

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: **EEM SUITE** )  
Applicant: **Silicon Energy Corporation** )  
Application No.: **76/118728** )  
Filing Date/Issued: **August 23, 2000** )  
Class: **9** )  
\_\_\_\_\_ )

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

REQUEST TO WITHDRAW AS COUNSEL

Petitioner, Attorney of Record for the above captioned matter, EEM SUITE, and the law firm of Gray Cary Ware and Freidenrich respectfully request to withdraw as representative in the above captioned matter. This request is based upon grounds set forth in 37 C.F.R. §10.40(b).

As basis for this withdrawal, Petitioner asserts the following:

Petitioner has been discharged by client.

Petitioner has taken all reasonable steps to avoid foreseeable prejudice to the rights of the client including giving due notice to the client, allowing time for employment of another practitioner and delivering to client all papers and property related to any on-going matters and prosecutions before the Trademark Trials and Appeals Board and the U.S. Patent and Trademark Office. Notice was sent to the client on March 5, 2004 confirming termination of representation and notifying the client of any responses that may be due and the time frame within which applicant must respond. Attached hereto as Exhibit A is a copy of the March 5, 2004 letter as well as notice of all upcoming due dates. There are no responses or actions due within the next sixty (60) days after the mailing date of this Petition.

Petitioner has served notice of this withdrawal as counsel upon Applicant.

Respectfully submitted,

Dated: March 10, 2004



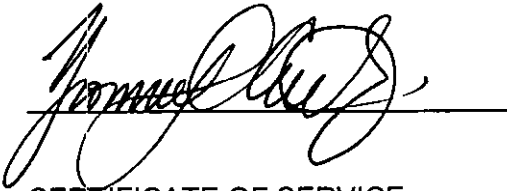
03-16-2004

U.S. Patent & TMO/TM Mail Rpt Dt #64

  
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Allyn Taylor, Esq.  
GRAY CARY WARE & FREIDENRICH LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2248  
[tmfilings@graycary.com](mailto:tmfilings@graycary.com)  
Telephone: (650) 833-2170  
Facsimile: (650) 833-2001

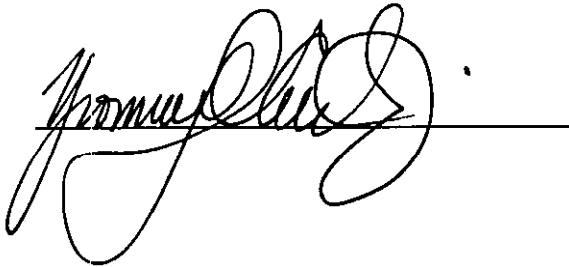
CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as First Class Mail on this 12 day of March, 2004, in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

A handwritten signature in cursive script, appearing to read "Thomas J. Han", is written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Withdraw as Counsel was mailed, postage prepaid, to Grace J. Han, Perkins Coie LLP, at 1202 Third Avenue, Suite 4800, Seattle, WA 98101 on this 12 day of March, 2004.

A handwritten signature in cursive script, appearing to read "Thomas J. Han", is written over a horizontal line.

# GRAYCARY. TECHNOLOGY'S LEGAL EDGE®

2000 University Avenue  
East Palo Alto, CA 94303-2248  
[www.graycary.com](http://www.graycary.com)  
O] 650-833-2170  
F] 650-833-2001

March 5, 2004

OUR FILE NO. 1050412-900100

*Via Certified Mail/Return Receipt Requested*

Russell N. Fairbanks, Esq.  
VP/General Counsel  
**Itron**  
2818 North Sullivan Road  
Spokane, WA 99216

**Re: Disengagement of Trademark Representation**

Dear Mr. Fairbanks:

I am writing this letter as confirmation of Itron's decision, as successor in interest to the intellectual property formerly owned by Silicon Energy Corporation, to formally disengage Gray Cary Ware & Freidenrich LLP (the "Firm"). This letter will serve as formal notice that the Firm no longer represents Itron or Silicon Energy Corporation (collectively "Itron") in any matter.

Please be advised that because Itron's trademark portfolio includes foreign applications or registrations, we may receive invoices from the foreign associates handling those matters. To the extent that we have paid or will pay such invoices on Itron's behalf, we expect Itron or its designee to reimburse the firm. Please advise if you want us to forward future invoices to you directly or to Grace T. Han, Esq. of Perkins Coie, LLP. Finally, we may need to bill some time over the next few months in order to transition the files out of the firm. Consequently, you may receive some additional invoices.

Solely for your reference, attached is a status list of the trademarks which we had previously handled for Itron. Please note that as we are no longer acting as your attorneys, the Firm will not be responsible for any deadlines, including those set forth on the enclosure, related to your trademarks. It will be your responsibility to notify the Patent and Trademark Office and all other relevant entities with respect to whom to contact in future regarding your trademark matters. We intend to notify each of the foregoing that we are no longer acting on your behalf. As you requested, we are asking our foreign associates to direct all future correspondence to Ms. Han. We will forward copies of said requests to you and to Ms. Han shortly. In order to complete our internal documentation, we deliver this letter to notify you that our engagement on your behalf is officially terminated. All information relating to Itron's trademark files will be removed from our docketing system and we will not be responsible for any due dates from this time forward. Any mail or information relating to applications or registrations that is received by the Firm will be forwarded to Ms. Han. We enjoyed the opportunity to have represented you in your various matters. Please feel free to give me a call should you need to engage the firm at any time in the future.

Given the conclusion of this matter, the Firm will return to you any related valuable property you have entrusted to us, the Firm will dispose of any and all superfluous documents consistent with maintaining the confidentiality of the contents of those documents, and the Firm will store the entire

SILICON VALLEY SAN DIEGO SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA WASHINGTON, DC

Gray Cary\PA\10346402.1  
1050412-900100

**Gray Cary Ware & Freidenrich LLP**

Russell N. Fiarbanks  
VP/General Counsel

**Itron**

March 5, 2004

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balance of the files, at the Firm's expense, for at least five (5) years. After the five (5) year retention period, unless you may make other arrangements and pick up the files, the files will be disposed of in the regular course of business, at the Firm's expense, consistent with maintaining the confidentiality of its contents.

Very truly yours,

**Gray Cary Ware & Freidenrich LLP**



Allyn Taylor  
[ataylor@graycary.com](mailto:ataylor@graycary.com)

AT:ycdc

cc: Grace T. Han, Esq. (Perkins Coie LLP)  
Stacy A. Snowman, Esq.  
Karl W. Hamel

# Silicon Energy Foreign Associate Report

Report Date: 03/02/2004

Page: 1

<i>Country:</i> <u>Agent</u> Davies Collison Cave	Australia	<u>Mark</u> EEM SUITE MYBUILDING.COM SILICON ENERGY	<u>Classes</u> 9 42 9	<u>Status</u> Registered To Be Abandoned Registered	<u>App. #</u> 861862 835936 842695	<u>Reg. #</u> 861862 835936 842695	<u>Agent Ref #</u> 2296585 21315536	<u>Client/Matter #</u> 1050412-910104 1050412-911502 1050412-910103
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<i>Country:</i> <u>Agent</u> Daniel Advogados	Brazil	<u>Mark</u> EEM SUITE SILICON ENERGY SILICON ENERGY LOGO (Design)	<u>Classes</u> 9 9 9	<u>Status</u> To Be Abandoned To Be Abandoned To Be Abandoned	<u>App. #</u>	<u>Reg. #</u>	<u>Agent Ref #</u>	<u>Client/Matter #</u> 1050412-911503 1050412-911502 1050412-911504
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<i>Country:</i> <u>Agent</u> Sim & McBurney	Canada	<u>Mark</u> EEM SUITE MYBUILDING.COM SILICON ENERGY	<u>Classes</u> 42	<u>Status</u> Office Action Abandoned Allowed/Registration	<u>App. #</u> 1087905 1060064 1066903	<u>Reg. #</u>	<u>Agent Ref #</u> 11730-9 5520-287 11730-8	<u>Client/Matter #</u> 1050412-910204 1050412-910202 1050412-910203
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<i>Country:</i> <u>Agent</u> CCPIT	China (People's Republic Of)	<u>Mark</u> EEM SUITE MYBUILDING.COM SILICON ENERGY SILICON ENERGY LOGO (Design)	<u>Classes</u> 9 42 9 9	<u>Status</u> To Be Abandoned To Be Abandoned To Be Abandoned To Be Abandoned	<u>App. #</u> 2000070381 2000106397 2001068533	<u>Reg. #</u>	<u>Agent Ref #</u> TIC004871-021 TSC002351-021 TIC002926-021	<u>Client/Matter #</u> 1050412-910304 1050412-910302 1050412-910303 1050412-910305
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<i>Country:</i> <u>Agent</u> Nawar & Co.	Egypt	<u>Mark</u> EEM SUITE MYBUILDING.COM SILICON ENERGY	<u>Classes</u> 9 42 9	<u>Status</u> Abandoned Abandoned Abandoned	<u>App. #</u> 139537 133062 135049	<u>Reg. #</u>	<u>Agent Ref #</u>	<u>Client/Matter #</u> 1050412-910404 1050412-910402 1050412-910403
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<i>Country:</i> <u>Agent</u> Lloyd Wise	European Union	<u>Mark</u> EEM SUITE MYBUILDING.COM SILICON ENERGY SILICON ENERGY LOGO (Design)	<u>Classes</u> 9 38, 39, 42 9, 16, 42 9, 16, 42	<u>Status</u> Registered Registered Registered Registered	<u>App. #</u> 2030690 1668946 1754951 02199180	<u>Reg. #</u> 2030690 001668946 1754951 2199180	<u>Agent Ref #</u> 81537	<u>Client/Matter #</u> 1050412-910504 1050412-910502 1050412-910503 1050412-910505
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03/02/2004

# Silicon Energy Foreign Associate Report

Report Date: 03/02/2004

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**Country:** Hong Kong

<b>Agent</b> Johnson Stokes	<b>Mark</b> EEM SUITE MYBUILDING.COM SILICON ENERGY	<b>Classes</b> 9 42 9	<b>Status</b> Abandoned Abandoned Abandoned	<b>App. #</b> 27744/2000 11161/2000 15563/2000	<b>Reg. #</b>	<b>Agent Ref #</b> 6601419/9 6602264/8	<b>Client/Matter #</b> 1050412-910604 1050412-910602 1050412-910603
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**Country:** India

<b>Agent</b> Lall & Sethi Lall Lahiri	<b>Mark</b> EEM SUITE SILICON ENERGY	<b>Classes</b> 9 9	<b>Status</b> Abandoned Abandoned	<b>App. #</b> 979782 941147	<b>Reg. #</b>	<b>Agent Ref #</b>	<b>Client/Matter #</b> 1050412-910704 1050412-910703
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**Country:** Indonesia

<b>Agent</b> Amroos & Partners	<b>Mark</b> EEM SUITE MYBUILDING.COM SILICON ENERGY	<b>Classes</b> 9 42 9	<b>Status</b> Abandoned To Be Abandoned To Be Abandoned	<b>App. #</b> D00-2001 03602-3623 J00.10.495 Da24616	<b>Reg. #</b>	<b>Agent Ref #</b> AMS/1320/1516/20 00 AM/14573/2643/20 00	<b>Client/Matter #</b> 1050412-910804 1050412-910802 1050412-910803
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**Country:** Japan

<b>Agent</b> HIRAKI & ASSOCIATES	<b>Mark</b> EEM SUITE SILICON ENERGY SILICON ENERGY LOGO (Design)	<b>Classes</b> 9 9 9	<b>Status</b> Abandoned Abandoned Abandoned	<b>App. #</b> 2001-93691 2001-93689 2001-93690	<b>Reg. #</b>	<b>Agent Ref #</b> TA01-011 TA01-009 TA01-010	<b>Client/Matter #</b> 1050412-911404 1050412-911403 1050412-911402
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**Country:** Mexico

<b>Agent</b> Maldonado	<b>Mark</b> EEM SUITE SILICON ENERGY SILICON ENERGY LOGO (Design)	<b>Classes</b> 9 9 9	<b>Status</b> Registered Registered Registered	<b>App. #</b> 520993 520992 520994	<b>Reg. #</b> 760774 770625 771864	<b>Agent Ref #</b>	<b>Client/Matter #</b> 1050412-911603 1050412-911602 1050412-911604
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**Country:** New Zealand

<b>Agent</b> A. J. Park	<b>Mark</b> EEM SUITE MYBUILDING.COM SILICON ENERGY	<b>Classes</b> 9 40 9	<b>Status</b> Registered To Be Abandoned Registered	<b>App. #</b> 629715 615144 618780	<b>Reg. #</b> 629715 615144 618780	<b>Agent Ref #</b> T425306 T429184	<b>Client/Matter #</b> 1050412-910904 1050412-910902 1050412-910903
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03/02/2004

# Silicon Energy Foreign Associate Report

Report Date: 03/02/2004

Page: 3

Country: Philippines

Agent

Sycip Salazar

Mark

EEM SUITE

MYBUILDING.COM

SILICON ENERGY

Classes

9

Status

Abandoned

Abandoned

Abandoned

App. #

4-2001-00136

4-2000-04143

4-2000-06155

Reg. #

4919-4-046

Agent Ref #

4919-4-046

Client/Matter #

1050412-911004

1050412-911002

1050412-911003

Country: Singapore

Agent

Ella Cheong Mirandah

Mark

EEM SUITE

MYBUILDING.COM

SILICON ENERGY

Classes

9

Status

To Be Abandoned

To Be Abandoned

Abandoned

App. #

T00/22042J

T00/08515 I

T00/12359Z

Reg. #

GM(VRNY)G84-309

00838SG00025

00838SG00028

Agent Ref #

00838SG00025

00838SG00028

Client/Matter #

1050412-911104

1050412-911102

1050412-911103

Country: South Africa

Agent

Adams & Adams

Mark

EEM SUITE

MYBUILDING.COM

SILICON ENERGY

Classes

9

Status

To Be Abandoned

To Be Abandoned

To Be Abandoned

App. #

2001/100079

2000/09909

2000/14140

Reg. #

1050412-911204

1050412-911202

1050412-911203

Agent Ref #

1050412-911204

1050412-911202

1050412-911203

Country: Switzerland

Agent

E. Blum & Co

Mark

EEM SUITE

MYBUILDING.COM

SILICON ENERGY

Classes

9

Status

Registered

To Be Abandoned

Registered

App. #

00329/2001

06059/2000

10852/2000

Reg. #

492,065

481,833

Agent Ref #

M-2000/1864

Client/Matter #

1050412-911304

1050412-911302

1050412-911303

03/02/2004

# Silicon Energy U.S. Trademark Report

Report Date: 03/02/2004

Page: 1

Country: United States									
<u>Mark</u>	<u>Classes</u>	<u>Status</u>	<u>App. #</u>	<u>App. Dt</u>	<u>Reg. #</u>	<u>Reg. Dt</u>	<u>Client/Matter #</u>		
EEM SUITE	9	Opp Suspended	76/118728	08/23/2000			1050412-900109		
ENERSCAPE	9	Abandoned	75/536561	08/12/1998			1050412-900106		
MISC. DESIGN (SILICON ENERGY LOGO)	9	Registered	75/523089	07/21/1998	2402546	11/07/2000	1050412-900107		
MISCELLANEOUS DESIGN	9	Abandoned	75/495144	06/02/1998			1050412-900105		
MYBUILDING.COM	42	Registered	75/856960	11/23/1999	2408526	11/28/2000	1050412-900108		
SILICON ENERGY	9	Registered	75/495982	06/04/1998	2366925	07/11/2000	1050412-900104		