

ESTTA Tracking number: **ESTTA1047334**

Filing date: **04/06/2020**

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	FirstEnergy Corp.
Granted to Date of previous extension	04/05/2020
Address	76 SOUTH MAIN STREET AKRON, OH 44308 UNITED STATES

Attorney information	SUZANNE K. KETLER ROETZEL & ANDRESS 222 SOUTH MAIN STREET AKRON, OH 44308 UNITED STATES sketler@ralaw.com 3303762700
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Applicant Information

Application No	87183617	Publication date	10/08/2019
Opposition Filing Date	04/06/2020	Opposition Period Ends	04/05/2020
International Registration No.	NONE	International Registration Date	NONE
Applicant	GMP Securities L.P. 145 King Street West Suite 300 Toronto, ONTARIO, M5H1J8 CANADA		

Goods/Services Affected by Opposition


Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Advisory services relating to mergers, acquisitions
Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial and investment services, namely, investment dealing services, namely, public and private corporate financing activities in the nature of agency or brokerage for trading of securities, facilitating trades and market making in securities, and merger and acquisition and divestiture advisory services; financial and investment counseling services, namely, helping clients to achieve their financial goals; brokerage services, namely, acting as broker and dealer of equity and debt securities, and foreign exchange; equity capital investment; investment of funds for others in the field of private and public equity; equity brokerage and trading, namely, equity brokerage and trading services, institutional equity trading, securities trading for oth-


ers, acting as broker and dealer of equity and debt securities; underwriting services, namely, underwriting equity and debt securities; research services, namely, providing financial and investment research to clients; and financial advisory services relating to corporate finance, divestitures, reorganizations and restructurings; estate and succession planning, and tax planning services, personal financial advisory services, wealth management services, and mutual funds services, namely, mutual fund investment services; sales and trading services, namely, arranging of buying and selling securities on behalf of third party clients and to facilitate further trading

Grounds for Opposition

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

U.S. Registration No.	2478799	Application Date	03/18/1998
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 energy business management consultation, auditing utility rates for others, and energy bill auditing and rate analysis		

U.S. Registration No.	2355926	Application Date	03/18/1998
Registration Date	06/06/2000	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 037. First use: First Use: 1997/11/08 First Use In Commerce: 1997/11/08 Construction of facilities and infrastructure for others for energy generation, transmission, storage and distribution; installation, operation and maintenance of facilities and infrastructure for others for energy generation, transmission, storage and distribution		
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U.S. Registration No.	2552978	Application Date	03/18/1998
Registration Date	03/26/2002	Foreign Priority Date	NONE

Word Mark	FIRSTENERGY		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 036. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 [Electricity, gas and energy commodities brokerage services;] energy bill payment services		
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U.S. Registration No.	2315484	Application Date	03/18/1998
Registration Date	02/08/2000	Foreign Priority Date	NONE


Word Mark	FIRSTENERGY		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	<p>Class 037. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 installation and maintenance of industrial equipment and power cogeneration and other power supply equipment; installation of computerized energy management systems</p> <p>Class 042. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 Consulting services relating to energy use, energy purchasing and energy efficiency; consulting services relating to the design and purchasing of industrial equipment and power cogeneration and other power supply equipment; consulting services relating to the design of computerized energy management systems</p>		
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U.S. Registration No.	2234228	Application Date	03/18/1998
Registration Date	03/23/1999	Foreign Priority Date	NONE


Word Mark	FIRSTENERGY
Design Mark	
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 Public utility services in the nature of electricity; transmitting, transporting, storing and distributing of energy commodities; arranging for transmission, transportation, storage and distribution of energy commodities; [utility services, namely, transmission of chilled water, hot water and steam for use in air conditioning, heating and climate control systems]

U.S. Registration No.	2400553	Application Date	03/18/1998
Registration Date	10/31/2000	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 1998/09/01 First Use In Commerce: 1998/09/01 Energy conversion and generation services		


U.S. Registration No.	2400832	Application Date	12/10/1998
Registration Date	10/31/2000	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2000/01/31 First Use In Commerce: 2000/01/31 ELECTRICITY, GAS AND ENERGY COMMODITIESBROKERAGE SERVICES; ENERGY BILL PAYMENTSERVICES		

U.S. Registration No.	2328684	Application Date	12/10/1998
Registration Date	03/14/2000	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 Consulting services relating to energy use, energy purchasing and energy efficiency; consulting services relating to the design, purchase, installation and maintenance of industrial equipment and power co-generation and other power supply equipment; consulting services relating to the design and installation of computerized energy management systems		

U.S. Registration No.	2400830	Application Date	12/10/1998
Registration Date	10/31/2000	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 1998/09/01 First Use In Commerce: 1998/09/01		

	ENERGY CONVERSION AND GENERATION SERVICES
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U.S. Registration No.	2304241	Application Date	12/10/1998
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 PUBLIC UTILITY SERVICES IN THE NATURE OF ELECTRICITY; TRANSMITTING, TRANSPORTING, STORING AND DISTRIBUTING OF ENERGY COMMODITIES; ARRANGING FOR TRANSMISSION, TRANSPORTATION, STORAGE AND DISTRIBUTION OF ENERGY COMMODITIES [; UTILITY SERVICES, NAMELY, TRANSMISSION OF CHILLED WATER, HOT WATER AND STEAM FOR USE IN AIR CONDITIONING, HEATING AND CLIMATE CONTROL SYSTEMS]		

U.S. Registration No.	2304244	Application Date	12/10/1998
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	FIRSTENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/11/07 First Use In Commerce: 1997/11/07 BUSINESS MANAGEMENT CONSULTATION, AUDITING UTILITY RATES FOR OTHERS, AND ENERGYBILL AUDITING AND RATE ANALYSIS		

Attachments	75452231#TMSN.png(bytes) 75452234#TMSN.png(bytes) 75452236#TMSN.png(bytes) 75452238#TMSN.png(bytes) 75452492#TMSN.png(bytes) 75452233#TMSN.png(bytes) 75603172#TMSN.png(bytes) 75603269#TMSN.png(bytes)
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	75602992#TMSN.png(bytes) 75602724#TMSN.png(bytes) 75602968#TMSN.png(bytes) Notice of Opposition.pdf(171150 bytes) GMP FirstEnergy Exhibit A.pdf(19020 bytes) GMP FirstEnergy Exhibit B.pdf(23405 bytes) GMP FirstEnergy Exhibit C.pdf(19314 bytes) GMP FirstEnergy Exhibit D.pdf(31051 bytes) GMP FirstEnergy Exhibit E.pdf(25183 bytes) GMP FirstEnergy Exhibit F.pdf(33371 bytes) GMP FirstEnergy Exhibit G.pdf(38708 bytes) GMP FirstEnergy Exhibit H.pdf(53026 bytes) GMP FirstEnergy Exhibit I.pdf(18980 bytes) GMP FirstEnergy Exhibit J.pdf(29329 bytes) GMP FirstEnergy Exhibit K.pdf(39853 bytes) GMP FirstEnergy Exhibit L Page 1.pdf(22205 bytes) GMP FirstEnergy Exhibit L Page 2.pdf(294084 bytes)
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Signature	/Suzanne K. Ketler/
Name	SUZANNE K. KETLER
Date	04/06/2020

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

In re Application Serial No. 87/183,617, for GMP FIRSTENERGY, filed September 26, 2016.

Published for Opposition on October 8, 2019, with time for filing Notice of Opposition extended through December 7, 2019, again through February 5, 2020, and again through Sunday, April 5, 2020 (with effective deadline for filing Notice of Opposition being Monday, April 6, 2020).

FIRSTENERGY CORP.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
)	
GMP SECURITIES L.P.,)	
)	
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

FirstEnergy Corp., an Ohio corporation having its principal place of business at 76 South Main Street, Akron, Ohio, 44308, USA (“Opposer” or “FirstEnergy”) believes that it will be damaged by the registration of Application Serial No. 87/183,617 for the mark “GMP FIRSTENERGY” (“Applicant’s Application” and “Applicant’s Mark”, respectively) for use with the services in International Classes 035 and 036 as identified therein, and filed on September 26, 2016, by GMP Securities L.P., a Canadian partnership having a place of business at 145 King Street West, Suite 300, Toronto, Ontario, Canada, M5H1J8 (“Applicant” or “GMP”).

Accordingly, FirstEnergy hereby opposes Application Serial No. 87/183,617 pursuant to Section 13 of the Trademark Act, 15 U.S.C. § 1063, and as grounds for its opposition, states as follows:

1. FirstEnergy provides, sells, and offers for sale a wide variety of services in the energy industry throughout the United States, including without limitation, the following: electricity public utility services; generation and distribution of electricity; conducting and arranging for the transmission, transportation, storage, and distribution of energy commodities; energy brokerage and energy commodity brokerage services; energy bill payment services; energy business management, consultation, auditing, and analysis services; consulting, business consulting, and advisory services in the field of energy; installation of computerized energy management systems; energy conversion and generation services; and on-line retail store services featuring energy related consumer products and services. FirstEnergy's goods and services are more specifically set forth below and in the attached Exhibits (collectively, as set forth herein, the "FirstEnergy Services").
2. FirstEnergy has adopted, is using in commerce in connection with the FirstEnergy Services, and has registered or applied to register numerous trademarks comprised of or containing the mark FIRSTENERGY, either alone or in conjunction with logos or other words (collectively, the "FIRSTENERGY Marks").
3. FirstEnergy is the owner of the following U.S. Trademark Registrations, among others, for the FIRSTENERGY Marks:
 - a. Attached hereto as Exhibit A and incorporated herein by reference, U.S. Trademark Registration No. 2,478,799 – for the FIRSTENERGY Word Mark, for use with "energy business management consultation, auditing utility rates for others, and energy bill auditing and rate analysis" in International Class 035. The Application for this FIRSTENERGY Word Mark was filed on a 1(a) use-in-

commerce basis on March 18, 1998, and claims a date of first use in commerce of at least as early as November 7, 1997. The registration for this FIRSTENERGY Word Mark issued on August 21, 2001.

- b. Attached hereto as Exhibit B and incorporated herein by reference, U.S. Trademark Registration No. 2,355,926 – for the FIRSTENERGY Word Mark, for use with “construction of facilities and infrastructure for others for energy generation, transmission, storage and distribution; installation, operation and maintenance of facilities and infrastructure for others for energy generation, transmission, storage and distribution” in International Class 037. The Application for this FIRSTENERGY Word Mark was filed on a 1(b) intent-to-use basis on March 18, 1998, and claims a date of first use in commerce of at least as early as November 8, 1997. The registration for this FIRSTENERGY Word Mark issued on June 6, 2000.
- c. Attached hereto as Exhibit C and incorporated herein by reference, U.S. Trademark Registration No. 2,552,978 – for the FIRSTENERGY Word Mark, for use with “energy bill payment services” in International Class 036. The Application for this FIRSTENERGY Word Mark was filed on a 1(b) intent-to-use basis on March 18, 1998, and claims a date of first use in commerce of at least as early as January 1, 1998. The registration for this FIRSTENERGY Word Mark issued on March 26, 2002.
- d. Attached hereto as Exhibit D and incorporated herein by reference, U.S. Trademark Registration No. 2,315,484 – for the FIRSTENERGY Word Mark, for use with “installation and maintenance of industrial equipment and power

cogeneration and other power supply equipment; installation of computerized energy management systems” in International Class 037 and “consulting services relating to energy use, energy purchasing and energy efficiency; consulting services relating to the design and purchasing of industrial equipment and power cogeneration and other power supply equipment; consulting services relating to the design of computerized energy management systems” in International Class 042. The Application for this FIRSTENERGY Word Mark was filed on a 1(a) use-in-commerce basis on March 18, 1998, and claims a date of first use in commerce of at least as early as November 7, 1997. The registration for this FIRSTENERGY Word Mark issued on February 8, 2000.

- e. Attached hereto as Exhibit E and incorporated herein by reference, U.S. Trademark Registration No. 2,234,228 – for the FIRSTENERGY Word Mark, for use with “public utility services in the nature of electricity; transmitting, transporting, storing and distributing of energy commodities; arranging for transmission, transportation, storage and distribution of energy commodities” in International Class 039. The Application for this FIRSTENERGY Word Mark was filed on a 1(a) use-in-commerce basis on March 18, 1998, and claims a date of first use in commerce of at least as early as November 7, 1997. The registration for this FIRSTENERGY Word Mark issued on March 23, 1999.
- f. Attached hereto as Exhibit F and incorporated herein by reference, U.S. Trademark Registration No. 2,400,553 – for the FIRSTENERGY Word Mark, for use with “energy conversion and generation services” in International Class 040. The Application for this FIRSTENERGY Word Mark was filed on a 1(b) intent-

to-use basis on March 18, 1998, and claims a date of first use in commerce of at least as early as September 1, 1998. The registration for this FIRSTENERGY Word Mark issued on October 31, 2000.

- g. Attached hereto as Exhibit G and incorporated herein by reference, U.S. Trademark Registration No. 2,400,832 – for the FIRSTENERGY Logo Mark, for use with “electricity, gas, and energy commodities brokerage services; energy bill payment services” in International Class 036. The Application for this FIRSTENERGY Logo Mark was filed on a 1(b) intent-to-use basis on December 10, 1998, and claims a date of first use in commerce of at least as early as January 1, 2000. The registration for this FIRSTENERGY Logo Mark issued on October 31, 2000.
- h. Attached hereto as Exhibit H and incorporated herein by reference, U.S. Trademark Registration No. 2,328,684 – for the FIRSTENERGY Logo Mark, for use with “consulting services relating to energy use, energy purchasing and energy efficiency; consulting services relating to the design, purchase, installation and maintenance of industrial equipment and power co-generation and other power supply equipment; consulting services relating to the design and installation of computerized energy management systems” in International Class 042. The Application for this FIRSTENERGY Logo Mark was filed on a 1(a) use-in-commerce basis on December 10, 1998, and claims a date of first use in commerce of at least as early as November 7, 1997. The registration for this FIRSTENERGY Logo Mark issued on March 14, 2000.

- i. Attached hereto as Exhibit I and incorporated herein by reference, U.S. Trademark Registration No. 2,400,830 – for the FIRSTENERGY Logo Mark, for use with “energy conversion and generation services” in International Class 040. The Application for this FIRSTENERGY Logo Mark was filed on a 1(b) intent-to-use basis on December 10, 1998, and claims a date of first use in commerce of at least as early as September 1, 1998. The registration for this FIRSTENERGY Logo Mark issued on October 31, 2000.
- j. Attached hereto as Exhibit J and incorporated herein by reference, U.S. Trademark Registration No. 2,304,241 – for the FIRSTENERGY Logo Mark, for use with “public utility services in the nature of electricity; transmitting, transporting, storing, and distributing of energy commodities; arranging for transmission, transportation, storage, and distribution of energy commodities” in International Class 039. The Application for this FIRSTENERGY Logo Mark was filed on a 1(a) use-in-commerce basis on December 10, 1998, and claims a date of first use in commerce of at least as early as November 7, 1997. The registration for this FIRSTENERGY Logo Mark issued on December 28, 1999.
- k. Attached hereto as Exhibit K and incorporated herein by reference, U.S. Trademark Registration No. 2,304,244 – for the FIRSTENERGY Logo Mark, for use with “business management consultation, auditing utility rates for others, and energy bill auditing and rate analysis” in International Class 035. The Application for this FIRSTENERGY Logo Mark was filed on a 1(a) use-in-commerce basis on December 10, 1998, and claims a date of first use in

commerce of at least as early as November 7, 1997. The registration for this FIRSTENERGY Logo Mark issued on December 28, 1999.

4. Many of FirstEnergy's FIRSTENERGY Marks have become incontestable, pursuant to 15 U.S.C. § 1065, through five or more years of registration and continuous use in commerce since the date thereof, including without limitation the FIRSTENERGY Marks identified in Exhibits A through K attached hereto.
5. FirstEnergy has used its FIRSTENERGY Marks in commerce in the U.S. in connection with certain of the FirstEnergy Services, since at least as early as November 7, 1997.
6. FirstEnergy also acquired from its predecessor-in-interest rights dating back to May 24, 1978 in and to the mark FIRST ENERGY CORPORATION, for use with services closely similar and related to the current FirstEnergy Services. See U.S. Reg. No. 1,396,157, for the FIRST ENERGY CORPORATION mark, and the TESS Record Print-Out therefor, attached hereto Exhibit L.
7. Since 1997, FirstEnergy has made extensive and widespread use of the FIRSTENERGY Marks in connection with the FirstEnergy Services, and during that time, has invested a great deal of money, time, and effort in promoting, marketing, offering for sale, and selling the FirstEnergy Services thereunder.
8. Through such long-term and extensive use and promotion, FirstEnergy has developed extensive goodwill and consumer recognition in its FIRSTENERGY Marks, and the FIRSTENERGY Marks therefore have come to constitute invaluable assets to FirstEnergy.
9. FirstEnergy owns both extensive common law and registered rights in and to the

FIRSTENERGY Marks, and has invested a great deal of money, time, and effort in the protection and enforcement of those rights.

10. Through FirstEnergy's efforts, activities, and investments with respect to the FIRSTENERGY Marks, the FIRSTENERGY Marks have become extremely distinctive, well-known, and famous.
11. On September 26, 2016, Applicant filed the subject Application, Serial No. 87/183,617, for GMP FIRSTENERGY, for use in connection with "advisory services relating to mergers, acquisitions" in International Class 035 and "financial and investment services, namely, investment dealing services, namely, public and private corporate financing activities in the nature of agency or brokerage for trading of securities, facilitating trades and market making in securities, and merger and acquisition and divestiture advisory services; financial and investment counseling services, namely, helping clients to achieve their financial goals; brokerage services, namely, acting as broker and dealer of equity and debt securities, and foreign exchange; equity capital investment; investment of funds for others in the field of private and public equity; equity brokerage and trading, namely, equity brokerage and trading services, institutional equity trading, securities trading for others, acting as broker and dealer of equity and debt securities; underwriting services, namely, underwriting equity and debt securities; research services, namely, providing financial and investment research to clients; and financial advisory services relating to corporate finance, divestitures, reorganizations and restructurings; estate and succession planning, and tax planning services, personal financial advisory services, wealth

management services, and mutual funds services, namely, mutual fund investment services; sales and trading services, namely, arranging of buying and selling securities on behalf of third party clients and to facilitate further trading” in International Class 036 (“Applicant’s Services”), pursuant to Sections 1(b) and 44(d) of the Trademark Act, 15 U.S.C. §§ 1051(b) and 1126(d).

12. On November 21, 2019, FirstEnergy contacted Applicant’s counsel of record via email, with back-up copy sent via Fedex, to request that Applicant amend and limit Applicant’s Services so as to avoid a likelihood of confusion between Applicant’s Mark and the FIRSTENERGY Marks.
13. FirstEnergy followed up on its initial November 21st email with additional emails to Applicant’s counsel of record on November 28, 2019, January 17, 2020, January 23, 2020, March 3, 2020, and April 1, 2020. Although Applicant responded to several of those emails and granted consent to several extensions of time to oppose, Applicant has not responded substantively to FirstEnergy’s request in its initial November 21, 2019 email.
14. On or around April 8, 2020, Applicant’s Application will be 180 days past its publication date of October 8, 2019, and as such, no additional extensions of time to oppose are available.
15. As of today’s date, Applicant has not filed a Statement of Use or an Amendment to Allege Use in support of its Application.

16. Although initially filed on 1(b) and 44(d) bases, Applicant's Application is currently based solely upon a 44(e) claim, pursuant to 15 U.S.C. 1126(e), from Canadian Registration No. TMA1003059, filed on August 18, 2016.
17. Upon information and belief, Applicant is not currently using, and has not yet used, the GMP FIRSTENERGY Mark in commerce in the U.S. in connection with Applicant's Services.
18. FirstEnergy's dates of first use in commerce for its FIRSTENERGY Marks, listed in Paragraph 3 hereof and Exhibits A through K submitted herewith, pre-date the filing date of Applicant's Application, as well as Applicant's priority date based upon its prior-filed Canadian application for the GMP FIRSTENERGY Mark.
19. In addition, and upon information and belief, FirstEnergy's rights in and to "FIRST ENERGY", as the dominant portion of the FIRST ENERGY CORPORATION mark acquired from a predecessor-in-interest, pre-date any rights that Applicant may have acquired in the term "FIRSTENERGY" from its predecessors-in-interest.
20. The appearance, sound, meaning, and commercial impression of Applicant's GMP FIRSTENERGY Mark are closely similar to the appearance, sound, meaning, and commercial impression of FirstEnergy's FIRSTENERGY Marks, due to the inclusion in Applicant's Mark of the entire term "FIRSTENERGY", which is identical to FirstEnergy's distinctive and well-known FIRSTENERGY Marks.
21. Applicant's Services, as cited in Applicant's Application and as currently identified therein, are closely similar or related to the FirstEnergy Services, as identified in FirstEnergy's above-listed and attached registrations (see Exhibits A through K).

22. Applicant's Services, as cited in Applicant's Application and as currently identified therein, are broadly defined, and as such could be deemed to encompass certain of the FirstEnergy Services, as identified in FirstEnergy's above-listed and attached registrations (see Exhibits A through K).
23. For these reasons, Applicant's GMP FIRSTENERGY Mark is confusingly similar to FirstEnergy's FIRSTENERGY Marks.
24. Applicant's registration of the GMP FIRSTENERGY Mark for use on and in connection with Applicant's Services as currently identified in Application Serial No. 87/183,617 is therefore likely to cause confusion, mistake, or deception among the consuming public by causing the consuming public to believe or assume erroneously that Applicant's Services sold thereunder emanate from FirstEnergy, or are in some way associated or affiliated with, or approved or sponsored by, FirstEnergy, all to FirstEnergy's irreparable damage.

25. For all of the foregoing reasons, Opposer, FirstEnergy Corp. believes and asserts that it will be damaged by the registration of Application Serial No. 87/183,617, for the GMP FIRSTENERGY Mark. Accordingly, Opposer, FirstEnergy Corp. respectfully requests that the Trademark Trial and Appeal Board sustain this Opposition and refuse registration of Applicant's Application Serial No. 87/183,617 for the GMP FIRSTENERGY Mark.

Respectfully submitted,

/Suzanne K. Ketler/

Suzanne K. Ketler (Ohio Bar No. 0074365)

Roetzel & Andress

222 South Main Street

Akron, OH 44308

Phone: (330) 376-2700

Fax: (330) 376-4577

sketler@ralaw.com

Attorneys for Opposer, FirstEnergy Corp.

CERTIFICATE OF MAILING

I hereby certify that this correspondence was transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, by electronic filing, ESTTA filing system, on April 6, 2020.

/Suzanne K. Ketler/
Suzanne K. Ketler
Attorney for Opposer, FirstEnergy Corp.

CERTIFICATE OF SERVICE

I hereby certify that the above Notice of Opposition was transmitted to Applicant's Counsel of Record, Catherine F. Hoffman, Dickinson Wright PLLC, 350 East Las Olas Blvd, Suite 1750, Ft. Lauderdale, Florida, 333, via email (mhtrademarks@dickinsonwright.com and choffman@dickinsonwright.com) and US Mail, on April 6, 2020.

/Suzanne K. Ketler/

Suzanne K. Ketler

Attorney for Opposer, FirstEnergy Corp.

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,478,799

Registered Aug. 21, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FIRST USE 11-7-1997; IN COMMERCE 11-7-1997.

FOR: ENERGY BUSINESS MANAGEMENT CON-
SULTATION, AUDITING UTILITY RATES FOR
OTHERS, AND ENERGY BILL AUDITING AND
RATE ANALYSIS, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

SER. NO. 75-452,231, FILED 3-18-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY

Int. Cl.: 37

Prior U.S. Cls.: 100, 103, and 106

Reg. No. 2,355,926

United States Patent and Trademark Office

Registered June 6, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FOR: CONSTRUCTION OF FACILITIES AND INFRASTRUCTURE FOR OTHERS FOR ENERGY GENERATION, TRANSMISSION, STORAGE AND DISTRIBUTION; INSTALLATION, OPERATION AND MAINTENANCE OF FACILITIES AND INFRASTRUC-

TURE FOR OTHERS FOR ENERGY GENERATION, TRANSMISSION, STORAGE AND DISTRIBUTION, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).
FIRST USE 11-8-1997; IN COMMERCE 11-8-1997.

SN 75-452,234, FILED 3-18-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,552,978

Registered Mar. 26, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

**FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308**

FIRST USE 1-1-1998; IN COMMERCE 1-1-1998.

**FOR: ELECTRICITY, GAS AND ENERGY COM-
MODITIES BROKERAGE SERVICES; ENERGY
BILL PAYMENT SERVICES, IN CLASS 36 (U.S.
CLS. 100, 101 AND 102).**

SN 75-452,236, FILED 3-18-1998.

**ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY**

Int. Cls.: 37 and 42

Prior U.S. Cls.: 100, 101, 103 and 106

Reg. No. 2,315,484

United States Patent and Trademark Office

Registered Feb. 8, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

**FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308**

**FOR: INSTALLATION AND MAINTENANCE
OF INDUSTRIAL EQUIPMENT AND POWER
COGENERATION AND OTHER POWER
SUPPLY EQUIPMENT; INSTALLATION OF
COMPUTERIZED ENERGY MANAGEMENT
SYSTEMS , IN CLASS 37 (U.S. CLS. 100, 103
AND 106).**

**SERVICES RELATING TO THE DESIGN AND
PURCHASING OF INDUSTRIAL EQUIPMENT
AND POWER COGENERATION AND OTHER
POWER SUPPLY EQUIPMENT; CONSULTING
SERVICES RELATING TO THE DESIGN OF
COMPUTERIZED ENERGY MANAGEMENT
SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND
101).**

**FIRST USE 11-7-1997; IN COMMERCE
11-7-1997.**

FIRST USE 11-7-1997; IN COMMERCE
11-7-1997.

FOR: CONSULTING SERVICES RELATING
TO ENERGY USE, ENERGY PURCHASING
AND ENERGY EFFICIENCY; CONSULTING

SER. NO. 75-452,238, FILED 3-18-1998.

ALICE SUE CARRUTHERS, EXAMINING AT-
TORNEY

Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

Reg. No. 2,234,228

United States Patent and Trademark Office

Registered Mar. 23, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

**FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308**

**FOR: PUBLIC UTILITY SERVICES IN THE
NATURE OF ELECTRICITY; TRANSMITTING,
TRANSPORTING, STORING AND DISTRIBUT-
ING OF ENERGY COMMODITIES; ARRANG-
ING FOR TRANSMISSION, TRANSPORTA-
TION, STORAGE AND DISTRIBUTION OF
ENERGY COMMODITIES; UTILITY SERVICES,
NAMELY, TRANSMISSION OF CHILLED**

**WATER, HOT WATER AND STEAM FOR USE
IN AIR CONDITIONING, HEATING AND CLI-
MATE CONTROL SYSTEMS, IN CLASS 39 (U.S.
CLS. 100 AND 105).**

**FIRST USE 11-7-1997; IN COMMERCE
11-7-1997.**

SER. NO. 75-452,492, FILED 3-18-1998.

**ALICE SUE CARRUTHERS, EXAMINING AT-
TORNEY**

Int. Cl.: 40

Prior U.S. Cls.: 100, 103, and 106

Reg. No. 2,400,553

United States Patent and Trademark Office

Registered Oct. 31, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FIRST USE 9-1-1998; IN COMMERCE 9-1-1998.

SN 75-452,233, FILED 3-18-1998.

FOR: ENERGY CONVERSION AND GENERATION
SERVICES, IN CLASS 40 (U.S. CLS. 100, 103 AND
106).

ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY

Int. Cl.: 40

Prior U.S. Cls.: 100, 103, and 106

Reg. No. 2,400,553

United States Patent and Trademark Office

Registered Oct. 31, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FIRSTENERGY

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FIRST USE 9-1-1998; IN COMMERCE 9-1-1998.

SN 75-452,233, FILED 3-18-1998.

FOR: ENERGY CONVERSION AND GENERATION
SERVICES, IN CLASS 40 (U.S. CLS. 100, 103 AND
106).

ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,400,832

United States Patent and Trademark Office

Registered Oct. 31, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.
OWNER OF U.S. REG. NO. 2,234,228.

FOR: ELECTRICITY, GAS AND ENERGY COM-
MODITIES BROKERAGE SERVICES; ENERGY BILL
PAYMENT SERVICES, IN CLASS 36 (U.S. CLS. 100,
101 AND 102).

SN 75-603,172, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,400,832

United States Patent and Trademark Office

Registered Oct. 31, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FIRST USE 1-31-2000; IN COMMERCE 1-31-2000.
OWNER OF U.S. REG. NO. 2,234,228.

FOR: ELECTRICITY, GAS AND ENERGY COM-
MODITIES BROKERAGE SERVICES; ENERGY BILL
PAYMENT SERVICES, IN CLASS 36 (U.S. CLS. 100,
101 AND 102)

SN 75-603,172, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,328,684

United States Patent and Trademark Office

Registered Mar. 14, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FOR: CONSULTING SERVICES RELATING TO ENERGY USE, ENERGY PURCHASING AND ENERGY EFFICIENCY; CONSULTING SERVICES RELATING TO THE DESIGN, PURCHASE, INSTALLATION AND MAINTENANCE OF INDUSTRIAL EQUIPMENT AND POWER CO-GENERATION AND OTHER POWER SUPPLY EQUIPMENT; CONSULTING

SERVICES RELATING TO THE DESIGN AND INSTALLATION OF COMPUTERIZED ENERGY MANAGEMENT SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-7-1997; IN COMMERCE 11-7-1997.

OWNER OF U.S. REG. NO. 2,234,228.

SER. NO. 75-603,269, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,328,684

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Registered Mar. 14, 2000

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SERVICES RELATING TO THE DESIGN AND INSTALLATION OF COMPUTERIZED ENERGY MANAGEMENT SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-7-1997; IN COMMERCE 11-7-1997.

OWNER OF U.S. REG. NO. 2,234,228.

SER. NO. 75-603,269, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 40

Prior U.S. Cls.: 100, 103, and 106

Reg. No. 2,400,830

United States Patent and Trademark Office

Registered Oct. 31, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FIRST USE 9-1-1998; IN COMMERCE 9-1-1998.
OWNER OF U.S. REG. NO. 2,234,228.

SN 75-602,992, FILED 12-10-1998.

FOR: ENERGY CONVERSION AND GENERATION
SERVICES, IN CLASS 40 (U.S. CLS. 100, 103 AND
106).

ALICE SUE CARRUTHERS, EXAMINING ATTOR-
NEY

Int. Cl.: 39

Prior U.S. Cls.: 100 and 105

Reg. No. 2,304,241

United States Patent and Trademark Office

Registered Dec. 28, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FOR: PUBLIC UTILITY SERVICES IN THE NATURE OF ELECTRICITY; TRANSMITTING, TRANSPORTING, STORING AND DISTRIBUTING OF ENERGY COMMODITIES; ARRANGING FOR TRANSMISSION, TRANSPORTATION, STORAGE AND DISTRIBUTION OF ENERGY COMMODITIES; UTILITY SERVICES, NAMELY, TRANSMISSION OF CHILLED

WATER, HOT WATER AND STEAM FOR USE IN AIR CONDITIONING, HEATING AND CLIMATE CONTROL SYSTEMS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 11-7-1997; IN COMMERCE 11-7-1997.

OWNER OF U.S. REG. NO. 2,234,228.

SER. NO. 75-602,724, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,304,244

United States Patent and Trademark Office

Registered Dec. 28, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FOR: BUSINESS MANAGEMENT CONSULTATION, AUDITING UTILITY RATES FOR OTHERS, AND ENERGY BILL AUDITING AND RATE ANALYSIS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-7-1997; IN COMMERCE 11-7-1997.

OWNER OF U.S. REG. NO. 2,234,228.

SER. NO. 75-602,968, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,304,244

United States Patent and Trademark Office

Registered Dec. 28, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

FirstEnergy

FIRSTENERGY CORP. (OHIO CORPORATION)
76 SOUTH MAIN STREET
AKRON, OH 44308

FOR: BUSINESS MANAGEMENT CONSULTATION, AUDITING UTILITY RATES FOR OTHERS, AND ENERGY BILL AUDITING AND RATE ANALYSIS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-7-1997; IN COMMERCE 11-7-1997.

OWNER OF U.S. REG. NO. 2,234,228.

SER. NO. 75-602,968, FILED 12-10-1998.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 1,396,157

Registered June 3, 1986

**SERVICE MARK
PRINCIPAL REGISTER**

FIRST ENERGY CORPORATION

FIRST MISSISSIPPI CORPORATION (MISSISSIPPI CORPORATION)
P. O. BOX 1249
JACKSON, MS 39205

FOR: PRODUCTION OF OIL AND NATURAL GAS FOR OTHERS; AND DISTRIBUTORSHIP SERVICES IN THE FIELD OF OIL AND NATURAL GAS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-24-1978; IN COMMERCE 5-24-1978.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY CORPORATION", APART FROM THE MARK AS SHOWN.
SEC. 2(F).

SER. NO. 433,631, FILED 7-7-1983.

DOMINICK J. SALEMI, EXAMINING ATTORNEY


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Typed Drawing

Word Mark FIRST ENERGY CORPORATION
Goods and Services (CANCELLED) IC 042. US 100 101. G & S: PRODUCTION OF OIL AND NATURAL GAS FOR OTHERS; AND DISTRIBUTORSHIP SERVICES IN THE FIELD OF OIL AND NATURAL GAS. FIRST USE: 19780524. FIRST USE IN COMMERCE: 19780524
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73433631
Filing Date July 7, 1983
Current Basis 1A
Original Filing Basis 1A
Published for Opposition March 11, 1986
Registration Number 1396157
Registration Date June 3, 1986
Owner (REGISTRANT) FIRST MISSISSIPPI CORPORATION CORPORATION MISSISSIPPI P. O. BOX 1249 JACKSON MISSISSIPPI 39205
 (LAST LISTED OWNER) FIRSTENERGY CORP. CORPORATION OHIO 76 SOUTH MAIN ST. AKRON OHIO 44308
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Suzanne K. Kettler
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY CORPORATION" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK

Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060120.
Renewal 1ST RENEWAL 20060120
Live/Dead Indicator DEAD
Cancellation Date March 20, 2020

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