

**TTAB**

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“Express Mail” mailing label No.: EB 785116350 US  
Date of Deposit: December 20, 2007

I hereby certify that this paper or fee is being deposited with the United States  
Postal Service “Express Mail Post Office to Addressee” service under 37 CFR 1.10  
on the date indicated above and is addressed to the Commissioner for Trademarks,  
P.O. Box 1451, Alexandria, VA 22313-1451

Edward Kelly  
(Printed Name)

Ed Kelly  
(Signature)

December 20, 2007  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

<b>Re:</b>	<b>Applicant</b>	<b>:</b>	<b>Solar Blue LLC</b>
	<b>Trademark</b>	<b>:</b>	<b>Design Mark (circular)</b>
	<b>Class</b>	<b>:</b>	<b>011</b>
	<b>Serial Number</b>	<b>:</b>	<b>77/113166</b>
	<b>Opposer</b>	<b>:</b>	<b>Schott AG</b>

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Dear Sir:

We enclose:

- (X) Notice of Opposition (in triplicate);
- (X) Power of Attorney;
- (X) Enclosed please find a check in the amount of \$300.00 to cover the filing fee.

Respectfully submitted,

Tiajolloff & Kelly

By Ed Kelly  
Edward P. Kelly

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12-21-2007

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

Schott AG	)	Serial No.	:	77/113166
	)			
Opposer,	)			
	)			
v.	)	Opposition No. :		
	)			
Solar Blue LLC	)	Mark	:	Circular Design
	)			
	)	Published in Official Gazette		
	)	on November 20, 2007		
Applicant	)			

NOTICE OF OPPOSITION

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**SIR:**

Schott AG, a corporation organized under the laws of the Federal Republic of Germany, with offices at Hattenbergstrasse 10, Mainz, Germany, D-55122 (hereinafter "Schott" or "Opposer"), believes that it will be damaged by the registration of the referenced trademark application Serial No. 77/113166 for a design mark filed on behalf of Solar Blue LLC, and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. On information and belief, application Serial No. 77/113166 is an intent to use application filed February 22, 2007, for registration of a design mark on the Principal Register in the name of Solar Blue LLC (hereinafter "Applicant") for goods in International Class 011, namely the following:

Solar collectors; solar heat collection panels; solar light fixtures, namely, indoor and outdoor solar power lighting units and fixtures; solar air conditioners; solar water heaters; solar water filters; solar air filters for domestic use; solar patio heaters and solar heaters for homes.

2. Opposer Schott is a world-renowned manufacturer and innovator in field of specialty glass products used in a wide variety of applications, including applications within the

solar power industry, requiring scientific and laboratory glass. Schott is the owner of (i) U.S.

Trademark Registration No. 3,194,280 of for a design mark filed November 20, 2003, and claiming a foreign priority date of May 28, 2003, for:

Parts made of glass or glass ceramics for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary installations, namely glass ceramic cooktop panels for electric, gas and induction cooking appliances and for solid fuel stoves, contact grill panels for electric appliances, sight and safety glass panels for stoves, microwave ovens, heating apparatus, ovens, boilers, furnaces, dryers and washers, sight and safety glass panels for smaller household appliances, inner glass doors for baking ovens, glass panels for grilling and microwave appliances, refrigerators, refrigerating showcases, freezers for commercial use; cover panels for electric heaters; lamp glasses in the form of globes for indoors and outdoor lighting, lamp reflectors, glass cover panels for lighting purposes, lamp glasses, stray glasses for lighting purposes, and lamp shades for lighting purposes, glass cylinder for fluid gas lamps, hurricane lamps, sun arc lamps, fishing lamps, camping lanterns; protection and diffusing panels for studio lights, spotlights and high power lamps; tubes for halogen lamps, glasses for providing lighting in automobiles; fiber optic components, namely fiber optic lighting fixtures used in conjunction with electrical illuminators for light transmission in lighting engineering; fiber optic lighting fixtures used in conjunction with electrical illuminators for indoor and outdoors use, for general decorative lighting in showcases, for in-seat lighting in planes and trains as well as for utilization in automobiles; solar collectors for heat generating; ultraviolet lighting fixtures and halogen discharge lamps, glasses for vehicle lighting; fiber optic lighting fixtures for lighting systems in vehicles. glasses for headlights; solar technical components parts made of glass, namely solar collector modules; bulbs for gas-discharge lamps; non-electric lights; ceramic burner mats for gas burners for use in boilers and thermals, cooking appliances, water heaters, room heaters, gas-operated fireplaces, drying devices and other thermal industrial processes,

in International Class 011, as well as (ii) U.S. Trademark Registration No. 2,643,413 for a design mark filed August 24, 1999 for:

Glass ceramic cook top panels; glass chimneys, lamp parts, namely, protecting and diffusing panels for all kinds of lamps and lights; flash and halogen lamps-all made of glass; light bulbs for television sets; glass and glass ceramic products for household and kitchen, namely cookers, baking ovens, fireplaces, refrigerator shelves, microwave ovens, food processors, coffee machines and cooking and water heating apparatus; glassware for cooking, baking and serving, namely serving trays, hotpots, dishes; crystal glassware, vases, bowls, candlesticks and other decorative glass products, namely novelty items made of glass,

in International Class 011, both of which cover goods that are similar and identical to those recited in Applicant's later-filed application.

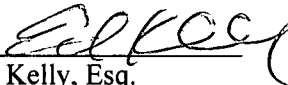
3. The goods which the Applicant identifies in its design application are either identical or so closely related to the goods identified in Opposer's prior filed registrations so as to result in a likelihood of confusion.

4. Opposer's prior filed design marks not only cover goods identical and closely related to Solar Blue LLC's application, but are further so highly similar in appearance and connotation as to result in a likelihood of confusion.

5. In view of the similarity of Applicant's mark to Schott's marks and the close relationship of Applicant's goods to Schott goods, Schott believes that Applicant's mark as applied to Applicant's goods will so resemble Schott's prior used marks, as applied to the goods marketed and sold by Schott in connection with its marks, as to be likely to cause confusion or cause mistake or to deceive and in violation of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

**WHEREFORE**, Schott respectfully requests that this opposition be sustained and that application Serial No. 77/113166 be refused registration.

Opposer has appointed Edward P. Kelly a member of the Bar of the State of New York in good standing, of the firm of Tiajolloff & Kelly, Chrysler Building – 37<sup>th</sup> Floor, 405 Lexington Avenue, New York, NY 10174 with full power of substitution and revocation, to act as its attorney, to prosecute this opposition, and to transact all business in connection therewith and to act as Applicant's domestic representative for service of process in proceedings affecting the mark. Please direct all communications to:

  
Edward P. Kelly, Esq.  
Tiajolloff & Kelly  
Chrysler Building, 37<sup>th</sup> Floor  
405 Lexington Avenue  
New York, NY 10174

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Opposer's Notice of Opposition was served this 20<sup>th</sup> day of December 2007, by first class mail, postage prepaid, upon both the Applicant and counsel for Applicant as follows:

Solar Blue LLC  
7380 West Sandlake Road  
Suite 405  
Orlando, Florida 32819

Attorney for Applicant:  
David L. Sigalow  
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.  
Suite 1401  
Orlando, Florida 32801

  
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Edward P. Kelly