

ESTTA Tracking number: **ESTTA747727**

Filing date: **05/20/2016**

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	SunPower Corporation
Granted to Date of previous extension	05/21/2016
Address	77 Rio Robles San Jose, CA 95134 UNITED STATES

Correspondence information	SunPower Corporation 77 Rio Robles San Jose, CA 95134 UNITED STATES trademark_docket@sunpower.com, maral.behnam-garcia@sunpower.com, patrick.gallagher@nortonrosefulbright.com
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**Applicant Information**

Application No	86578663	Publication date	03/22/2016
Opposition Filing Date	05/20/2016	Opposition Period Ends	05/21/2016
Applicant	Clockwork IP, LLC 50 Central Avenue Sarasota, FL 34236 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Downloadable electronic publications in the nature of manuals, guides, and workbooks in the field of providing solar power, solar power equipment and installation, solar power sales and marketing
Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Printed training and educational materials namely, workbooks, guides, manuals in the field of providing solar power, solar power equipment, and installation, solar power sales and marketing
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Franchise services, namely, offering business management assistance in the establishment and operation of solar power equipment dealerships and installation contractors; marketing namely, sales and promotional services for solar power services and equipment business; marketing services in the field of solar power businesses; retail stores in the field of solar power generating equipment; business consultation and business analysis services in the field of solar power generation
Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financing loans for solar power system in-

stallations; Financing loans for use by solar power service providers
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Installation, repair and maintenance of solar power generating equipment
Class 040. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Leasing of energy generating equipment namely solar power systems; technical consultation in the field of solar power generation
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: non-downloadable electronic publications in the nature of manuals, guides and workbooks in the field of providing solar power, solar power equipment, and installation, solar power sales, and marketing

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2690090	Application Date	07/11/2001
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	<b>SUNPOWER</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/00/00 First Use In Commerce: 1991/00/00 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels		

U.S. Registration No.	3582037	Application Date	03/31/2008
Registration Date	03/03/2009	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	<b>SUNPOWER</b>		
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Mounting systems for solar collectors comprised of structural supports, made of-		

	<p>metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal</p> <p>Class 011. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Solar collectors, and mounting systems for solar collectors comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors</p> <p>Class 019. First use: First Use: 2008/02/01 First Use In Commerce: 2008/02/01 Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal</p> <p>Class 037. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants</p>
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U.S. Registration No.	3929715	Application Date	11/23/2009
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2008/02/11 First Use In Commerce: 2008/02/11 Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency</p> <p>Class 042. First use: First Use: 2006/02/13 First Use In Commerce: 2006/02/13 Remote monitoring, metering and analysis of energy usage and energy management systems; energy usage monitoring</p>		

U.S. Registration No.	4138218	Application Date	08/26/2011
Registration Date	05/08/2012	Foreign Priority Date	NONE
Word Mark	SUNPOWER		

Design Mark	
Description of Mark	The mark consists of large black rectangle with the wording "SUNPOWER" in white and a halo around the "O" gradation from white to black background.
Goods/Services	Class 009. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels Class 037. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Installation, repair, and maintenance of solar energy based power plants; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants

U.S. Registration No.	4910015	Application Date	03/19/2015
Registration Date	03/01/2016	Foreign Priority Date	NONE

Word Mark	SUNPOWER
Design Mark	
Description of Mark	The mark consists of "SUNPOWER" with letters "SUNPWER" in black and letter "O" in orange.
Goods/Services	Class 006. First use: First Use: 2014/12/29 First Use In Commerce: 2014/12/29 Mounting systems for solar collectors comprised of structural supports and mounting rails, made of metal, for rooftop stabilization and stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal Class 009. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; solar concentrators; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels; silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters; photovoltaic panel mounting system, comprised of solar panels, connectors, and also including mounting rails, and a mounting structure, for use in providing heating and cooling load reduction and generating electricity, all sold as a unit; computer software and computer hardware for use in energy monitoring and energy management and for use in tracking energy usage; software for inventory management; Power electronics, namely, power line conditioners, power optimizers, namely, electronic devices for maximizing energy from photovoltaic mod-

	<p>ules, voltage regulators</p> <p>Class 011. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 solar heat collection panels; Solar collectors and mounting systems for solar collectors comprised of structural supports and mounting rails for stabilization on the ground and for rooftop stabilization, solar collector supports, and clamps, all sold as a unit with solar collectors</p> <p>Class 019. First use: First Use: 2014/12/29 First Use In Commerce: 2014/12/29 Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports not of metal, attachment features, namely, mounting rails not of metal, for rooftop stabilization and beautification, and for stabilization on the ground; solar collector supports not of metal, and clamps, not of metal; solar panel rails not of metal for rooftop mounting</p> <p>Class 035. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency</p> <p>Class 036. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Financing services, namely, solar electric system leases, solar power purchase agreements, and financing loans for the purchase and installation of solar powersystems</p> <p>Class 037. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Installation, cleaning, repair, and maintenance of solar energy based power systems and alternative energy products for residential and commercial use; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground-mounted and roof-mounted solar panel systems</p> <p>Class 042. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Technical planning of solar energy based power plants; Technical planning of photovoltaic and solar collector installations; Technical planning, design and development of solar photovoltaic systems; Technology consultation in the field of photovoltaic cells, photovoltaic modules and solar cell modules; Remote monitoring, metering and data analysis of energy usage and energy management systems; energy usage monitoring in the nature of data analysis; solar engineering services; temporary use of non-downloadable computer software for use in energy monitoring and energy management and for use in tracking energy usage</p>
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U.S. Registration No.	4845006	Application Date	03/19/2015
Registration Date	11/03/2015	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark			
Description of Mark	The mark consists of "SUNPOWER" with letters "SUNPWER" in white and letter "O" in orange with blue background.		
Goods/Services	Class 006. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Mounting systems for solar collectors comprised of structural supports and		

	<p>mounting rails, made of metal, for rooftop stabilization and stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal</p> <p>Class 009. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; solar concentrators; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels; silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters; photovoltaic panel mounting system, comprised of solar panels, connectors, and also including mounting rails, and a mounting structure, for use in providing heating and cooling load reduction and generating electricity, all sold as a unit; computer software and computer hardware for use in energy monitoring and energy management and for use in tracking energy usage; software for inventory management; Power electronics, namely, power line conditioners, power optimizers, namely, electronic devices for maximizing energy from photovoltaic modules, voltage regulators</p> <p>Class 011. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 solar heat collection panels; Solar collectors and mounting systems for solar collectors comprised of structural supports and mounting rails for stabilization on the ground and for rooftop stabilization, solar collector supports, and clamps, all sold as a unit with solar collectors</p> <p>Class 019. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports not of metal, attachment features, namely, mounting rails not of metal, for rooftop stabilization and beautification, and for stabilization on the ground; solar collector supports not of metal, and clamps, not of metal; solar panel rails not of metal for rooftop mounting</p> <p>Class 035. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency</p> <p>Class 036. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Financing services, namely, solar electric system leases, solar power purchase agreements, and financing loans for the purchase and installation of solar power systems</p> <p>Class 037. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Installation, cleaning, repair, and maintenance of solar energy based power systems and alternative energy products for residential and commercial use; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground-mounted and roof-mounted solar panel systems</p> <p>Class 042. First use: First Use: 2014/12/00 First Use In Commerce: 2014/12/00 Technical planning of solar energy based power plants; Technical planning of photovoltaic and solar collector installations; Technical planning, design and development of solar photovoltaic systems; Technology consultation in the field of photovoltaic cells, photovoltaic modules and solar cell modules; Remote monitoring, metering and data analysis of energy usage and energy management systems; energy usage monitoring in the nature of data analysis; solar engineering services; temporary use of non-downloadable computer software for use in energy monitoring and energy management and for use in tracking energy usage</p>
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Attachments	76283765#TMSN.png( bytes ) 76688239#TMSN.png( bytes ) 77879227#TMSN.png( bytes ) 85408770#TMSN.png( bytes ) 86570450#TMSN.png( bytes ) 86570439#TMSN.png( bytes ) FINAL Notice of Opp - YOUR SUN YOUR POWER YOUR WAY.pdf(250906 bytes ) SunPower Exhibits.pdf(5384744 bytes )
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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	/AM on behalf of/
Name	SunPower Corporation
Date	05/20/2016

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

In the matter of Application Serial No.: 86/578,663  
By Clockwork IP, LLC for the mark: YOUR SUN. YOUR POWER. YOUR WAY.  
Filed: March 27, 2015  
Published in the *Official Gazette* on: March 22, 2016

SunPower Corporation,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No.: _____
	§	
Clockwork IP, LLC	§	
	§	
Applicant.	§	
	§	

**NOTICE OF OPPOSITION**

Opposer, SunPower Corporation (hereinafter “SunPower”), a Delaware corporation with a principal place of business at 77 Rio Robles, San Jose, California 95134, believes that it will be damaged by registration of the above-identified alleged mark, “YOUR SUN. YOUR POWER. YOUR WAY.” as shown in U.S. Trademark Application Serial No. 86/578,663 (the “Application”) and hereby opposes the same under the provisions of 15 U.S.C. § 1063. As grounds for opposition, SunPower asserts the following:

1. SunPower designs, manufactures, delivers and installs high-performance solar electric systems for residential, commercial and utility-scale power plant customers, as well as provided related financing and energy distribution services. Founded in 1985, SunPower has been an innovative leader in the solar industry for over thirty years. In 2012 and 2013, SunPower’s revenues exceeded \$2.4 billion and \$2.5 billion, respectively. In 2014, SunPower’s revenues exceeded \$3.0 billion.

3. Since at least as early as 1989, SunPower has continuously used the name and mark SUNPOWER in connection with the sale and distribution of solar-related goods. Since that time, SunPower has continuously used the SUNPOWER mark on and in connection with a variety of solar-related goods, including: photovoltaic cells, photovoltaic panels, photovoltaic modules, inverters and converters for solar energy, measuring and control devices for converting electrical energy from solar, and photovoltaic power plant systems.

4. Since at least as early as September 1, 2007, SunPower has continuously used the name and mark SUNPOWER in connection with installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; and installation of ground-mounted and roof-mounted solar panel plants.

5. SunPower owns U.S. Trademark Reg. No. 2,690,090 for the mark SUNPOWER (hereinafter the “SUNPOWER Mark”) registered in connection with “photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels” in International Class 9. The underlying application for this registration was filed on July 11, 2001. U.S. Reg. No. 2,690,090 issued on February 25, 2003. The registration is in full force and effect, and it is incontestable pursuant to Section 15 of the Trademark Act, 15 U.S.C. § 1065. (A true and correct copy of the certificate of registration for U.S. Reg. No. 2,690,090 is attached as Exhibit A.)

6. SunPower owns U.S. Trademark Reg. No. 3,582,037 for the SUNPOWER Mark registered in connection with various goods and services, including: “[m]ounting systems for solar collectors comprised of structural supports, made of metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal” in International Class 6, “[s]olar collectors, and mounting systems for solar collectors

comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors” in International Class 11, “[r]oofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal” in International Class 19, and “[i]nstallation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants,” in International Class 37. The underlying application for this registration was filed on March 31, 2008. U.S. Reg. No. 3,582,037 issued on March 3, 2009. The registration is in full force and effect, and it is incontestable pursuant to Section 15 of the Trademark Act, 15 U.S.C. § 1065. (A true and correct copy of the certificate of registration for U.S. Reg. No. 3,582,037 is attached as Exhibit B.)

7. SunPower owns U.S. Trademark Reg. No. 3,929,715 for the SUNPOWER Mark registered in connection with various services, including: “[e]nergy usage management”; and “energy usage management information services,” in International Class 35; and “[r]emote monitoring, metering and analysis of energy usage and energy management systems,” in International Class 42. The underlying application for this registration was filed on November 23, 2009. U.S. Reg. No. 3,929,715 issued on March 8, 2011, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 3,929,715 is attached as Exhibit C.)

8. SunPower owns U.S. Trademark Reg. No. 4,138,218 for the mark SUNPOWER & Design (the “SUNPOWER & Design Mark”) registered in connection with various goods and services including: “[p]hotovoltaic cells; modules, namely photovoltaic modules and solar cell

modules; panels, namely photovoltaic panels and solar cell panels; solar batteries; solar cells; ... electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely photovoltaic roofing members and photovoltaic cladding panels” in International Class 9, and “[i]nstallation, repair, and maintenance of solar energy based power plants; installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants” in International Class 37. The underlying application for this registration was filed on August 26, 2011. U.S. Reg. No. 4,138,218 issued on May 8, 2012, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 4,138,218 is attached as Exhibit D.)

9. SunPower owns U.S. Trademark Reg. No. 4,910,015 for the mark SUNPOWER (Stylized) (the “SUNPOWER Glow Logo”) registered in connection with various goods and services, including “[p]hotovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; solar concentrators,” in International Class 9; “business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency,” in International Class 35; “[f]inancing services, namely, solar electric system leases, solar power purchase agreements, and financing loans for the purchase and installation of solar power systems,” in International Class 36; and “[t]echnical planning of solar energy based power plants; [t]echnical planning of photovoltaic and solar collector installations; [t]echnical planning, design and development of solar photovoltaic systems; [t]echnology consultation in the field of photovoltaic cells, photovoltaic modules and solar cell modules,” in International Class 42. The underlying application for this registration was filed on March 19, 2015. U.S. Reg. No. 4,910,015 issued on

March 1, 2016, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 4,910,015 is attached as Exhibit E.)

10. SunPower owns U.S. Trademark Reg. No. 4,845,006 for the mark SUNPOWER & Design (the “SUNPOWER Glow Logo Design”) registered in connection with various goods and services, including “[p]hotovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; solar concentrators,” in International Class 9; “business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency,” in International Class 35; “[f]inancing services, namely, solar electric system leases, solar power purchase agreements, and financing loans for the purchase and installation of solar power systems,” in International Class 36; and “[t]echnical planning of solar energy based power plants; [t]echnical planning of photovoltaic and solar collector installations; [t]echnical planning, design and development of solar photovoltaic systems; [t]echnology consultation in the field of photovoltaic cells, photovoltaic modules and solar cell modules,” in International Class 42. The underlying application for this registration was filed on March 19, 2015. U.S. Reg. No. 4,845,006 issued on November 3, 2015, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 4,845,006 is attached as Exhibit F.) (The SUNPOWER Mark, the SUNPOWER & Design Mark, the SUNPOWER Glow Logo, and the SUNPOWER Glow Logo & Design are collectively referred to as the “SUNPOWER Marks.”)

11. SunPower uses the SUNPOWER Mark in its domain name <sunpower.com> to identify itself on the Internet, and it has used <sunpowercorp.com> to identify itself on the Internet since at least 1999.

12. SunPower also uses the SUNPOWER Mark as part of its alpha-numeric toll-free phone number, 1-800-SUNPOWER, having done so for several years.

13. As a result of SunPower's extensive and continuous use of the SUNPOWER Marks, the SUNPOWER Marks have come to represent a considerable amount of goodwill amongst the consuming public and are of great value to SunPower.

14. The SUNPOWER Mark is valid and subsisting and has been used continuously by SunPower since at least as early as the date of first use set forth in U.S. Reg. No. 2,690,090.

15. The SUNPOWER & Design Mark is valid and subsisting and has been used continuously by SunPower since at least as early as the date of first use set forth in U.S. Reg. No. 4,138,218.

16. The SUNPOWER Glow Logo Mark is valid and subsisting and has been used continuously by SunPower at least as early as the date of first use set forth in U.S. Reg. No. 4,910,015.

17. The SUNPOWER Glow Logo Design Mark is valid and subsisting and has been used continuously by SunPower since at least as early as the date of first use set forth in U.S. Reg. No. 4,845,006.

18. The SUNPOWER Marks are inherently distinctive and serve to identify and indicate the source of SunPower's goods and services to the consuming public.

19. As a result of the long use and promotion of the SUNPOWER Marks by SunPower, the SUNPOWER Marks have become distinctive to designate SunPower, to distinguish SunPower and its products and services from those of other businesses, and to distinguish the source or origin of SunPower's products and services. As a result of those efforts

by SunPower, the relevant customers and consumers throughout the United States widely recognize and associate the SUNPOWER Marks with SunPower and its products and services.

20. As a result of SunPower's long use and promotion of the SUNPOWER Marks, SunPower has acquired valuable common law rights in the SUNPOWER Marks throughout the United States.

21. SunPower rights in its SUNPOWER Marks predates any priority date that Applicant Clockwork IP, LLC (hereinafter "Applicant") may assert with respect to its alleged mark "YOUR SUN. YOUR POWER. YOUR WAY."

22. SunPower's use of the SUNPOWER Mark is long prior to Applicant's filing of the above-identified Application and/or any date upon which Applicant can claim priority in the U.S. with respect to the alleged mark "YOUR SUN. YOUR POWER. YOUR WAY."

23. Clockwork IP, LLC filed U.S. Application Serial No. 86/578,663 for the alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." under 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), in connection with "Downloadable electronic publications in the nature of manuals, guides, and workbooks in the field of providing solar power, solar power equipment and installation, solar power sales and marketing" in International Class 9; "Printed training and educational materials namely, workbooks, guides, manuals in the field of providing solar power, solar power equipment, and installation, solar power sales and marketing" in International Class 16; "Franchise services, namely, offering business management assistance in the establishment and operation of solar power equipment dealerships and installation contractors; marketing namely, sales and promotional services for solar power services and equipment business; marketing services in the field of solar power businesses; retail stores in the field of solar power generating equipment; business consultation and business analysis services in the field of solar

power generation” in International Class 35; “Financing loans for solar power system installations; Financing loans for use by solar power service providers” in International Class 36; “Installation, repair and maintenance of solar power generating equipment” in International Class 37; “Leasing of energy generating equipment namely solar power systems; technical consultation in the field of solar power generation” in International Class 40 and “non-downloadable electronic publications in the nature of manuals, guides and workbooks in the field of providing solar power, solar power equipment, and installation, solar power sales, and marketing” in International Class 41.

24. Applicant’s alleged mark “YOUR SUN. YOUR POWER. YOUR WAY.” was published for opposition in the *Official Gazette* on March 22, 2016.

25. SunPower timely filed for a 30-day Extension of Time to Oppose the Application on April 21, 2016, which was granted until May 21, 2016.

26. Applicant did not file a trademark application for the “YOUR SUN. YOUR POWER. YOUR WAY.” mark for any goods or services in the United States prior to March 27, 2015.

27. On information and belief, Applicant did not use the mark “YOUR SUN. YOUR POWER. YOUR WAY.” that is the subject of U.S. Application Serial No. 86/578,663 in connection with any goods or services in the United States prior to March 27, 2015.

28. On information and belief, Applicant did not use the mark “YOUR SUN. YOUR POWER. YOUR WAY.” that is the subject of U.S. Application Serial No. 86/578,663 in connection with the goods and services set forth in U.S. Application Serial No. 86/578,663 in the United States prior to March 27, 2015.

29. SunPower's SUNPOWER goods and services and Applicant's goods and services offered by Applicant in connection with the alleged "YOUR SUN. YOUR POWER. YOUR WAY." mark are being promoted in the same channels of trade and to the same customers.

30. The alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." which Applicant seeks to register, so resembles the SUNPOWER Marks as to be likely, when used on or in connection with Applicant's goods and services, to cause confusion, or to cause mistake, or to deceive. Purchasers and prospective purchases are likely to falsely believe that the goods and services of Applicant offered and rendered under the alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." are sponsored, endorsed or approved by SunPower, or are in some way affiliated, connected or associated with SunPower. Registration should therefore be refused under 15 U.S.C. §1052(d).

31. Registration of Applicant's alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." would be a source of damage to SunPower because consumers are likely to attribute the source or sponsorship of Applicant's goods and services to SunPower.

32. Registration of Applicant's alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." would be a source of damage to SunPower because it would enable Applicant to trade on and receive the benefit of the goodwill in the SUNPOWER Marks, which SunPower has built up at great labor and expense over the last 30 years.

33. Registration of Applicant's alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." would be a source of damage to SunPower, as it would confer upon Applicant various statutory presumptions to which it is not entitled in view of SunPower's long prior use of the SUNPOWER Marks.

WHEREFORE, SunPower requests that registration of Application Serial No. 86/578,663 for the alleged mark "YOUR SUN. YOUR POWER. YOUR WAY." be denied in its entirety and this opposition be sustained.

Respectfully submitted,

Dated: May 19, 2016

By: \_\_\_\_\_



David Petrini  
Head IP Counsel  
SunPower Corporation  
77 Rio Robles  
San Jose, CA 95134  
Tel: (408) 240-5510  
Fax: (408) 240-5404

ATTORNEY FOR OPPOSER  
SUNPOWER CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Notice of Opposition has been served via First Class Mail to Applicant's attorney of record at the address below on this the 20th day of May, 2016:

Sean Collin  
IPWatch Corporation  
468 ½ North Court Street  
Florence, AL 35630

  
\_\_\_\_\_  
Ashley Moretto

# **Exhibit A**

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,690,090

Registered Feb. 25, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**SUNPOWER**

SUNPOWER CORPORATION (CALIFORNIA  
CORPORATION)  
435 INDIO WAY  
SUNNYVALE, CA 94086

VOLTAIC PANELS AND SOLAR CELL PANELS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1989; IN COMMERCE 0-0-1991.

FOR: PHOTOVOLTAIC CELLS; MODULES,  
NAMELY, PHOTOVOLTAIC MODULES AND SO-  
LAR CELL MODULES; PANELS, NAMELY, PHOTO-

SER. NO. 76-283,765, FILED 7-11-2001.

MICHAEL KAZAZIAN, EXAMINING ATTORNEY



United States Patent and Trademark Office

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# SUNPOWER

Word Mark SUNPOWER  
 Goods and Services IC 009. US 021 023 026 036 038. G & S: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels. FIRST USE: 19890000. FIRST USE IN COMMERCE: 19910000  
 Mark Drawing Code (1) TYPED DRAWING  
 Serial Number 76283765  
 Filing Date July 11, 2001  
 Current Basis 1A  
 Original Filing Basis 1A  
 Published for Opposition December 3, 2002  
 Registration Number 2690090  
 International Registration Number 0929836  
 Registration Date February 25, 2003  
 Owner (REGISTRANT) SunPower Corporation CORPORATION CALIFORNIA 3939 North 1st Street San Jose CALIFORNIA 95134

(LAST LISTED OWNER) SUNPOWER CORPORATION CORPORATION DELAWARE 77 Rio Robles San Jose CALIFORNIA 95134

Assignment Recorded ASSIGNMENT RECORDED  
 Attorney of Record Patrick J. Gallagher  
 Type of Mark TRADEMARK  
 Register PRINCIPAL  
 Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130225.  
 Renewal 1ST RENEWAL 20130225  
 Live/Dead Indicator LIVE

# **Exhibit B**

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Int. Cls.: 6, 11, 19 and 37

Prior U.S. Cls.: 1, 2, 12, 13, 14, 21, 23, 25, 31, 33, 34,  
50, 100, 103 and 106

Reg. No. 3,582,037

Registered Mar. 3, 2009

United States Patent and Trademark Office

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

SUNPOWER

SUNPOWER CORPORATION (DELAWARE COR-  
PORATION)  
3939 NORTH 1ST STREET  
SAN JOSE, CA 95134

FOR: MOUNTING SYSTEMS FOR SOLAR COL-  
LECTORS COMPRISED OF STRUCTURAL SUP-  
PORTS, MADE OF METAL, FOR STABILIZATION  
ON THE GROUND, SOLAR COLLECTOR SUP-  
PORTS MADE OF METAL, AND CLAMPS MADE  
OF METAL; SOLAR PANEL MOUNTS MADE OF  
METAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25  
AND 50).

FIRST USE 12-1-2007; IN COMMERCE 12-1-2007.

FOR: SOLAR COLLECTORS, AND MOUNTING  
SYSTEMS FOR SOLAR COLLECTORS COMPRISED  
OF STRUCTURAL SUPPORTS FOR STABILIZA-  
TION ON THE GROUND, SOLAR COLLECTOR  
SUPPORTS, AND CLAMPS, ALL SOLD AS A UNIT  
WITH SOLAR COLLECTORS, IN CLASS 11 (U.S.  
CLS. 13, 21, 23, 31 AND 34).

FIRST USE 12-1-2007; IN COMMERCE 12-1-2007.

FOR: ROOFING, NOT OF METAL, INCORPOR-  
ATING SOLAR CELLS; MOUNTING SYSTEMS FOR  
SOLAR COLLECTORS COMPRISED OF STRUC-

TURAL SUPPORTS, NOT OF METAL, FOR STABI-  
LIZATION ON THE GROUND, SOLAR  
COLLECTOR SUPPORTS NOT OF METAL, AND  
CLAMPS, NOT OF METAL, IN CLASS 19 (U.S. CLS. 1,  
12, 33 AND 50).

FIRST USE 2-1-2008; IN COMMERCE 2-1-2008.

FOR: INSTALLATION, REPAIR, AND MAINTEN-  
ANCE OF SOLAR ENERGY SYSTEMS, SOLAR  
COLLECTORS AND SOLAR HEAT COLLECTION  
PANELS; INSTALLATION OF FACILITIES TO PRO-  
DUCE SOLAR ENERGY; INSTALLATION OF  
GROUND-MOUNTED AND ROOF-MOUNTED SO-  
LAR PANEL PLANTS, IN CLASS 37 (U.S. CLS. 100,  
103 AND 106).

FIRST USE 9-1-2007; IN COMMERCE 9-1-2007.

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

OWNER OF U.S. REG. NO. 2,690,090.

SER. NO. 76-688,239, FILED 3-31-2008.

PAUL F. GAST, EXAMINING ATTORNEY



United States Patent and Trademark Office

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# SUNPOWER

**Word Mark** SUNPOWER

**Goods and Services** IC 006. US 002 012 013 014 023 025 050. G & S: Mounting systems for solar collectors comprised of structural supports, made of metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal. FIRST USE: 20071201. FIRST USE IN COMMERCE: 20071201

IC 011. US 013 021 023 031 034. G & S: Solar collectors, and mounting systems for solar collectors comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors. FIRST USE: 20071201. FIRST USE IN COMMERCE: 20071201

IC 019. US 001 012 033 050. G & S: Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal. FIRST USE: 20080201. FIRST USE IN COMMERCE: 20080201

IC 037. US 100 103 106. G & S: Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants. FIRST USE: 20070901. FIRST USE IN COMMERCE: 20070901

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Trademark Search Facility Classification Code** SHAPES-MISC Miscellaneous shaped designs

**Serial Number** 76688239

**Filing Date** March 31, 2008

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** December 16, 2008

**Registration Number** 3582037

**Registration Date** March 3, 2009  
**Owner** (REGISTRANT) SunPower Corporation CORPORATION DELAWARE 77 Rio Robles San Jose CALIFORNIA 95134  
**Attorney of Record** Patrick J. Gallagher  
**Prior Registrations** 2690090  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# Exhibit C

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# United States of America

United States Patent and Trademark Office

## SUNPOWER

**Reg. No. 3,929,715**

**Registered Mar. 8, 2011**

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

**SERVICE MARK**

**PRINCIPAL REGISTER**

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT  
3939 NORTH 1ST STREET  
SAN JOSE, CA 95134

FOR: ENERGY USAGE MANAGEMENT; ENERGY USAGE MANAGEMENT INFORMATION SERVICES; HOME ENERGY ASSESSMENT SERVICES FOR THE PURPOSE OF DETERMINING ENERGY EFFICIENCY OR USAGE MANAGEMENT; INFORMATION IN THE FIELD OF ENERGY EFFICIENCY; BUSINESS CONSULTING AND ADVISORY SERVICES IN THE FIELD OF ENERGY EFFICIENCY; CONSULTATION IN THE FIELD OF ENERGY EFFICIENCY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-11-2008; IN COMMERCE 2-11-2008.

FOR: REMOTE MONITORING, METERING AND ANALYSIS OF ENERGY USAGE AND ENERGY MANAGEMENT SYSTEMS; ENERGY USAGE MONITORING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-13-2006; IN COMMERCE 2-13-2006.

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

OWNER OF U.S. REG. NO. 2,257,938.

SN 77-879,227, FILED 11-23-2009.

TARAH HARDY, EXAMINING ATTORNEY



*David J. Kybas*

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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# SUNPOWER

<b>Word Mark</b>	SUNPOWER
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency. FIRST USE: 20080211. FIRST USE IN COMMERCE: 20080211
	IC 042. US 100 101. G & S: Remote monitoring, metering and analysis of energy usage and energy management systems; energy usage monitoring. FIRST USE: 20060213. FIRST USE IN COMMERCE: 20060213
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77879227
<b>Filing Date</b>	November 23, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 4, 2010
<b>Registration Number</b>	3929715
<b>Registration Date</b>	March 8, 2011
<b>Owner</b>	(REGISTRANT) SunPower Corporation CORPORATION DELAWARE 77 Rio Robles Legal Department - Trademarks San Jose CALIFORNIA 95134
<b>Attorney of Record</b>	Patrick J. Gallagher
<b>Prior Registrations</b>	2257938
<b>Type of Mark</b>	SERVICE MARK

Register PRINCIPAL  
Live/Dead Indicator LIVE

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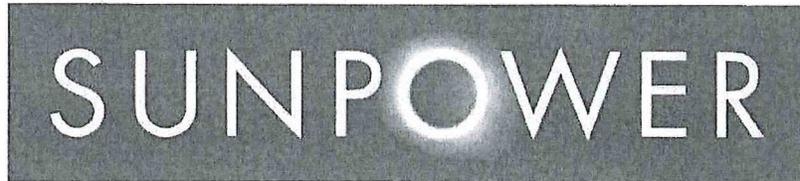
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# Exhibit D

United States of America  
United States Patent and Trademark Office



Reg. No. 4,138,218  
Registered May 8, 2012  
Int. Cls.: 9 and 37

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT  
77 RIO ROBLES  
SAN JOSE, CA 95134

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

FOR: PHOTOVOLTAIC CELLS; MODULES, NAMELY, PHOTOVOLTAIC MODULES AND SOLAR CELL MODULES; PANELS, NAMELY, PHOTOVOLTAIC PANELS AND SOLAR CELL PANELS; SOLAR BATTERIES; SOLAR CELLS; PHOTOVOLTAIC SOLAR-THERMAL HYBRID MODULES; ELECTRONIC SENSORS FOR MEASURING SOLAR RADIATION; APPARATUS FOR CONVERTING ELECTRONIC RADIATION TO ELECTRICAL ENERGY, NAMELY, PHOTOVOLTAIC ROOFING MEMBERS AND PHOTOVOLTAIC CLADDING PANELS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-24-2004; IN COMMERCE 5-24-2004.

FOR: INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY BASED POWER PLANTS; INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY SYSTEMS, SOLAR COLLECTORS AND SOLAR HEAT COLLECTION PANELS; INSTALLATION OF FACILITIES TO PRODUCE SOLAR ENERGY, INSTALLATION OF GROUND MOUNTED AND ROOF-MOUNTED SOLAR PANEL PLANTS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 5-24-2004; IN COMMERCE 5-24-2004.

OWNER OF U.S. REG. NOS. 2,690,090, 3,582,037, AND 3,929,715.

THE MARK CONSISTS OF LARGE BLACK RECTANGLE WITH THE WORDING "SUN-POWER" IN WHITE AND A HALO AROUND THE "O" GRADATION FROM WHITE TO BLACK BACKGROUND.

SER. NO. 85-408,770, FILED 8-26-2011.

SHARON MEIER, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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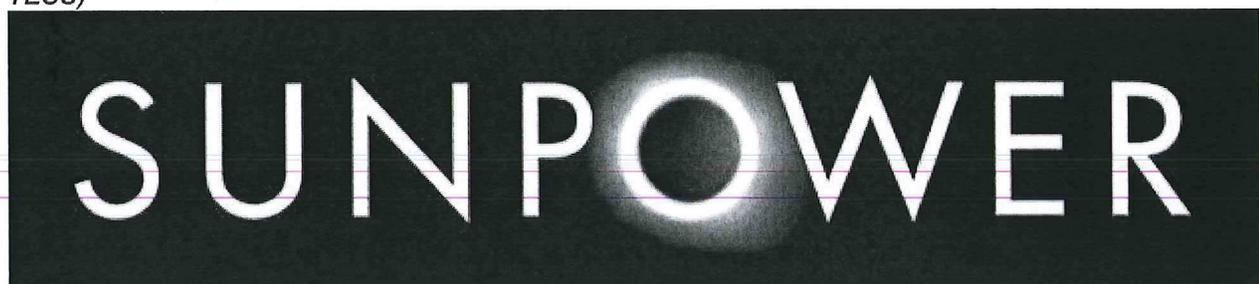
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**Word Mark** SUNPOWER  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels. FIRST USE: 20040524. FIRST USE IN COMMERCE: 20040524

IC 037. US 100 103 106. G & S: Installation, repair, and maintenance of solar energy based power plants; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants. FIRST USE: 20040524. FIRST USE IN COMMERCE: 20040524

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 04.01.03 - Halos on objects, letters, numbers  
 26.11.21 - Rectangles that are completely or partially shaded  
 27.01.04 - Letters forming objects; Numbers forming objects; Objects composed of letters or numerals; Punctuation forming objects

**Serial Number** 85408770

**Filing Date** August 26, 2011

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** February 21, 2012

**Registration Number** 4138218

**Registration Date** May 8, 2012

**Owner** (REGISTRANT) SunPower Corporation CORPORATION DELAWARE Legal Department 77 Rio Robles San Jose CALIFORNIA 95134

**Attorney of** Patrick J. Gallagher

**Record**

**Prior Registrations** 2690090;3582037;3929715

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of large black rectangle with the wording "SUNPOWER" in white and a halo around the "O" gradation from white to black background.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# Exhibit E

United States of America  
United States Patent and Trademark Office

SUNPOWER

Reg. No. 4,910,015

Registered Mar. 1, 2016

Int. Cls.: 6, 9, 11, 19, 35,  
36, 37, and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT - TRADEMARKS  
77 RIO ROBLES  
SAN JOSE, CA 95134

FOR: MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS AND MOUNTING RAILS, MADE OF METAL, FOR ROOFTOP STABILIZATION AND STABILIZATION ON THE GROUND, SOLAR COLLECTOR SUPPORTS MADE OF METAL, AND CLAMPS MADE OF METAL; SOLAR PANEL MOUNTS MADE OF METAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 12-29-2014; IN COMMERCE 12-29-2014.

FOR: PHOTOVOLTAIC CELLS; MODULES, NAMELY, PHOTOVOLTAIC MODULES AND SOLAR CELL MODULES; PANELS, NAMELY, PHOTOVOLTAIC PANELS AND SOLAR CELL PANELS; SOLAR BATTERIES; SOLAR CELLS; SOLAR CONCENTRATORS; PHOTOVOLTAIC SOLAR-THERMAL HYBRID MODULES; ELECTRONIC SENSORS FOR MEASURING SOLAR RADIATION; APPARATUS FOR CONVERTING ELECTRONIC RADIATION TO ELECTRICAL ENERGY, NAMELY, PHOTOVOLTAIC ROOFING MEMBERS AND PHOTOVOLTAIC CLADDING PANELS; SILICON WAFERS; SOLAR WAFERS; INVERTERS; PHOTOVOLTAIC INVERTERS; SOLAR INVERTERS; CONVERTERS; PHOTOVOLTAIC CONVERTERS; SOLAR ENERGY CONVERTERS; PHOTOVOLTAIC PANEL MOUNTING SYSTEM, COMPRISED OF SOLAR PANELS, CONNECTORS, AND ALSO INCLUDING MOUNTING RAILS, AND A MOUNTING STRUCTURE, FOR USE IN PROVIDING HEATING AND COOLING LOAD REDUCTION AND GENERATING ELECTRICITY, ALL SOLD AS A UNIT; COMPUTER SOFTWARE AND COMPUTER HARDWARE FOR USE IN ENERGY MONITORING AND ENERGY MANAGEMENT AND FOR USE IN TRACKING ENERGY USAGE; SOFTWARE FOR INVENTORY MANAGEMENT; POWER ELECTRONICS, NAMELY, POWER LINE CONDITIONERS, POWER OPTIMIZERS, NAMELY, ELECTRONIC DEVICES FOR MAXIMIZING ENERGY FROM PHOTOVOLTAIC MODULES, VOLTAGE REGULATORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: SOLAR HEAT COLLECTION PANELS; SOLAR COLLECTORS AND MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS AND MOUNTING RAILS FOR STABILIZATION ON THE GROUND AND FOR ROOFTOP STA-



*Michelle K. Lee*  
Director of the United States  
Patent and Trademark Office

**Reg. No. 4,910,015** BILIZATION, SOLAR COLLECTOR SUPPORTS, AND CLAMPS, ALL SOLD AS A UNIT WITH SOLAR COLLECTORS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: ROOFING, NOT OF METAL, INCORPORATING SOLAR CELLS; MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS NOT OF METAL, ATTACHMENT FEATURES, NAMELY, MOUNTING RAILS NOT OF METAL, FOR ROOFTOP STABILIZATION AND BEAUTIFICATION, AND FOR STABILIZATION ON THE GROUND; SOLAR COLLECTOR SUPPORTS NOT OF METAL, AND CLAMPS, NOT OF METAL; SOLAR PANEL RAILS NOT OF METAL FOR ROOFTOP MOUNTING, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 12-29-2014; IN COMMERCE 12-29-2014.

FOR: ENERGY USAGE MANAGEMENT; ENERGY USAGE MANAGEMENT INFORMATION SERVICES; HOME ENERGY ASSESSMENT SERVICES FOR THE PURPOSE OF DETERMINING ENERGY EFFICIENCY OR USAGE MANAGEMENT; INFORMATION IN THE FIELD OF ENERGY EFFICIENCY; BUSINESS CONSULTING AND ADVISORY SERVICES IN THE FIELD OF ENERGY EFFICIENCY; CONSULTATION IN THE FIELD OF ENERGY EFFICIENCY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: FINANCING SERVICES, NAMELY, SOLAR ELECTRIC SYSTEM LEASES, SOLAR POWER PURCHASE AGREEMENTS, AND FINANCING LOANS FOR THE PURCHASE AND INSTALLATION OF SOLAR POWER SYSTEMS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: INSTALLATION, CLEANING, REPAIR, AND MAINTENANCE OF SOLAR ENERGY BASED POWER SYSTEMS AND ALTERNATIVE ENERGY PRODUCTS FOR RESIDENTIAL AND COMMERCIAL USE; INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY SYSTEMS, SOLAR COLLECTORS AND SOLAR HEAT COLLECTION PANELS; INSTALLATION OF FACILITIES TO PRODUCE SOLAR ENERGY, INSTALLATION OF GROUND-MOUNTED AND ROOF-MOUNTED SOLAR PANEL SYSTEMS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: TECHNICAL PLANNING OF SOLAR ENERGY BASED POWER PLANTS; TECHNICAL PLANNING OF PHOTOVOLTAIC AND SOLAR COLLECTOR INSTALLATIONS; TECHNICAL PLANNING, DESIGN AND DEVELOPMENT OF SOLAR PHOTOVOLTAIC SYSTEMS; TECHNOLOGY CONSULTATION IN THE FIELD OF PHOTOVOLTAIC CELLS, PHOTOVOLTAIC MODULES AND SOLAR CELL MODULES; REMOTE MONITORING, METERING AND DATA ANALYSIS OF ENERGY USAGE AND ENERGY MANAGEMENT SYSTEMS; ENERGY USAGE MONITORING IN THE NATURE OF DATA ANALYSIS; SOLAR ENGINEERING SERVICES; TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN ENERGY MONITORING AND ENERGY MANAGEMENT AND FOR USE IN TRACKING ENERGY USAGE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

THE MARK CONSISTS OF "SUNPOWER" WITH LETTERS "SUNPWER" IN BLACK AND LETTER "O" IN ORANGE.

THE COLOR(S) BLACK AND ORANGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

**Reg. No. 4,910,015** SN 86-570,450, FILED 3-19-2015.

HOWARD SMIGA, EXAMINING ATTORNEY



United States Patent and Trademark Office

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# SUNPOWER

Word Mark  
Goods and  
Services

IC 006. US 002 012 013 014 023 025 050. G & S: Mounting systems for solar collectors comprised of structural supports and mounting rails, made of metal, for rooftop stabilization and stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal. FIRST USE: 20141229. FIRST USE IN COMMERCE: 20141229

IC 009. US 021 023 026 036 038. G & S: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; solar concentrators; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels; silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters; photovoltaic panel mounting system, comprised of solar panels, connectors, and also including mounting rails, and a mounting structure, for use in providing heating and cooling load reduction and generating electricity, all sold as a unit; computer software and computer hardware for use in energy monitoring and energy management and for use in tracking energy usage; software for inventory management; Power electronics, namely, power line conditioners, power optimizers, namely, electronic devices for maximizing energy from photovoltaic modules, voltage regulators. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 011. US 013 021 023 031 034. G & S: solar heat collection panels; Solar collectors and mounting systems for solar collectors comprised of structural supports and mounting rails for stabilization on the ground and for rooftop stabilization, solar collector supports, and clamps, all sold as a unit with solar collectors. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 019. US 001 012 033 050. G & S: Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports not of metal, attachment features, namely, mounting rails not of metal, for rooftop stabilization and beautification, and for stabilization on the ground; solar collector supports not of metal, and clamps, not of metal; solar panel rails not of metal for rooftop mounting. FIRST USE: 20141229. FIRST USE IN COMMERCE: 20141229

IC 035. US 100 101 102. G & S: Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 036. US 100 101 102. G & S: Financing services, namely, solar electric system leases, solar power purchase agreements, and financing loans for the purchase and installation of solar power systems. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 037. US 100 103 106. G & S: Installation, cleaning, repair, and maintenance of solar energy based power systems and alternative energy products for residential and commercial use; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground-mounted and roof-mounted solar panel systems. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 042. US 100 101. G & S: Technical planning of solar energy based power plants; Technical planning of photovoltaic and solar collector installations; Technical planning, design and development of solar photovoltaic systems; Technology consultation in the field of photovoltaic cells, photovoltaic modules and solar cell modules; Remote monitoring, metering and data analysis of energy usage and energy management systems; energy usage monitoring in the nature of data analysis; solar engineering services; temporary use of non-downloadable computer software for use in energy monitoring and energy management and for use in tracking energy usage. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 86570450

**Filing Date** March 19, 2015

**Current Basis** 1A

**Original Filing Basis** 1A;1B

**Published for Opposition** September 29, 2015

**Registration Number** 4910015

**Registration Date** March 1, 2016

**Owner** (REGISTRANT) SunPower Corporation CORPORATION DELAWARE Legal Department - Trademarks 77 Rio Robles San Jose CALIFORNIA 95134

**Attorney of Record** Patrick J. Gallagher

**Description of Mark** The color(s) black and orange is/are claimed as a feature of the mark. The mark consists of "SUNPOWER" with letters "SUNPWER" in black and letter "O" in orange.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# **Exhibit F**

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# United States of America

United States Patent and Trademark Office

# SUNPOWER

**Reg. No. 4,845,006**

**Registered Nov. 3, 2015**

**Int. Cls.: 6, 9, 11, 19, 35,  
36, 37 and 42**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

SUNPOWER CORPORATION (DELAWARE CORPORATION)  
LEGAL DEPARTMENT - TRADEMARKS  
77 RIO ROBLES  
SAN JOSE, CA 95134

FOR: MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS AND MOUNTING RAILS, MADE OF METAL, FOR ROOFTOP STABILIZATION AND STABILIZATION ON THE GROUND, SOLAR COLLECTOR SUPPORTS MADE OF METAL, AND CLAMPS MADE OF METAL; SOLAR PANEL MOUNTS MADE OF METAL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: PHOTOVOLTAIC CELLS; MODULES, NAMELY, PHOTOVOLTAIC MODULES AND SOLAR CELL MODULES; PANELS, NAMELY, PHOTOVOLTAIC PANELS AND SOLAR CELL PANELS; SOLAR BATTERIES; SOLAR CELLS; SOLAR CONCENTRATORS; PHOTOVOLTAIC SOLAR-THERMAL HYBRID MODULES; ELECTRONIC SENSORS FOR MEASURING SOLAR RADIATION; APPARATUS FOR CONVERTING ELECTRONIC RADIATION TO ELECTRICAL ENERGY, NAMELY, PHOTOVOLTAIC ROOFING MEMBERS AND PHOTOVOLTAIC CLADDING PANELS; SILICON WAFERS; SOLAR WAFERS; INVERTERS; PHOTOVOLTAIC INVERTERS; SOLAR INVERTERS; CONVERTERS; PHOTOVOLTAIC CONVERTERS; SOLAR ENERGY CONVERTERS; PHOTOVOLTAIC PANEL MOUNTING SYSTEM, COMPRISED OF SOLAR PANELS, CONNECTORS, AND ALSO INCLUDING MOUNTING RAILS, AND A MOUNTING STRUCTURE, FOR USE IN PROVIDING HEATING AND COOLING LOAD REDUCTION AND GENERATING ELECTRICITY, ALL SOLD AS A UNIT; COMPUTER SOFTWARE AND COMPUTER HARDWARE FOR USE IN ENERGY MONITORING AND ENERGY MANAGEMENT AND FOR USE IN TRACKING ENERGY USAGE; SOFTWARE FOR INVENTORY MANAGEMENT; POWER ELECTRONICS, NAMELY, POWER LINE CONDITIONERS, POWER OPTIMIZERS, NAMELY, ELECTRONIC DEVICES FOR MAXIMIZING ENERGY FROM PHOTOVOLTAIC MODULES, VOLTAGE REGULATORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

FOR: SOLAR HEAT COLLECTION PANELS; SOLAR COLLECTORS AND MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS AND MOUNTING RAILS FOR STABILIZATION ON THE GROUND AND FOR ROOFTOP STA-

**Reg. No. 4,845,006** BILIZATION, SOLAR COLLECTOR SUPPORTS, AND CLAMPS, ALL SOLD AS A UNIT WITH SOLAR COLLECTORS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: ROOFING, NOT OF METAL, INCORPORATING SOLAR CELLS; MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUCTURAL SUPPORTS NOT OF METAL, ATTACHMENT FEATURES, NAMELY, MOUNTING RAILS NOT OF METAL, FOR ROOFTOP STABILIZATION AND BEAUTIFICATION, AND FOR STABILIZATION ON THE GROUND; SOLAR COLLECTOR SUPPORTS NOT OF METAL, AND CLAMPS, NOT OF METAL; SOLAR PANEL RAILS NOT OF METAL FOR ROOFTOP MOUNTING, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: ENERGY USAGE MANAGEMENT; ENERGY USAGE MANAGEMENT INFORMATION SERVICES; HOME ENERGY ASSESSMENT SERVICES FOR THE PURPOSE OF DETERMINING ENERGY EFFICIENCY OR USAGE MANAGEMENT; INFORMATION IN THE FIELD OF ENERGY EFFICIENCY; BUSINESS CONSULTING AND ADVISORY SERVICES IN THE FIELD OF ENERGY EFFICIENCY; CONSULTATION IN THE FIELD OF ENERGY EFFICIENCY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: FINANCING SERVICES, NAMELY, SOLAR ELECTRIC SYSTEM LEASES, SOLAR POWER PURCHASE AGREEMENTS, AND FINANCING LOANS FOR THE PURCHASE AND INSTALLATION OF SOLAR POWER SYSTEMS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: INSTALLATION, CLEANING, REPAIR, AND MAINTENANCE OF SOLAR ENERGY BASED POWER SYSTEMS AND ALTERNATIVE ENERGY PRODUCTS FOR RESIDENTIAL AND COMMERCIAL USE; INSTALLATION, REPAIR, AND MAINTENANCE OF SOLAR ENERGY SYSTEMS, SOLAR COLLECTORS AND SOLAR HEAT COLLECTION PANELS; INSTALLATION OF FACILITIES TO PRODUCE SOLAR ENERGY, INSTALLATION OF GROUND-MOUNTED AND ROOF-MOUNTED SOLAR PANEL SYSTEMS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

FOR: TECHNICAL PLANNING OF SOLAR ENERGY BASED POWER PLANTS; TECHNICAL PLANNING OF PHOTOVOLTAIC AND SOLAR COLLECTOR INSTALLATIONS; TECHNICAL PLANNING, DESIGN AND DEVELOPMENT OF SOLAR PHOTOVOLTAIC SYSTEMS; TECHNOLOGY CONSULTATION IN THE FIELD OF PHOTOVOLTAIC CELLS, PHOTOVOLTAIC MODULES AND SOLAR CELL MODULES; REMOTE MONITORING, METERING AND DATA ANALYSIS OF ENERGY USAGE AND ENERGY MANAGEMENT SYSTEMS; ENERGY USAGE MONITORING IN THE NATURE OF DATA ANALYSIS; SOLAR ENGINEERING SERVICES; TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN ENERGY MONITORING AND ENERGY MANAGEMENT AND FOR USE IN TRACKING ENERGY USAGE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-2014; IN COMMERCE 12-0-2014.

THE MARK CONSISTS OF "SUNPOWER" WITH LETTERS "SUNPWER" IN WHITE AND LETTER "O" IN ORANGE WITH BLUE BACKGROUND.

THE COLOR(S) WHITE, BLUE AND ORANGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

**Reg. No. 4,845,006** SER. NO. 86-570,439, FILED 3-19-2015.

HOWARD SMIGA, EXAMINING ATTORNEY



United States Patent and Trademark Office

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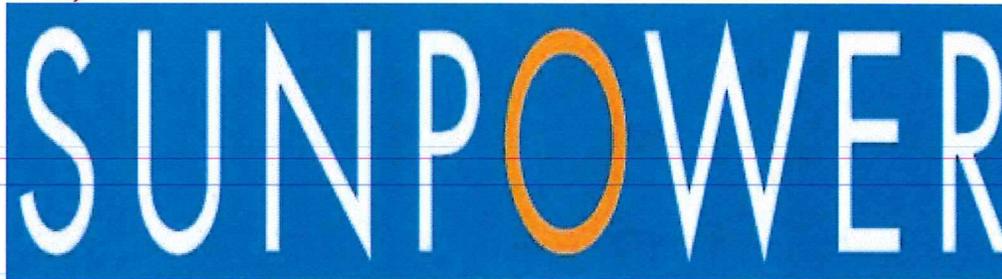
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TESS)



**Word Mark** SUNPOWER  
**Goods and Services**

IC 006. US 002 012 013 014 023 025 050. G & S: Mounting systems for solar collectors comprised of structural supports and mounting rails, made of metal, for rooftop stabilization and stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 009. US 021 023 026 036 038. G & S: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; solar concentrators; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels; silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters; photovoltaic panel mounting system, comprised of solar panels, connectors, and also including mounting rails, and a mounting structure, for use in providing heating and cooling load reduction and generating electricity, all sold as a unit; computer software and computer hardware for use in energy monitoring and energy management and for use in tracking energy usage; software for inventory management; Power electronics, namely, power line conditioners, power optimizers, namely, electronic devices for maximizing energy from photovoltaic modules, voltage regulators. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 011. US 013 021 023 031 034. G & S: solar heat collection panels; Solar collectors and mounting systems for solar collectors comprised of structural supports and mounting rails for stabilization on the ground and for rooftop stabilization, solar collector supports, and clamps, all sold as a unit with solar collectors. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 019. US 001 012 033 050. G & S: Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports not of metal, attachment features, namely, mounting rails not of metal, for rooftop stabilization and beautification, and for stabilization on the ground; solar collector supports not of metal, and clamps, not of metal; solar panel rails not of metal for rooftop mounting. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 035. US 100 101 102. G & S: Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 036. US 100 101 102. G & S: Financing services, namely, solar electric system leases, solar power purchase agreements, and financing loans for the purchase and installation of solar power systems. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 037. US 100 103 106. G & S: Installation, cleaning, repair, and maintenance of solar energy based power systems and alternative energy products for residential and commercial use; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground-mounted and roof-mounted solar panel systems. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

IC 042. US 100 101. G & S: Technical planning of solar energy based power plants; Technical planning of photovoltaic and solar collector installations; Technical planning, design and development of solar photovoltaic systems; Technology consultation in the field of photovoltaic cells, photovoltaic modules and solar cell modules; Remote monitoring, metering and data analysis of energy usage and energy management systems; energy usage monitoring in the nature of data analysis; solar engineering services; temporary use of non-downloadable computer software for use in energy monitoring and energy management and for use in tracking energy usage. FIRST USE: 20141200. FIRST USE IN COMMERCE: 20141200

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 86570439

**Filing Date** March 19, 2015

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** August 18, 2015

**Registration Number** 4845006

**Registration Date** November 3, 2015

**Owner** (REGISTRANT) SunPower Corporation CORPORATION DELAWARE Legal Department - Trademarks 77 Rio Robles San Jose CALIFORNIA 95134

**Attorney of Record** Patrick J. Gallagher

**Description of Mark** The color(s) white, blue and orange is/are claimed as a feature of the mark. The mark consists of "SUNPOWER" with letters "SUNPWER" in white and letter "O" in orange with blue background.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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