

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: PHYSIO-CONTROL

Class(es): 9, 11 and 12

Reg. No.: 2,799,673

Reg. Date: December 30, 2003

Owner: Behr GmbH & Co.

**DECLARATION OF USE OF A MARK IN COMMERCE UNDER
SECTION 8 OF THE TRADEMARK ACT**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

The owner of the above-referenced mark, Behr GmbH & Co., located at Mauserstrasse 3, D-70469 Stuttgart, Germany, is using the mark in commerce on or in connection with the following goods:

Class 9: Systems for temperature and climate control comprising sensors and actuators, operating controllers and electrical controllers, sensors for measuring air and coolant temperature, positive temperature coefficient auxiliary heaters and positive temperature coefficient regulators; land vehicle instrument panels comprising dash controls; coolant thermostats.

Class 11: Heating, ventilation and air conditioning systems and their parts for automotive vehicles, namely air conditioning systems comprising air conditioners, blowers, fan wheels, fan drives, indoor filters, operating controllers and electrical controllers, electrical actuators, sensors for measuring air and coolant temperature, valves, heat exchangers, heater cores, refrigerant evaporators and condensers, positive temperature coefficient auxiliary heaters and positive temperature coefficient regulators, refrigerant expansion valves, and refrigerant compressors, refrigerant tubing, refrigerant

lines, collectors and dryers for refrigerants, air conditioning cooling modules.

Class 12: Air vents, air ducts.

The owner was using the mark in commerce on or in connection with the goods identified in the registration for which use of the mark in commerce is claimed, namely, those goods listed above, as evidenced by the submitted specimens, during the relevant period for filing the 6-year Section 8, that is, between the 5th and 6th year anniversary after the date of registration or the date of publication under 15 U.S.C. §1062.

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Behr GmbH & Co.

Date: March 2, 2010

By: 

Name: Dr. Andreas Grauel

Title: Director, Intellectual Property