

ESTTA Tracking number: **ESTTA741565**

Filing date: **04/21/2016**

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	Lockheed Martin Corporation
Granted to Date of previous extension	04/27/2016
Address	6801 Rockledge Drive Bethesda, MD 20817 UNITED STATES
Attorney information	Lynne M.J. Boisineau McDermott Will & Emery LLP 4 Park Plaza, Suite 1700 Irvine, CA 92614 UNITED STATES IPDocketOrangeCounty@mwe.com Phone:949-851-0633

Applicant Information

Application No	86478314	Publication date	12/29/2015
Opposition Filing Date	04/21/2016	Opposition Period Ends	04/27/2016
Applicants	Apunte, Daya P #176 Greenville, SC 29607 UNITED STATES Gamble, Daniel G #176 Greenville, SC 29607 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2014/10/01 First Use In Commerce: 2014/10/01 All goods and services in the class are opposed, namely: Computer software development in the field of energy and water efficiency/management; Computer software development, computer programming and maintenance of computer software for energy and water efficiency/management; Providing an Internet website portal in the fields of technology and software development; Software development in the field of energy and water efficiency/management
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4022880	Application Date	03/14/2011
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	SEEGRID		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2009/01/08 First Use In Commerce: 2010/01/08 design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks; technical support services, namely, troubleshooting of computer software problems		

U.S. Registration No.	4022882	Application Date	03/14/2011
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	SEELOAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/09/00 First Use In Commerce: 2009/09/00 computer software for use in managing the delivery, transmission and consumption of energy, namely, electricity and natural gas; energy management software, namely, computer software that allows energy providers to manage energy ensuring balanced energy usage and consumption; computer software for use in enabling utility companies and energy managers to balance and manage the supply of energy through a customizable event analytical portal; computer software for use in enabling energy managers to manage energy usage by automating system responses external drivers; computer software for use in auto-		

	<p>mating the regulation of voltage delivery from the energy distribution company to commercial, industrial or residential consumers of energy</p> <p>Class 042. First use: First Use: 2009/09/00 First Use In Commerce: 2009/09/00 design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks</p>
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U.S. Registration No.	4022883	Application Date	03/14/2011
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	SEESUITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2009/01/00 First Use In Commerce: 2009/02/03 design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks; technical support services, namely, troubleshooting of computer software problems		

U.S. Registration No.	4022881	Application Date	03/14/2011
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	SEEVIEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/01/00 First Use In Commerce: 2010/02/03 computer software for use in managing the delivery, transmission and consumption of energy, namely, electricity and natural gas; energy management software, namely, computer software that allows energy providers to manage en-		

	<p>ergy ensuring balanced energy usage and consumption; computer software for use in enabling utility companies and energy managers to balance and manage the supply of energy through a customizable event analytical portal; computer software for use in enabling energy managers to manage energy usage by automating system responses external drivers; computer software for use in automating the regulation of voltage delivery from the energy distribution company to commercial, industrial or residential consumers of energy</p> <p>Class 042. First use: First Use: 2009/01/00 First Use In Commerce: 2010/02/03 design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks; technical support services, namely, troubleshooting of computer software problems</p>
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U.S. Application No.	86916470	Application Date	02/23/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEESAVINGS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer software for use in managing and reporting the behavioral and energy savings delivered from energy efficiency and demand response programs; computer software for use in enabling utility companies, commercial and industrial customers to balance and manage energy savings through a customizable event analytical portal</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Providing an Internet website portal for use in enabling utility companies, commercial and industrial customers to balance and manage energy savings</p>		

Attachments	<p>85266521#TMSN.png(bytes) 85266552#TMSN.png(bytes) 85266561#TMSN.png(bytes) 85266544#TMSN.png(bytes) 86916470#TMSN.png(bytes) Notice of Opposition_86478314.pdf(40119 bytes)</p>
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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	/lynne m.j. boisineau/
Name	Lynne M.J. Boisineau
Date	04/21/2016

The grounds for the notice are as follows:

1. Opposer is a world-famous global security and aerospace company that is engaged in the research, design, development, manufacture, integration and sustainment of advanced technology systems, products and services. In addition to Opposer's businesses with the U.S. Department of Defense and U.S. federal government agencies, Opposer also engages in commercial sales of products, services and platforms. For example, Opposer's energy division offers systems and solutions to improve the energy generation, transmission, distribution and usage of power by utilities, commercial businesses, industrial enterprises, government agencies and more, across the entire value chain.

2. Opposer is the owner of a family of trademarks containing the term "SEE-" that are used in the energy space, including the following U.S. trademark registrations and pending application (together, the "SEE- Marks"):

Trademark	Application No. (Application Date)	Registration No. (Registration Date)	Goods/Services
SEEGRID	85266521 (March 14, 2011)	4022880 (September 6, 2011)	(Int'l Class: 42) design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks; technical support services, namely, troubleshooting of computer software problems

Trademark	Application No. (Application Date)	Registration No. (Registration Date)	Goods/Services
SEELOAD	85266552 (March 14, 2011)	4022882 (September 6, 2011)	(Int'l Class: 09) computer software for use in managing the delivery, transmission and consumption of energy, namely, electricity and natural gas; energy management software, namely, computer software that allows energy providers to manage energy ensuring balanced energy usage and consumption; computer software for use in enabling utility companies and energy managers to balance and manage the supply of energy through a customizable event analytical portal; computer software for use in enabling energy managers to manage energy usage by automating system responses external drivers; computer software for use in automating the regulation of voltage delivery from the energy distribution company to commercial, industrial or residential consumers of energy (Int'l Class: 42) design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks
SEESUITE	85266561 (March 14, 2011)	4022883 (September 6, 2011)	(Int'l Class: 42) design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks; technical support services, namely, troubleshooting of computer software problems
SEEVIEW	85266544 (March 14, 2011)	4022881 (September 6, 2011)	(Int'l Class: 09) computer software for use in managing the delivery, transmission and consumption of energy, namely, electricity and natural gas; energy management software, namely, computer software that allows energy providers to manage energy ensuring balanced energy usage and consumption; computer software for use in enabling utility companies and energy managers to balance and manage the supply of energy through a customizable event analytical portal; computer software for use in enabling energy managers to manage energy usage by automating system responses external drivers; computer software for use in automating the regulation of voltage delivery from the energy distribution company to commercial, industrial or residential consumers of energy (Int'l Class: 42) design, development, installation and maintenance of computer software; computer services, namely, integration of computer software into multiple systems and networks; technical support services, namely, troubleshooting of computer software problems

Trademark	Application No. (Application Date)	Registration No. (Registration Date)	Goods/Services
SEESAVINGS	86916470 (February 23, 2016)	N/A	(Int'l Class: 09) computer software for use in managing and reporting the behavioral and energy savings delivered from energy efficiency and demand response programs; computer software for use in enabling utility companies, commercial and industrial customers to balance and manage energy savings through a customizable event analytical portal (Int'l Class: 35) providing an internet website portal for use in enabling utility companies, commercial and industrial customers to balance and manage energy savings

3. Opposer has expended substantial resources to advertise and promote the above-described products and services, and other products and services, all under its SEE- Marks.

4. By reason of Opposer's advertisement, sale, offering for sale, promotion and use, and the world-wide distribution of Opposer's products and services, Opposer's family of SEE- Marks have come to be recognized as signifying Opposer and its products and services. Opposer has built up extensive goodwill in its SEE- Marks.

5. Long prior to Applicants' filing of their application to register the mark "SEEFFICIENCY" and prior to any claimed use thereof by Applicants, consumers have come to recognize Opposer's SEE- Marks as identifying goods and services emanating exclusively from Opposer.

6. Opposer's SEE- Marks are famous and have been famous since prior to Applicants' filing of their application to register the mark "SEEFFICIENCY" and prior to any use thereof by Applicants.

7. Notwithstanding Opposer's prior rights in and to Opposer's SEE- Marks, on December 11, 2014, Applicant filed an application for the mark "SEEFFICIENCY" for:

Computer software development in the field of energy and water efficiency/management; Computer software development, computer programming

and maintenance of computer software for energy and water efficiency/management; Providing an Internet website portal in the fields of technology and software development; Software development in the field of energy and water efficiency/management, in International Class 42 (Application Serial No. 86/478,314).

8. Applicants' herein-opposed application was published for opposition on December 29, 2015 in the *Official Gazette* (Trademarks) of the United States Patent and Trademark Office. Opposer was granted an extension of time until April 27, 2016 to file a notice of opposition. Therefore, this Notice of Opposition is being timely filed.

9. Applicants' applied-for services are similar to, related to, and overlap with, the products and services with which Opposer uses its SEE- Marks. In particular, Applicants' computer software design and web portal services in the fields of energy and water efficiency/management are nearly identical to Opposer's Class 42 services related to the design, development, installation, maintenance, and technical support of computer software for use in the field of energy management. In addition, Applicants' services directly overlap with Opposer's Class 9 software goods and related analytical portal that are used in the field of energy management, and which are provided to utilities, as well as commercial, industrial or residential consumers of energy.

10. Upon information and belief, the services identified in the "SEEFFICIENCY" application and those products and services provided under Opposer's SEE- Marks are sold to the same potential consumers or end-users.

11. Applicants' mark "SEEFFICIENCY" is confusingly similar to Opposer's SEE- Marks in sight, sound, connotation and commercial impression, and Applicants' use and registration of "SEEFFICIENCY" with the services set forth in Applicants' application is highly likely to cause confusion, deception, and/or mistake among the relevant public.

12. Both the “SEEFFICIENCY” mark and Opposer’s family of SEE- Marks begin with the identical term “SEE.” Applicants’ mark differs from Opposer’s SEE- Marks only by adding the letters “FFICIENCY,” to create a reference to the term EFFICIENCY, which is immediately descriptive of the services listed in the “SEEFFICIENCY” application (namely, computer software development in the field of energy and water efficiency). Accordingly, in view of the inclusion of this descriptive term, Opposer notes that the term “SEE” is the dominant portion of Applicants’ mark. Similarly, Opposer’s SEE- Marks are also combined with known English words that evoke certain aspects of energy management goods and services, such as SEEGRID and SEESUITE.

13. Because Applicants’ “SEEFFICIENCY” mark is highly similar to Opposer’s SEE- Marks, purchasers of the services are likely to believe that Applicant’s “SEEFFICIENCY” services are related to, affiliated with, or are extensions of the goods and services offered under Opposer’s family of SEE- Marks, or endorsed or sponsored by Opposer.

14. Accordingly, Applicants’ registration and use of the mark “SEEFFICIENCY” is likely to cause confusion in the minds of consumers or to cause mistake or to deceive, or otherwise injure, diminish or detract from the prior rights firmly established by Opposer in and to the SEE- Marks, and will seriously damage Opposer and its goodwill and reputation.

15. Applicants’ use and registration of the mark “SEEFFICIENCY” interferes with Opposer’s SEE- Marks and will damage Opposer, its business and its goodwill.

16. Opposer’s SEE- Marks are famous, and the registration and use of Applicants’ “SEEFFICIENCY” mark is likely to injure Opposer’s business reputation and tarnish and dilute the distinctive quality of Opposer’s famous SEE- Marks.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicants' mark and prays that it be denied.

Respectfully submitted,

Lockheed Martin Corporation

Dated: April 21, 2016

By: /Lynne M.J. Boisineau/

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CERTIFICATE OF SERVICE

Opposer Lockheed Martin Corporation hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon Applicants on this 21st day of April, 2016, by First Class U.S. Mail, postage prepaid, at the following address:

SEEFFICIENCY
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