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Filing date: **12/04/2023**

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	Turbo Systems Switzerland Ltd
Granted to date of previous extension	12/03/2023
Address	BRUGGERSTRASSE 71A BADEN, CH-5400 SWITZERLAND
Attorney information	LISA C. PAVENTO MEUNIER CARLIN & CURFMAN LLC 999 PEACHTREE ST. NE SUITE 1300 ATLANTA, GA 30309 UNITED STATES Primary email: litdocketing@mcciplaw.com Secondary email(s): lpavento@mcciplaw.com, ksvenson@mcciplaw.com No phone number provided
Docket no.	10638-814OPP

Applicant information

Application no.	97317194	Publication date	06/06/2023
Opposition filing date	12/04/2023	Opposition period ends	12/03/2023
Applicant	Cummins Inc. 500 JACKSON STREET COLUMBUS, IN 47201 UNITED STATES		

Goods/services affected by opposition

Class 007. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Electric power generators; Integrated fuel cell hybrid power generators; Fuel cell power generators with integrated hydrogen generator; Portable proton exchange membrane (PEM) fuel cell power generator with integrated hydrogen storage capacities for use in fuel management; Fuel cell power generator with integrated hydrogen storage capacities for use in fuel management, thermal management, humidification, power conditioning, overall system monitoring and control and manufacturing; Membranes for hydrogen fuel cells and water electrolyzers; Hydrogen fuel dispensers for hydrogen fueling stations; Installations for the generation of electric power; Fuel cell power generators; Hydrogen generator parts, namely compressors for generators; Heat exchangers being parts of engines not for land vehicles; Electrolysis machines for generating hydrogen
Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Fuel cell; Hydrogen fuel cells; Fuel cell stack; Electricity-generating fuel cell power modules; Electrolyzers; Hydrogen and fuel cell power

generation systems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axles for vehicles, electric coolers, motors for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Hydrogen and fuel cell power generation subsystems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axles for vehicles, electric coolers, motors for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Integrated fuel cell power generating systems and subsystems comprised primarily of fuel cell stacks, automatic valves, controlled volume pumps, electric compressors, pressure regulators, electric sensors, electronic controls, hydrocarbon reformers, and fluid and heat transfer piping; components for hydrogen and fuel cell power generation systems and their sub-systems, namely, fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, and controlled volume pumps; Automobile-grid connected fuel cell power generation systems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axles for vehicles, electric coolers, motors and engines for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Components for automobile grid-connected fuel cell power generation system and its sub-systems, namely, fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, and controlled volume pumps; power controllers; Hydrogen and fuel cell detection device in the nature of an electronic sensor; Downloadable computer software for controlling, measuring, monitoring and reporting on fuel consumption, maintenance and repair in fuel cell systems; Detecting module used to measure fuel cell AC electrical impedance and/or DC voltage to determine electrical efficiency; Detection device in the nature of an electronic sensor for detecting hydrogen leaks in hydrogen generators; Fuel cell test stations; Automated fuel cell test stations; Test stations for hydrogen generators; Downloadable diagnostic computer software for processing and validating fuel cell test parameter data for use in fuel cell test stations; Downloadable diagnostic computer software for processing and validating fuel cell test parameter data for use in automated fuel cell test stations; Integrated fuel cell systems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axles for vehicles, electric coolers, motors for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Anodes, sensors, cathodes, separators for use in water electrolyzers; Hydrogen power storage systems, namely, systems containing an electrolyzer for converting electrical energy to hydrogen gas, and a means of storing the hydrogen and means for converting the hydrogen back to electrical energy; Parts and fittings for fuel cells and electrolyzer cells

Class 011. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Heat exchangers not being parts of machines; Heat exchangers as part of integrated fuel cell power generating systems and subsystems; Hydrogen generator systems comprised primarily of electrochemical gas generators, electric gas coolers with chiller component, water purification units, hydrogen purification systems comprised primarily of an electrolytic flare stack, heat exchanger, gas scrubber, thermal deoxidizers for industrial air pollution control, and vacuum distillation apparatus for industrial use, fuel cell stacks, power rectifiers, electric controls devices, water quality monitoring system in the nature of sensors for measuring concentrations of chemicals in water, rectifiers for cooling purposes, electrolysis apparatus for cooling with a dry cooler mechanism, and instrument air compressor; Electrolytic apparatus for generating hydrogen and oxygen; Installations for generating hydrogen and oxygen from water and renewable electricity; Plants for the generation of power; Hydrogen purifiers; Reactors for generating hydrogen as a fuel; Hydrogen refuelers, namely, hydrogen refueling stations; Hydrogen generator parts, namely, separators and membranes for generators, circulation frames for generators, end walls and boxes for generators, rectifying demisters for generators, gas liquid separators; Rectifying demisters

<p>Class 037. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Installation and maintenance of hydrogen fuel cells for vehicles; installing, servicing and repairing of fuel cell systems and hydrogen generators; Installing energy systems for the generation of alternative energy; operation of hydrogen refueling stations and related services, namely, maintenance and installation of hydrogen refueling stations; Fueling of hydrogen gas for vehicles</p>
<p>Class 039. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Hydrogen storage services; Energy supply and distribution, namely, distribution of hydrogen gas, natural gas and electricity; Hydrogen dispensing services, namely, transportation of fuels and fuel delivery services; Providing information, advice and consultancy in the field of alternative energy distribution</p>
<p>Class 040. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Electricity generation; Generation of power; Custom manufacturing of equipment systems for the generation energy; Custom manufacturing of industrial and commercial hydrogen systems; Custom manufacturing of fuel cell systems and hydrogen generators; Hydrogen generation services; Manufacturing of fuel cell systems and hydrogen generators to order and/or specification of others; Manufacture of hydrogen fuel cells for vehicles to order and/or specification of others; Generation of power through operation of power generation equipment and facilities</p>
<p>Class 042. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Scientific and technological consulting services for others in the field of design, planning, implementation, and project management of scientific research in the field of alternative energy generation; Engineering services in the field of electrical power and natural gas production; Consulting services in the field of design and development of fuel cell test stations, fuel cells, and integrated fuel cell systems; Product development consultation, research and development and testing services in the field of hydrogen power and hydrogen powered products; Designing industrial and commercial hydrogen systems; Fuel cell and hydrogen testing services; Scientific and technological consulting services for others in the field of design, planning, implementation, and project management of scientific research pertaining to the operation of hydrogen refueling stations; Designing, testing of fuel cell systems and hydrogen generators; Designing alternative energy generation systems; Product development consulting, engineering, project development, and IT project management consulting services in the field of fuel cells and hydrogen energy systems; Providing engineering information, advice and consultancy in the field of alternative energy generation; none of the aforesaid being for the development of testing methods, quality control, quality testing and quality assurance intended for electronic, telecommunication or semiconductor product certification services or for the advancement and adoption of electrical or electronics standards provided to members of an association, developers' forum or group of companies</p>

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.	7171925	Application date	04/06/2022
Register	Principal		
Registration date	09/26/2023	Foreign priority date	11/05/2021
Word mark	ACCELLERON		
Design mark			
Description of mark	NONE		
Goods/services	Class 007. First use: First Use: None First Use In Commerce: None Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than		

for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

Class 009. First use: First Use: None First Use In Commerce: None

Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

Class 012. First use: First Use: None First Use In Commerce: None

Motors and engines for land vehicles

Class 037. First use: First Use: None First Use In Commerce: None

Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems

Class 038. First use: First Use: None First Use In Commerce: None

Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

Class 042. First use: First Use: None First Use In Commerce: None

Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design, development, installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design, development, installation, maintenance and repair of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in

	the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for evaluation and calculation of data
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U.S. registration no.	7171985	Application date	06/01/2022
Register	Principal		
Registration date	09/26/2023	Foreign priority date	02/01/2022
Word mark	ACCELLERON		
Design mark			
Description of mark	The mark consists of the stylized wording "ACCELLERON" with the two "LL" letters slightly above and below the other letters.		
Goods/services	<p>Class 007. First use: First Use: None First Use In Commerce: None Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles</p> <p>Class 009. First use: First Use: None First Use In Commerce: None Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system</p> <p>Class 012. First use: First Use: None First Use In Commerce: None Motors and engines for land vehicles</p> <p>Class 037. First use: First Use: None First Use In Commerce: None Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, including instruments for measuring of temperatures, pressures, velo-</p>		

	<p>cities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system</p> <p>Class 038. First use: First Use: None First Use In Commerce: None</p> <p>Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems</p> <p>Class 042. First use: First Use: None First Use In Commerce: None</p> <p>Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design and development of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design and development of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for the evaluation and calculation of data</p>
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Attachments	<p>10638-814OPP 2023_11_29 Notice of Opposition.pdf(250450 bytes)</p> <p>Exh A - Reg No 7171925.pdf(113573 bytes)</p> <p>Exh B - Reg No 7171985.pdf(127468 bytes)</p>
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Signature	/ Lisa C. Pavento/
Name	LISA C. PAVENTO
Date	12/04/2023

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

In the matter of Trademark Application Serial No. 97/317,194
Published for Opposition in the Official Gazette on June 6, 2023

Opposition No. _____

Mark: ACCELERA

TURBO SYSTEMS SWITZERLAND)
LTD)
)
)
Opposer,)
)
v.)
)
CUMMINS INC.)
)
Applicant.)

NOTICE OF OPPOSITION

Opposer, Turbo Systems Switzerland Ltd (“Turbo Systems”), is a global leader in turbocharging and it provides a broad array of products and services in the field of power generation and propulsion systems. These products and services are offered under a family of distinctive and well-known ACCELLERON trademarks and service marks. Turbo Systems will be damaged by the registration of an ACCELERA designation by Cummins, Inc. as associated with the goods and services listed in U.S. Application Serial No. 97/317,194. Accordingly, Turbo Systems hereby opposes registration of said designation.

As grounds for its opposition, Turbo Systems alleges as follows, with knowledge of its own acts and on information and belief as to all others:

1. Opposer Turbo Systems is a limited partnership of Switzerland with an address at Bruggerstrasse 71a CH-5400 Baden, SWITZERLAND that offers products and services in the field of power generation and propulsion systems in the United States.

2. Cummins, Inc. is an Indiana corporation with an addresses at 500 Jackson Street, Columbus, Indiana and is the applicant in U.S. Application Serial No. 97/317,194 (hereinafter referred to as “Applicant”).

3. Turbo Systems’ predecessor in interest was founded in 1891, over one hundred years ago. Leveraging this long history, Turbo Systems has established itself as a leader in the field of power generation and propulsion systems.

4. Turbo Systems is the owner of Federal Registrations on the Principal Register for a family of ACCELLERON Marks. More specifically, Turbo Systems owns the following registrations, each of which is valid and subsisting:

A. Federal Registration No. 7,171,925

Mark: ACCELLERON

Date Registered: September 26, 2023

Priority Date: November 5, 2021

Goods:

Class 7: Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal

combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

Class 9: Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

Class 12: Motors and engines for land vehicles

Services:

Class 37: Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines,

propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems

Class 38: Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

Class 42: Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design, development, installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design, development, installation, maintenance and repair of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation,

maintenance and repair of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for evaluation and calculation of data

B. Federal Registration No. 7,171,985

Acce/eron

Mark:

Date Registered: September 26, 2023

Priority Date: February 1, 2022

Goods:

Class 7: Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering

ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

Class 9: Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

Class 12: Motors and engines for land vehicles

Services:

Class 37: Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems;

Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, including instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

Class 38: Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

Class 42: Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design and development of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems,

in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design and development of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for the evaluation and calculation of data

(collectively referred to hereinafter as “ACCELLERON Marks” or “Turbo Systems Registrations”). As proof of status and title, attached as Exhibits A and B hereto and incorporated by reference herein are true and correct copies of the Turbo Systems Registrations and a printout of current status and title for each Registration as accessed from the USPTO TSDR.

5. Turbo Systems has expended significant funds and made significant efforts to promote and advertise Turbo Systems’ various goods and services identified by the

ACCELLERON Marks in the United States.

6. As one example, through Turbo Systems' partnership with a Formula One racing team, the ACCELLERON Marks have been prominently displayed on Team ORLEN's Alpha Romeo throughout various F1 races in the United States during at least 2022 and 2023.

7. Turbo Systems has further promoted and publicized goods and services associated with the ACCELLERON Marks via its website at <https://acceleron-industries.com/>, online articles, and social media platforms such as Twitter, YouTube, LinkedIn, Instagram and Facebook.

8. Through such efforts and expenditures, and in combination with its high quality, internationally recognized turbochargers and power generation components, Turbo Systems has developed a prominent reputation and status, and acquired substantial goodwill in the ACCELLERON Marks throughout the entire United States.

9. Notwithstanding Turbo Systems' rights in the ACCELLERON Marks, on or about March 17, 2022, Applicant filed an intent-to-use-based trademark application with the United States Trademark Office seeking registration of ACCELERA, and the application was assigned Application Serial No. 97/317,194 ("Opposed Application").

10. On June 6, 2023, the Opposed Application published for opposition with the below listed goods and services ("Opposed Goods and Services"):

Goods:

Class 7: Electric power generators; Integrated fuel cell hybrid power generators; Fuel cell power generators with integrated hydrogen generator; Portable proton exchange membrane (PEM) fuel cell power generator with integrated hydrogen storage capacities for use in fuel management; Fuel cell power generator with integrated hydrogen storage capacities for use in fuel management, thermal management, humidification, power conditioning, overall system monitoring and control and manufacturing; Membranes for

hydrogen fuel cells and water electrolyzers; Hydrogen fuel dispensers for hydrogen fueling stations; Installations for the generation of electric power; Fuel cell power generators; Hydrogen generator parts, namely compressors for generators; Heat exchangers being parts of engines not for land vehicles; Electrolysis machines for generating hydrogen

Class 9: Fuel cell; Hydrogen fuel cells; Fuel cell stack; Electricity-generating fuel cell power modules; Electrolyzers; Hydrogen and fuel cell power generation systems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axes for vehicles, electric coolers, motors for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Hydrogen and fuel cell power generation subsystems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axes for vehicles, electric coolers, motors for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Integrated fuel cell power generating systems and subsystems comprised primarily of fuel cell stacks, automatic valves, controlled volume pumps, electric compressors, pressure regulators, electric sensors, electronic controls, hydrocarbon reformers, and fluid and heat transfer piping; components for hydrogen and fuel cell power generation systems and their sub-systems, namely, fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic

valves, pressure regulators, electric sensors, and controlled volume pumps; Automobile-grid connected fuel cell power generation systems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps, e-axles for vehicles, electric coolers, motors and engines for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Components for automobile grid-connected fuel cell power generation system and its sub-systems, namely, fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, and controlled volume pumps; power controllers; Hydrogen and fuel cell detection device in the nature of an electronic sensor; Downloadable computer software for controlling, measuring, monitoring and reporting on fuel consumption, maintenance and repair in fuel cell systems; Detecting module used to measure fuel cell AC electrical impedance and/or DC voltage to determine electrical efficiency; Detection device in the nature of an electronic sensor for detecting hydrogen leaks in hydrogen generators; Fuel cell test stations; Automated fuel cell test stations; Test stations for hydrogen generators; Downloadable diagnostic computer software for processing and validating fuel cell test parameter data for use in fuel cell test stations; Downloadable diagnostic computer software for processing and validating fuel cell test parameter data for use in automated fuel cell test stations; Integrated fuel cell systems comprised primarily of fuel cell stacks, batteries, electronic controls, electric switches, electrical switchgear for voltage boosting, electric converters, hydrogen storage fuel cells, automatic valves, pressure regulators, electric sensors, controlled volume pumps,

e-axles for vehicles, electric coolers, motors for land vehicles, motors and engines not for land vehicles, electric compressors, heat exchangers not being parts of machines, hydrocarbon reformers, and fluid and heat transfer piping; Anodes, sensors, cathodes, separators for use in water electrolyzers; Hydrogen power storage systems, namely, systems containing an electrolyzer for converting electrical energy to hydrogen gas, and a means of storing the hydrogen and means for converting the hydrogen back to electrical energy; Parts and fittings for fuel cells and electrolyzer cells

Class 11: Heat exchangers not being parts of machines; Heat exchangers as part of integrated fuel cell power generating systems and subsystems; Hydrogen generator systems comprised primarily of electrochemical gas generators, electric gas coolers with chiller component, water purification units, hydrogen purification systems comprised primarily of an electrolytic flare stack, heat exchanger, gas scrubber, thermal deoxidizers for industrial air pollution control, and vacuum distillation apparatus for industrial use, fuel cell stacks, power rectifiers, electric controls devices, water quality monitoring system in the nature of sensors for measuring concentrations of chemicals in water, rectifiers for cooling purposes, electrolysis apparatus for cooling with a dry cooler mechanism, and instrument air compressor; Electrolytic apparatus for generating hydrogen and oxygen; Installations for generating hydrogen and oxygen from water and renewable electricity; Plants for the generation of power; Hydrogen purifiers; Reactors for generating hydrogen as a fuel; Hydrogen refuelers, namely, hydrogen refueling stations; Hydrogen generator parts, namely, separators and membranes for generators, circulation frames for generators, end walls and boxes for generators, rectifying demisters for generators, gas liquid separators; Rectifying demisters

Services:

Class 37: Installation and maintenance of hydrogen fuel cells for vehicles; installing, servicing and repairing of fuel cell systems and hydrogen generators; Installing energy systems for the generation of alternative energy; operation of hydrogen refueling stations and related services, namely, maintenance and installation of hydrogen refueling stations; Fueling of hydrogen gas for vehicles

Class 39: Hydrogen storage services; Energy supply and distribution, namely, distribution of hydrogen gas, natural gas and electricity; Hydrogen dispensing services, namely, transportation of fuels and fuel delivery services; Providing information, advice and consultancy in the field of alternative energy distribution

Class 40: Electricity generation; Generation of power; Custom manufacturing of equipment systems for the generation energy; Custom manufacturing of industrial and commercial hydrogen systems; Custom manufacturing of fuel cell systems and hydrogen generators; Hydrogen generation services; Manufacturing of fuel cell systems and hydrogen generators to order and/or specification of others; Manufacture of hydrogen fuel cells for vehicles to order and/or specification of others; Generation of power through operation of power generation equipment and facilities

Class 42: Scientific and technological consulting services for others in the field of design, planning, implementation, and project management of scientific research in the field of alternative energy generation; Engineering services in the field of electrical power and natural gas production; Consulting services in the field of design and development of fuel cell test stations, fuel cells, and integrated fuel cell systems; Product development consultation, research and development and testing services in the field of hydrogen power and hydrogen powered products; Designing industrial and commercial hydrogen systems; Fuel cell and hydrogen testing services; Scientific and technological consulting services for

others in the field of design, planning, implementation, and project management of scientific research pertaining to the operation of hydrogen refueling stations; Designing, testing of fuel cell systems and hydrogen generators; Designing alternative energy generation systems; Product development consulting, engineering, project development, and IT project management consulting services in the field of fuel cells and hydrogen energy systems; Providing engineering information, advice and consultancy in the field of alternative energy generation; none of the aforesaid being for the development of testing methods, quality control, quality testing and quality assurance intended for electronic, telecommunication or semiconductor product certification services or for the advancement and adoption of electrical or electronics standards provided to members of an association, developers' forum or group of companies.

11. Applicant's ACCELERA Designation is similar in appearance, sound, connotation, and commercial impression to Turbo Systems' ACCELLERON mark in U.S. Reg. No. 7,171,925.

12. Applicant's ACCELERA Designation is also similar in appearance, sound, connotation, and commercial impression to the literal element of Turbo Systems' Stylized ACCELLERON mark in U.S. Reg. No. 7,171,985.

13. ACCELERA and ACCELLERON begin with the identical sounds of "ACCELER" and "ACCELLER."

14. ACCELERA and ACCELLERON also have similar ending sounds of "A" and "ON."

15. For at least these reasons, ACCELERA and ACCELLERON are highly similar in sound.

16. The first seven letters of ACCELERA are almost identical to the first eight letters of ACCELLERON, with the only difference being a change from “L” to “LL.”

17. The almost identical nature of ACCELERA and ACCELLERON spans 87.5% and 80% of each word, respectively.

18. For at least these reasons, ACCELERA and ACCELLERON are highly similar in appearance.

19. “ACCELERA” and “ACCELLERON” also have highly similar connotations, at least because any meaning of the words lies in the shared “ACCEL[L]ER” component.

20. The Opposed Goods and Services are highly similar and/or related to the goods and services listed in the Turbo Systems Registrations.

21. The Opposed Application lists goods and services related to or associated with power generation.

22. Turbo Systems Registrations also list goods and services related to or associated with power generation.

23. For at least the reason that both the Turbo Systems Registrations and the Opposed Application relate to or are associated with power generation, the parties’ respective goods and services are related and/or highly similar.

24. The Opposed Application is not limited to any specific channel of trade.

25. The Turbo Systems Registrations are not limited to any specific channel of trade.

26. Both parties’ goods and services are directed to consumers of power generation components or systems, and accordingly, both parties’ goods are offered in the same or related channels of trade.

27. U.S. Reg. No. 7,171,925 has an established and valid priority date at least as early as November 5, 2021.

28. U.S. Reg. No. 7,171,985 has an established and valid priority date at least as early as February 1, 2022.

29. The Opposed Application has a priority date of March 17, 2022.

30. Applicant had either actual or constructive notice of Turbo Systems' superior rights in and to the ACCELLERON Marks.

31. Turbo Systems' use and/or constructive use rights in and for its ACCELLERON Marks are prior to any rights of Applicant.

32. Accordingly, Turbo Systems has priority over the Applicant in this proceeding.

33. Any use that Applicant has made or may make of the designation shown in the Opposed Application is without Turbo Systems' consent or permission.

34. Consumers encountering Applicant's ACCELERA Designation are likely to confuse or otherwise associate Applicant's ACCELERA Designation with Turbo Systems.

35. In view of the similarities between, on the one hand, the ACCELLERON Marks and, on the other hand, Applicant's ACCELERA Designation; the relationship between the goods and services listed in the Turbo Systems Registrations and the Opposed Goods and Services; and the channels of trade and purchasers of the parties' respective goods and services, it is likely that members of the public will mistakenly believe or be confused or deceived into believing that the Opposed Goods and Services bearing or associated with the ACCELERA Designation originate with, or are in some manner associated or connected with, or sponsored by Turbo Systems, all to the harm of Turbo Systems' goodwill and reputation.

36. If Applicant is granted registration of the ACCELERA Designation shown in the Opposed Application, it would obtain a *prima facie* exclusive right to use of its mark that would cause damage and injury to Turbo Systems.

37. Further, any objection or complaint regarding Applicant's Opposed Goods and

Services would reflect upon and injure Turbo Systems' excellent reputation.

38. Turbo Systems will be damaged by registration of the ACCELERA Designation shown in the Opposed Application because said designation so resembles the ACCELLERON Marks as to be likely to cause confusion, or mistake, or to deceive as to the source of Applicant's Opposed Goods and Services or as to an affiliation between Applicant and Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

WHEREFORE, Turbo Systems respectfully requests that this Opposition be granted and that Trademark Application Serial No. 97/317,194 be denied registration.

Turbo Systems submits herewith the requisite filing fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-5226. Please address all correspondence to Lisa C. Pavento, Esq., Meunier Carlin & Curfman LLC, 999 Peachtree Street NE, Suite 1300, Atlanta, Georgia 30309.

MEUNIER CARLIN & CURFMAN LLC
Attorneys for Opposer

Dated: December 4, 2023
Atlanta, Georgia

By: /Lisa C. Pavento/
Lisa C. Pavento
999 Peachtree Street NE, Suite 1300
Atlanta, Georgia 30309

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on December 4, 2023.

/Lisa C. Pavento/
Lisa C. Pavento

EXHIBIT A

Generated on: This page was generated by TSDR on 2023-12-04 11:23:38 EST

Mark: ACCELLERON

US Serial Number: 79347294

Application Filing Date: Apr. 06, 2022

US Registration Number: 7171925

Registration Date: Sep. 26, 2023

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 26, 2023

Publication Date: Jul. 11, 2023

Mark Information

Mark Literal Elements: ACCELLERON

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1677646

International Registration Date: Apr. 06, 2022

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: Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 024, 031, 034, 035

Class Status: ACTIVE

Basis: 66(a)

For: Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: Motors and engines for land vehicles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 66(a)

For: Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems

International Class(es): 037 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 66(a)

For: Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design, development, installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design, development, installation, maintenance and repair of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for evaluation and calculation of data

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: Yes

Filed 66A: Yes

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Turbo Systems Switzerland Ltd

Owner Address: Bruggstrasse 71a
CH-5400 Baden
SWITZERLAND

Legal Entity Type: Limited Company

State or Country SWITZERLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa C. Pavento

Docket Number: 10638-810US1

Attorney Primary docketing@mcciplaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Lisa C. Pavento
Name/Address: Meunier Carlin & Curfman LLC
999 Peachtree Street NE
Suite 1300
Atlanta, GEORGIA UNITED STATES 30309

Phone: 404-645-7700

Fax: 404-645-7707

Correspondent e-mail: docketing@mcciplaw.com
lpavento@mcciplaw.com
mcogburn@mcciplaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 26, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Sep. 26, 2023	REGISTERED-PRINCIPAL REGISTER	
Jul. 11, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 11, 2023	PUBLISHED FOR OPPOSITION	
Jul. 10, 2023	NOTIFICATION PROCESSED BY IB	
Jun. 21, 2023	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jun. 21, 2023	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jun. 21, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 02, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2023	EXAMINER'S AMENDMENT ENTERED	
Jun. 02, 2023	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Jun. 02, 2023	EXAMINERS AMENDMENT E-MAILED	
Jun. 02, 2023	EXAMINERS AMENDMENT -WRITTEN	
May 03, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	
May 03, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 03, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 13, 2023	REFUSAL PROCESSED BY IB	
Mar. 22, 2023	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Mar. 22, 2023	REFUSAL PROCESSED BY MPU	
Jan. 27, 2023	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jan. 26, 2023	NON-FINAL ACTION WRITTEN	
Jan. 24, 2023	ASSIGNED TO EXAMINER	
Aug. 16, 2022	APPLICATION FILING RECEIPT MAILED	
Aug. 12, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 11, 2022	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1677646
Priority Claimed Flag: Yes
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED
Notification of Designation Date: Aug. 11, 2022
International Registration Renewal Date: Apr. 06, 2032
First Refusal Flag: Yes

International Registration Date: Apr. 06, 2022
Date of Section 67 Priority Claim: Nov. 05, 2021
Date of International Registration Status: Aug. 11, 2022
Date of Automatic Protection: Feb. 11, 2024

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 26, 2023

United States of America

United States Patent and Trademark Office

ACCELERON

Reg. No. 7,171,925

Registered Sep. 26, 2023

Int. Cl.: 7, 9, 12, 37, 38, 42

Service Mark

Trademark

Principal Register

Turbo Systems Switzerland Ltd (SWITZERLAND Limited Company)
Bruggerstrasse 71a
CH-5400 Baden
SWITZERLAND

CLASS 7: Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

CLASS 9: Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

CLASS 12: Motors and engines for land vehicles

CLASS 37: Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems

CLASS 38: Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

CLASS 42: Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design, development, installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design, development, installation, maintenance and repair of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for evaluation and calculation of data

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY DATE OF 11-05-2021 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1677646 DATED 04-06-2022, EXPIRES 04-06-2032

SER. NO. 79-347,294, FILED 04-06-2022

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

EXHIBIT B

Generated on: This page was generated by TSDR on 2023-12-04 11:21:12 EST

Mark: ACCELLERON



US Serial Number: 79355371

Application Filing Date: Jun. 01, 2022

US Registration Number: 7171985

Registration Date: Sep. 26, 2023

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 26, 2023

Publication Date: Jul. 11, 2023

Mark Information

Mark Literal Elements: ACCELLERON

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM

Description of Mark: The mark consists of the stylized wording "ACCELLERON" with the two "LL" letters slightly above and below the other letters.

Related Properties Information

International Registration Number: 1696180

International Registration Date: Jun. 01, 2022

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: Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 024, 031, 034, 035

Class Status: ACTIVE

Basis: 66(a)

For: Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: Motors and engines for land vehicles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 66(a)

For: Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, including instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

International Class(es): 037 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 66(a)

For: Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design and development of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design and development of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for the evaluation and calculation of data

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: Yes

Filed 66A: Yes

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Turbo Systems Switzerland Ltd

Owner Address: Bruggerstrasse 71a
CH-5400 Baden
SWITZERLAND

Legal Entity Type: Limited Company

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

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Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 26, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Sep. 26, 2023	REGISTERED-PRINCIPAL REGISTER	
Jul. 11, 2023	NOTIFICATION PROCESSED BY IB	
Jul. 11, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 11, 2023	PUBLISHED FOR OPPOSITION	
Jun. 21, 2023	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jun. 21, 2023	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jun. 21, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 02, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2023	EXAMINER'S AMENDMENT ENTERED	
Jun. 02, 2023	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Jun. 02, 2023	EXAMINERS AMENDMENT E-MAILED	
Jun. 02, 2023	EXAMINERS AMENDMENT -WRITTEN	
May 22, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	
May 21, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 21, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 13, 2023	REFUSAL PROCESSED BY IB	
Mar. 23, 2023	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Mar. 23, 2023	REFUSAL PROCESSED BY MPU	
Jan. 27, 2023	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jan. 26, 2023	NON-FINAL ACTION WRITTEN	
Jan. 24, 2023	ASSIGNED TO EXAMINER	
Nov. 22, 2022	APPLICATION FILING RECEIPT MAILED	
Nov. 18, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

International Registration Information (Section 66a)

International Registration Number:	1696180	International Registration Date:	Jun. 01, 2022
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Feb. 01, 2022
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Nov. 17, 2022
Notification of Designation Date:	Nov. 17, 2022	Date of Automatic Protection:	May 17, 2024
International Registration Renewal Date:	Jun. 01, 2032		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 26, 2023

United States of America

United States Patent and Trademark Office

Acce/eron

Reg. No. 7,171,985

Registered Sep. 26, 2023

Int. Cl.: 7, 9, 12, 37, 38, 42

Service Mark

Trademark

Principal Register

Turbo Systems Switzerland Ltd (SWITZERLAND Limited Company)
Bruggerstrasse 71a
CH-5400 Baden
SWITZERLAND

CLASS 7: Turbochargers for machines; turbochargers being parts for motors, engines, propellers, propulsion systems and power generation systems; turbines other than for land vehicles; electric compressors; turbochargers for internal combustion engines, particularly diesel engines and gas engines for powering ships, for stationary current-generating installations and for heavy-oil internal combustion engines; parts and accessories for turbochargers in the nature of axial and radial turbines for internal combustion engines other than for land vehicles, compressors for turbocharger machines, roller and plain bearings, lubrication and cooling devices in the nature of lubricating turbocharger components in the nature of bearing casings, air filters for acoustic and mechanical purposes, electrochemical power generators; none of the aforesaid goods intended for road vehicles

CLASS 9: Downloadable computer software for the use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Downloadable computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

CLASS 12: Motors and engines for land vehicles

CLASS 37: Installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; Installation, maintenance and repair of power plants, motors, engines, propulsion systems and power generation systems that contain turbochargers; provision of information on installation, maintenance and repair of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; installation, maintenance and repair of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, including instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system

CLASS 38: Provision of access to databases and computer and communication networks for use in connection with the installation, maintenance and repair of

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



turbochargers, of plants, motors and engines that contain turbochargers, of propellers, of propulsion systems and of power generation systems

CLASS 42: Design, development, installation, maintenance and repair of computer software for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system or power generation system; design and development of electronic control and regulation devices for turbochargers, motors, engines, propellers, propulsion systems and power generation systems, in particular instruments for measuring of temperatures, pressures, velocities and vibrations within a turbocharger, motor, engine, propeller, propulsion system and power generation system; design and development of sensors for generating data for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of sensors for turbochargers, motors, engines, propellers, propulsion systems and power generation systems; engineering services in the field of computer software and hardware for use in connection with turbochargers, motors, engines, propellers, propulsion systems and power generation systems; industrial analysis and industrial research services in the area of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design, development, installation, maintenance and repair of computer software; software as a service (SaaS) services featuring software for the control and regulation of turbochargers, motors, engines, propellers, propulsion systems and power generation systems; design and development of computer hardware and computer software for industrial applications; design and development of computer software for the evaluation and calculation of data

The mark consists of the stylized wording "ACCELLERON" with the two "LL" letters slightly above and below the other letters.

PRIORITY DATE OF 02-01-2022 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1696180 DATED 06-01-2022,
EXPIRES 06-01-2032

SER. NO. 79-355,371, FILED 06-01-2022

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.