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Filing date: **01/27/2010**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91184197  |
| Party                  | Plaintiff<br>UNITED PARCEL SERVICE OF AMERICA, INC.   |
| Correspondence Address | Stephen M. Schaetzel<br>King & Spalding LLP<br>1180 Peachtree Street N.E.<br>Atlanta, GA 30309<br>UNITED STATES<br>sschaetzel@kslaw.com, jsheesley@kslaw.com, efox@kslaw.com,<br>trademarks@kslaw.com |
| Submission             | Plaintiff's Notice of Reliance  |
| Filer's Name           | Elizabeth M. Fox  |
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| Signature              | /Elizabeth M. Fox/  |
| Date                   | 01/27/2010  |
| Attachments            | Binder1.pdf ( 8 pages )(1322600 bytes )<br>6694950_1.pdf ( 2 pages )(10212 bytes )  |

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 3,596,685**

**Registered Mar. 24, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**CLEAN-GREEN POWER SOLUTION**

HARRIS BATTERY COMPANY, INC. (OHIO  
CORPORATION)

10708 INDUSTRIAL PARKWAY, N. W.

BOLIVAR, OH 446218429

FOR: BATTERIES AND RENEWABLE BATTERY  
SYSTEM TO PROVIDE BACKUP POWER, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-1-2008; IN COMMERCE 7-1-2008.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CLEAN-GREEN POWER", APART  
FROM THE MARK AS SHOWN.

SN 78-905,085, FILED 6-9-2006.

IRA J. GOODSaid, EXAMINING ATTORNEY

**Int. Cls.: 9 and 11**

**Prior U.S. Cls.: 13, 21, 23, 26, 31, 34, 36, and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,584,150**

**Registered Mar. 3, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**BUY GREEN STAY GREEN**

FDK KABUSHIKI KAISHA (JAPAN CORPORATION), TA FDK CORPORATION,  
36-11, SHINBASHI 5-CHOME  
MINATO-KU, TOKYO, JAPAN

FOR: BATTERIES; BATTERY CHARGERS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2008; IN COMMERCE 2-0-2008.

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CLS. 13,  
21, 23, 31 AND 34).

FIRST USE 2-0-2008; IN COMMERCE 2-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

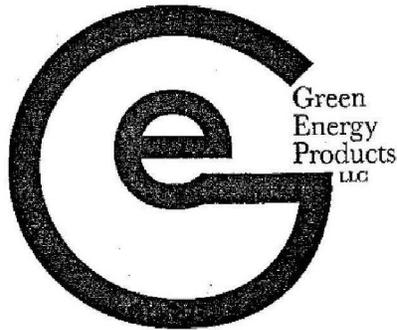
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN", APART FROM THE MARK AS SHOWN.

SN 77-300,899, FILED 10-10-2007.

ALYSSA STEEL, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,713,903** GREEN ENERGY PRODUCTS (MINNESOTA LIMITED LIABILITY COMPANY)  
Registered Nov. 24, 2009 P.O. BOX 108

1315 WEST CENTRAL STREET  
SPRINGFIELD, MN 56087

**Int. Cl.: 35**

**SERVICE MARK  
PRINCIPAL REGISTER**

FOR: RETAIL STORE SERVICES FEATURING RENEWABLE ENERGY PRODUCTS SUCH AS WIND TURBINES, SOLAR PANELS, RENEWABLE BATTERY SYSTEMS TO PROVIDE BACKUP POWER, WATER PUMPS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-19-2008; IN COMMERCE 5-21-2008.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GREEN ENERGY PRODUCTS LLC", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A LOWERCASE CENTERED E CONNECTING TO AN OUTSIDE ALMOST COMPLETED CIRCLE, WITH THE WORDS "GREEN ENERGY PRODUCTS, LLC" LOCATED WITHIN THE BROKEN PART OF THE CIRCLE.

SER. NO. 77-471,906, FILED 5-12-2008.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

**Int. Cls.: 9 and 16**

**Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,553,724**

**Registered Dec. 30, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**GREEN LINE**

MARKET QUEST GROUP, INC. (CALIFORNIA  
CORPORATION)  
9600 KEARNY VILLA ROAD  
SAN DIEGO, CA 92126

FOR: ELECTRICAL DEVICES, NAMELY, FLASH  
DRIVES AND MOBILE PHONE CHARGERS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-0-2007; IN COMMERCE 12-0-2007.

FOR: WRITING INSTRUMENTS, NAMELY, PENS  
AND PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29,  
37, 38 AND 50).

FIRST USE 12-0-2007; IN COMMERCE 12-0-2007.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-472,385, FILED 5-12-2008.

DORITT L. CARROLL, EXAMINING ATTORNEY

**Int. Cls.: 9, 35 and 42**

**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102**

**Reg. No. 3,678,518**

**United States Patent and Trademark Office**

**Registered Sep. 8, 2009**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

# MODE GREEN

WILLIAM J. LALLY (UNITED STATES INDIVIDUAL)  
4508 STONE HEDGE DRIVE  
ORLANDO, FL 32817

FOR: ACCESS CONTROL AND ALARM MONITORING SYSTEMS; ALARM THAT UTILIZES PRESSURE SENSITIVE PADS TO MONITOR PATIENTS OR RESIDENT MOVEMENT; AUTOMATED PROCESS CONTROL SYSTEM, NAMELY, MICRO-PROCESSOR BASED HARDWARE AND SOFTWARE USED TO MONITOR THE STATUS OF INDUSTRIAL MACHINERY, NAMELY, TURBINES, GENERATORS AND COMPRESSORS; AUTOMATED PROCESS CONTROL SYSTEM, NAMELY, MICRO-PROCESSOR BASED HARDWARE AND SOFTWARE USED TO MONITOR THE STATUS OF INDUSTRIAL PROCESSES, NAMELY, POWER GENERATION, ELECTRICAL DISTRIBUTION AND OIL AND GAS PROCESSING; AUTOMATED SELF CONTAINED ELECTRONIC SURVEILLANCE DEVICES THAT CAN BE DEPLOYED TO GATHER EVIDENCE OR INTELLIGENCE IN REMOTE LOCATIONS; COMPUTER HARDWARE AND SOFTWARE SYSTEM FOR REMOTELY MONITORING ENVIRONMENTAL CONDITIONS AND CONTROLLING DEVICES WITHIN A BUILDING, FACILITY, GROUNDS, OR DESIGNATED SPATIAL AREA; ELECTRIC, ELECTRONIC, OR ELECTROCHEMICAL OXYGEN MONITORS AND SENSORS FOR ENVIRONMENTAL USE; FACTORY AUTOMATION SOFTWARE, NAMELY, SOFTWARE TO INTEGRATE MANUFACTURING MACHINE OPERATIONS, TRACK PROBLEMS AND GENERATE PRODUCTION REPORTS; HOME AND OFFICE AUTOMATION SYSTEMS COMPRISING WIRELESS AND WIRED CONTROLLERS, CONTROLLED DEVICES, AND SOFTWARE FOR LIGHTING, HVAC, SECURITY, SAFETY AND OTHER HOME AND OFFICE MONITORING AND CONTROL APPLICATIONS; SOFTWARE FOR MONITORING AND CONTROLLING COMMUNI-

CATION BETWEEN COMPUTERS AND AUTOMATED MACHINE SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-5-2008; IN COMMERCE 6-12-2008.

FOR: PROMOTING THE GOODS AND SERVICES OF OTHERS BY MEANS OF OPERATING AN ONLINE SHOPPING MALL WITH LINKS TO THE RETAIL WEB SITES OF OTHERS; PROVIDING A SEARCHABLE ONLINE ADVERTISING GUIDE FEATURING THE GOODS AND SERVICES OF OTHER ON-LINE VENDORS ON THE INTERNET, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-5-2008; IN COMMERCE 6-12-2008.

FOR: CONSULTING SERVICES IN THE FIELD OF OFFICE AND WORKPLACE AUTOMATION; CREATION OF CONTROL PROGRAMS FOR AUTOMATED MEASUREMENT, ASSEMBLY, ADJUSTMENT, AND RELATED VISUALISATION; DATA AUTOMATION AND COLLECTION SERVICE USING PROPRIETARY SOFTWARE TO EVALUATE, ANALYZE AND COLLECT SERVICE DATA; DESIGN, DEVELOPMENT, AND CONSULTING SERVICES IN THE FIELD OF HOME AND WORKPLACE AUTOMATION HARDWARE AND SOFTWARE; PROVIDING TECHNOLOGICAL AND SCIENTIFIC INFORMATION ABOUT ENVIRONMENTALLY-CONSCIOUS AND GREEN INNOVATIONS; PROVIDING TECHNOLOGICAL INFORMATION ABOUT ENVIRONMENTALLY-CONSCIOUS AND GREEN INNOVATIONS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-5-2008; IN COMMERCE 6-12-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-522,062, FILED 7-14-2008.  
JENNIFER HETU, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## IGO GREEN

**Reg. No. 3,720,005** IGO, INC. (DELAWARE CORPORATION)  
Registered Dec. 1, 2009 17800 N. PERIMETER DRIVE, SUITE 200  
SCOTTSDALE, AZ 85255

**Int. Cl.: 9** FOR: BATTERIES FOR NOTEBOOK AND LAPTOP COMPUTERS; INTERCHANGEABLE TIPS, CORDS, CABLES, POWER SUPPLIES, AND ADAPTERS FOR POWERING AND CHARGING CELL PHONES, PORTABLE DIGITAL ASSISTANTS, PORTABLE ELECTRONIC UNITS FOR THE TRANSMISSION AND RECEIPT OF ELECTRONIC MAIL, DIGITAL CAMERAS, PORTABLE GAME CONSOLES, CAMCORDERS, DIGITAL VIDEO DISC PLAYERS, AND PORTABLE ELECTRONIC UNITS FOR THE STORAGE AND TRANSMISSION OF DIGITAL AND ELECTRONIC DATA; UNIVERSAL AC ADAPTERS; BATTERY PACKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK PRINCIPAL REGISTER**

FIRST USE 12-0-2008; IN COMMERCE 12-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,951,638, 3,344,693, AND OTHERS.

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

SN 77-978,161, FILED 2-22-2008.

MATTHEW EINSTEIN, EXAMINING ATTORNEY



*David J. Kyros*

Director of the United States Patent and Trademark Office

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 3,612,357**

**Registered Apr. 28, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**SUPREME GREEN**

COLEMAN CABLE, INC. (DELAWARE CORPORATION)  
1530 SHIELDS DRIVE  
WAUKEGAN, IL 60085

OWNER OF U.S. REG. NO. 2,852,142.

FOR: EXTENSION CORDS; ELECTRICAL POWER EXTENSION CORDS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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

FIRST USE 9-15-2002; IN COMMERCE 9-15-2002.

SER. NO. 77-588,124, FILED 10-8-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

ROBERT C. CLARK JR., EXAMINING ATTORNEY

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

----- x  
UNITED PARCEL SERVICE OF AMERICA, INC., :  
Opposer, :  
v. : Opposition No. 91184197  
POWERTECH INDUSTRIAL CO. LTD., :  
Applicant. :  
----- x

**OPPOSER’S REBUTTAL NOTICE OF RELIANCE**

Pursuant to Section 2.120(j)(3)(i) of the Trademark Rules of Practice, Opposer United Parcel Service of America, Inc. (“Opposer”) hereby identifies and files herewith the documents listed below as and for its Rebuttal Notice of Reliance.

1. Plain copies of the following third-party U.S. Trademark Registrations for similar goods in which the element “GREEN” was required to be disclaimed as merely descriptive: Reg. Nos. 3,553,724; 3,584,150; 3,713,903; 3,612,357; 3,720,005; 3,596,685; and 3,678,518.

Dated: January 27, 2010

Respectfully submitted,

/Stephen M. Schaetzel/  
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Elizabeth M. Fox

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Telephone: (404) 572-4600  
Facsimile: (404) 572-5100

Attorneys for Opposer  
UNITED PARCEL SERVICE OF  
AMERICA, INC.

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing Opposer's Rebuttal Notice of Reliance was served this day via electronic mail, pursuant to agreement, addressed to:

Morton J. Rosenberg  
ROSENBERG, KLEIN AND LEE  
rkl@rkpatlaw.com

This 27th day of January, 2010.

/Stephen M. Schaezel/  
Stephen M. Schaezel