

ESTTA Tracking number: **ESTTA711053**

Filing date: **11/25/2015**

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                                  | Cree, Inc.   |
| Granted to Date of previous extension | 11/28/2015   |
| Address                               | 4600 Silicon Drive<br>Durham, NC 27703-8475<br>UNITED STATES |

|                            |   |
|----------------------------|---|
| Correspondence information | William M. Bryner<br>Kilpatrick Townsend & Stockton LLP<br>1001 West Fourth Street<br>Winston-Salem, NC 27101<br>UNITED STATES<br>tmadmin@ktslaw.com, bbryner@ktslaw.com, hhenderson@ktslaw.com, jburns@ktslaw.com Phone:336 607 7300 |
|----------------------------|---|

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 86626706  | Publication date       | 09/29/2015 |
| Opposition Filing Date | 11/25/2015  | Opposition Period Ends | 11/28/2015 |
| Applicant              | Dongguan Sogoode Computer System Co., Ltd.<br>Rm.2001-2007,20F,BLK16,No.7 Keji Ten Rd.<br>Dongguan, Guangdong,<br>CHINA |                        |            |

**Goods/Services Affected by Opposition**

|  |
|--|
| Class 011. First Use: 2015/02/14 First Use In Commerce: 2015/03/01<br>All goods and services in the class are opposed, namely: Light bulbs; Electric lamps; Lamp casings; Flares; Flashlights; Street lamps; Incandescent lamps; Headlights for automobile |
|--|

**Grounds for Opposition**

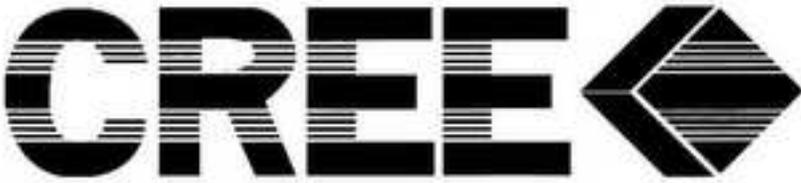
|                                      |   |
|--------------------------------------|---|
| Priority and likelihood of confusion | Trademark Act section 2(d)                                      |
| Other                                | Non-use in the U.S. in contravention of Lanham Act Section 1(a) |

**Marks Cited by Opposer as Basis for Opposition**

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3935629    | Application Date      | 02/11/2010 |
| Registration Date     | 03/22/2011 | Foreign Priority Date | NONE       |

|                     |  |
|---------------------|--|
| Word Mark           | CREE   |
| Design Mark         |    |
| Description of Mark | NONE   |
| Goods/Services      | Class 011. First use: First Use: 2008/05/31 First Use In Commerce: 2008/05/31 Flashlights; LED (light emitting diode)lighting fixtures; Light bulbs; Lighting fixtures; Spotlights |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3935631    | Application Date      | 02/11/2010 |
| Registration Date     | 03/22/2011 | Foreign Priority Date | NONE       |

|                     |  |
|---------------------|--|
| Word Mark           | CREE   |
| Design Mark         |   |
| Description of Mark | The mark consists of the term "CREE" to the left of a diamond-shaped design.   |
| Goods/Services      | Class 011. First use: First Use: 2008/05/31 First Use In Commerce: 2008/05/31 Flashlights; LED (light emitting diode)lighting fixtures; Light bulbs; Lighting fixtures; Spotlights |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4233855    | Application Date      | 03/26/2012 |
| Registration Date     | 10/30/2012 | Foreign Priority Date | NONE       |
| Word Mark             | CREE       |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | The mark consists of the word "CREE" next to a three dimensional striped diamond.   |
| Goods/Services      | Class 011. First use: First Use: 2010/04/25 First Use In Commerce: 2010/04/25 LED (light emitting diode) lighting fixtures; Light bulbs; Lighting fixtures; Spot-lights |

|             |   |
|-------------|---|
| Attachments | 77934008#TMSN.png( bytes )<br>77934022#TMSN.png( bytes )<br>85579492#TMSN.png( bytes )<br>7876009_1.pdf(2851173 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 First Class Mail on this date.

|           |                     |
|-----------|---------------------|
| Signature | /William M. Bryner/ |
| Name      | William M. Bryner   |
| Date      | 11/25/2015          |

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

|                          |   |                              |
|--------------------------|---|------------------------------|
| CREE, INC.,              | ) |                              |
|                          | ) | In the matter of Application |
| Opposer,                 | ) | Serial No. 86/626706         |
|                          | ) |                              |
| v.                       | ) | Mark: CRECO                  |
|                          | ) |                              |
|                          | ) | Opposition No. _____         |
| DONGGUAN SOGOODE         | ) |                              |
| COMPUTER SYSTEM CO, LTD. | ) |                              |
|                          | ) |                              |
| Applicant.               | ) |                              |

**NOTICE OF OPPOSITION**

Cree, Inc. (“Cree”), a North Carolina corporation having its principal place of business at 4600 Silicon Drive, Durham, North Carolina 27703, believes that it will be damaged by the registration of the trademark CRECO, as shown in U.S. Trademark App. Ser. No. 86/626706 for the goods identified therein (the “Application”), and hereby opposes the same.

As grounds for the opposition, Cree alleges the following:

**FACTS COMMON TO ALL GROUNDS FOR OPPOSITION**

1. Cree, together with its corporate affiliates, has been and is engaged in the manufacture of LED lighting materials since 1987. Since that time, Cree has been one of the market leaders in the United States and throughout the world in the development of energy-efficient, environmentally friendly LED lighting.

2. Cree has continuously used, and presently uses, the trademark CREE (the “CREE Mark”) in interstate commerce throughout the United States in connection with the advertising, promotion, and sale of Cree’s LED lighting products, including LED lighting fixtures.

3. Cree owns a number of registrations incorporating the CREE Mark (the “CREE Registrations”) on the Principal Register of the United States Patent and Trademark Office (the “USPTO”), including the following:

- a. Reg. No. 3935629 for CREE, issued March 22, 2011, “for flashlights; led (light emitting diode) lighting fixtures; light bulbs; lighting fixtures; spotlights” in International Class 11;
- b. Reg. No. 3935631 for CREE & Design, issued March 22, 2011, for “flashlights; led (light emitting diode) lighting fixtures; light bulbs; lighting fixtures; spotlights” in International Class 11; and
- c. Reg. No. 4233855 for CREE & Design, issued October 30, 2012, for “led (light emitting diode) lighting fixtures; light bulbs; lighting fixtures; spotlights” in International Class 11.

Pursuant to 37 C.F.R. § 2.122(d)(1), current printouts of information from electronic database records of the USPTO showing the current status and title of the CREE Registrations are attached as **Exhibit A**.

4. As a result of Cree’s use in commerce of the CREE Mark, the CREE Mark symbolizes the extensive goodwill and consumer recognition established by Cree. The Cree Mark identifies and distinguishes Cree’s lighting products from competing products manufactured by others.

5. On May 12, 2015, Applicant Dongguan Sogoode Computer System Co., Ltd. (“Applicant”) filed the Application under Lanham Act § 1(a), 15 U.S.C. § 1051(a), by which Applicant seeks to register the mark CRECO in standard character format (the “CRECO Mark”)

in connection with “Light bulbs; Electric lamps; Lamp casings; Flares; Flashlights; Street lamps; Incandescent lamps; Headlights for automobile” in International Class 11.

6. Applicant’s Application was based on Applicant’s purported use of Applicant’s Mark in commerce in connection with all of the goods identified in the Application, pursuant to Lanham Act § 1(a), 15 U.S.C. § 1051.

#### **GROUND I – LIKELIHOOD OF CONFUSION**

7. Applicant’s CRECO Mark, as shown in the Application, is confusingly similar in sight, sound and connotation to Cree’s previously used CREE Mark. By way of example, Applicant’s CRECO Mark is likely to be pronounced “crē-cō,” in which the first syllable is pronounced identically to the CREE Mark.

8. The goods identified in the Application are identical and highly related to the goods for which Cree has previously used the CREE Mark.

9. The specimens submitted in connection with the Application highlight the likelihood that consumers will mistakenly believe that the lighting products are offered by a “CREE Company” or “CREE Co.” given the visual and aural similarities in the respective marks and the manner in which they are presented.

10. On information and belief, Applicant adopted the confusingly similar CRECO Mark to give Applicant’s goods an appeal and salability to prospective purchasers that such goods would not possess absent an association with Opposer’s CREE Mark.

11. Applicant’s CRECO Mark, when used in connection with Applicant’s goods as identified in the Application, so resembles Cree’s previously used CREE Mark as to likely cause confusion, to cause mistake, and/or to deceive members of the public concerning a sponsorship or endorsement of, or an affiliation, connection, or association with the sources of goods sold

under the CREE Mark in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Cree, the public, and the trade.

12. Applicant's CRECO Mark, as shown in the Application, is confusingly similar in sound and appearance to the previously registered CREE Mark as shown in the CREE Registrations.

13. The goods identified in the Application are identical and highly related to the goods identified in the CREE Registrations.

14. Applicant's CRECO Mark, when used in connection with Applicant's goods as identified in the Application, so resembles the previously registered mark shown in the CREE Registrations as to likely cause confusion, to cause mistake, and/or to deceive members of the public concerning a sponsorship or endorsement of, or an affiliation, connection, or association with the sources of goods sold under the CREE Mark, as shown in the CREE Registrations, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Cree, the public, and the trade.

15. Pursuant to Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a), Cree believes it will be damaged by registration of Applicant's CRECO Mark in that members of the purchasing public and/or the trade are likely to be confused or mistaken that Applicant's goods offered under Applicant's CRECO Mark originate from Cree, or from the same source as goods sold under Cree's CREE Mark, or that such goods of Applicant are sponsored by, endorsed by, or affiliated with the source of goods sold under Cree's CREE Mark. Such likelihood of confusion results in damage to the goodwill among purchasers and the trade that Cree's CREE Mark symbolizes. Registration of Applicant's CRECO Mark will support and assist Applicant in the confusing and misleading use of Applicant's CRECO Mark, and, in addition, will give color

and exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Cree.

**GROUND II – NON-USE OF APPLICANT’S MARK  
AT THE TIME THE § 1(a) APPLICATION WAS FILED**

16. Opposer hereby incorporates by reference the allegations of the foregoing paragraphs as if fully set forth herein.

17. Pursuant to Lanham Act § 1(a), 15 U.S.C. § 1051(a), an applicant who files a trademark application under that section must have used the mark in commerce in connection with all of the goods and/or services identified in the application, and the application must contain a sworn statement attesting that the mark is in use in commerce in connection with all such identified goods and/or services.

18. In connection with Applicant’s Application to register Applicant’s Mark, Applicant filed a sworn declaration attesting that Applicant was using Applicant’s Mark in connection with all of the goods identified in Applicant’s Application as of the filing date of Applicant’s Application, namely, May 12, 2015.

19. Upon information and belief, and despite its sworn representations to the United States Patent and Trademark Office (“USPTO”) to the contrary, Applicant has not used Applicant’s Mark in commerce in the United States in connection with any of the goods identified in the Application, namely, Light bulbs; Electric lamps; Lamp casings; Flares; Flashlights; Street lamps; Incandescent lamps; Headlights for automobile as of its May 12, 2015 filing of the use-based application to register Applicant’s Mark.

20. Registration of Applicant's Mark, with a nationwide priority date of May 12, 2015, in connection with all of the goods identified in Applicant's Application would be in contravention of Lanham Act § 1(a).

21. Opposer will be damaged by the registration of Applicant's Mark because such registration would give Applicant color of nationwide right in Applicant's Mark, in contravention of Opposer's valid rights in the CREE Mark and CREE Registrations.

**WHEREFORE**, Cree requests that registration of Applicant's CRECO Mark, as shown in the Application, be refused.

The required fee for instituting this opposition proceeding is being submitted herewith. Please charge any deficiency or refund in the filing fee to Deposit Account No. 20-1430.

Please recognize William M. Bryner and the law firm of Kilpatrick Townsend & Stockton LLP as attorneys for Cree in connection with this opposition proceeding. Please address all correspondence regarding this proceeding to William M. Bryner at Kilpatrick Townsend & Stockton LLP, 1001 West Fourth Street, Winston-Salem, NC, 27101.

This the 25<sup>th</sup> day of November, 2015.

/William M. Bryner/  
William M. Bryner  
Harris W. Henderson  
KILPATRICK TOWNSEND & STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
Telephone: (336) 607-7300  
wbryner@kilpatricktownsend.com  
hhenderson@kilpatricktownsend.com

*Attorneys for Opposer*

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

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|--------------------------|---|------------------------------|
| CREE, INC.,              | ) |                              |
|                          | ) | In the matter of Application |
| Opposer,                 | ) | Serial No. 86/626706         |
|                          | ) |                              |
| v.                       | ) | Mark: CRECO                  |
|                          | ) |                              |
|                          | ) | Opposition No. _____         |
| DONGGUAN SOGOODE         | ) |                              |
| COMPUTER SYSTEM CO, LTD. | ) |                              |
|                          | ) |                              |
| Applicant.               | ) |                              |

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant on November 25, 2015 via first class United States mail to:

Yue (Robert) Xu  
U.S. Fairisky LLP  
P.O. Box 10235  
Pleasanton, California 94588-0235

/hwh/\_\_\_\_\_  
*Counsel for Opposer*

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, November 25, 2015.

/hwh/\_\_\_\_\_  
*Counsel for Opposer*

**EXHIBIT A**

# United States of America

United States Patent and Trademark Office

## CREE

**Reg. No. 3,935,629**

CREE, INC. (NORTH CAROLINA CORPORATION)  
4600 SILICON DRIVE  
DURHAM, NC 27703

**Registered Mar. 22, 2011**

**Int. Cl.: 11**

FOR: FLASHLIGHTS; LED (LIGHT EMITTING DIODE) LIGHTING FIXTURES; LIGHT BULBS; LIGHTING FIXTURES; SPOTLIGHTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

**TRADEMARK**

FIRST USE 5-31-2008; IN COMMERCE 5-31-2008.

**PRINCIPAL REGISTER**

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

OWNER OF U.S. REG. NOS. 2,440,530, 3,526,887, AND OTHERS.

SN 77-934,008, FILED 2-11-2010.

SUSAN RICHARDS, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office



The recently released version of TSDR has been rolled back to the earlier version in order to repair minor defects. The new version will be re-released in the near future.

**Trademark Status & Document Retrieval (TSDR) ?**

US Serial No:

Status results found

| STATUS   | DOCUMENTS ?  | Download                         | Print Preview           |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
|--|--|----------------------------------|-------------------------|---------------------|----|-----------------------|-----|---------------------|----|-------------------|-----|-----------------------|----|---------------------|----|-------------------|----|-----------------------|----|---------------------|----|-------------------|----|-----------------------|----|---------------------|----|-------------------|----|-----------------------|----|--|--|------------------------|----|----------------------------|----|--|--|
| <p><b>Generated on:</b> This page was generated by TSDR on 2015-11-17 15:41:14 EST</p> <p><b>Mark:</b> CREE</p> <div style="text-align: right; font-size: 2em; font-weight: bold;">CREE</div>  |  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>US Serial Number:</b>   | 77934008   | <b>Application Filing Date:</b>  | Feb. 11, 2010           |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>US Registration Number:</b>   | 3935629  | <b>Registration Date:</b>        | Mar. 22, 2011           |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Filed as TEAS Plus:</b>   | Yes  | <b>Currently TEAS Plus:</b>      | Yes                     |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Register:</b>   | Principal  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Mark Type:</b>  | Trademark  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Status:</b>   | Registered. The registration date is used to determine when post-registration maintenance documents are due. |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Status Date:</b>  | Mar. 22, 2011  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Publication Date:</b>   | May 11, 2010   | <b>Notice of Allowance Date:</b> | Jul. 06, 2010           |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <p><b>Mark Information</b> <span style="float: right;"><a href="#">Expand All</a></span></p> <p><b>Mark Literal Elements:</b> CREE</p> <p><b>Standard Character Claim:</b> Yes. The mark consists of standard characters without claim to any particular font style, size, or color.</p> <p><b>Mark Drawing Type:</b> 4 - STANDARD CHARACTER MARK</p>  |  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <p><b>Related Properties Information</b></p> <p><b>Goods and Services</b></p> <p><b>Note:</b><br/>The following symbols indicate that the registrant/owner has amended the goods/services:</p> <ul style="list-style-type: none"> <li>Brackets [...] indicate deleted goods/services;</li> <li>Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>Asterisks *...* identify additional (new) wording in the goods/services.</li> </ul> <p><b>For:</b> Flashlights; LED (light emitting diode) lighting fixtures; Light bulbs; Lighting fixtures; Spotlights</p>   |  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>International Class(es):</b>  | 011 - Primary Class  | <b>U.S Class(es):</b>            | 013, 021, 023, 031, 034 |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Class Status:</b>   | ACTIVE   |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Basis:</b>  | 1(a)   |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>First Use:</b>  | May 31, 2008   | <b>Use in Commerce:</b>          | May 31, 2008            |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <p><b>Basis Information (Case Level)</b></p> <table border="1"> <tr> <td><b>Filed Use:</b></td> <td>No</td> <td><b>Currently Use:</b></td> <td>Yes</td> <td><b>Amended Use:</b></td> <td>No</td> </tr> <tr> <td><b>Filed ITU:</b></td> <td>Yes</td> <td><b>Currently ITU:</b></td> <td>No</td> <td><b>Amended ITU:</b></td> <td>No</td> </tr> <tr> <td><b>Filed 44D:</b></td> <td>No</td> <td><b>Currently 44D:</b></td> <td>No</td> <td><b>Amended 44D:</b></td> <td>No</td> </tr> <tr> <td><b>Filed 44E:</b></td> <td>No</td> <td><b>Currently 44E:</b></td> <td>No</td> <td><b>Amended 44E:</b></td> <td>No</td> </tr> <tr> <td><b>Filed 66A:</b></td> <td>No</td> <td><b>Currently 66A:</b></td> <td>No</td> <td></td> <td></td> </tr> <tr> <td><b>Filed No Basis:</b></td> <td>No</td> <td><b>Currently No Basis:</b></td> <td>No</td> <td></td> <td></td> </tr> </table> |  |                                  |                         | <b>Filed Use:</b>   | No | <b>Currently Use:</b> | Yes | <b>Amended Use:</b> | No | <b>Filed ITU:</b> | Yes | <b>Currently ITU:</b> | No | <b>Amended ITU:</b> | No | <b>Filed 44D:</b> | No | <b>Currently 44D:</b> | No | <b>Amended 44D:</b> | No | <b>Filed 44E:</b> | No | <b>Currently 44E:</b> | No | <b>Amended 44E:</b> | No | <b>Filed 66A:</b> | No | <b>Currently 66A:</b> | No |  |  | <b>Filed No Basis:</b> | No | <b>Currently No Basis:</b> | No |  |  |
| <b>Filed Use:</b>  | No   | <b>Currently Use:</b>            | Yes                     | <b>Amended Use:</b> | No |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Filed ITU:</b>  | Yes  | <b>Currently ITU:</b>            | No                      | <b>Amended ITU:</b> | No |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Filed 44D:</b>  | No   | <b>Currently 44D:</b>            | No                      | <b>Amended 44D:</b> | No |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Filed 44E:</b>  | No   | <b>Currently 44E:</b>            | No                      | <b>Amended 44E:</b> | No |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Filed 66A:</b>  | No   | <b>Currently 66A:</b>            | No                      |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <b>Filed No Basis:</b>   | No   | <b>Currently No Basis:</b>       | No                      |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |
| <p><b>Current Owner(s) Information</b></p> <p><b>Owner Name:</b> Cree, Inc.</p> <p><b>Owner Address:</b> 4600 Silicon Drive</p>  |  |                                  |                         |                     |    |                       |     |                     |    |                   |     |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |                     |    |                   |    |                       |    |  |  |                        |    |                            |    |  |  |

Durham, NORTH CAROLINA 27703  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

- ▲ [Attorney/Correspondence Information](#)
- ▲ [Prosecution History](#)
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United States of America  
United States Patent and Trademark Office



**Reg. No. 3,935,631**

CREE, INC. (NORTH CAROLINA CORPORATION)  
4600 SILICON DRIVE  
DURHAM, NC 27703

**Registered Mar. 22, 2011**

**Int. Cl.: 11**

FOR: FLASHLIGHTS; LED (LIGHT EMITTING DIODE) LIGHTING FIXTURES; LIGHT BULBS; LIGHTING FIXTURES; SPOTLIGHTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

**TRADEMARK**

FIRST USE 5-31-2008; IN COMMERCE 5-31-2008.

**PRINCIPAL REGISTER**

OWNER OF U.S. REG. NOS. 2,440,530, 3,526,887, AND OTHERS.

THE MARK CONSISTS OF THE TERM "CREE" TO THE LEFT OF A DIAMOND-SHAPED DESIGN.

SN 77-934,022, FILED 2-11-2010.

SUSAN RICHARDS, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office



The recently released version of TSDR has been rolled back to the earlier version in order to repair minor defects. The new version will be re-released in the near future.

**Trademark Status & Document Retrieval (TSDR)**

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Mark: CREE



US Serial Number: 77934022

Application Filing Date: Feb. 11, 2010

US Registration Number: 3935631

Registration Date: Mar. 22, 2011

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Mar. 22, 2011

Publication Date: May 11, 2010

Notice of Allowance Date: Jul. 06, 2010

**Mark Information**

[Expand All](#)

Mark Literal Elements: CREE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the term "CREE" to the left of a diamond-shaped design.

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

Design Search Code(s): 26.07.12 - Diamonds with bars, bands and lines  
 26.07.21 - Diamonds that are completely or partially shaded  
 26.17.01 - Lines, straight; Bars, straight; Bands, straight; Straight line(s), band(s) or bar(s)  
 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal  
 26.19.25 - Geometric solids other than spheres, cylinders, cones, cube, prisms or pyramids

**Related Properties Information**

**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Flashlights; LED (light emitting diode) lighting fixtures; Light bulbs; Lighting fixtures; Spotlights

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 2008

Use in Commerce: May 31, 2008

**Basis Information (Case Level)**

|            |     |                |     |              |    |
|------------|-----|----------------|-----|--------------|----|
| Filed Use: | No  | Currently Use: | Yes | Amended Use: | No |
| Filed ITU: | Yes | Currently ITU: | No  | Amended ITU: | No |
| Filed 44D: | No  | Currently 44D: | No  | Amended 44D: | No |
| Filed 44E: | No  | Currently 44E: | No  | Amended 44E: | No |

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

▼ **Current Owner(s) Information**

Owner Name: Cree, Inc.

Owner Address: 4600 Silicon Drive  
Durham, NORTH CAROLINA 27703  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

▲ **Attorney/Correspondence Information**

▲ **Prosecution History**

▲ **TM Staff and Location Information**

▼ **Assignment Abstract Of Title Information - None recorded**

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# United States of America

United States Patent and Trademark Office

**CREE** 

**Reg. No. 4,233,855**

CREE, INC. (NORTH CAROLINA CORPORATION)  
4600 SILICON DRIVE  
DURHAM, NC 27703

**Registered Oct. 30, 2012**

**Int. Cl.: 11**

FOR: LED (LIGHT EMITTING DIODE) LIGHTING FIXTURES; LIGHT BULBS; LIGHTING FIXTURES; SPOTLIGHTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

**TRADEMARK**

FIRST USE 4-25-2010; IN COMMERCE 4-25-2010.

**PRINCIPAL REGISTER**

OWNER OF U.S. REG. NOS. 2,440,530, 4,099,381 AND OTHERS.

THE MARK CONSISTS OF THE WORD "CREE" NEXT TO A THREE DIMENSIONAL STRIPED DIAMOND.

SER. NO. 85-579,492, FILED 3-26-2012.

GINA FINK, EXAMINING ATTORNEY



*David J. Kyjars*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**



The recently released version of TSDR has been rolled back to the earlier version in order to repair minor defects. The new version will be re-released in the near future.

**Trademark Status & Document Retrieval (TSDR)**

SEARCH MULTI-SEARCH ?

SERIAL\_NO 77934008 Status Documents

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| Mark: CREE  |   |                          |                         |
|   |   |                          |                         |
| US Serial Number:   | 85579492  | Application Filing Date: | Mar. 26, 2012           |
| US Registration Number:   | 4233855   | Registration Date:       | Oct. 30, 2012           |
| Filed as TEAS Plus:   | Yes   | Currently TEAS Plus:     | Yes                     |
| Register:   | Principal   |                          |                         |
| Mark Type:  | Trademark   |                          |                         |
| Status:   | Registered. The registration date is used to determine when post-registration maintenance documents are due.  |                          |                         |
| Status Date:  | Oct. 30, 2012   |                          |                         |
| Publication Date:   | Aug. 14, 2012   |                          |                         |
| <b>Mark Information</b> <span style="float: right;">Expand All</span>   |   |                          |                         |
| Mark Literal Elements:  | CREE  |                          |                         |
| Standard Character Claim:   | No  |                          |                         |
| Mark Drawing Type:  | 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)                                       |                          |                         |
| Description of Mark:  | The mark consists of the word "CREE" next to a three dimensional striped diamond.                             |                          |                         |
| Color(s) Claimed:   | Color is not claimed as a feature of the mark.  |                          |                         |
| Design Search Code(s):  | 26.07.12 - Diamonds with bars, bands and lines<br>26.07.21 - Diamonds that are completely or partially shaded |                          |                         |
| <b>Related Properties Information</b>   |   |                          |                         |
| <b>Goods and Services</b>   |   |                          |                         |
| Note:<br>The following symbols indicate that the registrant/owner has amended the goods/services:   |   |                          |                         |
| <ul style="list-style-type: none"> <li>Brackets [...] indicate deleted goods/services;</li> <li>Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>Asterisks *..* identify additional (new) wording in the goods/services.</li> </ul> |   |                          |                         |
| For:  | LED (light emitting diode) lighting fixtures; Light bulbs; Lighting fixtures; Spotlights                      |                          |                         |
| International Class(es):  | 011 - Primary Class   | U.S Class(es):           | 013, 021, 023, 031, 034 |
| Class Status:   | ACTIVE  |                          |                         |
| Basis:  | 1(a)  |                          |                         |
| First Use:  | Apr. 25, 2010   | Use in Commerce:         | Apr. 25, 2010           |
| <b>Basis Information (Case Level)</b>   |   |                          |                         |
| Filed Use:  | Yes   | Currently Use:           | Yes                     |
| Amended Use:  | No  |                          |                         |
| Filed ITU:  | No  | Currently ITU:           | No                      |
| Amended ITU:  | No  |                          |                         |

|                        |    |                            |    |                     |    |
|------------------------|----|----------------------------|----|---------------------|----|
| <b>Filed 44D:</b>      | No | <b>Currently 44D:</b>      | No | <b>Amended 44D:</b> | No |
| <b>Filed 44E:</b>      | No | <b>Currently 44E:</b>      | No | <b>Amended 44E:</b> | No |
| <b>Filed 66A:</b>      | No | <b>Currently 66A:</b>      | No |                     |    |
| <b>Filed No Basis:</b> | No | <b>Currently No Basis:</b> | No |                     |    |

**▼ Current Owner(s) Information**

**Owner Name:** Cree, Inc.

**Owner Address:** 4600 Silicon Drive  
Durham, NORTH CAROLINA 27703  
UNITED STATES

**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** NORTH CAROLINA

**▲ Attorney/Correspondence Information**

**▲ Prosecution History**

**▲ TM Staff and Location Information**

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