

ESTTA Tracking number: **ESTTA1090055**

Filing date: **10/20/2020**

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	Seeley International Pty Ltd
Granted to Date of previous extension	10/21/2020
Address	112 O'SULLIVAN BEACH ROAD LONSDALE, 5160 AUSTRALIA
Attorney information	KATHERINE KOENIG KOENIG IP WORKS, PLLC 2208 MARINER DR. FORT LAUDERDALE, FL 33316 UNITED STATES Primary Email: mail@koenigipworks.com No phone number provided.
Docket Number	1006-11TO

### Applicant Information

Application No.	88795673	Publication date	06/23/2020
Opposition Filing Date	10/20/2020	Opposition Period Ends	10/21/2020
Applicant	Bradford White Corporation 725 TALAMORE DRIVE AMBLER, PA 19002 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls
Class 011. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Water heaters; heating boilers; gas control valves for water heaters and heating boilers

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3108408	Application Date	02/09/2004
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	ICON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 0 First Use In Commerce: 0 EVAPORATIVE COOLERS FOR LIVING AND WORKING SPACES, NAMELY, EVAPORATIVE COOLERS FOR HUMIDIFYING, FILTERING AND COOLING AIR IN LIVING AND WORKING SPACES		

Attachments	1006-11TO_Notice_of_Opposition.pdf(221953 bytes ) 1006-11TO_Exhibits.pdf(4265570 bytes )
-------------	---

Signature	/Katherine Koenig/
Name	KATHERINE KOENIG
Date	10/20/2020

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

In the matter of Trademark Application Serial No.: **88/795,673**  
For the Mark: **ICON**  
Filed: **February 13, 2020**  
Published in the *Official Gazette* on: **June 23, 2020**

---

**SEELEY INTERNATIONAL PTY LTD,**  
an Australian Proprietary Limited Company,

*Opposer,*

vs.

**BRADFORD WHITE CORPORATION,**  
a Delaware Corporation,

*Applicant.*

---

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Opposer, SEELEY INTERNATIONAL PTY LTD, an Australian Proprietary Limited Company (“Seeley” or “Opposer”), believes that it will be damaged by Bradford White Corporation’s (“BWC” or “Applicant”) registration of the ICON trademark (“Opposed Mark”) as identified in U.S. Trademark Application Serial No. 88/795,673 (“the ‘673 Application”) in International Class 009 for use in connection with “water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating

boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls” and in International Class 011 for “water heaters; heating boilers; gas control valves for water heaters and heating boilers,” and hereby opposes registration of the ‘673 Application pursuant to 15 U.S.C. §1063. The ‘673 Application was published for opposition on June 23, 2020. Applicant timely filed a first 30-day request for extension of time to oppose registration of the ‘673 Application on July 23, 2020, and an additional 60-day request for extension of time to oppose registration of the ‘673 Application on August 20, 2020. The Trademark Trial and Appeal Board granted both of Applicant’s extension requests, which allowed Applicant until October 21, 2020, to file its Notice of Opposition. Accordingly, this Notice of Opposition is timely filed.

The grounds for opposition are set forth below.

### **THE PARTIES**

1. Opposer, Seeley, is an Australian Proprietary Limited Company, having a business address at 112 O’Sullivan Beach Road, Lonsdale 5160, AUSTRALIA.
2. Upon information and belief, Applicant, BWC, is a Delaware corporation having a business address at 725 Talamore Drive, Ambler, Pennsylvania, 19002, UNITED STATES.

### **OPPOSER'S MARK AND REGISTRATION**

3. Seeley is the owner of U.S. Trademark Registration No. 3,108,408 for the ICON trademark for use in connection with “evaporative coolers for living and working spaces, namely, evaporative coolers for humidifying, filtering and cooling air in living and working spaces” in International Class 011 (“the ‘408 Registration”). A printout of the Certificate of Registration for the ‘408 Registration obtained from the TSDR records is attached hereto as **EXHIBIT A**.

4. Opposer also has common law rights in the ICON word mark and various formatives thereof. Examples of Applicant’s use of the ICON word mark are attached hereto as **EXHIBIT B**, for use in connection with, *inter alia*, “evaporative coolers for living and working spaces, namely, evaporative coolers for humidifying, filtering and cooling air in living and working spaces” and related goods and services (hereinafter collectively referred to with the ‘408 Registration as the “ICON mark”).

5. Opposer has spent many years and significant expense advertising and promoting its goods and services offered in connection with the ICON mark in United States commerce. Based on Opposer’s extensive use and promotion, the ICON mark embodies substantial goodwill that is associated with Opposer and consumers identify the ICON mark with Opposer.

### **THE APPLICATION**

6. Applicant is the record owner of the ‘673 Application, which covers “water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring

the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls” in International Class 009 and “water heaters; heating boilers; gas control valves for water heaters and heating boilers” in International Class 011 (“Applicant’s Goods”).

7. On information and belief, the opposed Application was filed on February 13, 2020 (the “Application Filing Date”) based on an intent-to-use use in commerce under Section 1(b) of the Trademark Act.

8. On information and belief, the opposed Application was published in the *Official Gazette* dated June 23, 2020.

9. A true and accurate copy of the U.S. Patent and Trademark Office’s (USPTO’s) TESS and TSDR records for the ‘673 Application is attached hereto as **EXHIBIT C**.

## **CLAIM**

### **Priority and Likelihood of Confusion under Lanham Act Section 2(d)**

10. Opposer incorporates by reference Paragraphs 1 through 9, inclusive, as if fully set forth herein.

Opposer has Priority

11. Opposer's '408 Registration was filed as an application with the USPTO on February 9, 2004, registered on June 27, 2006, and claims Section 44(e) as a filing basis, which is based on Australian Trademark Application/Registration No. 965846 ("the Australian Registration") filed and registered, according to the USPTO's records, on August 8, 2003. A printout of the registration data for the Australian Registration is attached hereto as **EXHIBIT D**.

12. Opposer's '408 Registration predates the Application Filing Date of the '673 Application.

13. Timely filings of Declarations of Use under §8 of the Trademark Act (15 U.S.C. §1058) and Renewal of Registration under §9 of the Trademark Act (15 U.S.C. §1059) have been filed, and a Declaration of Incontestability under §15 of the Trademark Act (15 U.S.C. §1065) has been filed and acknowledged for the '408 Registration.

14. Through use of Opposer's ICON mark in association with Opposer's goods and related services, Opposer has established valuable goodwill in connection with Opposer's goods and related services.

15. Opposer's ICON mark is distinctive for Opposer's goods and related services, as evidenced by Opposer's '408 Registration and use of Opposer's ICON mark in commerce.

16. Additionally, upon information and belief, Opposer's ICON mark has been used in commerce in the United States prior to the Application Filing Date.

17. Accordingly, Opposer has priority rights in the ICON mark that are senior to Applicant's rights in the ICON mark.

Opposer's ICON Mark and Applicant's ICON Mark are Confusingly Similar

18. Applicant's ICON mark identified in the '673 Application is identical to Opposer's ICON mark and is therefore confusingly similar in appearance, sound, connotation, and meaning to Opposer's ICON mark.

19. The '673 Application claims intended use of the ICON mark in connection with "water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls" in International Class 009 and "water heaters; heating boilers; gas control valves for water heaters and heating boilers" in International Class 011, which are confusingly similar to Opposer's use of the ICON mark in connection with goods that include, *inter alia*, "evaporative coolers for living and working spaces, namely, evaporative coolers for humidifying, filtering and cooling air in living and working spaces"; and related goods and services.

20. Upon information and belief, the goods identified in the '673 Application for the ICON mark and those goods and related services sold under Opposer's ICON mark are marketed and sold to the same potential customers, consumers, or end users.



21. Upon information and belief, Applicant's goods and Opposer's goods and related services move through the same channels of distribution and are sold in the same or in similar channels of trade.

22. Use by the Applicant of ICON mark, for which registration is sought in the '673 Application opposed herein, is without Opposer's consent or permission.

23. Due to Applicant's use of a mark that is identical to Opposer's ICON mark and the confusingly similar nature of the parties' respective goods, channels of trade and purchasers, Applicant's use of ICON mark as published in the '673 Application is likely to cause confusion, deception, or mistake as to the affiliation, connection, or association of Applicant with Opposer, and/or the origin, sponsorship or approval of Applicant's goods, services, or commercial activities by Opposer, with consequent damage and injury to Opposer and the public.

24. The registration of Applicant's ICON mark would prevent Opposer from exercising exclusive control over the goodwill and reputation associated with Opposer's ICON mark. Therefore, the registration of Applicant's ICON mark would damage and injure Opposer.

25. Opposer will also be damaged by the registration of Applicant's ICON mark because such registration will support statutory rights for Applicant in violation and derogation of Opposer's prior, superior, and exclusive rights in Opposer's ICON mark and/or Opposer's Registration.

26. In view of the foregoing, issuance of a registration to the Applicant for the Opposed Mark would be damaging to Opposer within the meaning of 15 U.S.C. § 1063.

**PRAYER FOR RELIEF**

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's ICON Mark as reflected in the '673 Application and respectfully requests that Application Serial No. 88/795,673 be refused, and registration be denied pursuant to 15 U.S.C. §§1052(d) and 1063(a). This Notice of Opposition is filed according to the rules governing electronic submissions to the Trademark Trial and Appeal Board, including payment of the requisite fee for one class.

Kindly direct all notices, pleadings, and process regarding this matter to the undersigned.

Respectfully submitted this 20th day of October 2020.

Respectfully submitted,

KOENIG IP WORKS, PLLC

Dated: October 20, 2020

/Katherine Koenig/

Katherine Koenig, Florida Bar No. 65888  
Koenig IP Works, PLLC  
2208 Mariner Dr.  
Fort Lauderdale, FL 33316  
Telephone: (954) 903-1699  
[mail@koenigipworks.com](mailto:mail@koenigipworks.com)

*Attorney for Opposer*

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being electronically filed with the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 20<sup>th</sup> day of October 2020.

KOENIG IP WORKS, PLLC

/Katherine Koenig/  
Katherine Koenig  
Attorney for Opposer  
SEELEY INTERNATIONAL PTY LTD

**CERTIFICATE OF SERVICE**

The undersigned, Opposer's Attorney, hereby certifies that on the 20th day of October 2020, she caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served upon Applicant by email at the following email address:

John W. McGlynn  
RatnerPrestia  
2200 Renaissance Boulevard  
Suite 350  
King of Prussia, Pennsylvania 19406  
Email: [tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com);  
[jwmcglynn@ratnerprestia.com](mailto:jwmcglynn@ratnerprestia.com)

KOENIG IP WORKS, PLLC

/Katherine Koenig/  
Katherine Koenig  
Attorney for Opposer  
SEELEY INTERNATIONAL PTY LTD

# **EXHIBIT A**

**Int. Cl.: 11**

**Prior U.S. Cls.: 13, 21, 23, 31 and 34**

**Reg. No. 3,108,408**

**United States Patent and Trademark Office**

**Registered June 27, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**ICON**

FF SEELEY NOMINEES PTY LTD (AUSTRALIA  
CORPORATION)  
1-11 ROTHESAY AVENUE, ST. MARYS  
SOUTH AUSTRALIA, AUSTRALIA

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
AUSTRALIA APPLICATION NO. 965846, FILED 8-8-  
2003, REG. NO. 965846, DATED 8-8-2003, EXPIRES 8-  
8-2013.

FOR: EVAPORATIVE COOLERS FOR LIVING  
AND WORKING SPACES, NAMELY, EVAPORA-  
TIVE COOLERS FOR HUMIDIFYING, FILTERING  
AND COOLING AIR IN LIVING AND WORKING  
SPACES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND  
34).

SER. NO. 76-574,470, FILED 2-9-2004.

MELVIN AXILBUND, EXAMINING ATTORNEY

# **EXHIBIT B**

# Icon Series

**ECM VARIABLE SPEED DIRECT DRIVE MOTOR EVAPORATIVE COOLING**

**Suitable for:**

- ≡ Homes and apartments
- ≡ Schools
- ≡ Assisted living facilities
- ≡ Offices
- ≡ Shops
- ≡ Restaurants and club



# The Breezair Icon Series: the world's most

The Breezair Icon is a new generation of centrifugal fan evaporative coolers. It incorporates electronically commutated (ECM) HushPower® direct drive motor technology. The result is a more economical, reliable, efficient cooling choice that requires less frequent maintenance.

The Icon series has all of the features of the traditional Breezair coolers – plus many more. The Auto Drain, the Tornado® water pump and the long life Chillcel™ pads are features incorporated within the Icon cooler. Using the revolutionary ECM direct drive variable speed motor technology, the Icon employs an efficient centrifugal fan.

These well-designed advantages contribute to make the Breezair Icon the world's most quiet ducted evaporative cooling system. Advanced electronic controls manage and monitor the motor. This ensures that the system operates at its optimum efficiency at all times.

The Icon adjusts its motor speed automatically to accommodate different ducting systems and back pressures. The cooler's quiet operation makes it suitable for all commercial and residential installations where fan or motor noise may be a problem.

## Breezair Icon offers these built-in safety features!

- ≡ Circuit breaker
- ≡ Thermally-protected variable speed motor and pump
- ≡ On-board isolation switch.

### The Only Cabinet with a 25-year Warranty!

- ≡ Injection molded
- ≡ High-strength structural polymer
- ≡ UV resistant
- ≡ Non-rusting.

### Tornado® Water Pump

- ≡ 3 year pump warranty
- ≡ Impact start
- ≡ Fully encapsulated motor windings
- ≡ Thermal overload protectors
- ≡ Top and bottom ball bearings
- ≡ Pumps in 1/2" water.



### Non-clogging Water Distribution System

- ≡ Unique water flow distributor (patented worldwide by Breezair)
- ≡ Fully balanced and continuous water distribution to all Chillcel™ cooling pads
- ≡ Maintains perfect pad saturation, maximizing cooling efficiency.



### Exclusive Breezair ECM HushPower® Direct Drive Motor

- ≡ Super efficient over operating range
- ≡ Electronically commutated for optimum energy efficiency
- ≡ Corrosion-resistant construction
- ≡ Reduced energy use
- ≡ Variable speed
- ≡ Unsurpassed reliability
- ≡ Quietness beyond belief.



### Control Power Module

- ≡ Advanced electronics ensure that the system operates at optimum efficiency
- ≡ Smart, reliable & easy to use

### Integrated Diagnostic System

- ≡ Automatically monitors system performance and provides self-diagnosis

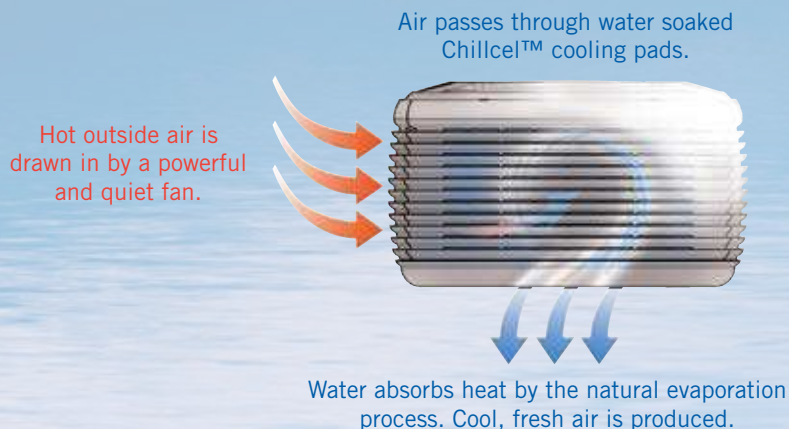
### Microprocessor

- ≡ Constantly analyzes water consumption and adjusts motor speed accordingly

## Why evaporative cooling?

Take the natural approach to cooling! Seeley International's Breezair range of evaporative coolers delivers lots of cool, 100% fresh air, at much lower costs than refrigerated air conditioning methods.

Evaporative cooling is fast becoming the only viable option for cooling large areas. A Breezair system uses up to 80% less energy than a refrigerated air conditioning system. Doors and windows can be left open, with absolutely no loss of cooling efficiency.





**25 Years**Corrosion-free  
cabinets  
guarantee**10 Years**Structural  
components  
guarantee**5 Years**De-lamination  
of Chillcel media  
guarantee**3 Years**Pump, motor  
& junction box  
guarantee

# st quiet evaporative cooler



## Harmony SensorTouch® Wall Controller

- ≡ Variable speed
- ≡ Programmable climate control
- ≡ Auto mode, manual mode, timer
- ≡ Drain function
- ≡ Connect up to 41 coolers to single wall controller
- ≡ Built-in diagnostics module fault code downloads.

## Horizon SensorTouch® Wireless Control

- ≡ Variable speed
- ≡ Programmable climate control
- ≡ Auto mode, manual mode, timer
- ≡ Drain function.



## NEW BREAKTHROUGH

### Mini-Cell^ Chillcel® Pad Technology!

- ≡ Revolutionary new Mini-Cell structure with small cell design
- ≡ A new cutting edge level of cooling capacity
- ≡ Dramatically improves cooling efficiency due to 25% more surface area
- ≡ The only evaporative cooling pads fully manufactured in Australia
- ≡ Suitable for the harshest climates, and now, the absolute over-performer!

^Patent pending

## Module

onic controls  
Icon operates at  
ncy at all times  
& durable.

## stics Module

monitors cooler operations  
diagnostics.

izes waterquality,  
on and power output.

## WATERManager™ System and Auto Drain Function

- ≡ Monitors water quality by sensing total dissolved solids in cooler sump
- ≡ Automatic water draining when cooler is not in use
- ≡ Prevents algae growth
- ≡ Drain option setting.

## New Icon Series Direct Drive Motor/Fan

- ≡ 3 year motor warranty
- ≡ Combined motor and fan
- ≡ Ultra quiet centrifugal fan
- ≡ Responsive to duct sizing & back pressure
- ≡ Designed to deliver optimum air output.



## Fresh, clean air

The delivered air is 100% fresh, with no risk of recirculated fumes, germs or odors.

Most importantly, as the outside temperature rises, the more cooling you get inside – the fundamental benefit of the evaporative process.

## The intelligent choice for your home, the environment and your budget

Unlike air-conditioning that requires harsh, earth-unfriendly chemicals to cool the air, Breezair uses only water. That makes the Breezair cooling system the green alternative – and the environmentally conscious choice.

When cooling a large area – and when conventional air conditioning is simply not an option – evaporative cooling is the smartest move you can make. Whether it is used for space cooling or spot cooling, the Breezair cooling system:

- ≡ Is more energy-efficient and cheaper to run when compared to a standard efficiency ducted refrigerated system!
- ≡ Delivers 100% fresh air
- ≡ Is easier and cheaper to install
- ≡ Improves productivity through fresh, clean air (less chance of Sick Building Syndrome or other air-borne problems)
- ≡ Is healthier for the environment – drastically reduced power use, no harmful emissions and no synthetic refrigerants
- ≡ Is easier to maintain.

The advantages for your budget and for the environment are obvious right away with this green, environmentally conscious cooling system.

## Technical Specifications

		EXH 170	EXH 210
<b>Airflow</b>	Industry standard (cfm)	4,430	5,400
<b>Cooling capacity*</b>	0.3 IWG (BTU/hr)	37,580	46,070
<b>Power consumption (total)</b>	Watts max / min	1220 / 70	1870 / 70
	Current max (amp)	6.0	10.0
<b>Power supply</b>	Voltage / Phases / Hz	220-240 / 1 / 60	220-240 / 1 / 60
<b>Controller</b>	Type	Digital	Digital
<b>Fan</b>	Type	Centrifugal	Centrifugal
	Dia x width (inches)	18 1/8 x 15	18 1/8 x 15
	Speed range (rpm)	170 to 556	170 to 584
<b>Motor</b>	Type	Direct drive inverter	Direct drive inverter
	Variable speed range (rpm)	170 to 556	170 to 613
	Output (Watts) max / min	750 / 60	1500 / 60
	Overload	Auto reset	Auto reset
	Enclosure	IP 21	IP 21
<b>Pump</b>	Type	Centrifugal	Centrifugal
	Motor	Synchronous	Synchronous
	Rating Watts (input)	40	40
	Flow rate (gal/min)	4.4 @ 3.9 ft head	4.4 @ 3.9 ft head
	Voltage / Phases / Hz	230 / 1 / 60	230 / 1 / 60
	Overload	Auto reset	Auto reset
	Enclosure rating	IP X4	IP X4
<b>Cooling pad Chillcel</b>	Size (inches)	31 1/2 x 25 x 3 1/2 x 4 pads	31 1/2 x 25 x 3 1/2 x 2 pads
	Pad area (ft²)	22	22
<b>Water</b>	Tank capacity (gal)	2.9	2.9
	Inlet (inches)	1/2" male BSP	1/2" male BSP
<b>Shipping</b>	Dimensions including pallet (inches)	45 7/8 x 46 7/8 x 37 1/2 (H)	45 7/8 x 46 7/8 x 37 1/2 (H)
	Volume (ft³)	45.6	45.6
	Mass shipping (lbs)	183	185
	Mass operating (lbs)	199	201
<b>Connecting duct (raw edged)</b>	Length x width (inches)	21 5/8 x 21 5/8 (19 sq roof jack adapter included)	21 5/8 x 21 5/8 (19 sq roof jack adapter included)

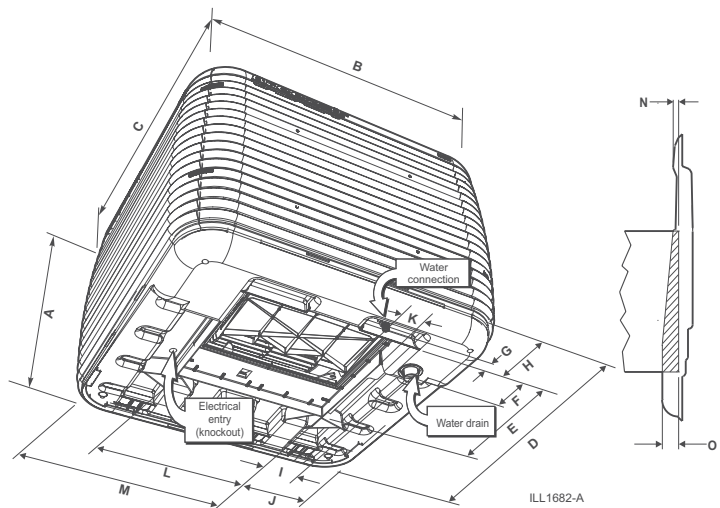
\*This cooler has been tested in accordance with the requirements of the California Energy Commission Appliance Efficiency Regulations, Section 1603 and 1604.

## Cooler Discharge Air Temperature Chart

		Ambient Relative Humidity %								
		10	20	30	40	50	60	70	80	90
Ambient Dry Bulb Temperature °F	50	36.6	38.3	39.9	41.5	43.0	44.5	45.9	47.3	48.7
	60	43.3	45.5	47.6	49.6	51.5	53.3	55.1	56.8	58.4
	70	49.8	52.6	55.2	57.6	59.9	62.1	64.2	66.3	68.2
	80	56.0	59.5	62.7	65.6	68.4	71.0	73.4	75.7	77.9
	90	62.1	66.3	70.1	73.6	76.9	79.9	82.6	85.2	87.7
	100	68.0	73.1	77.6	81.7	85.4	88.8	91.9	94.8	N/A
	110	73.9	79.9	85.2	89.8	94.0	N/A	N/A	N/A	N/A
	120	79.7	86.8	92.8	98.0	102.6	N/A	N/A	N/A	N/A
	130	85.5	93.7	100.5	106.3	N/A	N/A	N/A	N/A	N/A

This chart represents approximate air temperatures based on 87% saturation efficiency at sea level. From tests carried out to Australian Standard 2913.

## CABINET DETAILS



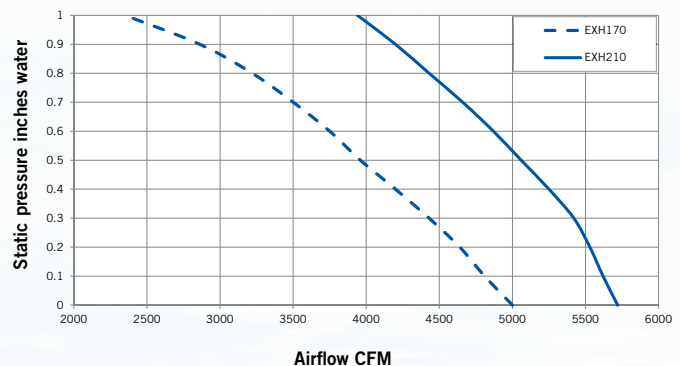
Model#	A	B	C	D	E*	F	G	H	I	J	K	L*	M	N	O
EXH 170	33.85	45.67	45.67	43.62	21.85	4.29	1.5	7.17	3.19	10.79	4.65	21.85	32.83	1.5	3.31
EXH 210	33.85	45.67	45.67	43.62	21.85	4.29	1.5	7.17	3.19	10.79	4.65	21.85	32.83	1.5	3.31

Note: All dimensions are in inches. \*Dropper / roof jack dimensions.

## Typical installation

<b>Drain outlet</b>	1 1/2" BSP to 3/4" OD Reducer piece designed for push-on use with a flexible hose (3/4" ID) or solid PVC pipe (3/4" ID)
<b>Water inlet</b>	1/2" BSP to 3/8" Nom or 1/2" BSP to 1/4" compression adapter pieces
<b>Electrical</b>	1/2" Flexible conduit
<b>Install kit (required)</b>	<b>Option 1:</b> Harmony Kit – WIRED Wall Control, includes 65' low voltage wiring loom, auto drain and plumbing fittings Part#111940 <b>Option 2:</b> Horizon Kit – WIRELESS Wall Control, includes receiver, auto drain and plumbing fittings Part#111957

## FAN CURVES



Model#	Industry STD Rating CFM	Motor H.P.	Certified Air Delivery (CFM) (static pressure inches water)						
			0.0	0.1	0.2	0.3	0.4	0.5	0.6
EXH 170	7,500	1.0	5000	4810	4640	4430	4200	3960	3750
EXH 210	9,500	2.0	5720	5620	5530	5420	5250	5060	4870



Sizing instructions



Use the Certified Air Delivery performance tables and the following procedure to properly size a Seeley International evaporative cooling unit for your application.

The performance or Cooling Capacity of an evaporative cooler is a function of both the air flow (CFM) and air discharge temperature.

Static pressure, or duct system resistance, also impacts on air delivery and should be considered to correctly size the cooling unit.

1 Determine design Conditions

- ≡ Outside Dry-Bulb (DB)
- ≡ Outside Wet-Bulb (WB)
- ≡ Inside Dry-Bulb (TI)

2 Determine the design Sensible Heat Load (Btuh)

3 Determine the Cooler Leaving Air Temperature (LAT)

LAT = DB – [(DB-WB) EFF]  
where EFF = 0.87 for Chillcel media

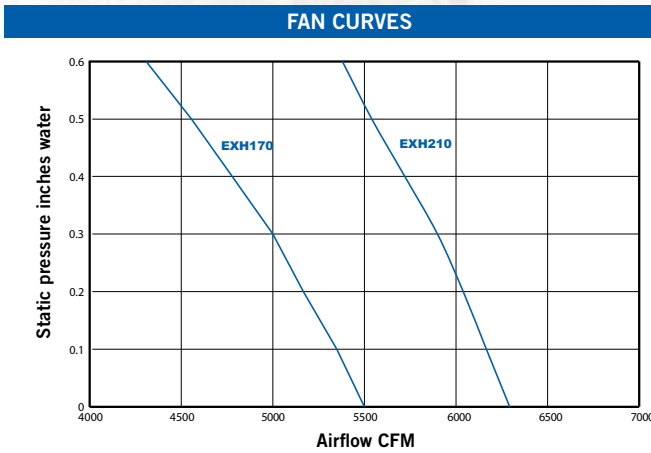
4 Determine the CFM required

CFM=0.925 x Sensible Heat Load  
(TI –LAT)

5 Determine the cooler(s) required by referring to the air flow charts to the right.

SUITABLE FOR MOST APPLICATIONS, INCLUDING:

- ≡ Homes and apartments
- ≡ Schools
- ≡ Assisted living facilities
- ≡ Offices
- ≡ Shops
- ≡ Restaurants and clubs



Model#	Industry STD Rating CFM	Motor H.P.	Certified Air Delivery (CFM) (static pressure inches water)						
			0.0	0.1	0.2	0.3	0.4	0.5	0.6
EXH 170	7,500	1.0	5503	5350	5166	4998	4778	4556	4309
EXH 210	9,500	2.0	6293	6166	6039	5897	5721	5541	5382

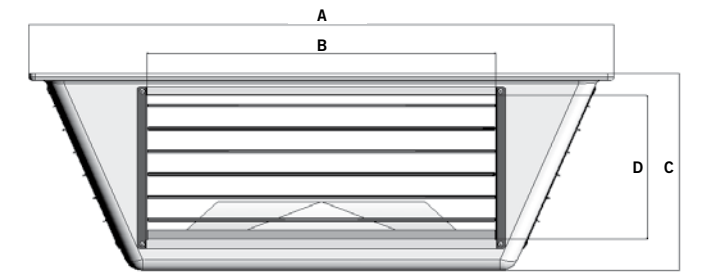
Air diffusers

All plenums are vacuum formed from high strength, low weight ABS plastic. The diffuser consists of aluminium airfoil blades, individually adjustable from fully open to closed for maximum directional air control.



4-sided high capacity commercial air diffuser

Manufacturer Part #089249					
Outlets	Free Area ft²	Velocity FPM	Volume CFM	Pressure IWG	Throw Feet
4	5.6	980	5500	0.14	16.5
		1278	7200	0.2	19.5
		1476	8200	0.3	23

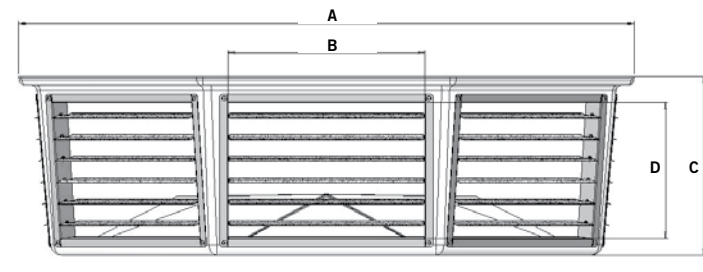


Model#	A	B	C	D
4-sided high capacity commercial air diffuser	34.8	20.7	11.6	9.4

Note: All dimensions are in inches. Drawing shows the actual opening dimensions.

8-sided high capacity commercial air diffuser

Manufacturer Part #089256					
Outlets	Free Area ft²	Velocity FPM	Volume CFM	Pressure IWG	Throw Feet
8	7	980	6990	0.14	16.5
		1278	9090	0.2	19.5
		1476	10,488	0.3	23



Model#	A	B	C	D
8-sided high capacity commercial air diffuser	42.7	13.6	12.2	9.4

Note: All dimensions are in inches. Drawing shows the actual opening dimensions.



Seeley International Americas

1002 S 56th Avenue, Suite # 101, Phoenix AZ 85043

Phone 602 353 8066 Fax 602 353 8070

Email [marketing@seeleyinternational.com](mailto:marketing@seeleyinternational.com) Web [seeleyinternational.com](http://seeleyinternational.com)



Icon Series

World-leading natural cooling technology

The only viable solution for providing a comfortable working environment while delivering huge savings on running costs





Why is Breezair unique?

25 Years  
Corrosion-free  
cabinets  
guarantee

10 Years  
Structural  
components  
guarantee

5 Years  
De-lamination  
of Chillcel media  
guarantee

3 Years  
Pump, motor  
& junction box  
guarantee

Technical information

Why evaporative cooling?

Take the natural approach to cooling! Seeley International's Breezair range of evaporative coolers delivers lots of cool, 100% fresh air, at much lower costs than refrigerated cooling methods.

Evaporative cooling is fast becoming the only viable option for cooling large areas. A Breezair system uses up to 80% less energy than a refrigerated cooling system. Doors and windows can be left open, with absolutely no loss of cooling efficiency.

Breezair evaporative cooling:

- Is more energy-efficient – cheaper to run
- Delivers cleaner, healthier air
- Is easier and cheaper to install
- Improves productivity through fresh, clean air (less chance of Sick Building Syndrome or other air-borne problems)
- Is healthier for the environment – drastically reduced power use, no harmful emissions and no synthetic refrigerants
- Is easier to maintain

Flexible cooling

If you need to cool small areas within a large space, then evaporative cooling gives you the only effective option – spot cooling. With spot cooling, an envelope of cool, high velocity air can be directed to a specific area, irrespective of the surrounding conditions.

Operate multiple coolers from a single wall controller

**Smart Hub (optional accessory)**  
The Smart Hub is used to enable multiple Breezair variable speed air coolers to be controlled from one wall control. When used with "Industrial Wall Control" (IWC) the Smart Hub provides Evaporative Cooler fault information to the wall control display.



**Industrial Wall Control (optional accessory)**  
The IWC can handle up to 10 smart hubs and control up to 41 Breezair coolers. The IWC identifies any faulty cooler in a group and provides comprehensive fault diagnostics enabling any cooler in a multi cooler installation to be quickly identified and repaired. The IWC10 may also be set up to control Breezair cooler from EXTERNAL devices, such as PLCs and Building Management Systems (BMS).



Why Breezair?

For around four decades, Seeley International's brands have been synonymous with leading-edge technology, innovative design and superior cooling performance, as well as outstanding product reliability and ease of maintenance.

Seeley International's dedication to innovation through the highest standards of research, engineering and manufacture, as well as our commitment to excellence in customer service, all combine to deliver the best possible cooling systems at the best possible price.


Designed and made in Australia to cope with even the harshest conditions, Breezair features a range of benefits exclusive to Seeley International, including:

- Permatuf™ corrosion-proof cabinets, that won't rust, fade or discolor – no wonder we guarantee them corrosion-free for 25 years!
- Tornado® pumps – designed and manufactured by Seeley International, the Tornado pump delivers the highest levels of reliability and safety;
- The Non-clogging Water distribution system maximizes cooling efficiency;
- The intelligent water management system ensures optimum life of Chillcel™ Pads and saves water. Unlike standard continuous bleed systems, the advanced technology is cleverly detecting water salinity levels and is only ejecting dirty water as needed.
- Chillcel pads are built strong to last longer and are easy to clean and replace when necessary; and
- The super-efficient HushPower® (ECM) Direct Drive motor, the quietest motor available.


The Breezair Icon Series: the world's most quiet evaporative cooler

Breezair's Icon series boasts the most advanced features available in evaporative air conditioners. It's led the market in its class for many years – and still remains the most efficient and quietest available.


**Centrifugal Fan**  
Centrifugal fans are the first choice of air conditioning engineers worldwide. The Breezair forward curved, centrifugal fans are made from injection-molded polypropylene.  
They are double-width, inherently statically and dynamically balanced, with aerofoil blades to provide high pressure performance and very low noise levels.




**Permatuf™ corrosion-proof cabinet**  
The Breezair cabinet will not corrode or rust. The UV stabilized structural polymer material is the same type used to make acid baths, battery cases and some space satellite components. Plus, it's designed to blend with any property.




**Thermostatic Control**  
Operate up to 41 coolers from a single wall control using up to 10 smart hubs (optional). Each cooler comes with 65' wiring loom and it can be extended up to a maximum length of 130' (optional).



**HushPower® Direct Drive (ECM) Motor**  
Exclusive to Breezair, this motor is super efficient and electronically controlled for optimum efficiency.  
Corrosion resistant, it's the quietest motor available and has unsurpassed reliability, reduced energy use and runs at variable speeds.




**Clean and Dry Function**  
The cooler drains automatically when it's not in use, preventing algae growth and maintaining a clean cooler.




**NEW BREAKTHROUGH Mini-Cell^ Chillcel® Pad Technology!**

- Revolutionary new Mini-Cell structure with small cell design
- A new cutting edge level of cooling capacity
- Dramatically improves cooling efficiency due to 25% more surface area
- The only evaporative cooling pads fully manufactured in Australia
- Suitable for the harshest climates, and now, the absolute over-performer!


^Patent pending




**Non-clogging Water distribution system**  
Breezair's non-clogging water distribution is one of the things that make it unique. The water distributor maximizes cooling efficiency by supplying a continuous and balanced flow of water across the cooling pads.  
This is different to any other brand of evaporative coolers, which are subject to water flow variations for a number of reasons. Breezair's balanced flow ensures highest evaporation efficiency and maximum cooling.  
Plus, it has a clever impact-start feature that will overcome any tendency for the pump to become locked up with residue during prolonged off periods. The strong synchronous motor has constant speed, independent of voltage fluctuations, and runs very cool.



**Tornado® Pump**  
The perfect pump for the job! The Tornado pump is built to last. Designed, manufactured and tested by Seeley International, the Tornado pump epitomizes reliability. It features very safe material choices, an encapsulated motor with overload cut-out, stainless steel shafts and bearings fully protected from water.  
The module also incorporates diagnostic features and memory to aid trouble-shooting and minimize downtime. Several user choice parameters are available to allow you to set up your preferred environment.



**Digital Smartbox™ / Control Power Module**  
A state-of-the-art digital electronic control means optimum performance. The Smartbox digital control module monitors and controls all of the cooler's features to provide ultimate comfort conditions, temperature sensing and water quality supervision – completely safely and reliably.



Technical Specifications

		EXH 170	EXH 210
Airflow	Industry standard (cfm)	7,500	9,500
Cooling capacity*	0.3 IWG (BTU/hr)	45,000	51,000
Power consumption (total)	Watts max / min	1220 / 70	1870 / 70
	Current max (amp)	6.0	10.0
Power supply	Voltage / Phases / Hz	220-240 / 1 / 60	220-240 / 1 / 60
Controller	Type	Digital	Digital
Fan	Type	Centrifugal	Centrifugal
	Dia x width (inches)	18 1/8 x 15	18 1/8 x 15
	Speed range (rpm)	170 to 556	170 to 584
Motor	Type	Direct drive inverter	Direct drive inverter
	Variable speed range (rpm)	170 to 556	170 to 613
	Output (Watts) max / min	750 / 60	1500 / 60
	Overload	Auto reset	Auto reset
Pump	Enclosure	IP 21	IP 21
	Type	Centrifugal	Centrifugal
	Motor	Synchronous	Synchronous
	Rating Watts (input)	40	40
Cooling pad Chillcel	Flow rate (gal/min)	4.4 @ 3.9 ft head	4.4 @ 3.9 ft head
	Voltage / Phases / Hz	230 / 1 / 60	230 / 1 / 60
	Overload	Auto reset	Auto reset
	Enclosure rating	IP X4	IP X4
Water	Size (inches)	31 1/2 x 25 x 3 1/2 x 4 pads	31 1/2 x 25 x 3 1/2 x 2 pads
	Pad area (ft²)	22	22
Shipping	Tank capacity (gal)	2.9	2.9
	Inlet (inches)	1/2" male BSP	1/2" male BSP
Connecting duct (raw edged)	Dimensions including pallet (inches)	45 1/2 x 46 1/2 x 37 1/2 (H)	45 1/2 x 46 1/2 x 37 1/2 (H)
	Volume (ft³)	45.6	45.6
	Mass shipping (lbs)	183	185
	Mass operating (lbs)	199	201
Electrical	Length x width (inches)	21 1/4 x 21 1/8 (19 sq roof jack adapter included)	21 1/4 x 21 1/8 (19 sq roof jack adapter included)

\*This cooler has been tested in accordance with the requirements of the California Energy Commission Appliance Efficiency Regulations, Section 1603 and 1604.

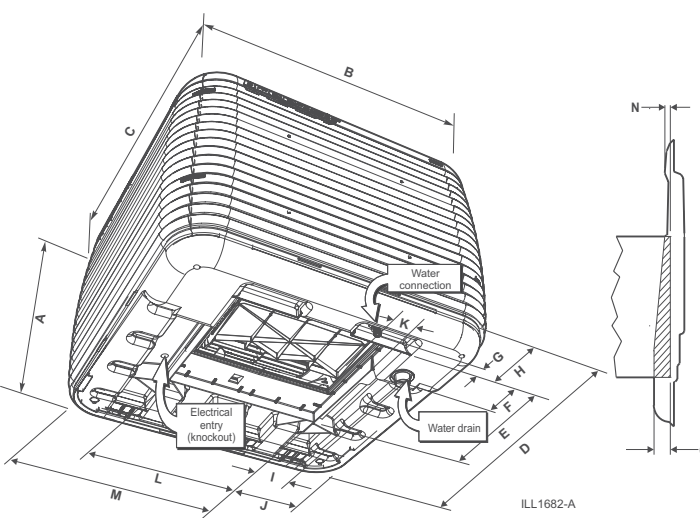
Cooler discharge air temperature chart

		Ambient Relative Humidity %									
		10	20	30	40	50	60	70	80	90	
Ambient Dry Bulb Temperature °F	50	36.6	38.3	39.9	41.5	43.0	44.5	45.9	47.3	48.7	
	60	43.3	45.5	47.6	49.6	51.5	53.3	55.1	56.8	58.4	
	70	49.8	52.6	55.2	57.6	59.9	62.1	64.2	66.3	68.2	
	80	56.0	59.5	62.7	65.6	68.4	71.0	73.4	75.7	77.9	
	90	62.1	66.3	70.1	73.6	76.9	79.9	82.6	85.2	87.7	
	100	68.0	73.1	77.6	81.7	85.4	88.8	91.9	94.8	N/A	
	110	73.9	79.9	85.2	89.8	94.0	N/A	N/A	N/A	N/A	
	120	79.7	86.8	92.8	98.0	102.6	N/A	N/A	N/A	N/A	
	130	85.5	93.7	100.5	106.3	N/A	N/A	N/A	N/A	N/A	

This chart represents approximate air temperatures based on 87% saturation efficiency at sea level. From tests carried out to Australian Standard 2913.



CABINET DETAILS



Model#	A	B	C	D	E*	F	G	H	I	J	K	L*	M	N	O
EXH 170	33.85	45.67	45.67	43.62	21.85	4.29	1.5	7.17	3.19	10.79	4.65	21.85	32.83	1.5	3.31
EXH 210	33.85	45.67	45.67	43.62	21.85	4.29	1.5	7.17	3.19	10.79	4.65	21.85	32.83	1.5	3.31

Note: All dimensions are in inches. \*Dropper / roof jack dimensions.

Typical installation

Drain outlet	1 1/2" BSP to 3/4" OD Reducer piece designed for push-on use with a flexible hose (3/4" ID) or solid PVC pipe (3/4" ID)
Water inlet	1/2" BSP to 3/8" Nom or 1/2" BSP to 1/4" compression adapter pieces
Electrical	1/2" Flexible conduit
Install kit (required)	<b>Option 1:</b> Harmony Kit – WIRED Wall Control, includes 65' low voltage wiring loom, auto drain and plumbing fittings Part#111940 <b>Option 2:</b> Horizon Kit – WIRELESS Wall Control, includes receiver, auto drain and plumbing fittings Part#111957




[Why  
Evaporative? →](#)
[Help  
Me Choose →](#)
[Get  
Support →](#)
[Find a  
Dealer](#)



# Compare Air Conditioning Systems

## Features and Benefits

Breezair units feature advanced technology and a range of unique and clever design features that combine to achieve the highest cooling performance of any similar air conditioner.

	TBA	ICON	MAX	EXT	EXV
Permatuf corrosion-proof cabinet	✓	✓	✓	✓	✓
Axial Fan	✓				
Centrifugal Fan		✓	✓	✓	✓
Tornado Pump	✓	✓	✓	✓	✓
AUTOWeatherseal	✓				
AQUAflow	✓	✓	✓	✓	✓
Chillcel High Efficiency Pads	✓	✓		✓	✓
Aspen Pads			✓		
Thermostat Control	✓	✓			✓
Digital Smartbox / Control Power Module	✓	✓			✓
WATERManager System	✓	✓		○	✓
Totally Enclosed Motor	✓				
Clean and Dry Function	✓	✓		○	✓
HushPower Direct Drive Motor		✓			
Seelectric Motor			✓	✓	✓
YES ✓ OPTIONAL ○					

## Help Me Choose

Tips for choosing a residential evaporative air conditioner

Why is Breezair Unique?

Model Specifications

[Compare Air  
Conditioning Systems](#)

## Testimonials

"Breezair installation in a church in Colorado..."

[Read More](#)

## Brochures



Region: North America

Register a Warranty | Contact Us | About Us

Why Evaporative? →

Help Me Choose →

Get Support →

Find a Dealer

Zip Code

Go

# Compare Air Conditioning Systems

## Features and Benefits

Breezair units feature advanced technology and a range of unique and clever design features that combine to achieve the highest cooling performance of any similar air conditioner.

	TBA	ICON	MAX	EXT	EXV
Permatuf corrosion-proof cabinet	✓	✓	✓	✓	✓
Axial Fan	✓				
Centrifugal Fan		✓	✓	✓	✓
Tornado Pump	✓	✓	✓	✓	✓
AUTOWeatherseal	✓				
AQUAflow	✓	✓	✓	✓	✓
Chillcel High Efficiency Pads	✓	✓		✓	✓

Help Me Choose

Tips for choosing a residential evaporative air conditioner

Why is Breezair Unique?

Model Specifications

Compare Air Conditioning Systems

Testimonials

\*Compass Manufacturing Service Building, Deming, New Mexico...

Read More

Brochures

Region: North America

Register a Warranty | Contact Us | About Us

Why Evaporative? →

Help Me Choose →

Get Support →

Find a Dealer

Zip Code

Go

# Model Specifications

Breezair offers 9 evaporative air conditioning models with varying cooling capacities to suit residential, commercial and industrial applications.

Commercial/ Industrial applications include: warehouses, repair / maintenance areas, sports centers, institutional facilities, offices, schools, shops, manufacturing plants, commercial kitchens, agricultural facilities, farm buildings and more.

	Supercool SERIES	TBA SERIES	ICON SERIES		MOBILEMAX SERIES		EXT SERIES		EXV SERIES	
	TBS 500	TBA 450	EXH 170	EXH 210	MobileMax 2	MobileMax 3	EXT 155	EXT 265	EXV 155	EXV 275
Suitable Applications	Commercial	Commercial/ Industrial	Residential	Residential	Commercial/ Industrial	Commercial/ Industrial	Residential	Residential	Residential	Residential
			Commercial/ Industrial	Commercial/ Industrial			Commercial/ Industrial	Commercial/ Industrial	Commercial/ Industrial	Commercial/ Industrial

Help Me Choose

Tips for choosing a residential evaporative air conditioner

Why is Breezair Unique?

Model Specifications

Compare Air Conditioning Systems

Testimonials

\*Emerson School installation in Colorado...

Read More

Brochures

# **EXHIBIT C**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#)[Trademarks](#) > [Trademark Electronic Search System \(TESS\)](#)

TESS was last updated on Mon Oct 5 03:17:22 EDT 2020

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)

( Use the "Back" button of the Internet Browser to return to TESS)

ICON

## Word Mark

ICON

## Goods and Services

IC 009. US 021 023 026 036 038. G & S: Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls

IC 011. US 013 021 023 031 034. G & S: Water heaters; heating boilers; gas control valves for water heaters and heating boilers

## Standard Characters Claimed

## Mark

## Drawing Code

(4) STANDARD CHARACTER MARK

## Serial Number

88795673

## Filing Date

February 13, 2020

## Current Basis

1B

## Original

## Filing Basis

1B

## Published for Opposition

June 23, 2020

## Owner

(APPLICANT) Bradford White Corporation CORPORATION DELAWARE 725 Talamore Drive Ambler PENNSYLVANIA 19002

## Attorney of Record

John W. McGlynn

## Type of Mark

TRADEMARK

## Register

PRINCIPAL

## Live/Dead Indicator

LIVE

0

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



**Generated on:** This page was generated by TSDR on 2020-10-05 20:38:12 EDT

**Mark:** ICON

ICON

**US Serial Number:** 88795673

**Application Filing Date:** Feb. 13, 2020

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Jul. 23, 2020

**Publication Date:** Jun. 23, 2020

## Mark Information

**Mark Literal Elements:** ICON

**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

## 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:** Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls

**International Class(es):** 009 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Water heaters; heating boilers; gas control valves for water heaters and heating boilers

**International Class(es):** 011 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** Bradford White Corporation

**Owner Address:** 725 Talamore Drive  
Ambler, PENNSYLVANIA UNITED STATES 19002

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** John W. McGlynn

**Docket Number:** BWC-349US

**Attorney Primary** [tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** JOHN W. MCGLYNN  
**Name/Address:** RATNERPRESTIA  
2200 RENAISSANCE BOULEVARD  
SUITE 350  
KING OF PRUSSIA, PENNSYLVANIA UNITED STATES 19406

**Phone:** 610-407-0700

**Fax:** 610-407-0701

**Correspondent e-mail:** [tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com)

**Correspondent e-mail** Yes  
**Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2020	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 23, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 23, 2020	PUBLISHED FOR OPPOSITION	
Jun. 03, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 20, 2020	ASSIGNED TO LIE	68171
May 12, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 12, 2020	EXAMINER'S AMENDMENT ENTERED	88888
May 12, 2020	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 12, 2020	EXAMINERS AMENDMENT E-MAILED	6328
May 12, 2020	EXAMINERS AMENDMENT -WRITTEN	93668
May 05, 2020	ASSIGNED TO EXAMINER	93668
Feb. 19, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 17, 2020	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** NKOJO, RHODA K

**Law Office** LAW OFFICE 117  
**Assigned:**

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 20, 2020

## Proceedings

### Summary

Number of 1  
Proceedings:

### Type of Proceeding: Extension of Time

**Proceeding Number:** [88795673](#)

**Filing Date:** Jul 23, 2020

**Status:** Extension of Time to Oppose Filed

**Status Date:** Aug 20, 2020

**Interlocutory Attorney:**

#### Defendant

**Name:** Bradford White Corporation

**Correspondent** JOHN W. MCGLYNN

**Address:** RATNERPRESTIA  
2200 RENAISSANCE BOULEVARD, SUITE 350  
KING OF PRUSSIA PA UNITED STATES , 19406

**Correspondent e-mail:** [tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ICON	Request For Extension of Time to File Opposition	<a href="#">88795673</a>	

#### Potential Opposer(s)

**Name:** Seeley International Pty Ltd

**Correspondent** KATHERINE KOENIG

**Address:** KOENIG IP WORKS, PLLC  
2208 MARINER DR.  
FORT LAUDERDALE FL UNITED STATES , 33316

**Correspondent e-mail:** [mail@koenigipworks.com](mailto:mail@koenigipworks.com)

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FIRST 30-DAY REQUEST TO EXT TIME TO OPPOSE	Jul 23, 2020	
2	EXT GRANTED	Jul 23, 2020	
3	ADD'L 60-DAY REQUEST TO EXT TIME TO OPPOSE	Aug 20, 2020	
4	EXT GRANTED	Aug 20, 2020	

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 23, 2020 00:52 AM  
**To:** tmde@ratnerprestia.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 88795673: ICON: Docket/Reference No. BWC-349US

---

## **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 88795673  
**Mark:** ICON  
**International Class(es):** 009, 011  
**Owner:** Bradford White Corporation  
**Docket/Reference Number:** BWC-349US

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 23, 2020.

### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2020-06-23&serialNumber=88795673>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=88795673&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=88795673&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=88795673&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=88795673&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



## UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Commissioner for Trademarks  
www.uspto.gov

### OFFICIAL USPTO NOTICE OF PUBLICATION UNDER 12(a)

**U.S. Application Serial No.** 88795673

**Mark:** ICON

**International Class(es):** 009, 011

**Owner:** Bradford White Corporation

**Docket/Reference No.** BWC-349US

**Issue Date:** June 3, 2020

Your mark is scheduled to publish in the *Trademark Official Gazette (TMOG)* on June 23, 2020.

Your mark appears to be entitled to register on the Principal Register upon the acceptance of a statement of use, subject to any claims of concurrent use.

**What happens when your mark publishes.** Within 30 days of the publication date, any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time) with the Trademark Trial and Appeal Board. If no objection is filed, we will issue a Notice of allowance.

**View your mark in the TMOG** after the publication date at <https://tmog.uspto.gov/> by selecting your publication date in the "issues" field, entering your serial number in the "search by" field, and clicking on the magnifying glass.

**Ensure that the information in the TMOG is correct.** If any information is incorrect, promptly request correction using the "Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment" form at <https://teas.uspto.gov/office/ppa/>. For more information, see <https://www.uspto.gov/trademark/trademark-updates-and-announcements/procedures-submitting-amendmentscorrections-trademark>.

**Direct questions** about this notice to the Trademark Assistance Center (TAC) at 1-800-786-9199 (select option 1) or [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov).

---

**Email Address(es):**

tmde@ratnerprestia.com

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, June 3, 2020 04:14 AM  
**To:** tmde@ratnerprestia.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 88795673: ICON: Docket/Reference No. BWC-349US

---

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 88795673) is scheduled to publish in the *Official Gazette* on Jun 23, 2020. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=88795673>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	88795673	FILING DATE	02/13/2020
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	NKOJO, RHODA K	L.O. ASSIGNED	117

**PUB INFORMATION**

RUN DATE	05/13/2020		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	05/12/2020		
LITERAL MARK ELEMENT	ICON		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	ICON
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Bradford White Corporation
ADDRESS	725 Talamore Drive Ambler, PA 19002
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Water heaters; heating boilers; gas control valves for water heaters and heating boilers

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	011	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
------------------------	----

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/12/2020	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	008
05/12/2020	XAEC	I	EXAMINER'S AMENDMENT ENTERED	007
05/12/2020	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	006
05/12/2020	GNEA	F	EXAMINERS AMENDMENT E-MAILED	005
05/12/2020	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	004
05/05/2020	DOCK	D	ASSIGNED TO EXAMINER	003
02/19/2020	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/17/2020	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	John W. McGlynn
CORRESPONDENCE ADDRESS	JOHN W. MCGLYNN



	RATNERPRESTIA 2200 RENAISSANCE BOULEVARD SUITE 350 KING OF PRUSSIA, PA 19406
DOMESTIC REPRESENTATIVE	NONE

# ICON

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	88795673	FILING DATE	02/13/2020
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	NKOJO, RHODA K	L.O. ASSIGNED	117

**PUB INFORMATION**

RUN DATE	05/13/2020		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	05/12/2020		
LITERAL MARK ELEMENT	ICON		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	ICON
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Bradford White Corporation
ADDRESS	725 Talamore Drive Ambler, PA 19002
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls
INTERNATIONAL CLASS	011
DESCRIPTION TEXT	Water heaters; heating boilers; gas control valves for water heaters and heating boilers

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	011	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
------------------------	----

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/12/2020	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	008
05/12/2020	XAEC	I	EXAMINER'S AMENDMENT ENTERED	007
05/12/2020	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	006
05/12/2020	GNEA	F	EXAMINERS AMENDMENT E-MAILED	005
05/12/2020	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	004
05/05/2020	DOCK	D	ASSIGNED TO EXAMINER	003
02/19/2020	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/17/2020	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	John W. McGlynn
CORRESPONDENCE ADDRESS	JOHN W. MCGLYNN

	RATNERPRESTIA 2200 RENAISSANCE BOULEVARD SUITE 350 KING OF PRUSSIA, PA 19406
DOMESTIC REPRESENTATIVE	NONE

# ICON

**To:** Bradford White Corporation ([tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com))  
**Subject:** U.S. Trademark Application Serial No. 88795673 - ICON - BWC-349US  
**Sent:** May 12, 2020 03:02:34 PM  
**Sent As:** ecom117@uspto.gov  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application**  
**Serial No.** 88795673

**Mark:** ICON

**Correspondence**  
**Address:**  
JOHN W.  
MCGLYNN

RATNERPRESTIA  
2200  
RENAISSANCE  
BOULEVARD  
SUITE 350  
KING OF  
PRUSSIA, PA 19406  
**Applicant:** Bradford  
White Corporation

**Reference/Docket No.**  
BWC-349US

**Correspondence**  
**Email Address:**

[tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com)

**EXAMINER'S AMENDMENT**

**Issue date:** May 12, 2020

**USPTO database searched; no conflicting marks found.** The trademark examining attorney searched the USPTO database of registered and pending marks and found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

**Application has been amended as shown below.** As agreed to by John McGlynn on May 12, 2020, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id.* In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

**AMENDED IDENTIFICATION OF GOODS AND SERVICES**

The identification of goods and services is amended to read as follows:

International Class 9: Water heater and heating boiler controls; computer hardware and recorded software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and recorded software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls;

International Class 11: Water heaters; heating boilers; gas control valves for water heaters and heating boilers.

*See* TMEP §§1402.01, 1402.01(e).

Rhoda Nkojo  
/Rhoda Nkojo/  
Examining Attorney  
Law Office 117  
(571) 272-8468  
Rhoda.Nkojo@uspto.gov



**Print: May 7, 2020**

**87763707**

**DESIGN MARK**

**Serial Number**

87763707

**Status**

REGISTERED

**Word Mark**

IKON

**Standard Character Mark**

Yes

**Registration Number**

5545701

**Date Registered**

2018/08/21

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Steiger Dynamics LLC LIMITED LIABILITY COMPANY CALIFORNIA 1181 Oddstad  
Dr Redwood City CALIFORNIA 94063

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer hardware. First Use: 2018/01/09. First Use In Commerce:  
2018/01/09.

**Filing Date**

2018/01/21

**Examining Attorney**

HWANG, JOHN

IKON

**To:** Bradford White Corporation ([tmde@ratnerprestia.com](mailto:tmde@ratnerprestia.com))  
**Subject:** U.S. Trademark Application Serial No. 88795673 - ICON - BWC-349US  
**Sent:** May 12, 2020 03:02:34 PM  
**Sent As:** ecom117@uspto.gov  
**Attachments:**

**United States Patent and Trademark Office (USPTO)**

**USPTO OFFICIAL NOTICE**

Office Action (Official Letter) has issued  
on **May 12, 2020** for

**U.S. Trademark Application Serial No. 88795673**

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter. Please follow the steps below.

- (1) [Read the official letter](#). No response is necessary.
- (2) **Direct questions** about the contents of the Office action to the assigned attorney below.

Nkojo, Rhoda  
Examining Attorney  
Law Office 117  
(571) 272-8468  
[Rhoda.Nkojo@uspto.gov](mailto:Rhoda.Nkojo@uspto.gov)

Direct questions about navigating USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the [Trademark Assistance Center \(TAC\)](#).

**GENERAL GUIDANCE**

- [Check the status](#) of your application periodically in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- [Update your correspondence email address](#), if needed, to ensure you receive important USPTO notices about your application.
- [Beware of misleading notices sent by private companies about your application](#). Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain “@uspto.gov.”**

# NOTE TO THE FILE

SERIAL NUMBER: 88795673

DATE: 05/12/2020

NAME: rnkojo

## NOTE:

### Searched:

☐ Google  
☐ Lexis/Nexis  
☐ OneLook  
☐ Wikipedia  
☐ Acronym Finder ☐ Protest evidence reviewed  
☐ Other:

### Checked:

☐ Geographic significance  
☐ Surname  
☐ Translation  
☐ ID with ID/CLASS mailbox

☐ Checked list of approved Canadian attorneys and agents

### Discussed file with

#### Attorney/Applicant via:

<input type="checkbox"/> phone	<input type="checkbox"/> Left message with
<input checked="" type="checkbox"/> email	Attorney/Applicant
<input type="checkbox"/> Requested Law Library search for:	<input checked="" type="checkbox"/> Issued Examiner's Amendment and entered changes in TRADEUPS
<input type="checkbox"/> <b>PRINT</b> <input type="checkbox"/> <b>DO NOT PRINT</b>	<input type="checkbox"/> Added design code in TRADEUPS
<input type="checkbox"/> Description of the mark	<input type="checkbox"/> Re-imaged standard character drawing
<input type="checkbox"/> Translation statement	<input type="checkbox"/> Contacted TM MADRID ID/CLASS about misclassified definite ID
<input type="checkbox"/> Negative translation statement	
<input type="checkbox"/> Consent of living individual	
<input type="checkbox"/> Changed TRADEUPS to:	
<input type="checkbox"/> OTHER:	

\*\*\* User:rnkojo \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	21117	N/A	0	0	0:02	*i{"ckq"}{"oa"}{"wh"0:1}n*[bi,ti] not dead[ld]
02	9207	N/A	0	0	0:02	1 and "011"[cc]
03	2547	N/A	0	0	0:02	1 and ("009" a b "200")[ic]
04	913	N/A	0	0	0:01	1 and ("011" a b "200")[ic]
05	4433	N/A	0	0	0:01	1 and ("035" a b "200")[ic]
06	1140	N/A	0	0	0:02	i{"ckq"}on*[bi,ti] not dead[ld]
07	0	0	0	0	0:01	i{"ckq"}a{"wh"}n*[bi,ti] not dead[ld]
08	0	0	0	0	0:02	*i{"ckq"}a{"wh"}n*[bi,ti] not dead[ld]
09	567	N/A	0	0	0:02	6 and "011"[cc]
10	238	0	238	227	0:01	6 and ("009" a b "200")[ic]
11	34	0	34	34	0:01	6 and ("011" a b "200")[ic]
12	187	0	187	185	0:01	6 and ("035" a b "200")[ic]
13	7221	N/A	0	0	0:01	*eye*[bi,ti] not dead[ld]
14	61761	N/A	0	0	0:01	*{"ckq"}on*[bi,ti] not dead[ld]
15	138	0	138	136	0:01	13 and 14
16	141	97	44	36	0:02	*{"ckq"}a{"wh"}n*[bi,ti]
17	0	0	0	0	0:01	13 and 16
18	44	0	44	36	0:02	16 not dead[ld]
19	47	33	14	13	0:01	"i con"[BI,TI]
20	1	N/A	0	0	0:02	"ic on"[BI,TI]
21	0	0	0	0	0:01	"ico n"[BI,TI]
22	1436	N/A	0	0	0:01	"icon"[BI,TI]
23	0	0	0	0	0:02	"i co n"[BI,TI]
24	0	0	0	0	0:02	"ic o n"[BI,TI]
25	15	N/A	0	0	0:01	"i c o n"[BI,TI]
26	0	0	0	0	0:02	"i c on"[BI,TI]
27	14	0	14	13	0:02	19 not dead[ld]
28	522	N/A	0	0	0:02	22 not dead[ld]
29	138	N/A	0	0	0:02	15 not dead[ld]
30	5	0	5	5	0:02	25 not dead[ld]
31	14	0	14	13	0:02	27 not dead[ld]
32	273	0	273	267	0:02	28 and "011"[cc]

Session started 5/7/2020 10:04:27 AM

Session finished 5/7/2020 10:57:52 AM

Total search duration 0 minutes 50 seconds

Session duration 53 minutes 25 seconds

Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 88795673

# NOTE TO THE FILE

SERIAL NUMBER: 88795673

DATE: 05/07/2020

NAME: rnkojo

## NOTE:

### Searched:

☒ Google  
☐ Lexis/Nexis  
☐ OneLook  
☐ Wikipedia  
☐ Acronym Finder ☐ Protest evidence reviewed  
☐ Other:

### Checked:

☐ Geographic significance  
☐ Surname  
☐ Translation  
☐ ID with ID/CLASS mailbox

☐ Checked list of approved Canadian attorneys and agents

### Discussed file with

#### Attorney/Applicant via:

<input type="checkbox"/> phone	<input type="checkbox"/> Left message with
<input type="checkbox"/> email	<input type="checkbox"/> Attorney/Applicant
<input type="checkbox"/> Requested Law Library search for:	<input type="checkbox"/> Issued Examiner's Amendment and entered changes in TRADEUPS
<input type="checkbox"/> <b>PRINT</b>	<input type="checkbox"/> Added design code in TRADEUPS
<input type="checkbox"/> <b>DO NOT PRINT</b>	<input type="checkbox"/> Re-imaged standard character drawing
<input type="checkbox"/> Description of the mark	<input type="checkbox"/> Contacted TM MADRID ID/CLASS about misclassified definite ID
<input type="checkbox"/> Translation statement	
<input type="checkbox"/> Negative translation statement	
<input type="checkbox"/> Consent of living individual	
<input type="checkbox"/> Changed TRADEUPS to:	
<input type="checkbox"/> OTHER:	

# ICON

## Trademark/Service Mark Application, Principal Register

Serial Number: 88795673

Filing Date: 02/13/2020

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88795673
MARK INFORMATION	
*MARK	<a href="#">ICON</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	ICON
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Bradford White Corporation
*STREET	725 Talamore Drive
*CITY	Ambler
*STATE (Required for U.S. applicants)	Pennsylvania
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	19002
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Water heater and heating boiler controls; computer hardware; computer hardware and software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls
FILING BASIS	SECTION 1(b)



INTERNATIONAL CLASS	011
*IDENTIFICATION	Water heaters; heating boilers; gas control valves for water heaters and heating boilers
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	John W. McGlynn
ATTORNEY DOCKET NUMBER	BWC-349US
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	RatnerPrestia
INTERNAL ADDRESS	Suite 350
STREET	2200 Renaissance Boulevard
CITY	King of Prussia
STATE	Pennsylvania
COUNTRY	United States
ZIP/POSTAL CODE	19406
PHONE	610-407-0700
FAX	610-407-0701
EMAIL ADDRESS	tmde@ratnerprestia.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Christopher H. Blaszkowski, Joshua L. Cohen, Rex A. Donnelly, Jacques L. Etkowicz, James M. Gould, Stephen Harper, Andrew J. Koopman, Benjamin E. Leace, Wm Jackson Matney, Jr., Glenn E.J. Murphy, Michael P.F. Phelps, Brett J. Rosen, Christopher A. Rothe, Sunjeev Sikand, Jonathan H. Spadt, Ling Zhong
CORRESPONDENCE INFORMATION	
NAME	John W. McGlynn
FIRM NAME	RatnerPrestia
INTERNAL ADDRESS	Suite 350
STREET	2200 Renaissance Boulevard
CITY	King of Prussia
STATE	Pennsylvania
COUNTRY	United States
ZIP/POSTAL CODE	19406
PHONE	610-407-0700
FAX	610-407-0701
*EMAIL ADDRESS	tmde@ratnerprestia.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	

<b>APPLICATION FILING OPTION</b>	TEAS RF
<b>NUMBER OF CLASSES</b>	2
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	275
<b>*TOTAL FEE DUE</b>	550
<b>*TOTAL FEE PAID</b>	550
<b>SIGNATURE INFORMATION</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">hw_216129152132-083047355_.ICON_signed_dec_for_app.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT18\IMAGEOUT18\887\956\88795673\xml1\RFA0003.JPG</a>
<b>SIGNATORY'S NAME</b>	Carl A. Pinto, Jr.
<b>SIGNATORY'S POSITION</b>	Sr. Director, Marketing Communications

---

## Trademark/Service Mark Application, Principal Register

**Serial Number: 88795673**

**Filing Date: 02/13/2020**

### To the Commissioner for Trademarks:

**MARK:** ICON (Standard Characters, see below )

The literal element of the mark consists of ICON. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Bradford White Corporation, a corporation of Delaware, having an address of  
725 Talamore Drive  
Ambler, Pennsylvania 19002  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Water heater and heating boiler controls; computer hardware; computer hardware and software for water heaters and heating boilers, namely, for controlling water heaters and heating boilers, monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater and heating boiler control and monitoring systems comprised primarily of water heater and heating boiler controls, sensors, displays, touchpads, and computer hardware and software for controlling and monitoring the status of water heaters and heating boilers, and transmitting the status of water heaters and heating boilers over a global computer network; water heater thermostats; water heater and heating boiler temperature controls

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 011: Water heaters; heating boilers; gas control valves for water heaters and heating boilers

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The applicant hereby appoints John W. McGlynn. Other appointed attorneys are Christopher H. Blaszkowski, Joshua L. Cohen, Rex A. Donnelly, Jacques L. Etkowicz, James M. Gould, Stephen Harper, Andrew J. Koopman, Benjamin E. Leace, Wm Jackson Matney, Jr., Glenn E.J. Murphy, Michael P.F. Phelps, Brett J. Rosen, Christopher A. Rothe, Sunjeev Sikand, Jonathan H. Spadt, Ling Zhong. John W. McGlynn of RatnerPrestia, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

Suite 350  
2200 Renaissance Boulevard  
King of Prussia, Pennsylvania 19406  
United States  
610-407-0700(phone)  
610-407-0701(fax)  
tmde@ratnerprestia.com (authorized).

The attorney docket/reference number is BWC-349US.

John W. McGlynn submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

John W. McGlynn  
RatnerPrestia  
Suite 350  
2200 Renaissance Boulevard  
King of Prussia, Pennsylvania 19406  
610-407-0700(phone)

610-407-0701(fax)

tmde@ratnerprestia.com (authorized).

**Email Authorization:** I authorize the USPTO to send email correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the email address provided in this application. I understand that a valid email address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

### **Declaration**

#### **Declaration Signature**

The attached signature image file:

\\TICRS\EXPORT18\IMAGEOUT18\887\956\88795673\xml1\RFA0003.JPG

Signatory's Name: Carl A. Pinto, Jr.

Signatory's Position: Sr. Director, Marketing Communications

Payment Sale Number: 88795673

Payment Accounting Date: 02/13/2020

Serial Number: 88795673

Internet Transmission Date: Thu Feb 13 08:33:11 EST 2020

TEAS Stamp: USPTO/BAS-XXX.XXX.XXX.XXX-20200213083311

249318-88795673-7008f1ccf845a829972a626f

531cc93b7474698927dda4f9e67f89b2c15efa0f

126-CC-33092140-20200213083047355018

# ICON

### Declaration

Read the following statements before signing. Acknowledge the statements by signing below.

• **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Signature Section:**

**NOTE:** The same person may sign the declaration on behalf of the other joint applicant(s), by merely making identical entries. The USPTO will presume that the one person who has signed was, in fact, authorized to sign on behalf of the other person(s).

Signature: Carl A. Pisto Jr.

Signatory's Name: CARL A. PISTO, JR.

Signatory's Position: Senior Director Marketing Communications

Signatory's Phone Number: 215.641.9400

Date Signed: 02/13/2020

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the declaration language. Do **not** include the entire application, but do ensure that the declaration language actually appears; a signature by itself will **not** be acceptable. If, due to browser limitations, the declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

# **EXHIBIT D**



Australian Government  
IP Australia

## Trade mark 965846

**Words** ICON

**Image**

**Image description**

**Status** Registered: Registered/protected

**Priority date** 08 Aug 2003 (Filing)

**Class** 11

**Kind** Word

### Dates

**Renewal due** 08 Aug 2023

**Registration advertised** 06 May 2004

**Entered on Register** 20 Apr 2004

**Acceptance advertised** 08 Jan 2004

**Acceptance** 05 Dec 2003

**Filing** 08 Aug 2003

**Registered from** 08 Aug 2003

### Owner

Seeley International Pty. Ltd.

### Address for service

Seeley International Pty Ltd

### Goods & Services

**Class 11:** Apparatus for cooling, ventilating, air conditioning, and installations thereof; desiccating



apparatus; refrigerators and refrigerating equipment, and installations thereof; air filtration apparatus and installations; evaporative air coolers, fans, blowers, filters, ducts, controllers, fittings and accessories therefor; ventilation equipment including ventilation hoods

### Indexing constituents

#### Word

ICON

#### Image