

To: David S. Kerr(docketing@bhgrlaw.com)
Subject: U.S. Trademark Application Serial No. 97120807 - VESTA - 11555.00050
Sent: August 23, 2022 04:50:05 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[5471831](#)
[5992984](#)
[6749006](#)
[3239943](#)
[5440307](#)
[5753847](#)

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

U.S. Application Serial No. 97120807

Mark: VESTA

Correspondence Address:

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BOULDER CO 80302 UNITED STATES

Applicant: Project Vesta, PBC

Reference/Docket No. 11555.00050

Correspondence Email Address: docketing@bhgrlaw.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: August 23, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Trademark Act Section 2(d) Refusal to Register

The stated refusal refers to the following goods and/or services only: “Research and development in the fields of natural resources and carbon capture technologies.” It does not bar registration for the other goods and/or services.

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 6749006, 5992984, 5753847, 5471831, 5440307, and 3239943. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

In any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *see* TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101 USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

A. The Marks

The applicant seeks to register “VESTA,” and the registered marks are “VESTAS,” “VESTAS ANTI-ICING SYSTEM,” “VESTAS PURE. PERFORMANCE,” “VESTAS TURBINEPLUS,” “VESTAS LIFEPLUS,” and “VESTAS.” The marks are similar because they include VESTA or VESTAS.

An applied-for mark that is the singular or plural form of a registered mark is essentially identical in

sound, appearance, meaning, and commercial impression, and thus the marks are confusingly similar. *Swiss Grill Ltd., v. Wolf Steel Ltd.*, 115 USPQ2d 2001, 2011 n.17 (TTAB 2015) (holding “it is obvious that the virtually identical marks [the singular and plural of SWISS GRILL] are confusingly similar”); *Weider Publ’ns, LLC v. D & D Beauty Care Co.*, 109 USPQ2d 1347, 1355 (TTAB 2014) (finding the singular and plural forms of SHAPE to be essentially the same mark) (citing *Wilson v. Delaunay*, 245 F.2d 877, 878, 114 USPQ 339, 341 (C.C.P.A. 1957) (finding no material difference between the singular and plural forms of ZOMBIE such that the marks were considered the same mark).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d at 1960 (citing *Spoons Rests. Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff’d per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013)); TMEP §1207.01(b).

B. The Goods/Services

The applicant uses its mark (in relevant part) in connection with “Research and development in the fields of natural resources and carbon capture technologies,” and the registered mark is used development of goods in the field of wind power technology. The goods/services of the parties are related because wind power development is development in the field of natural resources.

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The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods. ”); TMEP § 1207.01(a)(i).

The respective goods and/or services need only be “ related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source. ” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP § 1207.01(a)(i).

Based on the similarity of the marks and relatedness of the goods/services, consumers are likely to be confused by the marks into believing that the goods/services of the parties share a common source or sponsorship.

Applicant may respond to the stated refusal by submitting evidence and arguments against the refusal. In addition, applicant may respond by doing one of the following:

- (1) Deleting the goods and/or services to which the refusal pertains;
- (2) Filing a [Request to Divide Application form](#) (form #3) to divide out the goods and/or services that have not been refused registration, so that the mark may proceed toward publication for opposition for those goods or services to which the refusal does not pertain. *See* 37 C.F.R. §2.87. *See generally* TMEP §§1110 *et seq.* (regarding the requirements for filing a request to divide). If applicant files a request to divide, then to avoid abandonment, applicant must also file a timely response to all outstanding issues in this Office action, including the refusal. 37 C.F.R. §2.87(e); or
- (3) Amending the basis for the goods and/or services identified in the refusal, if appropriate. TMEP §806.03(h). (The basis cannot be changed for applications filed under Trademark Act Section 66(a). TMEP §1904.01(a).)

How to respond. [Click to file a response to this nonfinal Office action.](#)

/Vivian First/
(571) 272-9159
vivian.first@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.

- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

(4) STANDARD CHARACTER MARK

Vestas TurbinePlus

Mark Punctuated

VESTAS TURBINEPLUS

Translation

Goods/Services

- IC 007. US 013 019 021 023 031 034 035.G & S: Windmills, wind power plants, wind turbines, off-shore wind mills, off-shore wind power plants and off-shore wind turbines; parts and accessories for the aforesaid goods in the nature of products developed to upgrade and extend the lifetime of existing wind turbines, namely, mill towers and masts, blades, blade hubs, mill housings, bottom-mounted and floating mill foundations, rotation devices, yaw rings, drip trays, rain gutters and gears all specially adapted for windmills and wind turbines; devices specially adapted for wind turbines and windmills for setting the pitch of the blades, namely, devices for regulating the pitch of the wings or blades by shifting or turning the profile angle of each wing or blade in relation to the rotor blade defined by all the wings and blades; brakes and brake devices for windmills and wind turbines; main shafts for windmills and wind turbines; universal joints for windmills and wind turbines; transmissions for windmills and wind turbines; clutches for windmills and wind turbines and electric generators; cooling devices, namely, cooling radiators for motors and engines, and pumps for cooling engines and for cooling fans of motors and engines; helicopter landing pads for wind turbines in the nature of helidecks sold as an integral component of wind turbines; reserve power supply units in the nature of auxiliary power units for supplying electrical power; structural parts for all the aforesaid goods
- IC 009. US 021 023 026 036 038.G & S: Electrical, electronic and computer equipment for windmills, wind power plants, wind turbines and other wind-operated machines, in the nature of equipment developed to upgrade existing electrical, electronic and computer equipment for windmills, namely, electrical switches, electronic computers, and computer hardware; control and monitoring equipment, namely, electric control devices for automatically turning on or off the generator and for automatic starting after public power line breakdowns; surge protectors for overvoltage protection against strokes of lightning; microprocessor equipment for controlling and monitoring voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brakes pads, temperature, wind direction and wind speed; vibration and oscillation sensors for installation in windmill housings; watt-hour meters; computer software for the operation, control and maintenance of wind turbines and software to enhance the performance of wind turbines; structural parts for all the aforesaid apparatus
- IC 035. US 100 101 102.G & S: Commercial advisory services relating to exploitation of wind energy and business advice on optimization and prolongation of energy production from wind turbines, on opportunities and solutions for extending the lifetime of wind turbines, and on optimizing the exploitation of wind turbines by upgrading wind turbine components and by enhanced control of the operation of wind turbines and by enhanced aerodynamic performances; commercial assistance in connection with optimizing energy production and yield from wind turbines and commercial assistance in connection with ensuring continued production and yield from wind turbines beyond expected life time
- IC 037. US 100 103 106.G & S: Repair, installation, maintenance and overhaul of machines and machine parts
- IC 042. US 100 101.G & S: Scientific and technological services, namely, scientific and technological research and analysis in the fields of wind energy, wind turbines and wind power plants and new product research and development all in the fields of wind energy, wind turbines and wind power plants and

technical analysis, calculations and assessments of and for the improvement of the performance of wind energy and wind turbines; development of new products and of new engineering processes and concepts all aimed at improving the service, maintenance, repair and performance of wind turbines; technological advice and assistance in connection with implementing mechanical parts for wind turbines, implementing computer hardware and software for wind turbines and implementing engineering processes all for optimization and/or prolongation of energy production from wind turbines and third party certification, namely, testing, analysis, and evaluation of wind turbines to determine conformity with certification standards in order for operation beyond designed life time; consultancy and assistance in the field of quality control in connection with improving the monitoring, operation and control of windmills, wind turbines and wind power plants and other renewable energy power plants and quality control for others in the nature of remote monitoring, operation and control of windmills, wind turbines and wind power plants; technical data analysis services and technical inspection services in relation to windmills, wind power plants, wind turbines and other wind-operated machines and their parts and components for purposes of improved operation and production and for enabling operation beyond their design life time

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code**Serial Number**

79187060

Filing Date

20151216

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20180306

Registration Number

5471831

Date Registered

20180522

Owner

(REGISTRANT) Vestas Wind Systems A/S Aktieselskab DENMARK Hedeager 42 DK-8200 Aarhus N. DENMARK

Priority Date

20150703

Disclaimer Statement**Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator
LIVE
Attorney of Record

(4) STANDARD CHARACTER MARK

Vestas Anti-Icing System

Mark Punctuated

VESTAS ANTI-ICING SYSTEM

Translation

Goods/Services

- IC 007. US 013 019 021 023 031 034 035.G & S: Wind mills, wind power plants, wind turbines and other wind-operated machines in the nature of wind-powered electricity generators; parts and accessories for the foregoing goods, namely, mill towers and masts, blades, blade hubs, mill housings, bottom-mounted and floating mill foundations, rotation devices, yaw rings and gears, devices for setting the pitch of the blades, brakes and brake devices, main shafts, universal joints, transmission devices, clutches and electric generators, helicopter platforms for wind turbines, corrosion protection and reserve power supply plants; blades for wind mills, wind power plants, wind turbines and other wind-operated machines, including blades with embedded heating elements; machines for removing ice formations, including on wind mills, wind power plants, wind turbines and other wind-operated machines; structural parts and accessories for all the aforesaid goods
- IC 009. US 021 023 026 036 038.G & S: Electrical, electronic and computer equipment for wind mills, wind power plants, wind turbines and other wind-operated machines, namely, for automatically turning on and off power generators and/or monitoring and adjusting operational parameters including de-icing blades; control and monitoring equipment, namely, for operational parameters for automatically controlling and monitoring the formation of ice in relation to wind mills, wind power plants, wind turbines and other wind-operated machines; microprocessor equipment for controlling and monitoring voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brake pads, temperature, wind direction and wind speed, including in relation to the formation of ice on wind mills, wind power plants, wind turbines and other wind-operated machines; vibration and oscillation sensors for installation in wind mill housings; watt-hour meters; computers and computer software for the operation, control and maintenance of wind turbines, including for the control, monitoring and removal of ice formations in relation to wind mills, wind power plants, wind turbines and other wind-operated machines; computer and computer software for supervisory control and data acquisition of wind power and power from other renewable energy sources, including collection, storage and intelligent processing of data from wind mills and wind power plants and for preparations of reports and communication and for exchange of data with external computers or units such as weather stations, other monitoring systems or electrical grids; electric and electronic monitoring, control and operating apparatus and equipment, including sensors, converters, controllers, measuring equipment, data collecting and transmission equipment, all for use in relation to ice detecting and ice removing on wind mills, wind power plants, wind turbines and other wind-operated machines; computer hardware and computer software for the detection and monitoring of ice formation on wind mills, wind power plants, wind turbines and other wind-operated machines; sensors and detectors, namely, for the detection and monitoring of ice formation on wind mills, wind power plants, wind turbines and other wind-operated machines; electronic control systems for ice detecting and ice removing systems in relation to wind mills, wind power plants, wind turbines and other wind-operated machines comprising electrical sensors and/or software; electronic equipment and software for the management of ice detecting and ice removing systems for wind mills, wind power plants, wind turbines and other wind-operated machines; structural parts and accessories for all the aforesaid goods
- IC 011. US 013 021 023 031 034.G & S: Heating equipment, namely, heating elements for the removal of

ice formations in relation to wind mills, wind power plants, wind turbines and other wind-operated machines; structural parts and accessories for all the aforesaid goods

- IC 037. US 100 103 106.G & S: Erection, construction, installation, maintenance and repair of wind mills, wind power plants, wind turbines and other wind-operated machines; installation, maintenance and repair of ice detecting and ice removing systems; technical and maintenance advisory, consultancy and information services relating to all the aforesaid services
- IC 042. US 100 101.G & S: Monitoring and control of wind mills, wind turbines and wind power plants and other renewable energy power plants for control of quality and operation, including monitoring, detecting and controlling the formation of ice in relation to wind mills, wind power plants, wind turbines and other wind-operated machines; research, development and design of computer software and systems for supervisory control and acquisition and treatment of data from wind mills and wind power plants as well as for plants for other renewable energy sources; research, development and design of ice detecting and ice removing systems, including for wind mills, wind power plants, wind turbines and other wind-operated machines; analysis of technical data, including analysis of data for use in connection with the detection, controlling and monitoring of ice formations on wind mills, wind power plants, wind turbines and other wind-operated machines; meteorological research; climatological research; meteorological information, including climate, weather and wind analysis; climatological forecasts; forecasts on ice build-up; collection of information relating to meteorology and climatology; electronic storage of data; supply of weather data and weather forecasts; technical, developmental advisory, consultancy and information services relating to all the aforesaid services

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code**Serial Number**

79244635

Filing Date

20180918

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20191210

Registration Number

5992984

Date Registered

20200225

Owner

(REGISTRANT) Vestas Wind Systems A/S AKTIESELSKAB DENMARK Hedeager 42 DK-8200 Aarhus N DENMARK

Priority Date

20180319

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ANTI-ICING SYSTEM" APART FROM THE MARK AS SHOWN

Description of Mark

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Leigh Ann Lindquist

(4) STANDARD CHARACTER MARK

VESTAS**Mark Punctuated**
VESTAS**Translation****Goods/Services**

- IC 007. US 013 019 021 023 024 031 034 035.G & S: Wind turbines, wind power plants, multi wind turbines; other wind-operated machines in the nature of wind-powered electricity generators; parts for wind turbines and wind power plants, namely, foundations, towers in the nature of cable stayed towers and towers of steel and concrete, tower sections, dampers, blades, in the nature of blades with and without embedded heating elements or hot air circulation, blade hubs, devices for setting the pitch of the blades in the nature of hydraulic or electrical pitch system; Wind turbine blades for use with hydraulic or electrical pitch system; parts for wind turbines in the nature of nacelles, linear actuators, hydraulic accumulators as a part of a part for a wind turbine, machine bed frames, machine main frames, rotors comprised of the hub and the blades, multi rotors comprised of the hub and the blades, main bearings, blade bearings, yaw bearings in the nature of sliding bearings or roller bearings, yaw rings and gears, brakes and brake devices, main shafts, main bearing housings, transmission devices, in the nature of belt drivers and gear boxes, clutches, transformers, and electric generators, and auxiliary power systems; generators, in the nature of electrical power generators; control systems for machines, engines, generators and motors, in the nature of electronic control systems sold as a unit with wind turbines for use in hybrid power plants, e-fuel plants, plants for production of energy based on renewable energy sources and plants for storage of energy and electricity; control systems for machines, engines, generators and motors, in the nature of electronic control systems for control of pitch regulation sold as a unit with manufacturing machines; cranes, namely, cranes for erection, repair and maintenance of wind turbines on shore as well as off shore; parts and accessories for cranes, namely, winches which feature wires and fastening devices installed on a nacelle for use with movable cranes; electric generators for use with cranes installed on wind turbines and for use in connection with repair and maintenance of wind turbines; hybrid power plants namely, power plants combining wind turbines and solar photovoltaic (PV), plants for production of e-fuels, plants for electricity production originating from different kinds of renewable energy sources and plants for storage of energy; Electric power generators, namely, wind-powered and solar-powered electricity generators; Electric power generators, namely, solar power generators; electrical generators using solar cells; structural parts for all the aforesaid goods
- IC 009. US 021 023 026 036 038.G & S: Measuring, detecting and monitoring instruments, indicators and controllers all for use in connection with wind turbines, wind power and hybrid power plants and other renewable energy power plants; Computer hardware and downloadable and recordable software, for the use in connection with wind turbines, wind power and hybrid power plants and other renewable energy power plants for control, operation and monitoring of performance and production; microprocessor equipment for controlling and monitoring constant voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brake pads, temperature, wind direction and wind speed; vibration sensors for installation in nacelles; watt-hour meters; computer hardware and downloadable and recordable computer software for use in monitoring, control and maintenance of wind turbines, wind power, hybrid power and other renewable energy power plants; computer hardware and downloadable and recordable software for supervisory control and data acquisition of wind power and power from other renewable energy sources,

including collection, storage and intelligent processing of data from wind turbines, solar power generators and other renewable energy sources as well as wind power and hybrid power plants and for use in preparation of reports and communication and for exchange of data with external computers or units such as weather stations, other monitoring systems or electrical grids; Downloadable software in the nature of a mobile application for operating, monitoring and controlling wind turbines, solar power generators and other renewable energy sources as well as wind power and hybrid power plants and other renewable energy power plants; electrical power producing systems comprised of full scale and double feed frequency, current and electric converters used for converting wind energy into alternate current or direct current electrical power; electric and electronic monitoring, control and operating apparatus and equipment, namely, sensors, converters, measuring equipment namely frequency and vibration meters, data recorders and transmitters, and power supplies for use in remote monitoring and operation of wind turbines and solar power generators as well as hybrid power and other renewable energy power plants; structural parts for the above electric and electronic monitoring and operating apparatus and equipment; solar cells for electricity generation; cameras, for inspection of wind turbines, including of blades; apparatus and instruments for accumulating and storing electricity, namely, batteries; apparatus and instruments for accumulating and storing energy, namely, transistors; batteries, namely, lithium ion batteries; power modules in the nature of power supplies; electronic control systems for wind power and hybrid power plants, namely, electronic control systems and monitoring systems comprised of computer hardware, electric sensors and power switches for automatically turning on or off the generators and for automatic starting generators after public power line breakdowns; electronic control systems for wind power and hybrid power plants for operating and monitoring the performance of the plant; computer hardware and downloadable and recordable software for the management of wind power, hybrid power and other renewable energy power plants; electric sensors and electronic detectors for wind turbines and hybrid power plants; electronic control systems for ice detecting and ice removing systems in relation to wind turbines, wind power plants and other wind-operated machines; electronic equipment and downloadable and recordable software for the management of ice detecting and ice removing systems for wind turbines, wind power plants and other wind-operated machines; energy regulators, namely, voltage regulators and frequency regulators; flow measuring apparatus, namely, flow measuring apparatus for use in connection with wind turbines in the nature of automatic liquid-flow control machines and instruments for hydraulic, cooling apparatuses and e-fuel plants; electric flow control installations, namely, flow control installations used in connection with wind turbines in the nature of automatic liquid-flow control machines and instruments; electric and electronic apparatus and instruments namely proximity sensors for collision avoidance and collision warnings; radars, namely, 3D radars, and sensors, to be mounted among other things on wind turbines, towers, buildings and power lines and with the purpose of detecting approaching aircrafts, and to activate collision warning alerts; warning devices, namely strobe lights and radios; fire-extinguishing systems for wind turbines comprised of fire alarms, sensors, manual and automatic fire extinguishers, fire extinguishing apparatus and circuit breakers; safety apparatus for wind turbines, namely wind turbine controllers, safety nets and tarpaulins, safety markers and signals, luminous safety beacons, safety harnesses other than for vehicles or sports purposes, lanyards for fall protection, life jackets, safety vests, survival suits, namely insulated overall drysuits, safety spectacles and goggles, safety headgear being protective helmets and karabiners for fall protection; rescue equipment for wind turbines, namely rescue systems comprised of manual and automatic descent control devices for fall arrest in the nature of bars, anchors, harness, lines, lanyards, carabiners and anchorage connectors, and rescue poles, rescue flares, non-explosive and non-pyrotechnic, ring buoys for use in water rescue and line throwers for safety and rescue purposes; structural parts for all the aforesaid goods

- IC 035. US 100 101 102.G & S: Business management and administration services; retail and wholesale store services featuring spare parts and services for wind turbines, and on-line retail and wholesale store services featuring spare parts and services for wind turbines; retail and wholesale store services featuring spare parts and services for solar power generators, solar power plants and hybrid power plants, and on-

line retail and wholesale store services featuring spare parts for solar power generators, solar power plants and hybrid power plants; collection of data, namely, collection of data for business purposes from renewable energy plants in the nature of plants generating electricity from solar energy, wind energy, including kite energy solutions, geothermal energy, wave energy, sustainable hydro energy, sustainable biomass energy and tidal energy; data input and data processing, namely, processing of data and information regarding the operation of wind power systems, including compilation of operation and production statistics and compilation of planning information for maintenance and diagnosis of errors; data compilation for others for business purposes; updating and maintenance of data in computer databases; compilation of data into computer databases; business administration and management of energy projects, including wind power projects and projects concerning other renewable energy sources; business management of wind power, hybrid power and other renewable energy systems during their life cycle; data collection and analyzing of business operational data of wind power, hybrid power and other renewable energy systems, and preparation of operation and production statistics for business purposes; Business services, namely, the collection of information relating to meteorology and climatology market research information; maintenance of data in computer databases; consultancy and advisory services relating to the above mentioned services

- IC 037. US 100 103 106.G & S: Erection, construction, installation, service, maintenance repair, upgrade and repowering of wind power, hybrid power and other renewable energy power systems, namely, erection, construction, installation, service, maintenance, repair, upgrade and repowering of wind turbines, solar cells, solar power generators, wind power plants and hybrid power plants as well as of parts and accessories of wind turbines and wind power and hybrid power plants; upgrading of the structural parts of wind turbines; service, repair and maintenance of systems comprised of wind turbines and computer hardware to protect a wind turbine and especially its blades from strokes of lightning; advisory and information services relating to maintenance of wind turbine blades in order to ensure wind turbines blades optimal operation and yield; installation, maintenance and repair of ice detecting and ice removing systems and of apparatus and instruments for collision avoidance and collision warnings, namely, systems comprising of radars, sensors, radios and strobe lights; consultancy concerning erection, construction, installation, service, maintenance and repair of wind power and other renewable energy power equipment and computer hardware systems, including wind turbines, wind power plants and hybrid power plants; installation, repair, maintenance, overhaul and upgrading of computer hardware for use in connection with the operation of wind turbines and wind power plants; installation, repair, maintenance, overhaul and upgrading of security and safety equipment for use in connection with wind turbines and wind power plants; consultancy and advisory services relating to the above mentioned services
- IC 042. US 100 101.G & S: Technological assistance concerning wind turbines, wind power, hybrid power and other renewable energy power projects; consultancy and assistance concerning drafting, planning, engineering and research of energy projects, including wind turbine, wind power plant and hybrid power plant projects; technical analyses, calculations and assessments of specific wind farm projects and preparation of analyses regarding optimal energy production, grid integration and long-term operating solutions; topographical surveying services in the form of preparation of topographic maps and descriptions regarding optimized turbine selection and placement of wind turbines within a certain geographical area; meteorological information, namely, climate, weather and wind analyses and calculations; technological advice and consultancy regarding choice of wind turbine and micro-siting of wind turbines for a specific wind energy project; development and testing of wind power, namely, hybrid power and other renewable energy power systems, including wind turbines and wind power plants and components thereto; effecting research projects, namely, conducting scientific research for others in the field of wind turbines, wind power plants, hybrid power plants, other renewable energy plants, power management and power grids; development of new products and concepts with respect to wind turbines, wind power plants and other renewable energy power plants, including plants generating electricity from

solar energy, wind energy, including kite energy solutions, geothermal energy, wave energy, sustainable hydro energy, sustainable biomass energy and tidal energy; monitoring and quality control of wind turbines and wind power plants and other renewable energy power plants, including remote monitoring and quality control of wind turbines and wind power plants and other renewable energy power plants; research in connection with and development of equipment for wind turbines, wind power and hybrid power plants; installation, implementation, customization and updating of non-downloadable and downloadable software for the use as a service in connection with wind turbines, wind power and hybrid power plants and other renewable energy power plants; scientific and technological services, namely, providing forecasts in connection with production of wind energy, including forecasts relating to the quantity of generated energy; analysis of technical data, namely, analysis of data for use in connection with forecasting in connection with production of wind energy; providing of technical information and data relating to technical research and development for the production of wind energy; industry analysis and research services in the field of wind energy; meteorological research; climatological research; meteorological information, including climate, weather and wind analysis, including meteorological forecasts; climatological forecasts; electronic storage of data; database development services; preparation of technical reports, namely, forecasting relating to the quantity of generated energy; provision of scientific surveys, namely conducting geological and engineering surveys; technological assessment and analysis of wind power, hybrid power and other renewable energy power plants, namely, analysis of loads, electrical infrastructure and performance of the wind turbines and wind power plants; technological advice concerning wind power, solar power, hybrid power and other renewable energy power projects and effecting such projects; research, development and design of computer software and systems for supervisory control and acquisition and treatment of data from wind turbines and wind power plants as well as for plants for other renewable energy sources; technological inspection and control of blades for wind turbines, both inside and outside, and of the parts and components forming or included in a blade for a wind turbine both mechanical, electronic and chemical; consultancy and advisory services relating to the above mentioned services

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code**Serial Number**

79285485

Filing Date

20191112

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20220215

Registration Number

6749006

Date Registered

20220607

Owner

(REGISTRANT) Vestas Wind Systems A/S public limited company DENMARK Hedeager 42 DK-8200
Aarhus N. DENMARK

Priority Date

20190513

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Leigh Ann Lindquist

(4) STANDARD CHARACTER MARK

VESTAS

Mark Punctuated

VESTAS

Translation

Goods/Services

- IC 007. US 013 019 021 023 031 034 035.G & S: Windmills, including offshore windmills, wind power plants, including offshore wind power plants, wind turbines, and parts and accessories therefor, not included in other classes, namely mill towers and masts, blades, blade hubs, mill housings, machine beds, rotation devices, yaw rings and gears; devices for setting the pitch of the wings, brakes and braking devices, main shafts, universal joints, transmission cases, clutches and electric generators and reserve power supply plants
- IC 009. US 021 023 026 036 038.G & S: Electrical and electronic apparatus and instruments as well as computers and computer hardware and software for windmills, wind power plants and wind turbines; namely control and monitoring equipment, namely equipment for automatically turning the generators on or off and for automatic starting after public power line breakdowns, apparatus for over-voltage protection against strokes of lightning; microprocessor equipment for controlling and monitoring constant voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brake pads, temperature, wind direction and wind speed, vibration sensors for installation in mill housings, watt-hour meters
- IC 037. US 100 103 106.G & S: Erection, construction, installation, maintenance and repair of windmills, wind power plants, wind turbines and other wind-operated machines; advisory, consultancy and providing information relating to the erection, construction, installation, maintenance and repair of windmills, wind power plants, wind turbines and other wind-operated machines
- IC 042. US 100 101.G & S: Technical and legal consultation concerning windmills and wind power plant projects and effecting such projects; development and testing of windmills, wind power plants, wind turbines, wind-operated machines and components therefor; effecting research projects concerning windmills, wind power plants, wind turbines and other wind-operated machines as well as advisory, consultancy and providing information relating to development and testing of windmills, wind power plants, wind turbines, wind-operated machines and components therefor

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

79013053

Filing Date

20040903

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20070220

Registration Number

3239943

Date Registered

20070508

Owner

(REGISTRANT) Vestas Wind Systems A/S Public Limited Company DENMARK Hedeager 42 DK-8200 Aarhus N. DENMARK

Priority Date

20040415

Disclaimer Statement**Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

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LIVE

Attorney of Record

Leigh Ann Lindquist

(4) STANDARD CHARACTER MARK

Vestas LifePlus

Mark Punctuated
VESTAS LIFEPLUS

Translation

Goods/Services

- IC 007. US 013 019 021 023 031 034 035.G & S: Windmills, wind power plants, wind turbines, off-shore wind mills, off-shore wind power plants and off-shore wind turbines; parts and accessories for the aforesaid goods in the nature of products developed to upgrade and extend the lifetime of existing wind turbines, namely, mill towers and masts, blades, blade hubs, mill housings, bottom-mounted and floating mill foundations, rotation devices, yaw rings, drip trays, rain gutters and gears all specially adapted for windmills and wind turbines; devices specially adapted for wind turbines and windmills for setting the pitch of the blades, namely, devices for regulating the pitch of the wings or blades by shifting or turning the profile angle of each wing or blade in relation to the rotor blade defined by all the wings and blades; brakes and brake devices for windmills and wind turbines; main shafts for windmills and wind turbines; universal joints for windmills and wind turbines; transmissions for windmills and wind turbines; clutches for windmills and wind turbines and electric generators; cooling devices, namely, cooling radiators for motors and engines, and pumps for cooling engines and for cooling fans of motors and engines; helicopter landing pads for wind turbines in the nature of helidecks sold as an integral component of wind turbines; reserve power supply units in the nature of auxiliary power units for supplying electrical power; structural parts for all the aforesaid goods
- IC 009. US 021 023 026 036 038.G & S: Electrical, electronic and computer equipment for windmills, wind power plants, wind turbines and other wind-operated machines, in the nature of equipment developed to upgrade existing electrical, electronic and computer equipment for windmills, namely, electrical switches, electronic computers, and computer hardware; control and monitoring equipment, namely, electric control devices for automatically turning on or off the generator and for automatic starting after public power line breakdowns; surge protectors for overvoltage protection against strokes of lightning; microprocessor equipment for controlling and monitoring voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brakes pads, temperature, wind direction and wind speed; vibration and oscillation sensors for installation in windmill housings; watt-hour meters; computer software for the operation, control and maintenance of wind turbines and software to enhance the performance of wind turbines; structural parts for all the aforesaid apparatus
- IC 035. US 100 101 102.G & S: Commercial advisory services relating to exploitation of wind energy and business advice on optimization and prolongation of energy production from wind turbines, on opportunities and solutions for extending the lifetime of wind turbines, and on optimizing the exploitation of wind turbines by upgrading wind turbine components and by enhanced control of the operation of wind turbines and by enhanced aerodynamic performances; commercial assistance in connection with optimizing energy production and yield from wind turbines and commercial assistance in connection with ensuring continued production and yield from wind turbines beyond expected life time
- IC 037. US 100 103 106.G & S: Repair, installation, maintenance and overhaul of machines and machine parts
- IC 042. US 100 101.G & S: Scientific and technological services, namely, scientific and technological research and analysis in the fields of wind energy, wind turbines and wind power plants and new product research and development all in the fields of wind energy, wind turbines and wind power plants and

technical analysis, calculations and assessments of and for the improvement of the performance of wind energy and wind turbines; development of new products and of new engineering processes and concepts all aimed at improving the service, maintenance, repair and performance of wind turbines; technological advice and assistance in connection with implementing mechanical parts for wind turbines, implementing computer hardware and software for wind turbines and implementing engineering processes all for optimization and/or prolongation of energy production from wind turbines and third party certification, namely, testing, analysis, and evaluation of wind turbines to determine conformity with certification standards in order for operation beyond designed life time; consultancy and assistance in the field of quality control in connection with improving the monitoring, operation and control of windmills, wind turbines and wind power plants and other renewable energy power plants and quality control for others in the nature of remote monitoring, operation and control of windmills, wind turbines and wind power plants; technical data analysis services and technical inspection services in relation to windmills, wind power plants, wind turbines and other wind-operated machines and their parts and components for purposes of enabling operation beyond their design life time

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code**Serial Number**

79187244

Filing Date

20151216

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20180123

Registration Number

5440307

Date Registered

20180410

Owner

(REGISTRANT) Vestas Wind Systems A/S PUBLIC LIMITED COMPANY DENMARK Hedeager 42 Aarhus N DENMARK DK8200

Priority Date

20150703

Disclaimer Statement**Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

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LIVE

Attorney of Record

Leigh Ann Lindquist

(4) STANDARD CHARACTER MARK

Vestas Pure. Performance

Mark Punctuated

VESTAS PURE. PERFORMANCE

Translation

Goods/Services

- IC 035. US 100 101 102.G & S: Business administration and management services in relation to energy projects, including wind power projects; business administration services in relation to wind power systems during their life cycle and to ensure sustainable and maximum use and exploitation of wind power systems, wind turbines, and groups of wind turbines by forecasting, identifying and solving problems relating to the operation of wind turbines, wind power plants, and groups of wind turbines for the purpose of avoiding and minimizing downtime; collection and processing of data and operation experiences relating to and from wind power systems, including preparation of operation and production statistics and preparation of maintenance plans and fault diagnoses; commercial advisory services relating to exploitation of wind energy, including advice on optimization and prolongation of energy production from wind turbines and about opportunities and solutions for extending the lifetime of wind turbines as well as optimizing the exploitation of wind turbines by upgrading wind turbine components and by enhanced control of the operation of wind turbines as well as by enhanced aerodynamic performances; commercial assistance in connection with optimizing energy production and yield from wind turbines, including assistance in connection with ensuring continued production and yield from wind turbines also beyond expected life time
- IC 037. US 100 103 106.G & S: Construction, repair, maintenance, overhaul and upgrading of wind mills, wind power plants and wind turbines; installation, repair, maintenance, overhaul, and upgrading of the structural parts of wind turbines, including overhaul, maintenance and repair of wind turbine blades, gearboxes, generators and transformers, both externally and internally, and of the individual mechanical, electronic, and chemical parts and components of wind turbine blades, gearboxes, generators and transformers; servicing, repair and maintenance of lightning conductor systems for wind turbines; consultancy relating to and information about maintenance and servicing of wind turbines and wind turbine components, including wind turbine blades, gearboxes, generators and transformers for the purpose of ensuring operation and optimal energy yield, including preparation of servicing reports in the nature of control and repair reports with documentation for the state of a wind turbine or wind turbine components; installation, repair, maintenance, overhaul and upgrading of computer hardware for use in connection with the operation of wind mills, wind power plants and wind turbines; installation, repair, maintenance, overhaul and upgrading of security and safety equipment for use in connection with wind mills, wind power plants and wind turbines; consultancy relating to and information about the above-mentioned services
- IC 042. US 100 101.G & S: Scientific and technological services, namely, research and development regarding wind energy, wind turbines and wind power plants, including technical analysis, calculations and assessments of and for the improvement of the performance of wind energy and wind turbines; development of new products, processes and concepts aimed at improving the service, maintenance, repair and performance of wind turbines; technological advice and technological assistance in connection with implementing products and processes for optimization and prolongation of energy production from wind turbines, including also 3rd party certification for operation beyond design life time; consultancy and assistance in connection with improved monitoring, operation and control of wind mills, wind

turbines and wind power plants and other renewable energy power plants, including remote monitoring, operation and control of wind mills, wind turbines and wind power plants; technical data analysis services and technical inspection services in relation to windmills, wind power plants, wind turbines and other wind-operated machines and their parts and components for purposes of enabling operation beyond their design life time; installation, repair, maintenance, upgrading, overhaul, and inspection of computer software for use in connection with the operation of wind mills, wind power plants and wind turbines; technological consultation in regards to control of the structural parts of wind turbines; technological consultation in regards to control of wind turbine blades, gearboxes, generators and transformers, both externally and internally, and of the individual mechanical, electronic, and chemical parts and components of wind turbine blades, gearboxes, generators and transformers; consultancy relating to and information about the abovementioned services

- IC 045. US 100 101.G & S: Information and consultancy services relating to safety in connection with the construction, repair, maintenance, overhaul and upgrading of wind mills, wind power plants, wind turbines and their structural parts

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code**Serial Number**

79218982

Filing Date

20161222

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

20190305

Registration Number

5753847

Date Registered

20190521

Owner

(REGISTRANT) Vestas Wind Systems A/S AKTIESELSKAB DENMARK Hedeager 42 DK-8200 Aarhus N. DENMARK

Priority Date

20160628

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PERFORMANCE" APART FROM THE MARK AS SHOWN

Description of Mark**Type of Mark**

SERVICE MARK

Register

PRINCIPAL

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Attorney of Record

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 23, 2022 for
U.S. Trademark Application Serial No. 97120807

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.