

ESTTA Tracking number: **ESTTA956843**

Filing date: **02/27/2019**

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	02/27/2019
Address	77 Rio Robles San Jose, CA 95134 UNITED STATES

Attorney information	Christopher M. Kindel Pirkey Barber PLLC 600 Congress Avenue, Suite 2120 Austin, TX 78701 UNITED STATES ckindel@pirkeybarber.com, mbradshaw@pirkeybarber.com, dhund@pirkeybarber.com, drausa@pirkeybarber.com, tmcentral@pirkeybarber.com 512-322-5200
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Applicant Information

Application No	87842835	Publication date	10/30/2018
Opposition Filing Date	02/27/2019	Opposition Period Ends	02/27/2019
Applicant	Seasun New Energy Co., Ltd. Room 803, Chevalier house 45-51 Chatham road south Tsim Sha Tsui, KL, 999077 HONG KONG		

Goods/Services Affected by Opposition

Class 009. First Use: 2016/07/16 First Use In Commerce: 2016/07/16
All goods and services in the class are opposed, namely: Accumulator jars; Battery boxes; Chargers for electric batteries; Electrical distribution boxes; Electricity distribution consoles; Inverters; Junction boxes; Solar batteries; Solar panels for the production of electricity; Transformers

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

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		

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>

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	
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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>

Attachments	<p>76283765#TMSN.png(bytes) 85585503#TMSN.png(bytes) 76688239#TMSN.png(bytes) 77879227#TMSN.png(bytes) Notice of Opposition.pdf(143492 bytes)</p>
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	Exhibit A.pdf(478228 bytes)
Signature	/Christopher M. Kindel/
Name	Christopher M. Kindel
Date	02/27/2019

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

In Re Serial No. 87/842,835	§	
Filed: March 21, 2018	§	
Mark: SEASUN POWER CLEAN ENERGY SOLUTIONS & Design	§	
Published: October 30, 2018	§	
	§	
SunPower Corporation,	§	
	§	Opposition No. _____
Opposer,	§	
	§	
v.	§	
	§	
Seasun New Energy Co., Ltd.,	§	
	§	
Applicant.	§	

NOTICE OF OPPOSITION

SunPower Corporation (“Opposer”), a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 77 Rio Robles, San Jose, California 95134, believes that it will be damaged by registration of the mark identified above, and hereby opposes same under the provisions of 15 U.S.C. § 1063. As grounds for opposition, Opposer asserts that:

1. Founded in 1985, SunPower has been an innovative leader in the solar industry for over 30 years. Since at least as early as 1989, SunPower has continuously used the name and mark SUNPOWER and related marks incorporating SUNPOWER (collectively, the “SUNPOWER Marks”) in connection with the sale and distribution of solar-related goods and services. Since that time, SunPower has continuously used the SUNPOWER Marks 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.

2. Opposer’s use of its SUNPOWER Marks has been continuous and extensive.
3. Opposer’s SUNPOWER Marks are inherently distinctive, serving to identify and indicate the source of Opposer’s goods and services to the consuming public, and to distinguish Opposer’s goods and services from those of others.
4. Additionally, as a result of Opposer’s extensive use and promotion of its SUNPOWER Marks, the marks have become distinctive and are widely recognized by consumers. Opposer has invested significant effort and resources in advertising and promoting its SUNPOWER Marks and the goods and services provided under those Marks, with the result that the purchasing public has come to know, rely on, and recognize the goods and services of Opposer by those Marks. Opposer has established significant goodwill in its SUNPOWER Marks.
5. In addition to its extensive common law rights, Opposer owns several federal trademark registrations for its SUNPOWER Marks, including the following:

Mark	Registration No.	Goods/Services
SUNPOWER	2,690,090	(Int'l Class: 09) photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels
SUNPOWER	4,237,317	(Int'l Class: 09) silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters
SUNPOWER	3,582,037	(Int'l Class: 06) 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 (Int'l Class: 11) 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 (Int'l Class: 19) 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 (Int'l Class: 37) 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
SUNPOWER	3,929,715	(Int'l Class: 35) 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 (Int'l Class: 42) remote monitoring, metering and analysis of energy usage and energy management systems; energy usage monitoring

Each of the registrations listed above is valid and subsisting, and each is incontestable pursuant to 15 U.S.C. § 1065. Printouts from the TSDR database (including Assignment Information) and copies of registration certificates for each of the above registrations are attached as Exhibit A.

6. Seasun New Energy Co., Ltd. (“Applicant”) is a Hong Kong “limited company (ltd.)” with an address of Room 803, Chevalier house 45-51, Chatham road south, Tsim Sha Tsui, KL HONG KONG 999077. Applicant filed U.S. Serial No. 87/842,835 (the “Application”) pursuant to 15 U.S.C. § 1051(a) on March 21, 2018 for the mark SEASUN POWER CLEAN ENERGY SOLUTIONS & Design (“Applicant’s Mark”). The Application covers “Accumulator jars; Battery boxes; Chargers for electric batteries; Electrical distribution boxes; Electricity distribution consoles; Inverters; Junction boxes; Solar batteries; Solar panels for the production of electricity; Transformers” in Class 9 (“Applicant’s Goods”) and claims that Applicant has used Applicant’s Mark in connection with Applicant’s Goods since July 16, 2016.

7. Opposer has priority based on its prior use and registration of its SUNPOWER Marks in the United States.

8. Opposer has not given Applicant permission or approval to use or register Applicant's Mark.

9. Applicant's Goods are identical, or highly similar, to the goods for which Opposer has long used its SUNPOWER Marks.

10. Upon information and belief, Applicant's Goods will travel in the same or similar channels of trade as Opposer's goods and services and will be purchased by the same or similar types of consumers who purchase or use Opposer's goods and services.

11. Applicant's Mark so resembles Opposer's SUNPOWER Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion or mistake, or to deceive. Purchasers and prospective purchasers are likely to believe that Applicant's Goods are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected, or associated with Opposer or its goods and services. Registration should therefore be refused under 15 U.S.C. § 1052(d).

12. Additionally, registration of Applicant's Mark would damage Opposer because it would confer upon Applicant statutory presumptions to which it is not entitled in view of Opposer's longstanding prior use and registration of its SUNPOWER Marks.

WHEREFORE, Opposer prays that U.S. Serial No. 87/842,835 be rejected, and that registration of the mark therein be refused.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Pirkey Barber PLLC, Account No. 50-3924/SPWR:105/CMK, if there is any problem with the processing of the electronically submitted fee.

Date: February 27, 2019

Respectfully submitted,

/Christopher M. Kindel/
Christopher M. Kindel
Megan R. Bradshaw
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, TX 78701
(512) 322-5200

ATTORNEYS FOR OPPOSER

EXHIBIT A

Generated on: This page was generated by TSDR on 2019-02-27 11:08:50 EST

Mark: SUNPOWER

SUNPOWER

US Serial Number: 76283765

Application Filing Date: Jul. 11, 2001

US Registration Number: 2690090

Registration Date: Feb. 25, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 25, 2013

Publication Date: Dec. 03, 2002

Mark Information

Mark Literal Elements: SUNPOWER

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 0929836

International Application(s) /Registration(s) Based on this Property: A0008756/0929836

Goods and Services

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

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

For: Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 1989

Use in Commerce: 1991

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: SUNPOWER CORPORATION

Owner Address: 77 Rio Robles
San Jose, CALIFORNIA 95134
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher M. Kindel

Docket Number: SPWR010US2

Attorney Primary Email Address: tmcentral@pirkeybarber.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Christopher M. Kindel
Pirkey Barber PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: (512) 322-5200

Fax: (512) 322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com tmcentral@pirkeybarber.com
ckindel@pirkeybarber.com akuhn@pirkeybarber.com
kcilino@pirkeybarber.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 14, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 14, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 27, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 27, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 25, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 25, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Feb. 25, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	59136
Feb. 22, 2013	TEAS SECTION 8 & 9 RECEIVED	
Feb. 21, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 21, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 29, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 12, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 12, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 23, 2008	CASE FILE IN TICRS	
Apr. 13, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Mar. 12, 2008	ASSIGNED TO PARALEGAL	59136
Mar. 07, 2008	TEAS SECTION 8 & 15 RECEIVED	
Mar. 21, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 19, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 19, 2007	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 25, 2003	REGISTERED-PRINCIPAL REGISTER	
Dec. 03, 2002	PUBLISHED FOR OPPOSITION	
Nov. 13, 2002	NOTICE OF PUBLICATION	
Oct. 02, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 09, 2002	ASSIGNED TO EXAMINER	76072

Aug. 26, 2002 PAPER RECEIVED
Apr. 08, 2002 NON-FINAL ACTION MAILED
Mar. 15, 2002 CORRESPONDENCE RECEIVED IN LAW OFFICE
Mar. 08, 2002 PAPER RECEIVED
Sep. 05, 2001 NON-FINAL ACTION MAILED
Aug. 27, 2001 ASSIGNED TO EXAMINER

78192

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Feb. 25, 2013

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 25, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: SunPower Corporation

Assignment 1 of 3

Conveyance: MERGER EFFECTIVE 11102005

Reel/Frame: [3503/0564](#)

Pages: 5

Date Recorded: Mar. 20, 2007

Supporting Documents: [assignment-tm-3503-0564.pdf](#)

Assignor

Name: [SUNPOWER CORPORATION](#)

Execution Date: Nov. 09, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [SUNPOWER CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 3939 N. 1ST STREET
SAN JOSE, CALIFORNIA 95134

Correspondent

Correspondent Name: JOHANNA F. SISTEK

Correspondent Address: 244 CALIFORNIA STREET
SUITE 507
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: SECURITY AGREEMENT

Reel/Frame: [3240/0967](#)

Pages: 6

Date Recorded: Dec. 15, 2005

Supporting Documents: [assignment-tm-3240-0967.pdf](#)

Assignor

Name: [SUNPOWER CORPORATION](#)

Execution Date: Dec. 02, 2005

Legal Entity Type: CORPORATION

State or Country: DELAWARE

Where Organized:**Assignee**

Name: [CREDIT SUISSE, CAYMAN ISLANDS BRANCH](#)
Legal Entity Type: SIWSS BANK **State or Country** SWITZERLAND
Where Organized:
Address: ELEVEN MADISON AVENUE
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: JONATHAN SEIDEN, ESQ.
Correspondent Address: SKADDEN, ARPS, SLATE, ET AL
FOUR TIMES SQUARE
NEW YORK, NEW YORK 10036

Domestic Representative - Not Found**Assignment 3 of 3**

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [3971/0211](#) **Pages:** 5
Date Recorded: Apr. 16, 2009
Supporting Documents: [assignment-tm-3971-0211.pdf](#)

Assignor

Name: [CREDIT SUISSE, CAYMAN ISLANDS BRANCH](#) **Execution Date:** Mar. 26, 2009
Legal Entity Type: SWISS BANK **State or Country** SWITZERLAND
Where Organized:

Assignee

Name: [SUNPOWER CORPORATION](#)
Legal Entity Type: CORPORATION **State or Country** DELAWARE
Where Organized:
Address: 3939 N. 1ST STREET
SAN JOSE, CALIFORNIA 95134

Correspondent

Correspondent Name: JONES DAY
Correspondent Address: 222 EAST 41ST STREET
NEW YORK, NY 10017

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 8

Type of Proceeding: Opposition

Proceeding Number: [91235306](#) **Filing Date:** Jun 28, 2017
Status: Terminated **Status Date:** Oct 05, 2017
Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Junhua Xiao
Correspondent Address: JASON R LEE
THE TRADEMARK FIRM PLLC
2370 W SR 89A SUITE 11-225
SEDONA AZ , 86336
UNITED STATES
Correspondent e-mail: jason@llapc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNER POWER	Abandoned - After Inter-Partes Decision	86859896	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: CHRISTOPHER M WEIMER
NORTON ROSE FULBRIGHT US LLP
98 SAN JACINTO BLVD STE 1100
AUSTIN TX , 78701-4255
UNITED STATES

Correspondent e-mail: jen.rezac@nortonrosefulbright.com , mnipdocket@nortonrosefulbright.com , tim.kenny@nortonrosefulbright.com , chris.weimer@nortonrosefulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Cancelled - Section 8	85408770	4138218
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Registered	86570439	4845006
SUNPOWER	Registered	86570450	4910015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 28, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 28, 2017	Aug 07, 2017
3	PENDING, INSTITUTED	Jun 28, 2017	
4	P CHANGE OF CORRESP ADDRESS	Jun 29, 2017	
5	NOTICE OF DEFAULT	Aug 24, 2017	
6	BD DECISION: SUSTAINED	Oct 05, 2017	
7	TERMINATED	Oct 05, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91228015](#)

Filing Date: May 20, 2016

Status: Terminated

Status Date: Jan 31, 2017

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Clockwork IP, LLC

Correspondent Address: SEAN COLLIN
IPWATCH CORPORATION
468 1/2 NORTH COURT STREET
FLORENCE AL , 35630
UNITED STATES

Correspondent e-mail: lwheatley@mcquirewoods.com , rvance@mcquirewoods.com , jhowell2@mcquirewoods.com , trademarks@mcquirewoods.com , bneberg@mcquirewoods.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
YOUR SUN. YOUR POWER. YOUR WAY.	Registered	86578663	5324237

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: MICHAEL HOLLAND
SUNPOWER CORPORATION
77 RIO ROBLES
SAN JOSE CA , 95134
UNITED STATES

Correspondent e-mail: trademark_docket@sunpower.com , maral.behnam-garcia@sunpower.com , patrick.gallagher@nortonrosefulbright.com

Associated marks

Serial	Registration
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Mark	Application Status	Number	Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Cancelled - Section 8	85408770	4138218
SUNPOWER	Registered	86570450	4910015
SUNPOWER	Registered	86570439	4845006

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 20, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 20, 2016	Jun 29, 2016
3	PENDING, INSTITUTED	May 20, 2016	
4	STIP FOR EXT	Jun 22, 2016	
5	EXTENSION OF TIME GRANTED	Jun 22, 2016	
6	STIP FOR EXT	Aug 28, 2016	
7	EXTENSION OF TIME GRANTED	Aug 29, 2016	
8	STIP FOR EXT	Sep 26, 2016	
9	EXTENSION OF TIME GRANTED	Sep 27, 2016	
10	STIP FOR EXT	Oct 27, 2016	
11	EXTENSION OF TIME GRANTED	Oct 27, 2016	
12	UNDELIVERABLE MAIL	Oct 31, 2016	
13	STIP FOR EXT	Dec 20, 2016	
14	EXTENSION OF TIME GRANTED	Dec 20, 2016	
15	W/DRAW OF OPPOSITION	Jan 19, 2017	
16	BD DECISION: DISMISSED W/ PREJ	Jan 31, 2017	
17	TERMINATED	Jan 31, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91226042](#)

Filing Date: Jan 27, 2016

Status: Terminated

Status Date: Jul 14, 2016

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: OZZ Clean Energy, Inc.

Correspondent Address: PAUL FIELDS
LEASON ELLIS LLP
ONE BARKER AVENUE, FIFTH FLOOR
WHITE PLAINS NY , 10601
UNITED STATES

Correspondent e-mail: tmocket@leasonellis.com , segall@LeasonEllis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNWAVE GAS & POWER	Registered	85413736	5024741

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: SUNPOWER CORPORATION
77 RIO ROBLES
SAN JOSE CA , 95134
UNITED STATES

Correspondent e-mail: trademarks@sunpower.com , maral.behnam-garcia@sunpower.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090

SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 27, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 27, 2016	Mar 07, 2016
3	PENDING, INSTITUTED	Jan 27, 2016	
4	D MOT FOR EXT W/ CONSENT	Mar 07, 2016	
5	EXTENSION OF TIME GRANTED	Mar 18, 2016	
6	D MOT FOR EXT W/ CONSENT	Apr 05, 2016	
7	EXTENSION OF TIME GRANTED	Apr 07, 2016	
8	D MOT FOR EXT W/ CONSENT	May 05, 2016	
9	EXTENSION OF TIME GRANTED	May 11, 2016	
10	D MOT FOR EXT W/ CONSENT	Jun 03, 2016	
11	EXTENSION OF TIME GRANTED	Jun 09, 2016	
12	W/DRAW OF OPPOSITION	Jul 05, 2016	
13	BD DECISION: DISMISSED W/ PREJ	Jul 14, 2016	
14	TERMINATED	Jul 14, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91223959](#) **Filing Date:** Sep 22, 2015
Status: Terminated **Status Date:** Mar 30, 2016
Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Feng Jingjing
Correspondent Address: FENG JINGJING
 SUITE A205A, 6640 LUSK BLVD
 SAN DIEGO CA , 92121
 UNITED STATES
Correspondent e-mail: 825114@gmail.com , xw@gbicom.org , cadmon@cadmon.cc

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNGOLDPOWER	Abandoned - After Inter-Partes Decision	86503923	

Plaintiff(s)

Name: SunPower Corporation
Correspondent Address: PATRICK J GALLAGHER
 NORTON ROSE FULBRIGHT US LLP
 RBC PLAZA 60 SOUTH SIXTH STREET, SUITE 3100
 MINNEAPOLIS MN , 55402
 UNITED STATES
Correspondent e-mail: patrick.gallagher@nortonrosefulbright.com , shelby.bruce@nortonrosefulbright.com , jen.rezac@nortonrosefulbright.com , mnipdocket@nortonrosefulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 22, 2015	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 22, 2015	Nov 01, 2015
3	PENDING, INSTITUTED	Sep 22, 2015	
4	PLS INEFFECTIVE SERVICE	Oct 08, 2015	
5	SUSPENDED	Oct 16, 2015	
6	ANSWER	Oct 30, 2015	
7	TRIAL DATES RESET	Jan 04, 2016	
8	NOTICE OF DEFAULT	Feb 16, 2016	
9	BD DECISION: SUSTAINED	Mar 30, 2016	
10	TERMINATED	Mar 30, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91217582](#)

Filing Date: Jul 28, 2014

Status: Terminated

Status Date: Nov 03, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Suntricity Power Corp

Correspondent Address: CHRISTOPHER DITICO
RAJ ABHYANKER PC
1580 W EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW CA , 94040-2462
UNITED STATES

Correspondent e-mail: trademarks@rajpatent.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNTRICITY POWER	Abandoned - After Inter-Partes Decision	85146902	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
FULBRIGHT & JAWORSKI LLP
2100 IDS CENTER, 80 SOUTH EIGHTH STREET
MINNEAPOLIS MN , 55402-2112
UNITED STATES

Correspondent e-mail: patrick.gallagher@nortonrosefulbright.com , jen.rezac@nortonrosefulbright.com , aoipdocket@nortonrosefulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	NOTICE OF DEFAULT	Sep 23, 2014	
5	BD DECISION: SUSTAINED	Nov 03, 2014	
6	TERMINATED	Nov 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91204225](#)

Filing Date: Mar 08, 2012

Status: Terminated

Status Date: Jul 11, 2012

Interlocutory ROBERT COGGINS

Attorney:**Defendant****Name:** Sun2Pwr, Inc.**Correspondent Address:** PAUL S NASH
LAW OFFICES OF PAUL S NASH APC
38 TECHNOLOGY DRIVE, SUITE 250
IRVINE CA , 92618 5311
UNITED STATES**Correspondent e-mail:** paulsnash@sbcglobal.net**Associated marks**

Mark	Application Status	Serial Number	Registration Number
800SUN2PWR	Abandoned - After Inter-Partes Decision	85266414	

Plaintiff(s)**Name:** SunPower Corporation**Correspondent Address:** PATRICK J GALLAGHER
FULLBRIGHT JAWORSKI LLP
2100 IDS CENTER, 80 SOUTH EIGHTH STREET
MINNEAPOLIS MN , 55402 2112
UNITED STATES**Correspondent e-mail:** pgallagher@fulbright.com , ksolberg@fulbright.com , aotrademark@fulbright.com , trademark_docket@sunpowercorp.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 08, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 08, 2012	Apr 17, 2012
3	PENDING, INSTITUTED	Mar 08, 2012	
4	ANSWER	Apr 11, 2012	
5	WITHDRAWAL OF APPLICATION	Jul 05, 2012	
6	BOARD'S DECISION: SUSTAINED	Jul 11, 2012	
7	TERMINATED	Jul 11, 2012	

Type of Proceeding: Opposition**Proceeding Number:** [91201479](#)**Filing Date:** Sep 06, 2011**Status:** Terminated**Status Date:** Dec 29, 2011**Interlocutory Attorney:** ROBERT COGGINS**Defendant****Name:** SunPods, Inc.**Correspondent Address:** MARK DAVID TORCHE
PATWRITE LLC
408 W MAIN STREET
MARSHALLTOWN IA , 50158 5759
UNITED STATES**Correspondent e-mail:** trademarks@patwrite.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SUN PODS SUN POWER ON DEMAND	Abandoned - After Inter-Partes Decision	85084322	

Plaintiff(s)**Name:** SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
FULBRIGHT JAWORSKI LLP
98 SAN JACINTO BLVD SUITE 1100, CO TRADEMARK DOCKETING DEPT
AUSTIN TX , 78701
UNITED STATES

Correspondent e-mail: pgallagher@fulbright.com , ksolberg@fulbright.com , aotrademark@fulbright.com , trademark_docket@sunpowercorp.com

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 06, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 06, 2011	Oct 16, 2011
3	PENDING, INSTITUTED	Sep 06, 2011	
4	NOTICE OF DEFAULT	Nov 07, 2011	
5	BOARD'S DECISION: SUSTAINED	Dec 29, 2011	
6	TERMINATED	Dec 29, 2011	

Type of Proceeding: Opposition

Proceeding Number: [91197691](#) **Filing Date:** Dec 01, 2010
Status: Terminated **Status Date:** Aug 03, 2012

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SolarWorld AG

Correspondent Address: FREDERICK L TOLHURST
COHEN & GRIGSBY PC
625 LIBERTY AVENUE
PITTSBURGH PA , 15222-3152
UNITED STATES

Correspondent e-mail: iptrademark@cohenlaw.com

Mark	Application Status	Serial Number	Registration Number
SOLARWORLD THE SUNPOWERED COMPANY	IR CANCELLED; US APPLICATION ABANDONED	79024832	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
FULBRIGHT & JAWORSKI LLP
2100 IDS CENTER, 80 SOUTH EIGHTH STREET
MINNEAPOLIS MN , 55402-2112
UNITED STATES

Correspondent e-mail: pgallagher@fulbright.com

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 03, 2010	Jan 12, 2011
3	PENDING, INSTITUTED	Dec 03, 2010	
4	ANSWER	Jan 12, 2011	
5	D'S INITIAL DISCLOSURES	Mar 10, 2011	

6	BOARD'S ORDER TRIAL DATES REMAIN AS PREVIOUSLY SET	Mar 15, 2011
7	STIPULATION FOR AN EXTENSION OF TIME	Jun 27, 2011
8	EXTENSION OF TIME GRANTED	Jun 27, 2011
9	CHANGE OF CORRESPONDENCE ADDRESS	Aug 23, 2011
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 23, 2011
11	EXTENSION OF TIME GRANTED	Aug 23, 2011
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 05, 2011
13	EXTENSION OF TIME GRANTED	Oct 05, 2011
14	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Dec 01, 2011
15	SUSPENDED	Dec 01, 2011
16	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 08, 2012
17	SUSPENDED	Feb 08, 2012
18	WITHDRAWAL OF APPLICATION	May 04, 2012
19	RESPONSE DUE 20 DAYS	Jun 29, 2012
20	P'S RESPONSE TO BOARD ORDER/INQUIRY	Jul 03, 2012
21	D'S RESPONSE TO BOARD ORDER/INQUIRY	Jul 18, 2012
22	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 03, 2012
23	TERMINATED	Aug 03, 2012

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

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Mark: SUNPOWER

SUNPOWER

US Serial Number: 85585503

Application Filing Date: Mar. 30, 2012

US Registration Number: 4237317

Registration Date: Nov. 06, 2012

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Oct. 24, 2018

Publication Date: Aug. 21, 2012

Mark Information

Mark Literal Elements: SUNPOWER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2690090, 3582037, 3929715 and others

Goods and Services

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

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

For: Silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 2005

Use in Commerce: 2005

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: SunPower Corporation

Owner Address: Legal Department
77 Rio Robles
San Jose, CALIFORNIA 95134
UNITED STATES

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher M. Kindel

Docket Number: SPWR010US3

Attorney Primary Email Address: tmcentral@pirkeybarber.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Christopher M. Kindel
Pirkey Barber PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: (512) 322-5200

Fax: (512) 322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com ckindel@pirkeybarber.com
er.com_akuhn@pirkeybarber.com mmyers@pirkeybarber.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 24, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 24, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Oct. 24, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Oct. 09, 2018	TEAS SECTION 8 & 15 RECEIVED	
Oct. 09, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 14, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 14, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 06, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Oct. 27, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 27, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 06, 2012	REGISTERED-PRINCIPAL REGISTER	
Aug. 21, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 21, 2012	PUBLISHED FOR OPPOSITION	
Aug. 01, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 12, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 11, 2012	ASSIGNED TO EXAMINER	69940
Apr. 13, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 10, 2012	NOTICE OF PSEUDO MARK MAILED	
Apr. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 03, 2012	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location**Current Location:** TMEG LAW OFFICE 102**Date in Location:** Oct. 24, 2018

Proceedings

Summary**Number of Proceedings:** 3**Type of Proceeding: Opposition****Proceeding Number:** [91235306](#)**Filing Date:** Jun 28, 2017**Status:** Terminated**Status Date:** Oct 05, 2017**Interlocutory Attorney:** JENNIFER KRISP**Defendant****Name:** Junhua Xiao**Correspondent Address:** JASON R LEE
THE TRADEMARK FIRM PLLC
2370 W SR 89A SUITE 11-225
SEDONA AZ , 86336
UNITED STATES**Correspondent e-mail:** jason@llapc.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SUNER POWER	Abandoned - After Inter-Partes Decision	86859896	

Plaintiff(s)**Name:** SunPower Corporation**Correspondent Address:** CHRISTOPHER M WEIMER
NORTON ROSE FULBRIGHT US LLP
98 SAN JACINTO BLVD STE 1100
AUSTIN TX , 78701-4255
UNITED STATES**Correspondent e-mail:** jen.rezac@nortonrosefulbright.com , mnipdocket@nortonrosefulbright.com , tim.kenny@nortonrosefulbright.com , chris.weimer@nortonrosefulbright.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Cancelled - Section 8	85408770	4138218
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Registered	86570439	4845006
SUNPOWER	Registered	86570450	4910015

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 28, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 28, 2017	Aug 07, 2017
3	PENDING, INSTITUTED	Jun 28, 2017	
4	P CHANGE OF CORRESP ADDRESS	Jun 29, 2017	
5	NOTICE OF DEFAULT	Aug 24, 2017	
6	BD DECISION: SUSTAINED	Oct 05, 2017	
7	TERMINATED	Oct 05, 2017	

Type of Proceeding: Opposition**Proceeding Number:** [91223959](#)**Filing Date:** Sep 22, 2015**Status:** Terminated**Status Date:** Mar 30, 2016**Interlocutory Attorney:** ELIZABETH WINTER

Attorney:

Defendant

Name: Feng Jingjing

Correspondent Address: FENG JINGJING
SUITE A205A, 6640 LUSK BLVD
SAN DIEGO CA , 92121
UNITED STATES

Correspondent e-mail: 825114@gmail.com , xw@gbicom.org , cadmon@cadmon.cc

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNGOLDPOWER	Abandoned - After Inter-Partes Decision	86503923	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
NORTON ROSE FULBRIGHT US LLP
RBC PLAZA 60 SOUTH SIXTH STREET, SUITE 3100
MINNEAPOLIS MN , 55402
UNITED STATES

Correspondent e-mail: patrick.gallagher@nortonrosefulbright.com , shelby.bruce@nortonrosefulbright.com , jen.rezac@nortonrosefulbright.com , mnipocket@nortonrosefulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 22, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 22, 2015	Nov 01, 2015
3	PENDING, INSTITUTED	Sep 22, 2015	
4	PLS INEFFECTIVE SERVICE	Oct 08, 2015	
5	SUSPENDED	Oct 16, 2015	
6	ANSWER	Oct 30, 2015	
7	TRIAL DATES RESET	Jan 04, 2016	
8	NOTICE OF DEFAULT	Feb 16, 2016	
9	BD DECISION: SUSTAINED	Mar 30, 2016	
10	TERMINATED	Mar 30, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91217582](#)

Filing Date: Jul 28, 2014

Status: Terminated

Status Date: Nov 03, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Suntricity Power Corp

Correspondent Address: CHRISTOPHER DITICO
RAJ ABHYANKER PC
1580 W EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW CA , 94040-2462
UNITED STATES

Correspondent e-mail: trademarks@rajpatent.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNTRICITY POWER	Abandoned - After Inter-Partes Decision	85146902	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
 FULBRIGHT & JAWORSKI LLP
 2100 IDS CENTER, 80 SOUTH EIGHTH STREET
 MINNEAPOLIS MN , 55402-2112
 UNITED STATES

Correspondent e-mail: patrick.gallagher@nortonrosefulbright.com , jen.rezac@nortonrosefulbright.com , aoipdocket@nortonrosefulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	NOTICE OF DEFAULT	Sep 23, 2014	
5	BD DECISION: SUSTAINED	Nov 03, 2014	
6	TERMINATED	Nov 03, 2014	

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. Kyffers

Director of the United States Patent and Trademark Office

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Mark: SUNPOWER

SUNPOWER

US Serial Number: 76688239 **Application Filing Date:** Mar. 31, 2008
US Registration Number: 3582037 **Registration Date:** Mar. 03, 2009
Register: Principal
Mark Type: Trademark, Service Mark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Aug. 28, 2015
Publication Date: Dec. 16, 2008

Mark Information

Mark Literal Elements: SUNPOWER
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2690090

Goods and Services

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

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

For: 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

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2007

Use in Commerce: Dec. 01, 2007

For: 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

International Class(es): 011 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2007

Use in Commerce: Dec. 01, 2007

For: 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

International Class(es): 019 - Primary Class

U.S Class(es): 001, 012, 033, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2008

Use in Commerce: Feb. 01, 2008

For: 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

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 2007

Use in Commerce: Sep. 01, 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: SunPower Corporation

Owner Address: 77 Rio Robles
San Jose, CALIFORNIA 95134
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher M. Kindel

Docket Number: SPWR010US

Attorney Primary Email Address: tmcentral@pirkeybarber.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Christopher M. Kindel
Pirkey Barber PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: (512) 322-5200

Fax: (512) 322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com tmcentral@pirkeybarber.com ckindel@pirkeybarber.com akuhn@pirkeybarber.com kcilino@pirkeybarber.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 03, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 14, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 14, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 27, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 27, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 22, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Aug. 28, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 28, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Aug. 27, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	

Aug. 18, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Aug. 10, 2015	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	66607
Jul. 27, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Apr. 24, 2015	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	66607
Mar. 17, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Mar. 03, 2015	TEAS SECTION 8 & 15 RECEIVED	
Feb. 21, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 21, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 29, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 03, 2009	REGISTERED-PRINCIPAL REGISTER	
Dec. 16, 2008	PUBLISHED FOR OPPOSITION	
Nov. 26, 2008	NOTICE OF PUBLICATION	
Nov. 12, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Nov. 12, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 11, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 10, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 10, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 12, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 12, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 20, 2008	NON-FINAL ACTION MAILED	
Aug. 20, 2008	NON-FINAL ACTION WRITTEN	59959
Aug. 08, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 01, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Jul. 22, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jul. 18, 2008	EXAMINERS AMENDMENT MAILED	
Jul. 17, 2008	ASSIGNED TO LIE	66213
Jul. 17, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 17, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 17, 2008	EXAMINERS AMENDMENT -WRITTEN	59959
Jul. 17, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 16, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 16, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 09, 2008	NON-FINAL ACTION MAILED	
Jul. 09, 2008	NON-FINAL ACTION WRITTEN	59959
Jul. 09, 2008	ASSIGNED TO EXAMINER	59959
Apr. 12, 2008	APPLICATION FILING RECEIPT MAILED	
Apr. 08, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Aug. 28, 2015

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding [91228015](#)
Number:

Filing Date: May 20, 2016

Status: Terminated

Status Date: Jan 31, 2017

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Clockwork IP, LLC

Correspondent Address: SEAN COLLIN
IPWATCH CORPORATION
468 1/2 NORTH COURT STREET
FLORENCE AL , 35630
UNITED STATES

Correspondent e-mail: lwheatley@mcquirewoods.com , rvance@mcquirewoods.com , jhowell2@mcquirewoods.com , trademarks@mcquirewoods.com , bnberg@mcquirewoods.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
YOUR SUN. YOUR POWER. YOUR WAY.	Registered	86578663	5324237

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: MICHAEL HOLLAND
SUNPOWER CORPORATION
77 RIO ROBLES
SAN JOSE CA , 95134
UNITED STATES

Correspondent e-mail: trademark_docket@sunpower.com , maral.behnam-garcia@sunpower.com , patrick.gallagher@nortonrosefulbright.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Cancelled - Section 8	85408770	4138218
SUNPOWER	Registered	86570450	4910015
SUNPOWER	Registered	86570439	4845006

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 20, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 20, 2016	Jun 29, 2016
3	PENDING, INSTITUTED	May 20, 2016	
4	STIP FOR EXT	Jun 22, 2016	
5	EXTENSION OF TIME GRANTED	Jun 22, 2016	
6	STIP FOR EXT	Aug 28, 2016	
7	EXTENSION OF TIME GRANTED	Aug 29, 2016	
8	STIP FOR EXT	Sep 26, 2016	
9	EXTENSION OF TIME GRANTED	Sep 27, 2016	
10	STIP FOR EXT	Oct 27, 2016	
11	EXTENSION OF TIME GRANTED	Oct 27, 2016	
12	UNDELIVERABLE MAIL	Oct 31, 2016	
13	STIP FOR EXT	Dec 20, 2016	
14	EXTENSION OF TIME GRANTED	Dec 20, 2016	
15	W/DRAW OF OPPOSITION	Jan 19, 2017	
16	BD DECISION: DISMISSED W/ PREJ	Jan 31, 2017	
17	TERMINATED	Jan 31, 2017	

Type of Proceeding: Opposition

Proceeding [91226042](#)
Number:

Filing Date: Jan 27, 2016

Status: Terminated

Status Date: Jul 14, 2016

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: OZZ Clean Energy, Inc.

Correspondent Address: PAUL FIELDS
LEASON ELLIS LLP
ONE BARKER AVENUE, FIFTH FLOOR
WHITE PLAINS NY , 10601
UNITED STATES

Correspondent e-mail: tmocket@leasonellis.com , segall@LeasonEllis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNWAVE GAS & POWER	Registered	85413736	5024741

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: SUNPOWER CORPORATION
77 RIO ROBLES
SAN JOSE CA , 95134
UNITED STATES

Correspondent e-mail: trademarks@sunpower.com , maral.behnam-garcia@sunpower.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 27, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 27, 2016	Mar 07, 2016
3	PENDING, INSTITUTED	Jan 27, 2016	
4	D MOT FOR EXT W/ CONSENT	Mar 07, 2016	
5	EXTENSION OF TIME GRANTED	Mar 18, 2016	
6	D MOT FOR EXT W/ CONSENT	Apr 05, 2016	
7	EXTENSION OF TIME GRANTED	Apr 07, 2016	
8	D MOT FOR EXT W/ CONSENT	May 05, 2016	
9	EXTENSION OF TIME GRANTED	May 11, 2016	
10	D MOT FOR EXT W/ CONSENT	Jun 03, 2016	
11	EXTENSION OF TIME GRANTED	Jun 09, 2016	
12	W/DRAW OF OPPOSITION	Jul 05, 2016	
13	BD DECISION: DISMISSED W/ PREJ	Jul 14, 2016	
14	TERMINATED	Jul 14, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91223959](#)

Filing Date: Sep 22, 2015

Status: Terminated

Status Date: Mar 30, 2016

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Feng Jingjing

Correspondent Address: FENG JINGJING
SUITE A205A, 6640 LUSK BLVD

SAN DIEGO CA , 92121
UNITED STATES

Correspondent e-mail: 825114@gmail.com , xw@gbicom.org , cadmon@cadmon.cc

Mark	Application Status	Serial Number	Registration Number
SUNGOLDPOWER	Abandoned - After Inter-Partes Decision	86503923	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
NORTON ROSE FULBRIGHT US LLP
RBC PLAZA 60 SOUTH SIXTH STREET, SUITE 3100
MINNEAPOLIS MN , 55402
UNITED STATES

Correspondent e-mail: patrick.gallagher@nortonrosefulbright.com , shelby.bruce@nortonrosefulbright.com , jen.rezac@nortonrosefulbright.com , mnipdocket@nortonrosefulbright.com

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 22, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 22, 2015	Nov 01, 2015
3	PENDING, INSTITUTED	Sep 22, 2015	
4	PLS INEFFECTIVE SERVICE	Oct 08, 2015	
5	SUSPENDED	Oct 16, 2015	
6	ANSWER	Oct 30, 2015	
7	TRIAL DATES RESET	Jan 04, 2016	
8	NOTICE OF DEFAULT	Feb 16, 2016	
9	BD DECISION: SUSTAINED	Mar 30, 2016	
10	TERMINATED	Mar 30, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91217582](#)

Filing Date: Jul 28, 2014

Status: Terminated

Status Date: Nov 03, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Suntricity Power Corp

Correspondent Address: CHRISTOPHER DITICO
RAJ ABHYANKER PC
1580 W EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW CA , 94040-2462
UNITED STATES

Correspondent e-mail: trademarks@rajpatent.com

Mark	Application Status	Serial Number	Registration Number
SUNTRICITY POWER	Abandoned - After Inter-Partes Decision	85146902	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
FULBRIGHT & JAWORSKI LLP
2100 IDS CENTER, 80 SOUTH EIGHTH STREET
MINNEAPOLIS MN , 55402-2112
UNITED STATES

Correspondent e-mail: patrick.gallagher@nortonrosefulbright.com , jen.rezac@nortonrosefulbright.com , aoipdocket@nortonrosefulbright.com

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	NOTICE OF DEFAULT	Sep 23, 2014	
5	BD DECISION: SUSTAINED	Nov 03, 2014	
6	TERMINATED	Nov 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91204225](#)

Filing Date: Mar 08, 2012

Status: Terminated

Status Date: Jul 11, 2012

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Sun2Pwr, Inc.

Correspondent Address: PAUL S NASH
LAW OFFICES OF PAUL S NASH APC
38 TECHNOLOGY DRIVE, SUITE 250
IRVINE CA , 92618 5311
UNITED STATES

Correspondent e-mail: paulsnash@sbcglobal.net

Mark	Application Status	Serial Number	Registration Number
800SUN2PWR	Abandoned - After Inter-Partes Decision	85266414	

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: PATRICK J GALLAGHER
FULLBRIGHT JAWORSKI LLP
2100 IDS CENTER, 80 SOUTH EIGHTH STREET
MINNEAPOLIS MN , 55402 2112
UNITED STATES

Correspondent e-mail: pgallagher@fulbright.com , ksolberg@fulbright.com , aotrademark@fulbright.com , trademark_docket@sunpowercorp.com

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715

Prosecution History			
Entry Number	History Text	Date	Due Date

1	FILED AND FEE	Mar 08, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 08, 2012	Apr 17, 2012
3	PENDING, INSTITUTED	Mar 08, 2012	
4	ANSWER	Apr 11, 2012	
5	WITHDRAWAL OF APPLICATION	Jul 05, 2012	
6	BOARD'S DECISION: SUSTAINED	Jul 11, 2012	
7	TERMINATED	Jul 11, 2012	

Type of Proceeding: Opposition

Proceeding Number: [91201479](#) **Filing Date:** Sep 06, 2011
Status: Terminated **Status Date:** Dec 29, 2011
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: SunPods, Inc.
Correspondent Address: MARK DAVID TORCHE
PATWRITE LLC
408 W MAIN STREET
MARSHALLTOWN IA , 50158 5759
UNITED STATES
Correspondent e-mail: trademarks@patwrite.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUN PODS SUN POWER ON DEMAND	Abandoned - After Inter-Partes Decision	85084322	

Plaintiff(s)

Name: SunPower Corporation
Correspondent Address: PATRICK J GALLAGHER
FULBRIGHT JAWORSKI LLP
98 SAN JACINTO BLVD SUITE 1100, CO TRADEMARK DOCKETING DEPT
AUSTIN TX , 78701
UNITED STATES
Correspondent e-mail: pgallagher@fulbright.com , ksolberg@fulbright.com , aotrademark@fulbright.com , trademark_docket@sunpowercorp.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 06, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 06, 2011	Oct 16, 2011
3	PENDING, INSTITUTED	Sep 06, 2011	
4	NOTICE OF DEFAULT	Nov 07, 2011	
5	BOARD'S DECISION: SUSTAINED	Dec 29, 2011	
6	TERMINATED	Dec 29, 2011	

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 CORPORATION)
3939 NORTH 1ST STREET
SAN JOSE, CA 95134

FOR: 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, 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 STABILIZATION 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, INCORPORATING SOLAR CELLS; MOUNTING SYSTEMS FOR SOLAR COLLECTORS COMPRISED OF STRUC-

TURAL SUPPORTS, NOT OF METAL, FOR STABILIZATION 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 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 9-1-2007; IN COMMERCE 9-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS 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

Generated on: This page was generated by TSDR on 2019-02-27 11:12:33 EST

Mark: SUNPOWER

SUNPOWER

US Serial Number: 77879227

Application Filing Date: Nov. 23, 2009

US Registration Number: 3929715

Registration Date: Mar. 08, 2011

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 06, 2017

Publication Date: May 04, 2010

Notice of Allowance Date: Jun. 29, 2010

Mark Information

Mark Literal Elements: SUNPOWER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2257938

Goods and Services

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

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

For: 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

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 2008

Use in Commerce: Feb. 11, 2008

For: Remote monitoring, metering and analysis of energy usage and energy management systems; energy usage monitoring

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 13, 2006

Use in Commerce: Feb. 13, 2006

Basis Information (Case Level)

Filed Use: No
Filed ITU: Yes
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently Use: Yes
Currently ITU: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: SunPower Corporation
Owner Address: 77 Rio Robles
Legal Department - Trademarks
San Jose, CALIFORNIA UNITED STATES 95134
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher M. Kindel
Attorney Primary Email Address: tmcentral@pirkeybarber.com
Docket Number: SPWR010US1
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Christopher M. Kindel
Pirkey Barber PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS UNITED STATES 78701
Phone: (512) 322-5200
Fax: (512) 322-5201
Correspondent e-mail: tmcentral@pirkeybarber.com tmcentral@pirkeybarber.com ckindel@pirkeybarber.com akuhn@pirkeybarber.com kcilino@pirkeybarber.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 14, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 14, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 27, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 27, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 07, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 06, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76874
Apr. 06, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Feb. 08, 2017	TEAS SECTION 8 & 15 RECEIVED	
Mar. 08, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 21, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 21, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 29, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 08, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 29, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 28, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Jan. 24, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 21, 2011	STATEMENT OF USE PROCESSING COMPLETE	76873
Dec. 28, 2010	USE AMENDMENT FILED	76873
Jan. 21, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873

Dec. 28, 2010	TEAS STATEMENT OF USE RECEIVED	
Jun. 29, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 04, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 04, 2010	PUBLISHED FOR OPPOSITION	
Mar. 31, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Mar. 31, 2010	ASSIGNED TO LIE	68658
Mar. 16, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 16, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 16, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 16, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 16, 2010	EXAMINERS AMENDMENT -WRITTEN	76509
Mar. 06, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 06, 2010	NON-FINAL ACTION E-MAILED	6325
Mar. 06, 2010	NON-FINAL ACTION WRITTEN	76509
Feb. 27, 2010	ASSIGNED TO EXAMINER	76509
Dec. 01, 2009	NOTICE OF PSEUDO MARK MAILED	
Nov. 28, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 26, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 110

Date in Location: Apr. 06, 2017

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91228015](#) **Filing Date:** May 20, 2016

Status: Terminated **Status Date:** Jan 31, 2017

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Clockwork IP, LLC

Correspondent Address: SEAN COLLIN
 IPWATCH CORPORATION
 468 1/2 NORTH COURT STREET
 FLORENCE AL UNITED STATES , 35630

Correspondent e-mail: lwheatley@mcguirewoods.com , rvance@mcguirewoods.com , jhowell2@mcguirewoods.com , trademarks@mcguirewoods.com , bnberg@mcguirewoods.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
YOUR SUN. YOUR POWER. YOUR WAY.	Registered	86578663	5324237

Plaintiff(s)

Name: SunPower Corporation

Correspondent: MICHAEL HOLLAND

Address: SUNPOWER CORPORATION
77 RIO ROBLES
SAN JOSE CA UNITED STATES , 95134

Correspondent e-mail: trademark_docket@sunpower.com , maral.behnam-garcia@sunpower.com , patrick.gallagher@nortonrosefulbright.com

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Cancelled - Section 8	85408770	4138218
SUNPOWER	Registered	86570450	4910015
SUNPOWER	Registered	86570439	4845006

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 20, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 20, 2016	Jun 29, 2016
3	PENDING, INSTITUTED	May 20, 2016	
4	STIP FOR EXT	Jun 22, 2016	
5	EXTENSION OF TIME GRANTED	Jun 22, 2016	
6	STIP FOR EXT	Aug 28, 2016	
7	EXTENSION OF TIME GRANTED	Aug 29, 2016	
8	STIP FOR EXT	Sep 26, 2016	
9	EXTENSION OF TIME GRANTED	Sep 27, 2016	
10	STIP FOR EXT	Oct 27, 2016	
11	EXTENSION OF TIME GRANTED	Oct 27, 2016	
12	UNDELIVERABLE MAIL	Oct 31, 2016	
13	STIP FOR EXT	Dec 20, 2016	
14	EXTENSION OF TIME GRANTED	Dec 20, 2016	
15	W/DRAW OF OPPOSITION	Jan 19, 2017	
16	BD DECISION: DISMISSED W/ PREJ	Jan 31, 2017	
17	TERMINATED	Jan 31, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91226042](#)

Filing Date: Jan 27, 2016

Status: Terminated

Status Date: Jul 14, 2016

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: OZZ Clean Energy, Inc.

Correspondent Address: PAUL FIELDS
LEASON ELLIS LLP
ONE BARKER AVENUE, FIFTH FLOOR
WHITE PLAINS NY UNITED STATES , 10601

Correspondent e-mail: tm_docket@leasonellis.com , segall@LeasonEllis.com

Mark	Application Status	Serial Number	Registration Number
SUNWAVE GAS & POWER	Registered	85413736	5024741

Plaintiff(s)

Name: SunPower Corporation

Correspondent Address: SUNPOWER CORPORATION
77 RIO ROBLES
SAN JOSE CA UNITED STATES , 95134

Correspondent e-mail: trademarks@sunpower.com , maral.behnam-garcia@sunpower.com

mail:

Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 27, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 27, 2016	Mar 07, 2016
3	PENDING, INSTITUTED	Jan 27, 2016	
4	D MOT FOR EXT W/ CONSENT	Mar 07, 2016	
5	EXTENSION OF TIME GRANTED	Mar 18, 2016	
6	D MOT FOR EXT W/ CONSENT	Apr 05, 2016	
7	EXTENSION OF TIME GRANTED	Apr 07, 2016	
8	D MOT FOR EXT W/ CONSENT	May 05, 2016	
9	EXTENSION OF TIME GRANTED	May 11, 2016	
10	D MOT FOR EXT W/ CONSENT	Jun 03, 2016	
11	EXTENSION OF TIME GRANTED	Jun 09, 2016	
12	W/DRAW OF OPPOSITION	Jul 05, 2016	
13	BD DECISION: DISMISSED W/ PREJ	Jul 14, 2016	
14	TERMINATED	Jul 14, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91223959](#)

Filing Date: Sep 22, 2015

Status: Terminated

Status Date: Mar 30, 2016

Interlocutory Attorney: ELIZABETH WINTER

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Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNGOLDPOWER	Abandoned - After Inter-Partes Decision	86503923	

Plaintiff(s)

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Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 22, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 22, 2015	Nov 01, 2015
3	PENDING, INSTITUTED	Sep 22, 2015	
4	PLS INEFFECTIVE SERVICE	Oct 08, 2015	
5	SUSPENDED	Oct 16, 2015	
6	ANSWER	Oct 30, 2015	
7	TRIAL DATES RESET	Jan 04, 2016	
8	NOTICE OF DEFAULT	Feb 16, 2016	
9	BD DECISION: SUSTAINED	Mar 30, 2016	
10	TERMINATED	Mar 30, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91217582](#)

Filing Date: Jul 28, 2014

Status: Terminated

Status Date: Nov 03, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

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Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNTRICITY POWER	Abandoned - After Inter-Partes Decision	85146902	

Plaintiff(s)

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Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	85585503	4237317
SUNPOWER	Cancelled - Section 8	85408770	4138218

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	NOTICE OF DEFAULT	Sep 23, 2014	
5	BD DECISION: SUSTAINED	Nov 03, 2014	
6	TERMINATED	Nov 03, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91204225](#)

Filing Date: Mar 08, 2012

Status: Terminated

Status Date: Jul 11, 2012

Interlocutory ROBERT COGGINS

Attorney:

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Associated marks

Mark	Application Status	Serial Number	Registration Number
800SUN2PWR	Abandoned - After Inter-Partes Decision	85266414	

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Associated marks

Mark	Application Status	Serial Number	Registration Number
SUNPOWER	REGISTERED AND RENEWED	76283765	2690090
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	76688239	3582037
SUNPOWER	Section 8 and 15 - Accepted and Acknowledged	77879227	3929715

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 08, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 08, 2012	Apr 17, 2012
3	PENDING, INSTITUTED	Mar 08, 2012	
4	ANSWER	Apr 11, 2012	
5	WITHDRAWAL OF APPLICATION	Jul 05, 2012	
6	BOARD'S DECISION: SUSTAINED	Jul 11, 2012	
7	TERMINATED	Jul 11, 2012	

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. Kyfos

Director of the United States Patent and Trademark Office