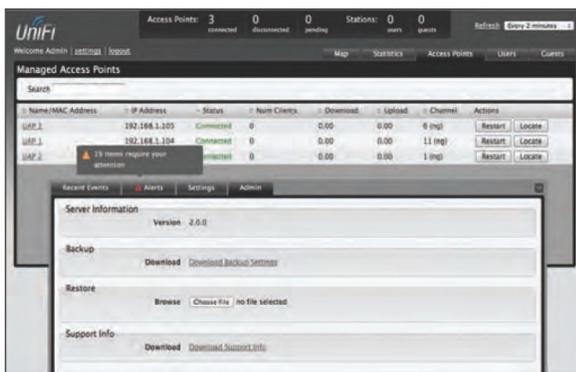
Maps

Upload map images of your location(s) for a visual representation of your wireless network.



Statistics

UniFi organizes and visualizes your network(s) traffic in clear and easy-to-read graphs.



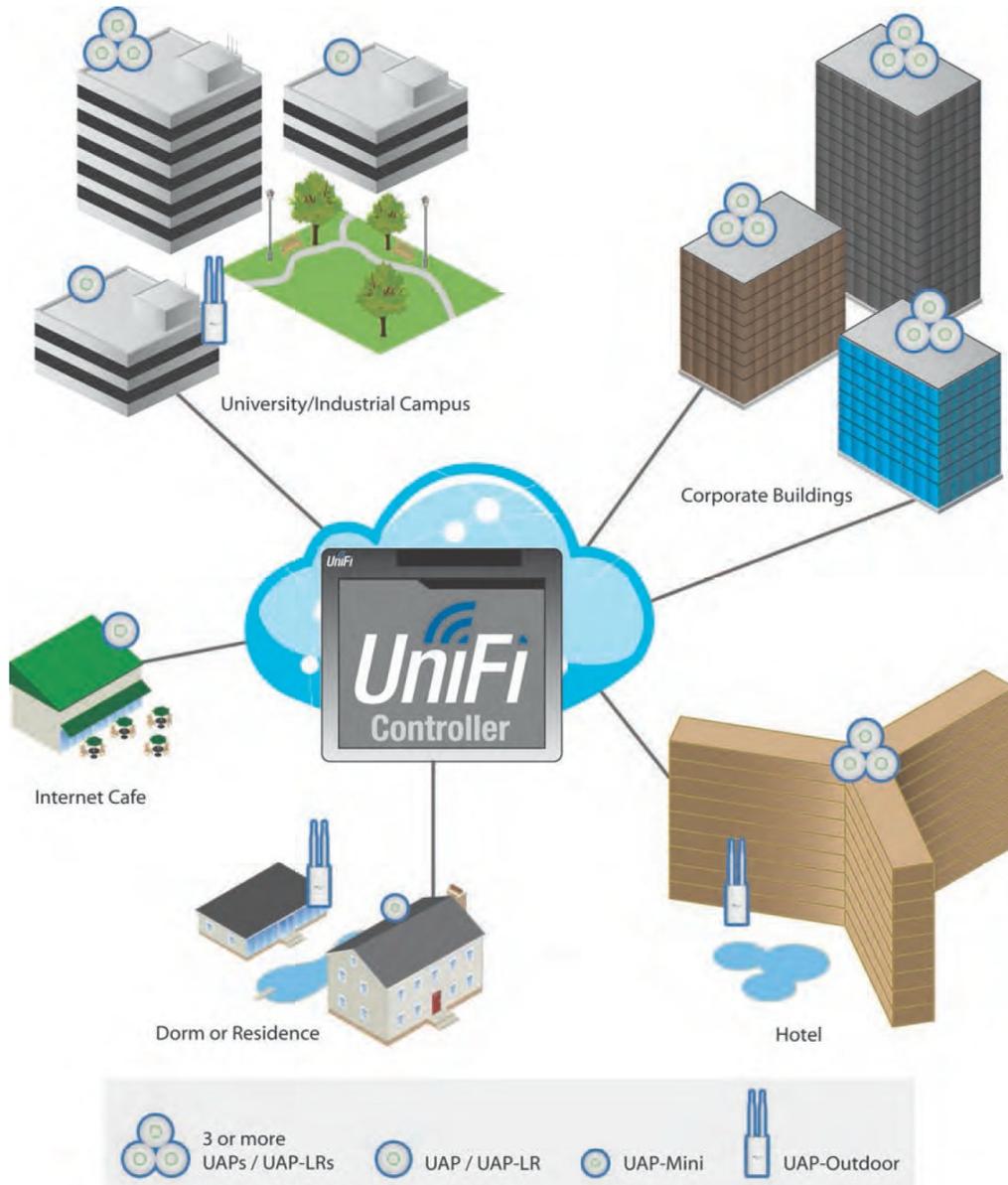
Access Points (APs)

Easily install, configure, and manage all access points from one location.

Extend Your Coverage

With the UniFi Controller software running in a NOC or in the cloud, administrators can extend and centrally manage wide areas of indoor and outdoor coverage using any combination of UniFi AP devices.

Below are some examples of how UniFi APs can be deployed.



Extend Wirelessly Take advantage of wireless downlinking. One wired UniFi AP uplink supports 4 wireless downlinks allowing wireless adoption of devices in their default state and real-time changes to network topology.

Manage Hotspots and Control Billing Use Hotspot to customize portal login pages and bill customers using major credit cards via PayPal™. Or, set up a voucher-based authentication system using Hotspot Manager for voucher creation, user administration, guest management and payment refunds.

Specifications

UniFi AP-Mini (UAP-Mini) Specifications	
Dimensions	13.5 x 13.5 x 2.6 cm (L x W x H)
Weight	113 g (134 g with mounting kits)
Ports	Ethernet (Auto MDX, autosensing 10/100 Mbps)
Buttons	Reset
Antennas	1 Integrated
Wi-Fi Standards	802.11 b/g/n*
Power Method	Passive Power over Ethernet (12-24V)
Power Supply	24V 0.5A PoE Adapter included
Maximum Power Consumption	3W
Max TX Power	18 dBm
BSSID	Up to four per radio
Power Save	Supported
Wireless Security	WEP, WPA-PSK, WPA-TKIP, WPA2 AES, 802.11i
Certifications	CE, FCC, IC
Mounting	Wall/Ceiling (Kits included)
Operating Temperature	-10 to 70°C (14 to 158° F)
Operating Humidity	5 - 80% Condensing

Advanced Traffic Management	
VLAN	802.1Q
Advanced QoS	Per-user rate limiting
Guest traffic isolation	Supported
WMM	Voice, video, best effort, and background
Concurrent Clients	100+

Supported Data Rates (Mbps)	
Frequency (MHz)	
802.11n	MCS0 - MCS7 (6.5 Mbps to 150 Mbps), HT 20/40
802.11b	1, 2, 5.5, 11
802.11g	6, 9, 12, 18, 24, 36, 48, 54

* 2.4GHz



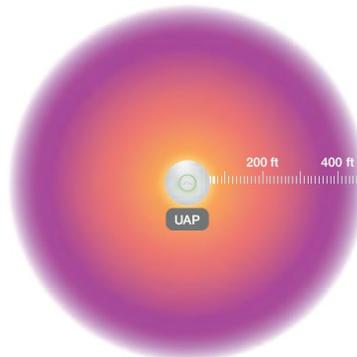
Specifications

UniFi AP (UAP) Specifications	
Dimensions	20 x 20 x 3.65 cm
Weight	290 g (430 g with mounting kits)
Ports	Ethernet (Auto MDX, autosensing 10/100 Mbps)
Buttons	Reset
Antennas	2 Integrated (supports 2x2 MIMO with spatial diversity)
Wi-Fi Standards	802.11 b/g/n*
Power Method	Passive Power over Ethernet (12-24V)
Power Supply	24V 0.5A PoE Adapter included
Maximum Power Consumption	4W
Max TX Power	20 dBm
BSSID	Up to four per radio
Power Save	Supported
Wireless Security	WEP, WPA-PSK, WPA-TKIP, WPA2 AES, 802.11i
Certifications	CE, FCC, IC
Mounting	Wall/Ceiling (Kits included)
Operating Temperature	-10 to 70°C (14 to 158° F)
Operating Humidity	5 - 80% Condensing

Advanced Traffic Management	
VLAN	802.1Q
Advanced QoS	Per-user rate limiting
Guest traffic isolation	Supported
WMM	Voice, video, best effort, and background
Concurrent Clients	100+

Supported Data Rates (Mbps)	
Frequency (MHz)	
802.11n	MCS0 - MCS15 (6.5 Mbps to 300 Mbps), HT 20/40
802.11b	1, 2, 5.5, 11
802.11g	6, 9, 12, 18, 24, 36, 48, 54

* 2.4GHz



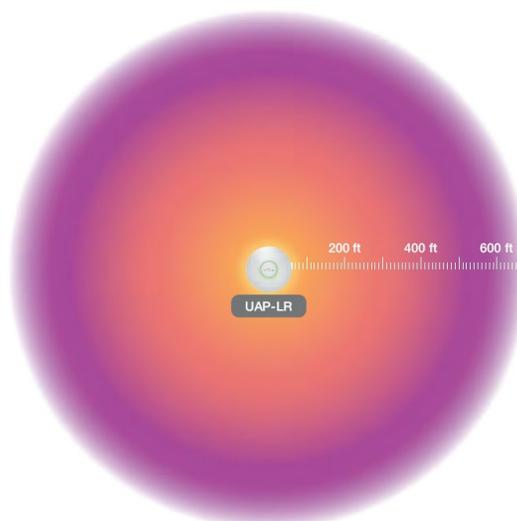
Specifications

UniFi AP Long-Range (UAP-LR) Specifications	
Dimensions	20 x 20 x 3.65 cm
Weight	290 g (430 g with mounting kits)
Ports	Ethernet (Auto MDX, autosensing 10/100 Mbps)
Buttons	Reset
Antennas	2 Integrated (supports 2x2 MIMO with spatial diversity)
Wi-Fi Standards	802.11 b/g/n*
Power Method	Passive Power over Ethernet (12-24V)
Power Supply	24V 0.5A PoE Adapter included
Maximum Power Consumption	6W
Max TX Power	27 dBm
BSSID	Up to four per radio
Power Save	Supported
Wireless Security	WEP, WPA-PSK, WPA-TKIP, WPA2 AES, 802.11i
Certifications	CE, FCC, IC
Mounting	Wall/Ceiling (Kits included)
Operating Temperature	-10 to 70°C (14 to 158° F)
Operating Humidity	5 - 80% Condensing

Advanced Traffic Management	
VLAN	802.1Q
Advanced QoS	Per-user rate limiting
Guest traffic isolation	Supported
WMM	Voice, video, best effort, and background
Concurrent Clients	100+

Supported Data Rates (Mbps)	
Frequency (MHz)	
802.11n	MCS0 - MCS15 (6.5 Mbps to 300 Mbps), HT 20/40
802.11b	1, 2, 5.5, 11
802.11g	6, 9, 12, 18, 24, 36, 48, 54

* 2.4GHz



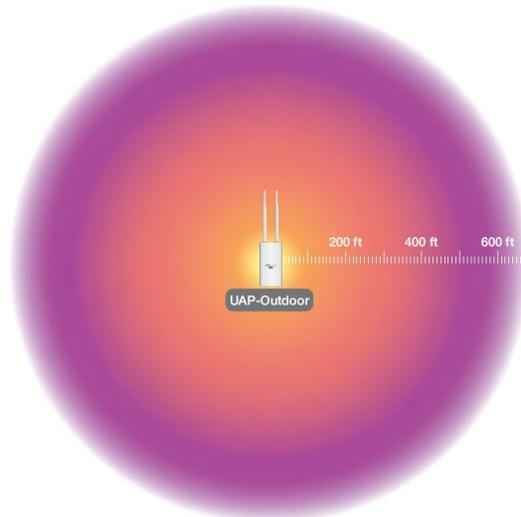
Specifications

UniFi AP-Outdoor (UAP-Outdoor) Specifications	
Dimensions	17 x 8 x 3 cm
Weight	0.5 kg without antennas 0.54 kg with antennas (2)
Ports	Ethernet (2) (Auto MDX, autosensing 10/100 Mbps)
Buttons	Reset
Antennas	(2) External 6 dBi omni antenna included 191 mm (Length), 13mm (Diameter)
Wi-Fi Standards	802.11 b/g/n*
Power Method	Passive Power over Ethernet (12-24V)
Power Supply	24V 1A PoE Adapter included
Maximum Power Consumption	4.6 Watts
Max TX Power	27 dBm
BSSID	Up to four per radio
Power Save	Supported
Wireless Security	WEP, WPA-PSK, WPA-TKIP, WPA2 AES, 802.11i
Certifications	CE, FCC, IC
Mounting	Wall/Ceiling (Kits included)
Operating Temperature	-30 to 75°C (-22 to 167° F)
Operating Humidity	5 - 95% Condensing

Advanced Traffic Management	
VLAN	802.1Q
Advanced QoS	Per-user rate limiting
Guest traffic isolation	Supported
WMM	Voice, video, best effort, and background
Concurrent Clients	100+

Supported Data Rates (Mbps)	
Frequency (MHz)	
802.11n	MCS0 - MCS15 (6.5 Mbps to 300 Mbps), HT 20/40
802.11b	1, 2, 5.5, 11
802.11g	6, 9, 12, 18, 24, 36, 48, 54

* 2.4GHz



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EXHIBIT F



Commercial Invoice

Ubiquiti Networks, Inc.
 91 East Tasman Drive
 San Jose, CA 95134
 US

Tax ID# 32-0097377

Bill To
 Kim
 Carl
 Streakwave Wireless Inc.
 840 jury ct
 SAN JOSE CA 95112

Ship To
 Carl
 Streakwave Wireless Inc.
 840 jury ct
 SAN JOSE CA 95112

Date 12/16/2010
Invoice # US1004291

Terms Net 30
Due Date 1/15/2011
PO # 110759
PI # Sales Order #US101231
Memo
Ship Via
Ship Date 12/16/2010
Tracking # Picked-up
Shipping Method
Shipping Code (2)

Item	Quantity	Description	Unit Price	Amount	HTS Code
UAP	60	EnterpriseAP, UniFi	50.00	3,000.00	8517.69.0000

Please provide Shipping Carrier Information or additional payment will be invoiced for shipment. Thanks!

Total (USD) \$3,000.00

Bank Wire Instructions
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 420 Montgomery Street, San Francisco,
 CA 94104, USA
 Account Name: Ubiquiti Networks, Inc.

Account #: 4127625549
 ABA#: 121000248
 SWIFT: WFBUIUS6S
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