

To: Shan Zhu(shan.zhulaw@gmail.com)
Subject: U.S. Trademark Application Serial No. 97119406 - LEVITON - Sha2102
Sent: August 25, 2022 10:17:08 AM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[5418948](#)
[1892953](#)
[4232800](#)
[2726639](#)
[90700949](#)
[3935722](#)
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[6.jpg](#)

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

U.S. Application Serial No. 97119406

Mark: LEVITON

Correspondence Address:

SHAN ZHU
SHAN ZHU LAW GROUP, P.C.
3511-B FARRINGTON ST.
#335
FLUSHING NY 11354 UNITED STATES

Applicant: Luo, Yichang

Reference/Docket No. Sha2102

Correspondence Email Address: shan.zhulaw@gmail.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 25, 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.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark(s) in U.S. Registration No(s). 5418948, 4232800, 3935722, 2726639, and 1892953. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration(s).

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

For the reasons discussed below, the examining attorney concludes that confusion as to the source of goods and/or services is likely between the applicant's mark LEVITON, for *Lampshades; Arc lamps; Electric lamps; Flashlights; Incandescent lamps; Lamp shades; Lamps; Light bulbs; Electric bulbs; LED lamps*, and the registrants' marks, LEVITON in standard characters and with design matter, for a wide variety of lights and lighting products.

Comparison of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks

confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

In this case, the marks all consist of, or include, the same distinctive and dominant term “LEVITON.”

The applied-for mark appears in standard characters, and could be rendered in a stylized form similar or identical to that of the registered marks. A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g., In re Viterra Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that “the argument concerning a difference in type style is not viable where one party asserts rights in no particular display”).

Comparison of the Goods and/or Services

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).

Additionally, a likelihood of confusion determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, registrant's goods include "lamps" which are the same as, or encompass (i.e., are legally identical to), the applicant's "Arc lamps; Electric lamps; Arc lamps; Electric lamps; Lamps; LED lamps." As such, the parties' goods overlap with each other and are legally identical. *See, e.g., In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

"Light bulbs" may emanate from the same commercial sources as the registrant's goods. In fact, the registrant actually sells "leviton" branded light bulbs. See attached evidence from bhphotovideo.com (accessed 8/25/2022).

Similarly, lamp shades commonly share retail channels with the both parties' goods (e.g., lamps). See attached evidence from <https://gaylordslampandshade.com/>, <https://www.lampsunlimitedmclean.com/>, and <https://www.shadesoflight.com/> (all accessed 8/24/2022).

Additionally, the goods and/or services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Thus, applicant’s and registrant’s goods and/or services are related.

Thus, the goods identified in the application and registrations are the same, or closely related, and support the present refusal.

For the reasons discussed above, registration must be refused under Trademark Act Section 2(d). Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

.PRIOR-FILED PENDING APPLICATION(S) POSE A POTENTIAL BAR TO REGISTRATION

Additionally, a mark in a prior-filed pending application may present a bar to registration of applicant’s mark.

The filing date of pending U.S. Application Serial No. 90700949 precedes applicant’s filing date. See attached referenced application. If the mark in the referenced application registers, applicant’s mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant’s response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant’s mark and the mark in the referenced application. Applicant’s election not to submit arguments at this time in no way limits applicant’s right to address this issue later if a refusal under Section 2(d) issues.

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

/Lief Martin/
Lief Martin
(571) 272-3434
lief.martin@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.

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Mark Punctuated

LEVITON

Translation

Goods/Services

- IC 011. US 013 021 023 031 034.G & S: Lighting fixtures; light-emitting diode lighting fixtures; lamps; lamp reflectors; ceiling lights; downlights; display lighting, namely, lights for use in illuminating displays; lighting track systems comprised of track heads and track channels; floodlighting; parts and fittings for all the aforesaid lighting goods; Light systems comprising lighting fixtures, light sensors, motion detectors, lighting controls, wireless transceivers for sending information from light sensors and motion detectors and receiving information from lighting controls. FIRST USE: 20160401. FIRST USE IN COMMERCE: 20160401

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

260921

Serial Number

87056097

Filing Date

20160601

Current Filing Basis

1A

Original Filing Basis

1B

Publication for Opposition Date

20170509

Registration Number

5418948

Date Registered

20180306

Owner

(REGISTRANT) LEVITON MANUFACTURING CO., INC. CORPORATION DELAWARE 201 North Service Road Melville NEW YORK 11747

Priority Date

Disclaimer Statement

Description of Mark

Color is not claimed as a feature of the mark. The mark consists of the word "LEVITON" with a open ended shaded square on the right side overlapping over the letters "O" and "N".

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Meir Blonder

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Mark Punctuated

LEVITON

Translation

Goods/Services

- IC 008. US 023.G & S: telephone hand tools; namely, wire termination tools, replacement stems and blades therefor. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401
- IC 009. US 021 023 026 036 038.G & S: electrical and electronic wiring devices; namely, electric light dimmers, electric fan speed controls, electrical switches; electrical receptacles; electrical plugs and plug caps; electrical connectors; electrical and electronic wiring device cover plates and wall plates; fluorescent lamp starters and [ballasts;] electrical grounding, socket and outlet adapters; electrical extension cords; [electrical door bells, chimes, buzzers and transformers therefor; anti-intrusion alarms;] electrical insulated wires; telephone accessories; namely, telephone cords and cord sets, telephone wire, telephone receptacles, telephone plugs, telephone patch panels, telephone jacks and telephone meters; weatherproof covers for electrical and electronic wiring devices; passive infrared occupancy sensors and motion detectors; ground fault circuit interrupters, immersion detection circuit interrupters, appliance leakage circuit interrupters; transient voltage surge suppressors, electrical appliance switches and receptacles, electrical thermal detectors; electric lamp and fixture wiring harnesses; and parts and replacement parts therefor. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401
- IC 011. US 013 021 023 031 034.G & S: [electrical night lights and] incandescent and fluorescent lampholders. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401
- (CANCELLED) IC 020. US 002 013 022 025 032 050.G & S: [point of purchase displays]. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

260112 260121

Serial Number

74358526

Filing Date

19930203

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

19950214

Registration Number

1892953

Date Registered

19950509

Owner

(REGISTRANT) LEVITON MANUFACTURING CO., INC. CORPORATION NEW YORK 59-25 Little Neck Parkway Little Neck NEW YORK 11362 (LAST LISTED OWNER) LEVITON MANUFACTURING CO., INC. CORPORATION DELAWARE 201 North Service Road Melville NEW YORK 11747

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Meir Blonder

(4) STANDARD CHARACTER MARK

LEVITON

Mark Punctuated

LEVITON

Translation

Goods/Services

- IC 011. US 013 021 023 031 034.G & S: Electric night lights, lamp parts, namely, fixtures for holding light bulbs and theatrical electric lighting fixtures. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

85500828

Filing Date

20111221

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20120814

Registration Number

4232800

Date Registered

20121030

Owner

(REGISTRANT) LEVITON MANUFACTURING CO., INC. CORPORATION DELAWARE 201 North Service Road Melville NEW YORK 11747

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Mainak H. Mehta

(1) TYPED DRAWING

LEVITON

Mark Punctuated

LEVITON

Translation

Goods/Services

- IC 009. US 021 023 026 036 038.G & S: ELECTRICAL AND ELECTRONIC WIRING DEVICES; NAMELY, ELECTRIC LIGHT DIMMERS, ELECTRIC FAN SPEED CONTROLS, ELECTRICAL LIGHTING CONTROLS, ELECTRICAL SWITCHES, ELECTRICAL RECEPTACLES, ELECTRICAL PLUGS AND PLUG CAPS, ELECTRICAL CONNECTORS, ELECTRICAL AND ELECTRONIC WIRING DEVICE COVER PLATES AND WALL PLATES, FLUORESCENT LAMP STARTERS AND BALLASTS, ELECTRICAL GROUNDING, SOCKET AND OUTLET ADAPTERS, [ELECTRICAL EXTENSION CORDS, ELECTRICAL DOOR BELLS, CHIMES,] BUZZERS AND TRANSFORMERS THEREFOR, ANTI-INTRUSION ALARMS, ELECTRICAL INSULATED WIRES, TELEPHONE ACCESSORIES; NAMELY, TELEPHONE CORDS AND CORD SETS, TELEPHONE WIRE, TELEPHONE RECEPTACLES, TELEPHONE PLUGS, TELEPHONE PATCH PANELS, TELEPHONE AND DATA JACKS, TELEPHONE METERS, WEATHERPROOF COVERS FOR ELECTRICAL AND ELECTRONIC WIRING DEVICES, PASSIVE INFRARED OCCUPANCY SENSORS AND MOTION DETECTORS, GROUND FAULT CIRCUIT INTERRUPTERS, IMMERSION DETECTION CIRCUIT INTERRUPTERS, APPLIANCE LEAKAGE CIRCUIT INTERRUPTERS, TRANSIENT VOLTAGE SURGE SUPPRESSORS, ELECTRICAL APPLIANCE SWITCHES AND RECEPTACLES, ELECTRICAL THERMAL DETECTORS, ELECTRIC LAMP AND FIXTURE WIRING HARNESSSES [AND REPLACEMENT PARTS, NAMELY, REPLACEMENT STEMS AND BLADES;] TELEPHONE HAND TOOLS; NAMELY, WIRE TERMINATION TOOLS, ELECTRICAL WIRING DEVICES, ELECTRIC SOCKETS, OUTLET BOXES, GROUNDING ADAPTERS, INSULATED CABLE, WIRE MESH SAFETY GRIPS, PIN AND SLEEVE DEVICES FOR ELECTRICAL PLUGS AND CONNECTORS, ELECTRICAL CIRCUIT FILTERS, [THERMOSTATS, THERMOSTAT COUPLERS,] ELECTRICAL PLUG AND CONNECTORS FOR PROTECTIVE BOOTS AND COVERS, ADAPTERS FOR ELECTRICAL WIRING DEVICE PROTECTORS; MULTIMEDIA PREMISE WIRING PRODUCTS, NAMELY, ELECTRICAL CABLES, ELECTRICAL PLUGS, ELECTRICAL RECEPTACLES, ELECTRICAL CONTROL PANELS, ELECTRICAL CABLING PANELS, EXPANSION BOARDS, VOICE AND DATA MODULES, ALTERNATING CURRENT POWER SUPPLIES, POWER DISTRIBUTION MODULES, NETWORKING HUBS, VIDEO AMPLIFIERS, COAXIAL CABLE DISTRIBUTION PANELS, VIDEO CAMERAS, ELECTRICAL SWITCHES, VIDEO SEQUENCERS, INFRARED REPEATER BLOCKS, AUDIO VOLUME CONTROLS, AUDIO SPEAKERS, VIDEO WALLPLATES, PATCH BLOCKS, PATCH CORDS, BRIDGING CLIPS, FIBER OPTIC CABLES, MOUNTING PLATES, PLUGS AND CONNECTORS, AND PUNCHDOWN TERMINATION TOOLS; SURGE PROTECTIVE RECEPTACLES, RECEPTACLE TENSION TESTERS, ELECTRONIC TIMER SWITCHES, LOCKING FLUSH RECEPTACLES, INTEGRATED POWER INLETS AND OUTLETS, LOCKING DEVICES FOR ELECTRICAL PLUG AND CONNECTORS, SECURITY SYSTEM, COMPRISED OF A LIGHT ACTIVATED INTRUSION ALARM, [ANTENNAS,] ELECTRICAL WIRING DEVICE INSTALLATION TOOLS, RECEPTACLES FOR

RECEIVING CURRENT, CARRYING PLUGS AND CONNECTORS, OCCUPANCY SENSOR LIGHTING CONTROLS, ELECTRICAL CORDSETS, ELECTRICAL POWERLINE TRANSMITTERS, ELECTRICAL POWERLINE RECEIVERS, CENTRAL DISTRIBUTION SYSTEM COMPRISED OF MODULES AND DISTRIBUTION HARDWARE, NAMELY, FIBER OPTIC CABLES AND ELECTRICAL WIRES USED FOR CONTROLLING HOUSEHOLD APPLIANCES AND DEVICES, NAMELY, TELEVISIONS, COMPUTERS, AUDIO AND VISUAL EQUIPMENT, MOTION SENSORS; HEATING, COOLING AND LIGHTING DEVICES, NAMELY, ELECTRICAL OCCUPANCY SENSORS, ELECTRICAL TIMERS, ELECTRICAL CONTROLS, ELECTRONIC DIMMERS, ELECTRICAL SCENE SELECTORS, ELECTRICAL SWITCHES, ELECTRICAL TOGGLE DIMMERS, ELECTRICAL SLIDE DIMMERS, ELECTRICAL ROTARY DIMMERS, COMPUTER-CONTROLLED PROGRAMMERS, PASSIVE INFRARED TRANSMITTERS, TRANSCEIVERS, TELEPHONE TRANSPONDERS, WIRELESS CONTROLS, WALL SWITCHES, REMOTE SWITCHES, SIGNAL BRIDGES, NOISE BLOCKS FILTERS, TEST EQUIPMENT, NAMELY, METERS, LAMP MODULES, DIMMING FIXTURE MODULES, [THERMOSTATS,] ELECTRICAL SURGE PROTECTORS; [IRONING CORDS,] SPECIAL POWER SUPPLY CORDS, HOME AND INDUSTRIAL ELECTRICAL PLUGS, HOME AND INDUSTRIAL ELECTRICAL CONNECTORS, HOME AND INDUSTRIAL ELECTRICAL SOCKETS, ELECTRICAL LIGHTING SWITCHES, ELECTRICAL POWER STRIPS, ELECTRICAL CORDS HAVING LOCKING MEANS, [DEVICES FOR UNTANGLING ELECTRICAL CORDS, NAMELY, RETRACTABLE AND MECHANICAL CORD HANDLING DEVICES,] POWER CORDS WITH CIRCUIT BREAKERS AND LIGHTED ELECTRICAL EXTENSION CORDS, ELECTRIC LAMP SOCKETS, ELECTRIC LAMP HOLDERS AND ACCESSORIES, NAMELY, SCREW SHELLS, SWITCHES AND CONTROL KNOBS; ELECTRIC OUTLETS, ELECTRICAL RECEPTACLES AND OUTLET BOXES, RECEPTACLE AND OUTLET BOX COVERS, FUSE BLOCKS AND CUTOUTS, POWER CORDS FOR USE WITH ELECTRICAL APPLIANCES, ELECTRIC TRANSFORMERS, ELECTRICAL PUSH BUTTONS, ELECTRICAL TAPS, ELECTRIC ATTACHMENT PLUGS, ELECTRICAL WIRE, COMMERCIAL GRADE ON AND OFF SWITCHES, RESIDENTIAL GRADE ON AND OFF SWITCHES, INDUSTRIAL AND COMMERCIAL GRADE RECEPTACLES, RESIDENTIAL GRADE RECEPTACLES, COMMERCIAL AND INDUSTRIAL GRADE SURGE SUPPRESSOR RECEPTACLES, COMMERCIAL GRADE GROUND FAULT CIRCUIT INTERRUPTER RECEPTACLES, GENERAL PURPOSE PASSIVE INFRARED OCCUPANCY SENSORS, VOICE AND DATA AND VIDEO DEVICES, NAMELY, TELEPHONE WALL JACKS, ELECTRICAL POWERLINE DEVICES, NAMELY, POWERLINE CARRIER TRANSMITTERS, TOUCH SCREEN PROGRAMMERS FOR PROGRAMMING THE BEHAVIOR OF ELECTRICAL POWER WIRING DEVICES, POWERLINE CARRIER ELECTRICAL CONTROLLERS, TABLE TOP ELECTRICAL CONTROLLERS, WALL MOUNTED ELECTRICAL CONTROLLERS, SCENE ELECTRICAL CONTROLLERS, ELECTRICAL CONTROLLER FACES, WIRELESS ELECTRICAL CONTROLLERS, WIRELESS TRANSCEIVERS, KEY CHAIN TRANSMITTERS, PASSIVE INFRARED TRANSMITTERS, PHOTOELECTRIC CONTROLLERS, VOICE AND DATA TRANSPONDERS, BURGLAR ALARM INTERFACES, NETWORK COUPLERS, NETWORK REPEATERS, NETWORK SURGE PROTECTORS, POWERLINE CARRIER RECEIVERS, POWERLINE CARRIER WALL SWITCHES, POWERLINE CARRIER SNAP-ON ROCKER SWITCHES, POWERLINE CARRIER REPEATERS, POWERLINE CARRIER PLUG-IN MODULES, [POWERLINE CARRIER THERMOSTATS,] POWERLINE CARRIER WALL RECEPTACLES, POWERLINE CARRIER DIMMER MODULES, POWERLINE CARRIER REPLAY MODULES, POWERLINE CARRIER DIMMING FIXTURE MODULES, POWERLINE CARRIER LAMP MODULES, POWERLINE CARRIER COUPLERS, POWERLINE CARRIER FILTERS, POWERLINE CARRIER SIGNAL BRIDGES, POWERLINE CARRIER ATTENUATORS, POWERLINE CARRIER NOISE BLOCKERS, POWERLINE CARRIER PLUG-IN NOISE FILTERS, POWERLINE CARRIER

IN-LINE NOISE REDUCERS, AND POWERLINE CARRIER TEST EQUIPMENT, NAMELY, ELECTRICAL METERS, TELECOMMUNICATIONS EQUIPMENT, NAMELY, [TELEPHONES,] COMPUTERS FOR VOICE AND DATA TRANSMISSION, TELEPHONE METERS USED TO MEASURE ELECTRICAL CURRENT, LAMP CONVERTERS FOR CONVERTING ELECTRIC POWER REQUIREMENTS TO ACCOMMODATE VARIOUS TYPES OF LAMPS, FLUORESCENT STARTERS AND SOCKETS,[ELECTRIC FLASHERS,] [ELECTRICAL FUSES,] [CIRCUIT TESTERS,] [BATTERY TESTER,] ELECTRIC WIRE AND CABLE. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401

- IC 011. US 013 021 023 031 034.G & S: ELECTRIC NIGHT LIGHTS[, ELECTRIC CLAMP-ON REFLECTOR LAMPS, ELECTRIC LIGHTS FOR CHRISTMAS TREES, ELECTRIC SEWING MACHINE LIGHTS, ELECTRIC AUTOMATIC DOOR LIGHTS,] ELECTRIC GARAGE [AND TROUBLE] LIGHTS. FIRST USE: 19240401. FIRST USE IN COMMERCE: 19240401

Mark Drawing Code

(1) TYPED DRAWING

Design Code

Serial Number

76364094

Filing Date

20020129

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20030325

Registration Number

2726639

Date Registered

20030617

Owner

(REGISTRANT) LEVITON MANUFACTURING CO., INC. CORPORATION DELAWARE 201 North Service Road Melville NEW YORK 11747

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Meir Blonder

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Mark Punctuated**

LEVITON

Translation**Goods/Services**

- IC 009. US 021 023 026 036 038.G & S: Electrical and electronic wiring devices, namely, electric light dimmers, electric fan speed controls, electrical lighting controls, electrical switches, electrical receptacles, electrical plugs and plug caps, electrical connectors, electrical and electronic wiring device cover plates and wall plates, fluorescent lamp starters, electrical grounding, socket and outlet adapters, telephone and data communication accessories, namely, telephone and data patch cords and cord sets, telephone receptacles, telephone and data patch panels, telephone jacks; wallplates for in-wall or box mounted electrical devices and surface-mount boxes for housing electrical devices; electrical meters, namely, weatherproof covers for electrical and electronic wiring devices, passive infrared occupancy sensors and motion detectors, ground fault circuit interrupters, transient voltage surge suppressors, electrical appliance switches and receptacles, electrical thermal detectors, electric lamp and fixture wiring harnesses; electrical wiring devices, namely, switches, electric sockets, outlet boxes, grounding adapters; Multimedia premise wiring products, namely, electrical cables, electrical plugs, electrical receptacles, expansion boards, voice and data modules, alternating current power supplies, power distribution modules, networking hubs, video amplifiers, electrical switches, video sequencers, audio volume controls, audio speakers, video wallplates, patch blocks, patch cords, mounting plates, fiber optic adapters, fiber optic plugs and connectors; surge protective receptacles, electric control panels, namely, fiber optic patch panels, locking flush receptacles, locking devices for electrical plug and connectors, receptacles for receiving current, carrying plugs and connectors, occupancy sensor lighting controls, electrical cord sets; lighting devices, namely, electrical occupancy sensors, electrical timers, electronic dimmers, electrical switches, electrical toggle dimmers, electrical slide dimmers, electrical rotary dimmers, wall switches, lamp modules, electrical surge protectors, special power supply cords, home and industrial electrical plugs, home and industrial electrical connectors, home and industrial electrical sockets, electrical lighting switches, electrical cords having locking means, electric lamp sockets, electric lamp holders and accessories, namely, screw shells, switches and control knobs; electrical receptacles and outlet boxes, electrical push buttons, electrical taps, electric attachment plugs, commercial grade on and off switches, residential grade on and off switches, industrial and commercial grade receptacles, residential grade receptacles, electrical uninterruptible power supplies, electrical power distribution units, electrical commercial grade ground fault circuit interrupter receptacles, general purpose passive infrared occupancy sensors; voice and data audio and video devices, namely, telephone wall jacks and wallplates; and electrical connectors, namely, audio-video plug-in connectors and wallplates; power supplies, namely, direct current power supplies; commercial wiring systems, namely, mounting brackets for electrical junction boxes and mounting brackets preconfigured with electrical wiring for electrical junction boxes. FIRST USE: 20080104. FIRST USE IN COMMERCE: 20080104
- IC 011. US 013 021 023 024 031 034.G & S: Electric night lights. FIRST USE: 20080718. FIRST USE IN COMMERCE: 20080718

- IC 025. US 022 039.G & S: T-shirts, golf shirts, hats. FIRST USE: 20080822. FIRST USE IN COMMERCE: 20080822
- IC 035. US 100 101 102.G & S: Distributorships in the field of electrical, lighting, voice and data and home automation products; electronic catalog services featuring electronic, lighting, voice and data and home automation products. FIRST USE: 20071000. FIRST USE IN COMMERCE: 20071000
- IC 041. US 100 101 107.G & S: Training in the use and operation of electrical, lighting, voice and data and home automation products. FIRST USE: 20080200. FIRST USE IN COMMERCE: 20080200

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

260921

Serial Number

90700949

Filing Date

20210510

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date**Registration Number****Date Registered****Owner**

(APPLICANT) LEVITON MANUFACTURING CO., INC. CORPORATION DELAWARE 201 North Service Road Melville NEW YORK 11747

Priority Date**Disclaimer Statement****Description of Mark**

The mark consists of the word "LEVITON" with a open ended shaded square on the right side overlapping over the letters "O" and "N".

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Bharati Bakshani

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



Mark Punctuated

LEVITON

Translation

Goods/Services

- IC 009. US 021 023 026 036 038.G & S: Telephone and data communication accessories, namely, data access ports for connecting data wiring and cables, such as Ethernet cables; cabinets specifically adapted to protect telecommunication and data communication equipment in the nature of wires and cables; Multimedia premise wiring products, namely, electrical control panels, electrical cabling panels; electric control panels, namely, splice panels; lighting devices, namely, electrical controls, electrical scene selectors, computer-controlled programmers, passive infrared transmitters, transceivers, wireless controls, remote switches, dimming fixture modules; Electric outlets, receptacle and outlet box covers, commercial and industrial grade surge suppressor receptacles, panel mount voltage surge suppressors, voice and data audio and video devices, namely, data access ports for connecting data wiring and cables, such as Ethernet cables; and structured wiring cabinets specially adapted to hold and protect electrical equipment; electrical relays, namely, lighting control relays; electrical dimmers, namely, theatrical dimmers and control panels. FIRST USE: 20080400. FIRST USE IN COMMERCE: 20080400
- IC 011. US 013 021 023 031 034.G & S: Lamp parts, namely, fixtures for holding light bulbs and theatrical electric lighting fixtures. FIRST USE: 20100300. FIRST USE IN COMMERCE: 20100300

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

260921

Serial Number

77981161

Filing Date

20071017

Current Filing Basis

1A

Original Filing Basis

1B

Publication for Opposition Date

20090414

Registration Number

3935722

Date Registered

20110322

Owner

(REGISTRANT) LEVITON MANUFACTURING CO., INC. CORPORATION DELAWARE 201 North
Service Road Melville NEW YORK 11747

Priority Date

Disclaimer Statement

Description of Mark

Color is not claimed as a feature of the mark.

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Meir Blonder

TMNG Legacy Documents

TM EXAM DOCKET

LIGHT FIXTURE (noun) American

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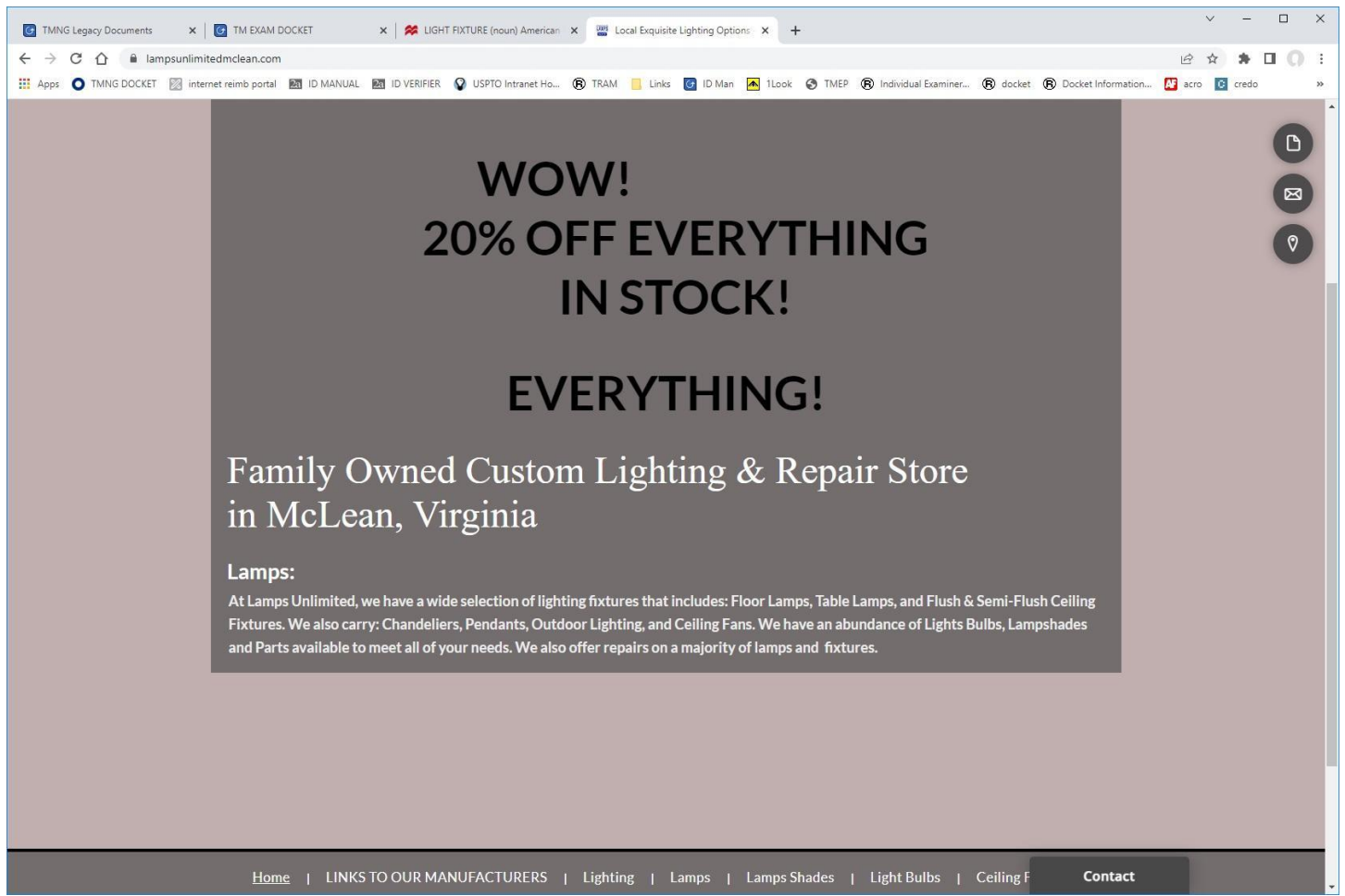
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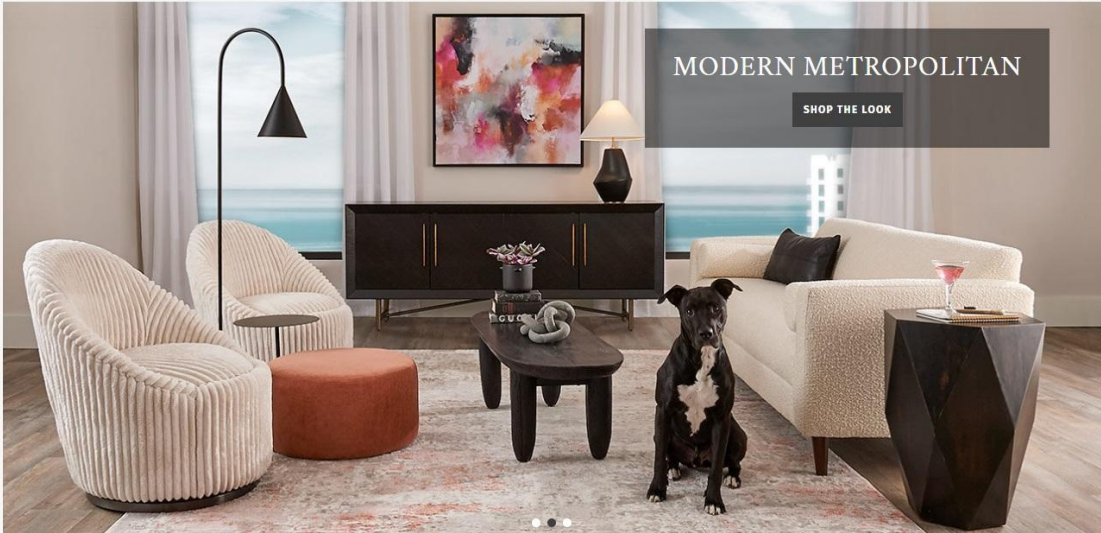
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This 500W/120V **NSI/Leviton BTL Lamp** is a halogen bulb for compatible light fixtures and projectors. It has a lamp life of 500 hours, a color temperature of 3050K and a P28S base.

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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 25, 2022 for
U.S. Trademark Application Serial No. 97119406

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 \(TAC\)](#)**.

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