

Upon initial review of the application, the Trademark Office cited the following registrations and pending applications are bars/potential bars to the acceptance of Applicant's mark:

U.S. Reg. No. 5927418 (LUMIN for "computer security consultancy, namely, scanning, auditing, analyzing, measuring, and monitoring computer systems and networks for vulnerabilities, security threats, and other cybersecurity risks; Maintenance of computer software relating to computer security and prevention of computer risks" owned by **Tenable Network Security, Inc.**).

U.S. Reg. No. 5699093 (SUNRISE LUMEN for "distributorship services in the field of telecommunications featuring bundled cable television and internet connection services and computer software" owned by **Sunrise Senior Living, LLC.**)

U.S. App. No. 88641098 (LUMIN for "providing temporary use of online non-downloadable software for scanning, auditing, analyzing, measuring, and monitoring computer systems and networks for vulnerabilities, security threats, and other cybersecurity risks" owned by **Tenable Network Security, Inc.**).

Applicant appreciates the Trademark Office's initial concerns, but submits consent agreements from these parties, Tenable Network Security, Inc. and Sunrise Senior Living, LLC, to offset these concerns.

Pursuant to TMEP Sec. 1207.01(d)(viii), an applicant may submit a consent agreement in an attempt to overcome a refusal of registration under §2(d) of the Act, or in anticipation of a refusal to register.

The Court of Appeals for the Federal Circuit has indicated that consent agreements should be given great weight, and that the USPTO should not substitute its judgment concerning likelihood of confusion for the judgment of the real parties in interest without good reason, that is, unless the other relevant factors clearly dictate a finding of likelihood of confusion. *See In re Four Seasons Hotels Ltd.*, 987 F.2d 1565, 26 USPQ2d 1071 (Fed. Cir. 1993); *In re N.A.D. Inc.*, 754 F.2d 996, 224 USPQ 969 (Fed. Cir. 1985); *see also du Pont*, 476 F.2d at 1362-63, 177 USPQ at 568; *cf. In re Mastic Inc.*, 829 F.2d 1114, 4 USPQ2d 1292 (Fed. Cir. 1987) (affirming TTAB's holding that applicant's mark was barred by §2(d), because the provided consent to register was essentially a "naked" consent and all other relevant factors weighed in favor of a conclusion that confusion was likely).

TMEP Sec. 1207.01(d)(viii) specifically instructs that examining attorneys should give **substantial weight** to a proper consent agreement. When an applicant and registrant have entered into a credible consent agreement and, on balance, the other factors do not dictate a finding of likelihood of confusion, an examining attorney should not interpose his or her own judgment that confusion is likely.

Here, Applicant submits credible consent agreements that, on balance, dictate **no** finding of likelihood of confusion under current market conditions.

Based on the foregoing, Applicant respectfully requests that the Trademark Office accept these consent agreements, withdraw the citations issued based on a likelihood of confusion, and approve this application for early publication.

Should the Office or Examining Attorney have any questions or concerns, Applicant respectfully requests that the undersigned be immediately contacted.

TRADEMARK CONSENT AGREEMENT

This Consent Agreement (“Agreement”) is entered into by and between Lumen Technologies, Inc., a Texas corporation, with a mailing address of 131 East Sears Street, Denison, Texas 75021 (hereafter “Lumen”), and Tenable, Inc. (formerly known as Tenable Network Security, Inc.), a Delaware corporation, with a mailing address of 7021 Columbia Gateway Drive, Suite 5020, Columbia, Maryland 21046 (hereafter “Tenable”), with an Effective Date of the date last signed below.

WHEREAS, Lumen is the owner of U.S. Application Serial No. 88/642,330 for the mark LUMEN and U.S. Application Serial No. 88/642,312 for the mark LUMEN TECHNOLOGIES, for use in connection with certain telecommunications and data center infrastructure-based services in Classes 35, 37, 38, and 42 (the “LUMEN Marks”);

WHEREAS, Tenable is the owner of U.S. Registration No. 5927418 and U.S. Application Serial No. 88/641,098 for the mark LUMIN for use in connection with certain computer security consultancy and software services, among other things, in Class 42 (hereinafter referred to as the “LUMIN Marks”);

WHEREAS, the LUMEN Marks have been refused registration by the United States Patent & Trademark Office in view of Tenable’s earlier-filed LUMIN Marks; and

WHEREAS, the parties wish to settle this matter outside of the administrative procedures of the United States Patent and Trademark Office and the litigation procedures of the United States courts and throughout the world.

NOW THEREFORE, in consideration of mutual covenants set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Tenable consents to the use and registration of Lumen's LUMEN Marks as set forth in U.S. Application Serial Nos. 88/642,330 and 88/642,312.
2. Lumen consents to the use and registration of Tenable's LUMIN Marks as set forth in U.S. Registration No. 5927418 and U.S. Application Serial No. 88/641,098.
3. The parties agree that there is unlikely to be any consumer confusion between the parties' respective marks and associated services.
4. The parties agree that their respective marks are presented to their respective consumers in unique and distinguishable ways to avoid any risk of consumer confusion.
5. The parties agree that their consumers are knowledgeable and sophisticated enough to be able to distinguish between the parties' respective marks.
6. The parties agree not to represent that they are related to one another or that their services stem from the same source.
7. The parties do not anticipate that any confusion or mistakes will arise from their simultaneous use of their respective marks. However, in the event that any confusion does arise, or appears likely, the parties agree to cooperate to take steps to abate the confusion, and to prevent confusion from recurring.

WHEREFORE the parties have caused this Agreement to be duly executed and become effective on the last date of execution indicated below.

Lumen Technologies, Inc.

DocuSigned by:
By: Mike Nelson
75C69BA61DEC444...
Mike Nelson
Name: _____
Title: CEO
Date: Effective as of April 3, 2020

Tenable, Inc.

DocuSigned by:
By: Stephen Riddick
D04F85679043418...
Stephen Riddick
Name: _____
Title: General Counsel
Date: 4/3/2020



Scott. W. Johnston
612.371.5274
sjohnston@merchantgould.com

February 3, 2020

VIA EMAIL:
washington_ip_docket@mwe.com
rkim@mwe.com

Richard Y. Kim
McDermott Will & Emery LLP
500 North Capitol Street, N.W.
The McDermott Building
Washington, DC 20001

Re: Sunrise Senior Living, LLC's SUNRISE LUMEN Trademark (U.S. Reg. No. 5699093)
Our Ref. No. 18269.7US01/8US01

Dear Mr. Kim:

We represent Lumen Technologies, Inc. with respect to intellectual property matters. As you may be aware, Lumen Technologies, Inc. ("Lumen Technologies") is based in Denison, Texas and is a global distributor of optical and data center infrastructure and solutions. Our client is the owner of U.S. Trademark App. Serial Nos. 88/642330 (LUMEN) and 88/642312 (LUMEN TECHNOLOGIES) for various telecommunications and data center infrastructure-based services in International Classes 35, 37, 38 and 42. See **Exhibit A** for TSDR Reports of these federal applications. Our client's use of the LUMEN and LUMEN TECHNOLOGIES mark began in 2007. Additional information regarding our client's services can also be found at <http://www.lumentechologies.com/>.

In review of our client's LUMEN and LUMEN TECHNOLOGIES federal trademark applications referenced above (the "LUMEN Marks"), the U.S. Patent & Trademark Office ("USPTO" or "Trademark Office") issued a refusal of registration based on a likelihood of confusion with Sunrise Senior Living, LLC's ("SSL's") registered mark, SUNRISE LUMEN, U.S. Reg. No. 5699093, for "distributorship services in the field of telecommunications featuring bundled cable television and internet connection services and computer software" in International Class 35. See **Exhibit B** for a copy of the TSDR Report detailing information about SSL's SUNRISE LUMEN trademark. It appears that SSL's rights in the SUNRISE LUMEN mark date back to March 2018.

We investigated SSL's use of the SUNRISE LUMEN mark and concluded that it does not directly conflict with Lumen Technologies' well-established LUMEN Marks under current market conditions. LUMEN and SUNRISE LUMEN have visually distinctive features, sound different, and connote different overall commercial impressions. Additionally, we understand that the SSL's SUNRISE LUMEN services are targeted to the residents of senior living communities. See attached specimens of use supporting the registration of the SUNRISE LUMEN mark in **Exhibit B**. Lumen Technologies, on the other hand, uses the LUMEN Marks

February 3, 2020

Page 2

primarily in connection with providing equipment and services to build, connect, integrate, test and secure critical networks and data infrastructure in complex organizations across the globe. Thus, we believe that the parties can continue to co-exist while operating under their respective brand names without concerns of consumer confusion. We trust your client will agree with our position so that the respective parties can avoid engaging in any relevant cancellation proceedings before the Trademark Trial and Appeal Board.

We therefore ask that your client consent to the continued use and registration by Lumen Technologies of the marks LUMEN and LUMEN TECHNOLOGIES for the services set forth in U.S. Application Nos. 88/642330 (LUMEN) and 88/642312 (LUMEN TECHNOLOGIES). See **Exhibit A**.

We agree that should instances of actual confusion become known to either party, the parties will contact each other and work in good faith to reduce or eliminate any such confusion from the marketplace.

We expect that your client will find the explanation contained in this letter sufficient to allow it to agree with this request. If SSL is agreeable, please have an authorized representative sign below indicating the company's consent to this request and return this correspondence to the address listed in the heading above.

If you have any questions or concerns, do not hesitate to contact us.

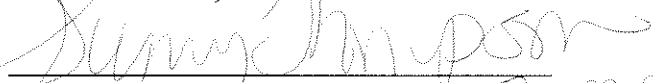
Very truly yours,



Scott W. Johnston
Danielle I. Mattessich

Enclosures

SUNRISE SENIOR LIVING, LLC, OWNER OF U.S. REG. NO. 5699093 (SUNRISE LUMEN), AGREES THAT LUMEN TECHNOLOGIES, INC. (AND ITS SUCCESSORS AND ASSIGNS) MAY USE AND REGISTER THE LUMEN AND LUMEN TECHNOLOGIES MARKS (U.S. APP. SER. NOS. 88642330 AND 88642312) AS DETAILED ABOVE.


Signature Sunny Thompson
Associate General Counsel & Vice President

Printed Name and Title

Feb 26, 2020
Date

EXHIBIT A

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Mark: LUMEN

LUMEN

US Serial Number: 88642330

Application Filing Date: Oct. 04, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 13, 2020

Mark Information

Mark Literal Elements: LUMEN

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,.* identify additional (new) wording in the goods/services.

For: Distributorship services in the field of optical and data center infrastructure; Distributorship services in the field of equipment to build, connect, integrate, test and secure critical networks and data infrastructure; Telecommunications network management services, namely, the administration of telecommunication systems and networks for others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Advisory services relating to the installation of wireless networks and computer equipment; Installation, maintenance and repair of telecommunications networking hardware; Consulting in the field of maintenance and repair of telecommunications network hardware, apparatus, and instruments; Maintenance and repair of telecommunications networking hardware, apparatus, and instruments; Integration, testing and support of wireless networks; Integration, installation and testing of billing systems

International Class(es): 037 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Telecommunications consultation; Information about telecommunication; IP telecommunications services; Rental (lease) of equipment for telecommunications

International Class(es): 038 - Primary Class

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

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Installation of computer software; Installation and maintenance of Internet access software; Computer security consultancy; Computer security threat analysis for protecting data; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, migration of data servers and database applications; Telecommunications engineering consultancy; Data security consultancy; Internet security consultancy; Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; Updating and maintaining computer software through patches; Computer network configuration services; Consulting in the field of configuration management for computer hardware and software; Computer systems integration services; Integration of computer systems and networks

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Lumen Technologies, Inc.

Owner Address: 131 E. Sears Street
Denison, TEXAS UNITED STATES 75021

Legal Entity Type: CORPORATION

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott W. Johnston

Docket Number: 18269.7US01

Attorney Primary Email Address: dockmpls@merchantgould.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SCOTT W. JOHNSTON
MERCHANT & GOULD P.C.
P.O. BOX 2910
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910

Phone: 612-332-5300

Fax: 612-332-9081

Correspondent e-mail: dockmpls@merchantgould.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 13, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2020	NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2020	NON-FINAL ACTION WRITTEN	82413
Jan. 09, 2020	ASSIGNED TO EXAMINER	82413

Oct. 08, 2019 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
 Oct. 08, 2019 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: BULLOFF, TOBY ELLEN

Law Office Assigned: LAW OFFICE 119

File Location

Current Location: TMO LAW OFFICE 119 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jan. 13, 2020

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91252852

Filing Date: Dec 11, 2019

Status: Suspended

Status Date: Jan 13, 2020

Interlocutory Attorney: WENDY COHEN

Defendant

Name: LUMEN APP LIMITED

Correspondent Address: LEE J. EULGEN
 NEAL GERBER & EIESENBERG LLP
 TWO NORTH LASALLE STREET SUITE 1700
 CHICAGO IL , 60602

Correspondent e-mail: trademarks@nge.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUMEN	Opposition Pending Plaintiff(s)	<u>88030648</u>	
Name: Lumen Technologies, Inc.			
Correspondent Address: SCOTT W. JOHNSTON MERCHANT & GOULD P.C. 150 SOUTH FIFTH STREET, SUITE 2200 MINNEAPOLIS MN UNITED STATES , 55402-4247			
Correspondent e-mail: sjohnston@merchantgould.com , dmattessich@merchantgould.com , slindemeier@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com			

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUMEN	Non-Final Action - Mailed	<u>88642330</u>	
LUMEN TECHNOLOGIES	Non-Final Action - Mailed	<u>88642312</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 11, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 11, 2019	Jan 20, 2020
3	INSTITUTED	Dec 11, 2019	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2020	
5	SUSPENDED	Jan 13, 2020	

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Mark: LUMEN TECHNOLOGIES

LUMEN TECHNOLOGIES

US Serial Number: 88642312

Application Filing Date: Oct. 04, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 13, 2020

Mark Information

Mark Literal Elements: LUMEN TECHNOLOGIES

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Distributorship services in the field of optical and data center infrastructure; Distributorship services in the field of equipment to build, connect, integrate, test and secure critical networks and data infrastructure; Telecommunications network management services, namely, the administration of telecommunication systems and networks for others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Advisory services relating to the installation of wireless networks and computer equipment; Installation, maintenance and repair of telecommunications networking hardware; Consulting in the field of maintenance and repair of telecommunications network hardware, apparatus, and instruments; Maintenance and repair of telecommunications networking hardware, apparatus, and instruments; Integration, testing and support of wireless networks; Integration, installation and testing of billing systems

International Class(es): 037 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Telecommunications consultation; Information about telecommunication; IP telecommunications services; Rental (lease) of equipment for telecommunications

International Class(es): 038 - Primary Class

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

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

For: Installation of computer software; Installation and maintenance of Internet access software; Computer security consultancy; Computer security threat analysis for protecting data; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, migration of data servers and database applications; Telecommunications engineering consultancy; Data security consultancy; Internet security consultancy; Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; Updating and maintaining computer software through patches; Computer network configuration services; Consulting in the field of configuration management for computer hardware and software; Computer systems integration services; Integration of computer systems and networks

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 2007

Use in Commerce: 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Lumen Technologies, Inc.

Owner Address: 131 E. Sears Street
Denison, TEXAS UNITED STATES 75021

Legal Entity Type: CORPORATION

State or Country: TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Scott W. Johnston

Docket Number: 18269.8US01

Attorney Primary Email Address: dockmpls@merchantgould.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SCOTT W. JOHNSTON
MERCHANT & GOULD P.C.
P.O. BOX 2910
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910

Phone: 612-332-5300

Fax: 612-332-9081

Correspondent e-mail: dockmpls@merchantgould.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 13, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2020	NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2020	NON-FINAL ACTION WRITTEN	82413
Jan. 09, 2020	ASSIGNED TO EXAMINER	82413

Oct. 08, 2019 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Oct. 08, 2019 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: BULLOFF, TOBY ELLEN

Law Office: LAW OFFICE 119
Assigned:

File Location

Current Location: TMO LAW OFFICE 119 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jan. 13, 2020

Proceedings

Summary

Number of
Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91252852

Filing Date: Dec 11, 2019

Status: Suspended

Status Date: Jan 13, 2020

Interlocutory Attorney: WENDY COHEN

Defendant

Name: LUMEN APP LIMITED

Correspondent Address: LEE J. EULGEN
NEAL GERBER & EISENBERG LLP
TWO NORTH LASALLE STREET SUITE 1700
CHICAGO IL , 60602

Correspondent e-mail: trademarks@nge.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUMEN	Opposition Pending	<u>88030648</u>	

Plaintiff(s)

Name: Lumen Technologies, Inc.

Correspondent Address: SCOTT W. JOHNSTON
MERCHANT & GOULD P.C.
150 SOUTH FIFTH STREET, SUITE 2200
MINNEAPOLIS MN UNITED STATES , 55402-4247

Correspondent e-mail: sjohnston@merchantgould.com , dmattessich@merchantgould.com , slindemeier@merchantgould.com , aavery@merchantgould.com
dockmpls@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUMEN	Non-Final Action - Mailed	<u>88642330</u>	
LUMEN TECHNOLOGIES	Non-Final Action - Mailed	<u>88642312</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 11, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 11, 2019	Jan 20, 2020
3	INSTITUTED	Dec 11, 2019	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 13, 2020	
5	SUSPENDED	Jan 13, 2020	

EXHIBIT B

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Mark: SUNRISE LUMEN

SUNRISE LUMEN

US Serial Number: 87833175

Application Filing Date: Mar. 14, 2018

US Registration Number: 5699093

Registration Date: Mar. 12, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Mar. 12, 2019

Publication Date: Aug. 21, 2018

Notice of Allowance Date: Oct. 16, 2018

Allowance Date:

Mark Information

Mark Literal Elements: SUNRISE LUMEN

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2047454, 2313763, 2669922 and others

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: distributorship services in the field of telecommunications featuring bundled cable television and internet connection services and computer software

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 20, 2018

Use in Commerce: Apr. 20, 2018

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: SUNRISE SENIOR LIVING, LLC

Owner Address: 7902 Westpark Drive
McLean, VIRGINIA UNITED STATES 22102

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard Y. Kim

Docket Number: 057182-0085

Attorney Primary washington_ip_docket@mwe.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent RICHARD Y. KIM
Name/Address: MCDERMOTT WILL & EMERY LLP
500 NORTH CAPITOL STREET, N.W.
THE MCDERMOTT BUILDING
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20001

Phone: 202-756-8000

Fax: 202.756.8087

Correspondent e- washington_ip_docket@mwe.com
mail: rkim@mwe.com

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2019	REGISTERED-PRINCIPAL REGISTER	
Feb. 05, 2019	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 02, 2019	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 02, 2019	STATEMENT OF USE PROCESSING COMPLETE	71034
Jan. 08, 2019	USE AMENDMENT FILED	71034
Feb. 02, 2019	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Jan. 08, 2019	TEAS STATEMENT OF USE RECEIVED	
Oct. 16, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 21, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 21, 2018	PUBLISHED FOR OPPOSITION	
Aug. 08, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 01, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 16, 2018	ASSIGNED TO LIE	73296
Jun. 28, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 28, 2018	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 28, 2018	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 28, 2018	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 28, 2018	EXAMINERS AMENDMENT -WRITTEN	93048
Jun. 25, 2018	ASSIGNED TO EXAMINER	93048
Mar. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 17, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: SUNRISE SENIOR LIVING, LLC

Assignment 1 of 1

Conveyance: NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 6399/0676

Pages: 6

Date Recorded: Aug. 01, 2018

Supporting Documents: assignment-tm-6399-0676.pdf

Assignor

Name: SUNRISE SENIOR LIVING, LLC

Execution Date: Jul. 31, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: DELAWARE
Where Organized:

Assignee

Name: BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country: UNITED STATES
Where Organized:

Address: 101 NORTH TRYON STREET
C/O MAC LEGAL (NC1-001-05-45)
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC

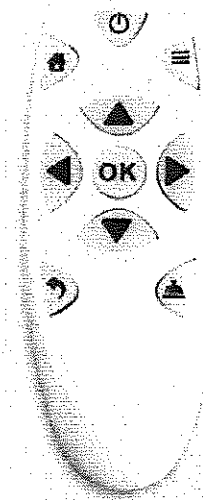
Correspondent Address: 3015 CARRINGTON MILL BOULEVARD
SUITE 400
MORRISVILLE, NC 27560

Domestic Representative - Not Found

SUNRISE
Lumen

Reimagine your remote control.

We are now offering Sunrise Lumen™—a technology bundle where all your entertainment services are in one place. With interactive features like video chatting and photo sharing, Sunrise Lumen makes it even easier to create meaningful connections. The best part? It's all possible with a simple click of the remote control from the comfort of your room.





ENHANCED ENTERTAINMENT MADE SIMPLE.



EASY SETUP

With Sunrise Lumen™, installation is seamless—all you have to worry about is which show to watch first.



PHOTO SHARING

The easy-to-use photo album means you can show off your family—and prove the grandkids really are the cutest ones around.



TV PROGRAMMING

With Sunrise Lumen, you'll have access to news, sports, and a lineup of the best shows with 120 HD channels via DISH Network.



MUSIC LIBRARY

An assortment of songs—organized by decade—is available to play with an easy click of the remote control.



VIDEO CHATTING

With streaming capabilities, face-to-face conversation with loved ones—whether near or far—is easier than ever.



EVENT CALENDAR

Make your days even brighter by viewing your activities on one convenient screen.

Open a window to your world.

With this service, we'll provide support during your installation, activation, and maintenance period.*

**See the Business Office
Coordinator to enroll.**



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*Sunrise Lumen will appear on your monthly Sunrise statement.

