

ESTTA Tracking number: **ESTTA489370**

Filing date: **08/16/2012**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Home Performance Enterprises, LLC
Granted to Date of previous extension	08/18/2012
Address	1221 Lamar Street Suite 1500 Houston, TX 77010 UNITED STATES

Attorney information	John P. Margiotta Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES jm@fzlj.com, agreenberg@fzlj.com Phone:2128135900
----------------------	--

Applicant Information

Application No	85368591	Publication date	06/19/2012
Opposition Filing Date	08/16/2012	Opposition Period Ends	08/18/2012
Applicant	GreenHome Technologies LLC PO BOX 752 Glenwood Landing, NY 115470752 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Software as a service (SAAS) featuring software for Energy Management, HVAC Management, Utilities Management, in the nature of consumption of Electric, Natural Gas, Water, and Oil, Irrigation Management, and Security; all the aforesaid services feature energy efficient technologies

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3474351	Application Date	07/10/2006
Registration Date	07/29/2008	Foreign Priority Date	NONE
Word Mark	GREENHOMES AMERICA		

Design Mark	GREENHOMES AMERICA
Description of Mark	NONE
Goods/Services	Class 037. First use: First Use: 2004/12/10 First Use In Commerce: 2004/12/10 heating, ventilating and air conditioning repair and maintenance services; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances; construction, maintenance and renovation of energy-related modifications for the home; installation of replacement windows and insulation; maintenance of home appliances, heating, ventilating, and air conditioning systems Class 042. First use: First Use: 2004/12/10 First Use In Commerce: 2004/12/10 testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems

U.S. Registration No.	3464873	Application Date	07/10/2006
Registration Date	07/15/2008	Foreign Priority Date	NONE

Word Mark	GREENHOMES AMERICA
Design Mark	

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 Information in the field of home energy efficiency and consultation related thereto Class 037. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 heating, ventilating and air conditioning repair and maintenance services; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances; construction, maintenance and renovation of energy-related modifications for the home; installation of replacement windows and insulation; maintenance of home appliances, heating, ventilating, and air conditioning systems Class 042. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems

U.S. Registration No.	3802229	Application Date	08/10/2009
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	GREENHOMES AMERICA		
Design Mark			
Description of Mark	The mark consists of a detached house to the left of the words "Greenhomes America" with an opening below the roof on the right side. A line is below the word "Greenhomes" and above the word "America."		
Goods/Services	Class 042. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 Testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems related to energy efficiency		

U.S. Registration No.	3802228	Application Date	08/10/2009
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	GREENHOMES AMERICA		
Design Mark			
Description of Mark	The mark consists of a detached house to the left of the words "Greenhomes America" with an opening below the roof on the right side. A line is below the word "Greenhomes" and above the word America.		
Goods/Services	Class 037. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 Heating, ventilating and air conditioning repair and maintenance services related to energy efficiency; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances related to energy efficiency; construction, maintenance and renovation of energy-related modifications for the home related to energy efficiency; installation of replacement windows and insulation related to energy efficiency; maintenance of home appliances, heating, ventilating, and air conditioning systems related to energy efficiency		

U.S. Registration No.	3763101	Application Date	08/10/2009
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	GREENHOMES AMERICA		

Design Mark	
Description of Mark	The mark consists of a detached house to the left of the words "Greenhomes America" with an opening below the roof on the right side. A line is below the word "Greenhomes" and above the word "America".
Goods/Services	Class 035. First use: First Use: 2005/09/01 First Use In Commerce: 2005/09/01 Information in the field of home energy efficiency and consultation related thereto

Attachments	76662745#TMSN.gif (1 page)(bytes) 76662785#TMSN.gif (1 page)(bytes) 77800975#TMSN.jpeg (1 page)(bytes) 77800947#TMSN.jpeg (1 page)(bytes) 77800907#TMSN.jpeg (1 page)(bytes) Notice of Opposition (GREENHOME TECHNOLOGIES, SMARTHOMES MADE SIMPLE) (F1068207).PDF (27 pages)(949885 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/John P. Margiotta/
Name	John P. Margiotta
Date	08/16/2012

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

HOME PERFORMANCE ENTERPRISES, LLC,

Opposer,

v.

GREENHOME TECHNOLOGIES LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Home Performance Enterprises, LLC (“Opposer”), a limited liability company organized and existing under the laws of the state of Delaware, having a place of business at 1221 Lamar Street, Suite 1500, Houston, TX 77010, believes that it will be damaged by the issuance of a registration for the mark GREENHOME TECHNOLOGIES, SMARTHOMES MADE SIMPLE and Design, applied for in Application Serial No. 85/368,591 for “Software as a service (SAAS) featuring software for Energy Management, HVAC Management, Utilities Management, in the nature of consumption of Electric, Natural Gas, Water, and Oil, Irrigation Management, and Security; all the aforesaid services feature energy efficient technologies” in International Class 42, and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer is in the business of providing residential home performance solutions that increase home performance and energy efficiency.
2. Since at least as early as September 1, 2005, Opposer has used the mark GREENHOMES AMERICA in connection with its business.

3. Opposer owns U.S. Registration No. 3,474,351 for GREENHOMES AMERICA for use in connection with “heating, ventilating and air conditioning repair and maintenance services; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances; construction, maintenance and renovation of energy-related modifications for the home; installation of replacement windows and insulation; maintenance of home appliances, heating, ventilating, and air conditioning systems” in International Class 37 and “testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems” in International Class 42, which issued on July 29, 2008.

4. Opposer owns U.S. Registration No. 3,464,873 for the mark GREENHOMES AMERICA and Design in connection with “Information in the field of home energy efficiency and consultation related thereto” in International Class 35; “heating, ventilating and air conditioning repair and maintenance services; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances; construction, maintenance and renovation of energy-related modifications for the home; installation of replacement windows and insulation; maintenance of home appliances, heating, ventilating, and air conditioning systems” in International Class 37 and “testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems” in International Class 42, which issued on July 15, 2008.

5. Opposer owns U.S. Registration No. 3,802,229 for the mark GREENHOMES AMERICA and Design in connection with “testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating,

ventilating, and air conditioning systems related to energy efficiency” in International Class 42, which issued on June 15, 2010.

6. Opposer owns U.S. Registration No. 3,802,228 for the mark GREENHOMES AMERICA and Design in connection with “heating, ventilating and air conditioning repair and maintenance services related to energy efficiency; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances related to energy efficiency; construction, maintenance and renovation of energy-related modifications for the home related to energy efficiency; installation of replacement windows and insulation related to energy efficiency; maintenance of home appliances, heating, ventilating, and air conditioning systems related to energy efficiency” in International Class 37, which issued on June 15, 2010.

7. Further, Opposer owns U.S. Registration No. 3,763,101 for GREENHOMES AMERICA and Design in connection with “information in the field of home energy efficiency and consultation related thereto” in International Class 35, which issued on March 23, 2010.

8. The foregoing registrations of Opposer are valid, subsisting, and in full force and effect. These registrations constitute evidence of the validity of the registered marks and of the registrations thereof, of Opposer’s ownership of the marks, and of Opposer’s exclusive right to use the marks in commerce in connection with the identified goods and services pursuant to Section 7(b) of the Lanham Act, 15 U.S.C. § 1057(b). Such registrations place others on constructive notice of Opposer’s claim of ownership thereof pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072.

9. A printout from the United States Patent and Trademark Office’s online database reflecting the current status and title of the above registrations is attached as **Exhibit A**.

10. Opposer has made a substantial investment in its services bearing the GREENHOMES AMERICA mark, and through sales, advertising, and promotional efforts, said mark has become of substantial importance and value to Opposer.

11. On information and belief, GreenHome Technologies LLC (“Applicant”) is a limited liability company organized and existing according to the laws of Delaware, with a mailing address at P.O. Box 752, Glenwood Landing, NY 11547-0752.

12. On July 12, 2011, Applicant filed Application Serial No. 85/368,591 to register the mark GREENHOME TECHNOLOGIES, SMARTHOMES MADE SIMPLE and Design (“Applicant’s Mark”) for “Software as a service (SAAS) featuring software for Energy Management, HVAC Management, Utilities Management, in the nature of consumption of Electric, Natural Gas, Water, and Oil, Irrigation Management, and Security; all the aforesaid services feature energy efficient technologies” in International Class 42 (the “Application”). The Application is currently pending based on Applicant’s intent to use the mark under section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

13. The Application filing date is long after Opposer began using and obtained its registrations for the GREENHOMES AMERICA marks.

14. Upon information and belief, Applicant had actual knowledge of Opposer’s prior rights to and interest in the GREENHOMES AMERICA marks in connection with home performance, energy efficiency and related services before seeking to register Applicant’s Mark for closely related services. At a minimum, as a matter of law Applicant was on constructive notice of Opposer’s rights in its GREENHOMES AMERICA marks for home performance, energy efficiency and related services based on Opposer’s registrations therefor.

15. The registration of Applicant’s Mark for “Software as a service (SAAS) featuring software for Energy Management, HVAC Management, Utilities Management, in the nature of

consumption of Electric, Natural Gas, Water, and Oil, Irrigation Management, and Security; all the aforesaid services feature energy efficient technologies” in International Class 42 would be inconsistent with Opposer’s prior rights in its GREENHOMES AMERICA marks and would destroy Opposer’s investment and goodwill in its GREENHOMES AMERICA marks.

16. Opposer’s GREENHOMES AMERICA marks are exclusively associated with Opposer and have been registered and used continuously by Opposer since a date prior to any date on which Applicant can rely.

17. Applicant’s Mark as applied for in the Application so resembles Opposer’s GREENHOMES AMERICA marks in sight, sound and commercial impression as to be likely, when used on or in connection with Applicant’s services, to cause confusion and mistake and to deceive the trade and public into believing that Applicant’s services are from the same source as Opposer’s services, emanate from Opposer, or are otherwise authorized, sponsored, or licensed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

18. By reason of the foregoing, Opposer is likely to be harmed by registration of the Application for Applicant’s Mark.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Applicant in Application Serial No. 85/368,591 be denied.

Dated: New York, New York
August 16, 2012

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
John P. Margiotta
Alexander L. Greenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-16 10:25:02 ET

Serial Number: 76662745 Assignment Information Trademark Document Retrieval

Registration Number: 3474351

Mark

GREENHOMES AMERICA

(words only): GREENHOMES AMERICA

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-07-29

Filing Date: 2006-07-10

Transformed into a National Application: No

Registration Date: 2008-07-29

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-07-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HOME PERFORMANCE ENTERPRISES, LLC

Address:

HOME PERFORMANCE ENTERPRISES, LLC

1221 Lamar Street, Suite 1500

Houston, TX 77010

United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 037

Class Status: Active

heating, ventilating and air conditioning repair and maintenance services; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances; construction, maintenance and renovation of energy-related modifications for the home; installation of replacement windows and insulation; maintenance of home appliances, heating, ventilating, and air conditioning systems

Basis: 1(a)

First Use Date: 2004-12-10

First Use in Commerce Date: 2004-12-10

International Class: 042

Class Status: Active

testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems

Basis: 1(a)

First Use Date: 2004-12-10

First Use in Commerce Date: 2004-12-10

ADDITIONAL INFORMATION

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-07-21 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-07-21 - TEAS Change Of Owner Address Received

2011-04-05 - Attorney Revoked And/Or Appointed

2011-04-05 - TEAS Revoke/Appoint Attorney Received

2008-07-29 - Registered - Principal Register

2008-05-13 - Published for opposition

2008-04-23 - Notice of publication

2008-04-07 - Law Office Publication Review Completed

2008-04-04 - Assigned To LIE

2008-03-25 - Approved for Pub - Principal Register (Initial exam)

2008-02-11 - Teas/Email Correspondence Entered

2008-02-11 - Communication received from applicant

2008-02-11 - TEAS Response to Office Action Received

2007-08-09 - Notification Of Non-Final Action E-Mailed

2007-08-09 - NON-FINAL ACTION E-MAILED

2007-08-09 - Non-Final Action Written

2007-06-12 - Teas/Email Correspondence Entered

2007-06-11 - Communication received from applicant

2007-06-11 - TEAS Response to Office Action Received

2007-06-11 - TEAS Response to Office Action Received

2007-06-11 - Attorney Revoked And/Or Appointed

2007-06-11 - TEAS Revoke/Appoint Attorney Received

2006-12-11 - Non-final action mailed

2006-12-09 - Non-Final Action Written

2006-12-08 - Assigned To Examiner

2006-07-18 - Application Filing Receipt Mailed

2006-07-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nancy C. DiConza

Correspondent

Nancy C. DiConza

Fross Zelnick Lehrman & Zissu, P.C.

866 United Nations Plaza

New York NY 10017

Phone Number: 212-813-5900

Fax Number: 212-813-5901

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-16 10:25:33 ET

Serial Number: 76662785 Assignment Information Trademark Document Retrieval

Registration Number: 3464873

Mark



(words only): GREENHOMES AMERICA

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-07-15

Filing Date: 2006-07-10

Transformed into a National Application: No

Registration Date: 2008-07-15

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-07-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HOME PERFORMANCE ENTERPRISES, LLC**Address:**

HOME PERFORMANCE ENTERPRISES, LLC

1221 Lamar Street, Suite 1500

Houston, TX 77010

United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Information in the field of home energy efficiency and consultation related thereto

Basis: 1(a)**First Use Date:** 2005-09-01**First Use in Commerce Date:** 2005-09-01**International Class:** 037**Class Status:** Active

heating, ventilating and air conditioning repair and maintenance services; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances; construction, maintenance and renovation of energy-related modifications for the home; installation of replacement windows and insulation; maintenance of home appliances, heating, ventilating, and air conditioning systems

Basis: 1(a)**First Use Date:** 2005-09-01**First Use in Commerce Date:** 2005-09-01**International Class:** 042**Class Status:** Active

testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems

Basis: 1(a)**First Use Date:** 2005-09-01**First Use in Commerce Date:** 2005-09-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Section 2(f), in part, as to "GREENHOMES AMERICA"

Design Search Code(s):**07.01.04** - Detached house**07.01.06** - Other houses**26.17.13** - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-07-21 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-07-21 - TEAS Change Of Owner Address Received

2011-04-05 - Attorney Revoked And/Or Appointed

2011-04-05 - TEAS Revoke/Appoint Attorney Received

2008-07-15 - Registered - Principal Register

2008-04-29 - Published for opposition

2008-04-09 - Notice of publication

2008-03-25 - Law Office Publication Review Completed

2008-03-25 - Approved for Pub - Principal Register (Initial exam)

2008-02-11 - Teas/Email Correspondence Entered

2008-02-11 - Communication received from applicant

2008-02-11 - TEAS Response to Office Action Received

2007-08-14 - Notification Of Non-Final Action E-Mailed

2007-08-14 - NON-FINAL ACTION E-MAILED

2007-08-14 - Non-Final Action Written

2007-06-21 - Teas/Email Correspondence Entered

2007-06-21 - Communication received from applicant

2007-06-21 - Assigned To LIE

2007-06-11 - TEAS Response to Office Action Received

2007-06-11 - Attorney Revoked And/Or Appointed

2007-06-11 - TEAS Revoke/Appoint Attorney Received

2006-12-11 - Non-final action mailed

2006-12-09 - Non-Final Action Written

2006-12-08 - Assigned To Examiner

2006-07-21 - Application Filing Receipt Mailed

2006-07-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nancy C. DiConza

Correspondent

Nancy C. DiConza

Fross Zelnick Lehrman & Zissu, P.C.

866 United Nations Plaza

New York NY 10017

Phone Number: 212-813-5900

Fax Number: 212-813-5901

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-16 10:26:09 ET

Serial Number: 77800975 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3802229

Mark



(words only): GREENHOMES AMERICA

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-06-15

Filing Date: 2009-08-10

Transformed into a National Application: No

Registration Date: 2010-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-06-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Home Performance Enterprises, LLC**Address:**

Home Performance Enterprises, LLC

Suite 1500 1221 Lamar Street

Houston, TX 77010

United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware

GOODS AND/OR SERVICES

International Class: 042**Class Status:** Active

Testing, analysis and evaluation of home energy efficiency; inspection and safety assessment of the performance of home appliances, heating, ventilating, and air conditioning systems related to energy efficiency

Basis: 1(a)**First Use Date:** 2005-09-01**First Use in Commerce Date:** 2005-09-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of a detached house to the left of the words "Greenhomes America" with an opening below the roof on the right side. A line is below the word "Greenhomes" and above the word "America."**Section 2(f), in part, as to "GREENHOMES AMERICA"****Design Search Code(s):**

07.01.04 - Detached house

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Prior Registration Number(s):

3464873

3474351

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-05 - Attorney Revoked And/Or Appointed

2011-04-05 - TEAS Revoke/Appoint Attorney Received

2010-06-15 - Registered - Principal Register

2010-03-30 - Official Gazette Publication Confirmation E-Mailed

2010-03-30 - Published for opposition

2010-02-24 - Law Office Publication Review Completed

2010-02-24 - Assigned To LIE

2010-01-28 - Approved for Pub - Principal Register (Initial exam)

2010-01-28 - Examiner's Amendment Entered

2010-01-28 - Notification Of Examiners Amendment E-Mailed

2010-01-28 - EXAMINERS AMENDMENT E-MAILED

2010-01-28 - Examiners Amendment - Written

2010-01-05 - Assigned To Examiner

2009-11-23 - Notification Of Non-Final Action E-Mailed

2009-11-23 - Non-final action e-mailed

2009-11-23 - Non-Final Action Written

2009-11-13 - Assigned To Examiner

2009-11-11 - TEAS Amendment Entered Before Attorney Assigned

2009-11-11 - TEAS Voluntary Amendment Received

2009-08-14 - Notice Of Design Search Code And Pseudo Mark Mailed

2009-08-13 - New Application Office Supplied Data Entered In Tram

2009-08-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nancy C. DiConza

Correspondent

Nancy C. DiConza

Fross Zelnick Lehrman & Zissu, P.C.

866 United Nations Plaza

New York NY 10017

Phone Number: 212-813-5900

Fax Number: 212-813-5901

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-16 10:26:41 ET

Serial Number: 77800947 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3802228

Mark



(words only): GREENHOMES AMERICA

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-06-15

Filing Date: 2009-08-10

Transformed into a National Application: No

Registration Date: 2010-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-06-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Home Performance Enterprises, LLC**Address:**

Home Performance Enterprises, LLC

Suite 1500 1221 Lamar Street

Houston, TX 77010

United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware

GOODS AND/OR SERVICES

International Class: 037**Class Status:** Active

Heating, ventilating and air conditioning repair and maintenance services related to energy efficiency; consultation in the fields of energy-related modifications for the home, and repairing and maintaining home appliances related to energy efficiency; construction, maintenance and renovation of energy-related modifications for the home related to energy efficiency; installation of replacement windows and insulation related to energy efficiency; maintenance of home appliances, heating, ventilating, and air conditioning systems related to energy efficiency

Basis: 1(a)**First Use Date:** 2005-09-01**First Use in Commerce Date:** 2005-09-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of a detached house to the left of the words "Greenhomes America" with an opening below the roof on the right side. A line is below the word "Greenhomes" and above the word America.

Section 2(f), in part, as to "GREENHOMES AMERICA"**Design Search Code(s):**

07.01.04 - Detached house

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Prior Registration Number(s):

3464873

3474351

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-05 - Attorney Revoked And/Or Appointed

2011-04-05 - TEAS Revoke/Appoint Attorney Received

2010-06-15 - Registered - Principal Register

2010-03-30 - Official Gazette Publication Confirmation E-Mailed

2010-03-30 - Published for opposition

2010-02-24 - Law Office Publication Review Completed

2010-02-24 - Assigned To LIE

2010-01-28 - Approved for Pub - Principal Register (Initial exam)

2010-01-28 - Examiner's Amendment Entered

2010-01-28 - Notification Of Examiners Amendment E-Mailed

2010-01-28 - EXAMINERS AMENDMENT E-MAILED

2010-01-28 - Examiners Amendment - Written

2010-01-05 - Assigned To Examiner

2009-11-23 - Notification Of Non-Final Action E-Mailed

2009-11-23 - Non-final action e-mailed

2009-11-23 - Non-Final Action Written

2009-11-13 - Assigned To Examiner

2009-11-11 - TEAS Amendment Entered Before Attorney Assigned

2009-11-11 - TEAS Voluntary Amendment Received

2009-08-14 - Notice Of Design Search Code And Pseudo Mark Mailed

2009-08-13 - New Application Office Supplied Data Entered In Tram

2009-08-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nancy C. DiConza

Correspondent

Nancy C. DiConza

Fross Zelnick Lehrman & Zissu, P.C.

806 United Nations Plaza

New York NY 10017

Phone Number: 212-813-5900

Fax Number: 212-813-5901

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-08-16 10:27:09 ET

Serial Number: 77800907 Assignment Information Trademark Document Retrieval

Registration Number: 3763101

Mark



(words only): GREENHOMES AMERICA

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-03-23

Filing Date: 2009-08-10

Transformed into a National Application: No

Registration Date: 2010-03-23

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-03-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Home Performance Enterprises, LLC**Address:**

Home Performance Enterprises, LLC

Suite 1500 1221 Lamar Street

Houston, TX 77010

United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Information in the field of home energy efficiency and consultation related thereto

Basis: 1(a)**First Use Date:** 2005-09-01**First Use in Commerce Date:** 2005-09-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of a detached house to the left of the words "Greenhomes America" with an opening below the roof on the right side. A line is below the word "Greenhomes" and above the word "America".**Section 2(f), in part, as to "GREENHOMES AMERICA"****Design Search Code(s):****07.01.04** - Detached house**26.17.13** - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters**Prior Registration Number(s):**

3464873

3474351

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-05 - Attorney Revoked And/Or Appointed

2011-04-05 - TEAS Revoke/Appoint Attorney Received

2010-03-23 - Registered - Principal Register

2010-01-05 - Official Gazette Publication Confirmation E-Mailed

2010-01-05 - Published for opposition

2009-12-03 - Law Office Publication Review Completed

2009-12-03 - Assigned To LIE

2009-11-16 - Approved for Pub - Principal Register (Initial exam)

2009-11-13 - Assigned To Examiner

2009-11-11 - TEAS Amendment Entered Before Attorney Assigned

2009-11-11 - TEAS Voluntary Amendment Received

2009-08-14 - Notice Of Design Search Code And Pseudo Mark Mailed

2009-08-13 - New Application Office Supplied Data Entered In Tram

2009-08-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nancy C. DiConza

Correspondent

Nancy C. DiConza

Fross Zelnick Lehrman & Zissu, P.C.

866 United Nations Plaza

New York NY 10017

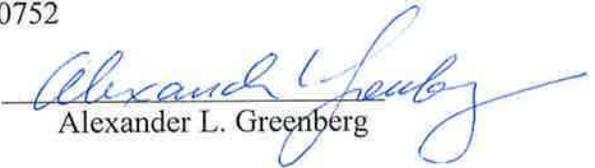
Phone Number: 212-813-5900

Fax Number: 212-813-5901

CERTIFICATE OF SERVICE

The undersigned, counsel for Opposer, hereby certifies that a true and correct copy of the attached **NOTICE OF OPPOSITION** was served via first class mail, postage prepaid, upon Applicant's correspondent of record on this 16th day of August, 2012, as follows:

GreenHome Technologies LLC
P.O. Box 752
Glenwood Landing, NY 11547-0752


Alexander L. Greenberg