

ESTTA Tracking number: **ESTTA1199407**

Filing date: **03/29/2022**

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	SMA Solar Technology AG
Granted to date of previous extension	04/06/2022
Address	SONNENALLEE 1 NIESTETAL, 34266 GERMANY
Attorney information	STEWART J. BELLUS COLLARD & ROE, P.C. 1077 NORTHERN BLVD. ROSLYN, NY 11576 UNITED STATES Primary email: sbellus@collardroe.com Secondary email(s): law@collardroe.com 5163659802
Docket no.	036766

Applicant information

Application no.	88200602	Publication date	12/07/2021
Opposition filing date	03/29/2022	Opposition period ends	04/06/2022
Applicant	Sunnie, Inc. UNIT 2 3646 KALSMAN DRIVE LOS ANGELES, CA 90016 UNITED STATES		

Goods/services affected by opposition

Class 042. First Use: Nov 22, 2017 First Use In Commerce: Nov 22, 2017
All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for solar installers and prospective solar customers, allowing them to connect to their utility portal and get insights into their current electricity usage and provide information on the potential savings by moving to solar energy

Grounds for opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks cited by opposer as basis for opposition

U.S. registration no.	5870338	Application date	08/17/2017
Register	Principal		
Registration date	10/01/2019	Foreign priority date	02/22/2017
Word mark	SUNNY HIGHPOWER PEAK		
Design mark	Sunny Highpower Peak		
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: None First Use In Commerce: None Apparatus for conducting, switching, transforming, storing, regulating and controlling electricity; devices and instruments for measuring and analyzing electricity, namely, voltage testers and clamp meters for measuring electricity; software for monitoring electricity usage; electric display panels, namely, flat panel display screens for displaying electrical energy information; data processing apparatus, inverters		

U.S. registration no.	6436403	Application date	07/02/2020
Register	Principal		
Registration date	08/03/2021	Foreign priority date	01/22/2020
Word mark	SONNENALLEE		
Design mark	Sonnenallee		
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: None First Use In Commerce: None Downloadable electronic magazines and journals about the energy sector, including topics related to energy use, consumption, efficiency, production, and management such as building projects, technical implementations, mobility behavior, e-mobility, political and social frameworks, sustainable lifestyle, environmental psychology, alternative energy sources, decentralized energy supply, digitalization, smart cities, climate change, wastemanagement, passionate energy pioneers;downloadable electronic publications, namely, books, magazines and journals about the energy sector, including topics related to energy use, consumption, efficiency, production, and management such as building projects, technical implementations, mobility behavior, e-mobility, political and social frameworks, sustainable lifestyle, environmental psychology,alternative energy sources, decentralized energy supply, digitalization, smart cities, climate change, waste management, passionate energy pioneers Class 016. First use: First Use: None First Use In Commerce: None Printed matter, namely, books, journalsand magazines about the energy sector, including topics related to energy use, consumption, efficiency, production, andmanagement such as building projects, technical implementations, mobility behavior, e-mobility, political and social frameworks, sustainable lifestyle, environmental psychology, alternative energy sources, decentralized energy supply, digitalization, smart cities, climate change, waste management, passionate energy pioneers; magazines and journals about theenergy sector, including topics relatedto energy use, consumption, efficiency,production, and management such as building projects, technical implementations, mobility behavior, e-		

	<p>mobility, political and social frameworks, sustainable lifestyle, environmental psychology, alternative energy sources, decentralized energy supply, digitalization, smart cities, climate change, waste management, passionate energy pioneers; printed publications, namely, books, journals and magazines about the energy sector, including topics related to energy use, consumption, efficiency, production, and managementsuch as building projects, technical implementations, mobility behavior, e-mobility, political and social frameworks, sustainable lifestyle, environmental psychology, alternative energy sources, decentralized energy supply, digitalization,smart cities, climate change, waste management, passionate energy pioneers</p> <p>Class 041. First use: First Use: None First Use In Commerce: None</p> <p>Publication of web magazines and web journals relating to the energy sector; publication of magazines and journals relating to the energy sector; electronic publishing of electronic publications relating to the energy sector; publishing and editing of printed matter relating to the energy sector; provision of online, non-downloadable electronic publicationsin the nature of books, magazines, journals about the energy sector, including topics related to energy use, consumption, efficiency, production, and management such as building projects, technical implementations, mobility behavior, e-mobility, political and social frameworks, sustainable lifestyle, environmental psychology, alternative energy sources, decentralized energy supply, digitalization, smart cities, climate change, waste management, passionate energy pioneers; entertainment services, namely, a continuing program about the energy sector, including topics related to energy use, consumption, efficiency, production, and management such as building projects, technical implementations, mobility behavior,e-mobility, political and social frameworks, sustainable lifestyle, environmental psychology, alternative energy sources, decentralized energy supply, digitalization, smart cities, climate change, waste management, passionate energy pioneers accessible by radio, television, satellite, audio, video and computer networks</p>
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U.S. registration no.	6451493	Application date	04/20/2020
Register	Principal		
Registration date	08/17/2021	Foreign priority date	NONE
Word mark	SUNNYCONNECT		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 035. First use: First Use: Nov 4, 2019 First Use In Commerce: Nov 4, 2019</p> <p>Consulting services in the field of energy use management and energy efficiency; consulting services in the field of energy efficiency pertaining to solar and renewable energy; providing a website featuring a portal with customer-specific information for tracking installation ofsolar and renewable energy systems fromproposal through completion</p>		

U.S. registration no.	2257897	Application date	08/25/1997
Register	Principal		
Registration date	06/29/1999	Foreign priority date	NONE
Word mark	SUNNY BOY		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: Jun 5, 1997 First Use In Commerce: Jun 5, 1997 energy supplying devices, namely, transformers, inverters, battery storage devices, each including its own measuring and controlling devices; computer software, namely, evaluation software designed for inverter products and in photovoltaic installations</p> <p>Class 011. First use: First Use: Jun 5, 1997 First Use In Commerce: Jun 5, 1997 solar-powered steam generators, solar-powered boilers for heating installations, and solar furnaces for heating installations</p>		

U.S. registration no.	2854219	Application date	11/02/2000
Register	Principal		
Registration date	06/15/2004	Foreign priority date	NONE
Word mark	SUNNY ISLAND		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: Jul 8, 1997 First Use In Commerce: Aug 14, 2003</p> <p>ENERGY SUPPLYING DEVICES, NAMELY, TRANSFORMERS, INVERTERS, BATTERIES AND PHOTOVOLTAIC ELEMENTS AND CELLS FOR CONVERTING SOLAR ENERGY TO ELECTRICAL ENERGY, EACH INCLUDING ITS OWN MEASURING AND CONTROLLING DEVICE; AND COMPUTER SOFTWARE, NAMELY, EVALUATION SOFTWARE DESIGNED FOR INVERTER PRODUCTS IN PHOTOVOLTAIC EQUIPMENT</p>		

U.S. registration no.	2996025	Application date	02/25/2004
Register	Principal		
Registration date	09/13/2005	Foreign priority date	NONE
Word mark	SUNNY PORTAL		

Design mark	<h1>SUNNY PORTAL</h1>		
Description of mark	NONE		
Goods/services	Class 038. First use: First Use: Jan 13, 2004 First Use In Commerce: Feb 25, 2004 Providing multiple user access to an Internet platform through a global computer network for presenting the performance data of energy technology equipment, namely, DC-AC converters		

U.S. registration no.	3121666	Application date	06/02/2004
Register	Principal		
Registration date	07/25/2006	Foreign priority date	NONE

Word mark	SUNNY CENTRAL		
Design mark	<h1>SUNNY CENTRAL</h1>		
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: 1998 First Use In Commerce: 2003 Energy transformers; inverters		

U.S. registration no.	3145703	Application date	06/02/2005
Register	Principal		

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