

ESTTA Tracking number: **ESTTA618088**

Filing date: **07/28/2014**

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 | 07/30/2014 |
| Address | 77 Rio Robles San Jose, CA 95134 UNITED STATES |

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| Attorney information | Patrick J. Gallagher Fulbright & Jaworski LLP 80 South Eighth Street 2100 IDS Center Minneapolis, MN 55402 UNITED STATES patrick.gallagher@nortonrosefulbright.com, jen.rezac@nortonrosefulbright.com, aoipdocket@nortonrosefulbright.com |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 85146902 | Publication date | 04/01/2014 |
| Opposition Filing Date | 07/28/2014 | Opposition Period Ends | 07/30/2014 |
| Applicant | Suntricity Power Corp 93 Christiana Road New Castle, DE 19720 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 037. First Use: 2007/12/27 First Use In Commerce: 2008/01/01 All goods and services in the class are opposed, namely: Building construction services, namely, solar panel installations |
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Grounds for Opposition

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

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| U.S. Registration No. | 2690090 | Application Date | 07/11/2001 |
| Registration Date | 02/25/2003 | Foreign Priority Date | NONE |
| Word Mark | SUNPOWER | | |

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| Design Mark | SUNPOWER |
| 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 |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3582037 | Application Date | 03/31/2008 |
| Registration Date | 03/03/2009 | Foreign Priority Date | NONE |
| Word Mark | SUNPOWER | | |
| Design Mark | SUNPOWER | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>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 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 | | |

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| Design Mark | SUNPOWER |
| Description of Mark | NONE |
| Goods/Services | 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 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 |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 4237317 | Application Date | 03/30/2012 |
| Registration Date | 11/06/2012 | Foreign Priority Date | NONE |
| Word Mark | SUNPOWER | | |
| Design Mark | SUNPOWER | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 2005/00/00 First Use In Commerce: 2005/00/00 Silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters | | |

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

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| 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 | <p>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</p> <p>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</p> |

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|-------------|---|
| Attachments | 76283765#TMSN.png(bytes) 76688239#TMSN.png(bytes) 77879227#TMSN.png(bytes) 85585503#TMSN.png(bytes) 85408770#TMSN.png(bytes) Notice of Opposition.pdf(596580 bytes) |
|-------------|---|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|------------------------|
| Signature | /patrick j. gallagher/ |
| Name | Patrick J. Gallagher |
| Date | 07/28/2014 |

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

In the matter of Application Serial No.: 85/146,902
By Suntricity Power Corporation for the mark: SUNTRICITY POWER
Filed: October 7, 2010
Published in the *Official Gazette* on: April 1, 2014

| | | |
|-------------------------------|---|-----------------------|
| SunPower Corporation, | § | |
| | § | |
| Opposer, | § | |
| | § | Opposition No.: _____ |
| v. | § | |
| | § | |
| Suntricity Power Corporation, | § | |
| | § | |
| 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, “SUNTRICITY POWER,” as shown in U.S. Trademark Application Serial No. 85/146,902 (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.
2. Founded in 1985, SunPower has been an innovative leader in the solar industry for over 25 years. In 2010 and 2011, SunPower’s revenues exceeded \$2.0 billion, and its revenues exceeded \$2.4 billion and \$2.5 billion in 2012 and 2013, respectively.

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 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: “[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 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, and the registration is in full force and effect. (A true and correct copy of the certificate of registration for U.S. Reg. No. 3,582,037 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 Class 35; and “[r]emote monitoring, metering and analysis of energy usage and energy management systems,” in 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. 4,237,317 for the SUNPOWER Mark registered in connection with various goods, including: “[s]ilicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; [and] solar energy converters” in Class 9. The underlying application for this registration was filed on March 30, 2012. U.S. Reg. No. 4,237,317 issued on November 6, 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. 4,237,317 is attached as Exhibit D.)

9. 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 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 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 (the SUNPOWER Mark and the SUNPOWER & Design Mark are jointly referred to as the “SUNPOWER Marks”). (A true and correct copy of the certificate of registration for U.S. Reg. No. 4,138,218 is attached as Exhibit E.)

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

16. 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.

17. 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.

18. SunPower's use of the SUNPOWER Mark is long prior to Applicant's filing of the above-identified Application, Applicant's apparent actual use of the alleged mark that is the subject of the Application, and/or any date upon which Applicant can claim priority.

19. Applicant, Suntricity Power Corporation (hereinafter "Applicant") filed U.S. Application Serial No. 85/146,902 for the alleged mark "SUNTRICITY POWER" under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), in connection with "[b]uilding construction services, namely, solar panel installations," in Class 37.

20. Applicant's alleged mark "SUNTRICITY POWER" was published for opposition in the *Official Gazette* on April 1, 2014.

21. SunPower timely filed for a 90-day Extension of Time to Oppose the Application on April 28, 2014, which was granted until July 30, 2014.

22. Applicant did not use the alleged mark that is the subject of U.S. Application Serial No. 85/146,902 in connection with any goods or services in the United States prior to December 27, 2007.

23. Applicant did not use the alleged mark that is the subject of U.S. Application Serial No. 85/146,902 in connection with the services set forth in U.S. Application Serial No. 85/146,902 in the United States prior to December 27, 2007.

24. Applicant did not use the alleged mark that is the subject of U.S. Application Serial No. 85/146,902 in commerce in connection with any goods or services in the United States prior to January 1, 2008.

25. Applicant did not use the alleged mark that is the subject of U.S. Application Serial No. 85/146,902 in commerce in connection with the services set forth in U.S. Application Serial No. 85/146,902 in the United States prior to January 1, 2008.

26. The alleged mark "SUNTRICITY POWER," which Applicant seeks to register, so resembles the SUNPOWER Marks as to be likely, when used on or in connection with Applicant's services, to cause confusion, or to cause mistake, or to deceive. Purchasers and prospective purchasers are likely to falsely believe that the services of Applicant offered and rendered under the alleged mark "SUNTRICITY POWER" 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).

27. Registration of Applicant's alleged mark would be a source of damage to SunPower because consumers are likely to attribute the source or sponsorship of Applicant's services to SunPower.

28. Registration of Applicant's alleged mark 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 more than 20 years.

29. Registration of Applicant's alleged mark 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.

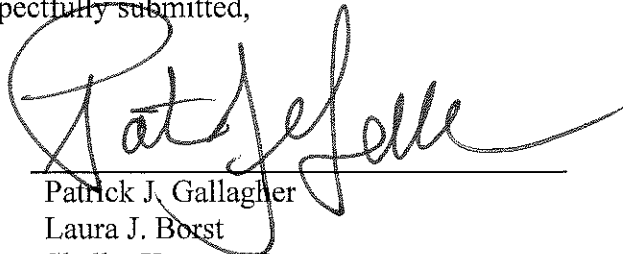
WHEREFORE, SunPower requests that registration of Application Serial No. 85/146,902 for the alleged mark "SUNTRICITY POWER" be denied in its entirety and this opposition be sustained.

The filing fee in the amount of \$300 as required by 37 C.F.R. § 2.6(a)(17) is submitted herewith. The Commissioner of Trademarks is authorized to draw on the deposit account of Fulbright & Jaworski, L.L.P., Account No. 50-1212/SUNP.T5492US.OP/PJG, in the event that anything prevents the successful completion of electronic payment of the filing fee.

Respectfully submitted,

Dated: July 28 2014

By:



Patrick J. Gallagher
Laura J. Borst
Shelby Knutson Bruce
FULBRIGHT & JAWORSKI L.L.P.
2100 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2112
Tel: (612) 321-2800
Fax: (612) 321-2288

ATTORNEYS 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 22nd day of July, 2014:

CHRISTOPHER DITICO
RAJ ABHYANKER, P.C.
1580 W EL CAMINO REAL STE 8
MOUNTAIN VIEW, CALIFORNIA 94040-2462
UNITED STATES


Jen Rezac

EXHIBIT A

Int. Cl.: 9

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

Reg. No. 2,690,090

United States Patent and Trademark Office

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

EXHIBIT B

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

EXHIBIT C

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.

TARA H HARDY, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT D

United States of America
United States Patent and Trademark Office

SUNPOWER

Reg. No. 4,237,317

Registered Nov. 6, 2012

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

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

FOR: SILICON WAFERS; SOLAR WAFERS; INVERTERS; PHOTOVOLTAIC INVERTERS;
SOLAR INVERTERS; CONVERTERS; PHOTOVOLTAIC CONVERTERS; SOLAR ENERGY
CONVERTERS , IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

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

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

SER. NO. 85-585,503, FILED 3-30-2012.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT E

United States of America

United States Patent and Trademark Office



Reg. No. 4,138,218

Registered May 8, 2012

Int. Cls.: 9 and 37

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

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

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