

RESPONSE TO OFFICE ACTION

Applicant acknowledges the Office Action dated January 15, 2019 in the present application. In response, Applicant has the following comments.

I. No Likelihood of Confusion Under Section 2(d)

The Examining Attorney has refused registration of the present application based on likelihood of confusion with Registration No. 22646324 for the mark ELITE for central air conditioners, furnaces, heat pumps and components thereof, all for residential space conditioning use. For the reasons stated below, Applicant respectfully traverses the refusal to register the present mark ELITE for heating boilers and water heaters.

There are distinct differences between the marks such as to preclude a likelihood of confusion. It is noted that “confusion is related not to the nature of the mark but to its affect when applied to the goods of the Applicant. [Therefore] the only relevant application is made in the marketplace.” In re E.I. DuPont de Nemours & Co., 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973).

A. Coexistence of Prior Cited Registration and Applicant’s Existing Registrations and Allowed Application

Applicant is the owner of U.S. Registration No. 3664269 for the mark ELITE HEATING BOILER (with a disclaimer to the terms HEATING BOILER) for water boilers and heating systems with a date of first use of June 2009; U.S. Registration No. 4235054 for the mark ELITE FT for heating boilers and heating systems with a date of first use of March 2012; U.S. Registration No. 5717402 for the mark ELITE XL (with a disclaimer to the term XL) for heating boilers and water heaters; and allowed application Serial No. 88141199 for the mark ELITE ULTRA for heating boilers and water heaters. It is important to consider that Applicant’s mark ELITE HEATING BOILER with a disclaimer to the terms “HEATING BOILER” leaving the dominant term ELITE has coexisted with the cited ELITE registration for ten (10) years without any likelihood of confusion. It is also important to note that Applicant’s other registrations and allowed application for the marks ELITE XL (disclaiming “XL”), ELITE FT and ELITE ULTRA also contain the dominant term ELITE and there has been no likelihood of confusion with these additional coexisting marks.

In view of the fact that Applicant’s family of ELITE-containing marks coexist with the cited ELITE mark with no confusion for so many years, it is not likely that there would be any confusion now between with respective ELITE application and cited registration.

B. Coexistence of Prior Cited Registration and Additional Third-Party Registrations and Applicant’s Registration and Allowed Application

It is respectfully requested that the Examining Attorney consider the number and nature of similar marks for air conditioning and heating systems that coexist in Class 11. See In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 1361 (C.C.P.A. 1973); T.M.E.P. 1207.01.

“[E]vidence of third party usage of similar marks on similar goods is admissible and relevant to show that the mark is relatively weak and entitled to a narrow scope of protection.” Standard Brands, Inc. v. R.J.R. Foods, Inc., 192 U.S.P.Q. 383 (T.T.A.B. 1976) See also General Mills, Inc. v. Kellogg Co., 3 U.S.P.Q.2d 1442 (8th Cir. 1997).

Attached Schedule A contains third-party registrations and allowed applications that are similar to the cited prior application in that they all contain the word “ELITE” for air conditioning and heating systems. Clearly, if the marks shown in Schedule A can coexist in the marketplace for various types of air conditioning and heating systems without any confusion being found, Applicant’s mark ELITE should also be allowed to coexist. The coexistence of the marks in Schedule A serve to narrow the scope of protection and to limit the effect on other marks, such as Applicant’s mark, by the third party registrations and allowed application. The registrations and allowed application in Schedule A are for goods that are highly related to that identified in the cited prior registration.

The existence of these additional registrations and allowed application also support the fact that the term ELITE is weak and only entitled to a narrow scope of protection. By allowing the registrations and allowed application in Schedule A to coexist on the Principal Register, the Trademark Office has indicated that it considers the term ELITE to be weak. Plus Prods. v. Star-Kist Foods, Inc., 220 U.S.P.Q. 541, 543-44 (T.T.A.B. 1983) (multiple registrations for composite marks that included the word “PLUS” are evidence that the Trademark Office and consumers would view “PLUS” as not entitled to broad protection.) Since no confusion was found between these additional registrations, allowed application, and the cited prior registration, there should be no confusion found between the cited prior registration and Applicant’s mark ELITE. Applicant believes that the coexistence of the additional registrations for marks incorporating the term ELITE for highly related goods indicates that its application is also registrable.

The sampling of registrations and allowed application submitted herewith also serve as evidence to support the fact that the average consumer is repeatedly confronted with a variety of goods which bear the same or similar mark and is already aware that the goods bearing those marks do not emanate from the same source. After considering the coexistence of the cited registration along with the marks listed in Schedule A, and in view of the fact that they are owned by separate entities, it is clear that no one particular company has such exclusive use of the term ELITE so as to preclude another from obtaining a registration; thus, the cited mark should be subjected to a narrow reading. See Puma-Sportschuhfabriken Rudolf-Dassler kk.g.v. Superga S.P.a., 210 U.S.P.Q. 31 (T.T.A.B. 1980).

It is respectfully requested that the Examining Attorney recognize and consider that it would be unfair to Applicant and the other Registrants, to afford broad protection to the cited prior registration. Since the Patent and Trademark Office has already inherently recognized this narrow scope of protection by allowing multiple registrations containing the term ELITE for highly related goods, it should be consistent in its practice and reconsider the potential rejection in the present application on this basis. There can be no likelihood of confusion between Applicant’s mark ELITE, the cited prior registration for the mark ELITE, and the additional third party registrations and allowed application all containing the term ELITE; all for the same or

closely related goods. It is important to note that most of the marks in Schedule A have an additional term or terms that are disclaimed whereby ELITE is the dominant portions of all the marks in Schedule A. Clearly, the term ELITE is weak in the air conditioning and heating fields.

While Applicant understands that prior decisions and actions of other trademark examining attorneys in registering different marks have little evidentiary value and are not binding upon the Office, Applicant believes that the registrations and allowed application in this case should hold great weight.

Courts have interpreted third party registrations consistently with the foregoing. In re Dayco-Products-Eaglemotive, Inc., 9 U.S.P.Q.2d 1910 (T.T.A.B. 1988). In Dayco, the court held that applicant's IMPERIAL for automotive products would not likely cause confusion with the cited trademark IMPERIAL for automobiles and structural parts thereof because IMPERIAL had been adopted by others in the vehicular field and as such, the scope of protection afforded such a mark is considerably narrower than that afforded a more arbitrary designation. Id. at 1910.

In another case the court held that applicant's KEY for banking services would not cause confusion with KEYCHECK, KEY-CARD BANK, KEYBANKER and CB KEY for banking services because extensive third party adoption had diluted the trademark significance of the word KEY such that marks incorporating the term are entitled to a limited scope of protection. In re Hamilton Bank, 222 U.S.P.Q. 174 (T.T.A.B. 1984).

C. Differences in Marketing and Channels of Trade

Applicant's goods and those of the cited registrant travel through totally different channels of trade to different end users. Applicant's and Registrant's goods are not marketed or sold through general retail stores but rather they are each sold through independent dealers as shown on the respective websites submitted herewith as Exhibit B. Both Applicant and Registrant also market their respective goods through detailed brochures because of the complicated nature of the goods and the environment that they are used for. Clearly, there are distinct marketing and sales efforts associated with the respective goods of Applicant and Registrant such that no likelihood of confusion has existed in the ten (10) years the marks have coexisted in the heating and cooling marketplace and none would exist now. These differences in marketing and channels of trade by the Applicant and the cited Registrant further eliminate any potential confusion.

D. Sophisticated Consumers

Conditions under which the goods are encountered in the marketplace, and under which purchasing decisions are made, must be considered as well when evaluating the likelihood that a mark sought to be registered in an application might be confused with a prior mark. T.M.E.P § 1207. If the decision is made by a sophisticated purchaser, it may be sufficient to negate a likelihood of confusion even between marks of great similarity. Litton Sys., Inc. v. Whirlpool Corp., 221 U.S.P.Q. 97, 112 (Fed. Cir. 1984). The goods offered under the present mark and the

cited mark are not impulse purchases. With the great diversity of air conditioning and heating systems directed to specific consumers and their needs, these purchases are not likely to be made on impulse. These goods require careful study and a thorough evaluation of the service providers. The relevant consumers in the present case will only make a purchase after careful examination of the respective air conditioning and heating systems. They are sophisticated consumers with specific needs. These consumers tend to be careful, discriminating buyers who study the source, quality, and characteristics of Applicant's heating boilers and water heaters and the cited prior Registrant's furnaces. As a result, it is not likely or probable that such consumers would confuse Applicant's goods with those of the cited prior Registrant's goods. See Electronic Design and Sales, Inc. v. Electronic Data Sys. Corp., 954 F.2d 713, 718-19 (Fed. Cir. 1992) (holding that goods purchased by persons highly knowledgeable about the goods substantially lessens likelihood of confusion); Astra Pharmaceutical Prods., Inc. v. Beckman Instr., Inc., U.S.P.Q. 786, 790 (1st Cir. 1983) ("There is always less likelihood of confusion where goods are expensive and purchased after careful consideration.").

E. There Can Be No Likelihood of Confusion

Courts have consistently interpreted the likelihood of confusion standard as requiring much more than a "possibility" of confusion. McGregor-Coniger Inc. v. Drizzle, Inc., 599 F.2d 1126 (2nd Cir. 1979) (an "appreciable number of ordinary prudent purchasers are likely to be misled, or indeed simply confused"); International Ass'n of Machinists & Aerospace Workers v. Winship Green Nursing Ctr., 103 F.3d 196 (1st Cir. 1996) ("the law has long demanded a showing that the allegedly infringing conduct carries with it a likelihood of confounding an appreciable number of reasonably prudent purchasers exercising ordinary care"); Estee Lauder, Inc. v. The Gap, Inc., 108 F.3d 1503 (2nd Cir. 1997) ("likelihood of confusion means a probability of confusion; it is not sufficient if confusion is merely 'possible'"); Elvis Presley Enter. Inc. v. Capece, 141 F.3d 188 (5th Cir. 1998) ("likelihood of confusion is synonymous with a probability of confusion, which is more than a mere possibility of confusion"). In this case, the coexistence of Applicant's family of ELITE-containing marks with the cited registration, third-party registrations and allowed application, goods that travel in different channels of trade to different end users, weakness of the term ELITE in connection with air conditioning and heating systems, and sophisticated consumers eliminate the probability of confusion between Applicant's mark and the cited prior mark. See McCarthy on Trademarks and Unfair Competition, § 23:3.

II. Conclusion

In summary, it is respectfully requested that the Examining Attorney recognize and consider the coexistence of Applicant's family of ELITE-containing marks with the cited Registrant, the differences in the marketing and channels of trade, the coexistence of marks containing the term ELITE, the sophisticated consumers, and the weakness of the term ELITE in connection with air conditioning and heating systems. Taking all of these factors into consideration, there would be no likelihood of confusion between Applicant's mark and the cited prior registration.

In view of the foregoing amendments and remarks, the Applicant respectfully requests publication of the present application.

SCHEDULE A

REGISTRATIONS/ALLOWED APPLICATIONS

MARK	SERVICES	REG. NO. APP. NO.	REG. DATE FILE DATE
ELITE XL (disclaims CL)	Heating boilers; water heaters	5717402	04/02/2019
ELITE ULTRA	Heating boilers; water heaters	88141199	10/03/2018
ELITE FT	Heating boilers; heating systems	4235054	10/30/2012
ELITE HEATING BOILER (disclaims HEATING BOILER)	Water boilers; heating systems	3664269	08/04/2009
ELITE AIR SYSTEMS (disclaims AIR SYSTEMS)	Air conditioners; air conditioning units	5085341	11/22/2016
ELITE AIR (disclaims AIR)	Heating, ventilating and air conditioning systems for motor vehicles	3049621	01/24/2006
AEONAIR ELITE	Air conditioners	4880947	01/05/2016
CHOICE ELITE	Air conditioning apparatus	5250471	07/25/2017
ELITE STEAM (disclaims STEAM)	Steam generators and steam heating boilers used for steam baths	5639162	12/25/2018



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ELITE HEATING BOILER

Word Mark ELITE HEATING BOILER

Goods and Services IC 009. US 021 023 026 036 038. G & S: Water boilers for residential heating systems; residential heating systems comprising water boilers, tanks, thermostats, heating elements, and manual and automated controls. FIRST USE: 20090602. FIRST USE IN COMMERCE: 20090602

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77278459

Filing Date September 13, 2007

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 11, 2008

Registration Number 3664269

Registration Date August 4, 2009

Owner (REGISTRANT) HTP, Inc. dba Heat Transfer Products, Inc. CORPORATION MASSACHUSETTS 272 Duchaine Blvd. New Bedford MASSACHUSETTS 02745

Attorney of Record Daniel J. Holmander

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HEATING BOILER" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Elite FT

Word Mark ELITE FT

Goods and Services IC 011. US 013 021 023 031 034. G & S: Hydronic fire tube heating boilers for residential heating systems; residential heating systems comprising fire tube heating boilers, tanks, thermostats, heating elements, and manual and automated controls. FIRST USE: 20120301. FIRST USE IN COMMERCE: 20120301

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85401473

Filing Date August 18, 2011

Current Basis 1A

Original Filing Basis 1B

Published for January 3, 2012

Opposition

Registration Number 4235054

Registration Date October 30, 2012

Owner (REGISTRANT) HTP, Inc. CORPORATION MASSACHUSETTS 272 Duchaine Blvd. New Bedford MASSACHUSETTS 02745

Attorney of Record Cheryl A. Clarkin, Esq.



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ELITE XL

Word Mark	ELITE XL
Goods and Services	IC 011. US 013 021 023 031 034. G & S: heating boilers; water heaters. FIRST USE: 20181214. FIRST USE IN COMMERCE: 20181214
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87810871
Filing Date	February 26, 2018
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 7, 2018
Registration Number	5717402
Registration Date	April 2, 2019
Owner	(REGISTRANT) HTP, Inc. CORPORATION MASSACHUSETTS 272 Duchaine Boulevard New Bedford MASSACHUSETTS 02745
Attorney of Record	Cheryl A. Clarkin, Esq.
Prior Registrations	3664269;4142997;4235054
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "XL" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



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ELITE ULTRA

Word Mark	ELITE ULTRA
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Heating boilers; Water heaters
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88141199
Filing Date	October 3, 2018
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	February 19, 2019
Owner	(APPLICANT) HTP, Inc. CORPORATION MASSACHUSETTS 272 Duchaine Boulevard New Bedford MASSACHUSETTS 02745
Attorney of Record	Cheryl A. Clarkin, Esq.
Prior Registrations	3664269;4235054
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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ELITE AIR SYSTEMS

Word Mark	ELITE AIR SYSTEMS
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Air conditioners; Air conditioning apparatus; Air conditioning units. FIRST USE: 20151012. FIRST USE IN COMMERCE: 20151110
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86883404
Filing Date	January 22, 2016
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 6, 2016
Registration Number	5085341
Registration Date	November 22, 2016
Owner	(REGISTRANT) Harrelson, Bradley S. INDIVIDUAL UNITED STATES Bradley Harrelson 225 Carolina Way Geneva FLORIDA 32772
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AIR SYSTEMS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



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ELITE AIR

Word Mark ELITE AIR

Goods and Services IC 011. US 013 021 023 031 034. G & S: Heating, ventilating and air conditioning systems and their parts for motor vehicles, namely air conditioning systems comprising air conditioners, blowers, fan wheels, fan drives, indoor filters, operating controllers and electrical controllers, pneumatic and electrical actuators, sensors for measuring air and coolant temperature, valves, heat transfer means such as heater cores, refrigerant evaporators and condensers, positive temperature coefficient auxiliary heaters and positive temperature coefficient regulators, refrigerant expansion valves, coolant pumps, and refrigerant compressors, refrigerant tubing, refrigerant lines, collectors and dryers for refrigerants, air conditioning cooling modules. FIRST USE: 20010331. FIRST USE IN COMMERCE: 20010331

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78488608

Filing Date September 23, 2004

Current Basis 1A

Original Filing Basis 1A

Published for November 1, 2005

Opposition

Registration Number 3049621

Registration Date January 24, 2006

Owner (REGISTRANT) MEI Corporation CORPORATION GEORGIA 1132 Dividend Court Peachtree City GEORGIA 30269

(LAST LISTED OWNER) MEI CORPORATION, LLC LIMITED LIABILITY COMPANY DELAWARE 1132 DIVIDEND COURT PEACHTREE CITY GEORGIA 30269

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Thomas A. Polcyn

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE AIR APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150831.

Renewal 1ST RENEWAL 20150831

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Word Mark AEONAIR ELITE
Goods and Services IC 011. US 013 021 023 031 034. G & S: Air conditioners; Dehumidifiers. FIRST USE: 20150425. FIRST USE IN COMMERCE: 20150425
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 01.15.09 - Snowflakes
 18.11.02 - Ships' wheels; Steering wheels; Wheels, steering
 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)
Serial Number 86645139
Filing Date May 29, 2015
Current Basis 1A
Original Filing Basis 1A
Published for Opposition October 20, 2015
Registration Number 4880947
Registration Date January 5, 2016
Owner (REGISTRANT) NEW WIDETECH INDUSTRIES CO., LTD. CORPORATION TAIWAN 8FL-8, NO.112, SHIN-MIN ST.,ZHONGHE DIST NEW TAIPEI CITY 235 TAIWAN R.O.C.
Attorney of Record Alan D. Kamrath

Description Color is not claimed as a feature of the mark. The mark consists of the words "AeonAir" shown in italicized, bolded,

of Mark

stylized font with the two letter "A"s being uppercase, with a horizontal wavy swish placed above the letters "onA" and leading to the dot of the letter "i" shown as a circular wheel design, and with the word "Elite" in italicized stylized font placed below "AeonAir" and flushed to the right.

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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Choice Elite

Word Mark CHOICE ELITE**Goods and Services**

IC 011. US 013 021 023 031 034. G & S: Air-conditioning apparatus; Cook- and hold- ovens; Cooking ovens; Cooking products, namely, liners for conventional ovens in the nature of heat-transmitting containers for providing uniform heat and humidity during cooking; Cooking ranges; Cooking rings; Cooking tunnels; Electric griddles; Fans for air conditioning apparatus; Lighting apparatus, namely, lighting installations; Radiators, electric; Refrigerating appliances and installations; Refrigerating machines and installations; Refrigeration equipment, namely, food and beverage chilling units; Refrigeration equipment, namely, rapid food chilling units; Water purification installations; Water purifying apparatus and machines; Water filtering devices, namely, water purification installations for waste water and sewage consisting of curtains and textile fabrics; Apparatus for cooking, namely, cooktops; Barbecue apparatus, namely, fuel starter in the nature of a metal container with a wooden handle into which fuel briquettes may be placed, lit, and then poured into a barbecue grill for the purpose of speeding up the ready to cook time of barbecue fuels; Butane torches for cooking; Commercial cooking ovens; Commercial dryers and warewashers sold as a unit for washing and drying food plates, bowls, pots, pans and food preparation and cookwares, glasses and utensils; Disposable aluminum burner bibs for cooking ranges; Domestic cooking ovens; Electric cooking ovens; Electric cooking pots; Electric cooking stoves; Electric fans; Filtration unit for filtering and treating cooking oil being part of commercial deep fryers; Fireplace hearths; Gas cooking ovens; Gas-powered griddles; Industrial cooking ovens; Japanese charcoal cooking stoves for household purposes (shichirin); Microwave ovens; Microwave ovens for cooking; Multi-purpose, electric countertop food preparation apparatus for cooking, baking, broiling, roasting, toasting, searing, browning, barbecuing and grilling food; Oil cooking stoves; Portable refrigerators; Pressure cooking saucepans, electric; Programmable electronic devices for setting temperatures and cook times which also feature recipes, sold as a component of gas cooking ovens, electric cooking ovens and electric deep fryers; Roasting spits for cooking ovens; Rooftop grease containment system comprising an exhaust fan, grease deflector, and filter for trapping grease vented from rooftop exhaust fans for cooking areas within the building; Stainless steel wire baskets specially adapted and shaped for use in electric pop-up toasters to cook and retrieve toaster pastries; Waste water purification apparatus, installations and tanks; Wood burning cooking stoves. FIRST USE: 20160628. FIRST USE IN COMMERCE: 20160628

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

87282619

Filing Date

December 28, 2016

Current

1A

7/15/2019

Basis

Original Filing Basis 1A

Published for Opposition May 9, 2017

Registration Number 5250471

Registration Date July 25, 2017

Owner (REGISTRANT) NINGBO KONWIN ELECTRICAL APPLIANCE CO., LTD. limited company (Ltd.) CHINA Room 1001, Youyi Building No.558 Renhe Road, Baishalu Street Cixi City, Zhejiang CHINA

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized presentation of "CHOICE ELITE".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark ELITE STEAM

Goods and Services IC 011. US 013 021 023 031 034. G & S: Steam generating installations; steam generators; steam bath installations; installations for the production of steam; steam baths; sauna bath installations; steam generators and steam heating boilers used for steam baths; steam bath installations; controls for steam bath, steam room and sauna installations, namely, thermostatic valves; plumbing fittings, namely, shower control valves; controls for showers; thermostatic control valves for showers; thermostatic control valves for steam bath, steam room and sauna installations; sauna heaters; LED mood lights; electric lighting fixtures for showers, plumbing fixtures, namely, steam heads for saunas, steam baths, and steam rooms. FIRST USE: 20180207. FIRST USE IN COMMERCE: 20180207

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

Design Search Code 26.17.02 - Bands, wavy ; Bars, wavy ; Lines, wavy ; Wavy line(s), band(s) or bar(s)

Serial Number 87626288

Filing Date September 28, 2017

Current Basis 1A

Original Filing Basis 1B

Published for Opposition July 10, 2018

Registration Number 5639162

Registration Date December 25, 2018

Owner (REGISTRANT) STEAMIST, INC. CORPORATION PENNSYLVANIA 25 East Union Avenue East Rutherford NEW JERSEY 07073

Attorney of Record DENNIS S. PRAHL

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

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized words "ELITE" and "STEAM" separated by two wavy lines.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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EXHIBIT B



SPACE HEATING

WATER HEATING

INDIRECT WATER HEATING

COMBINATION APPLIANCES

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LENNOX I

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02874

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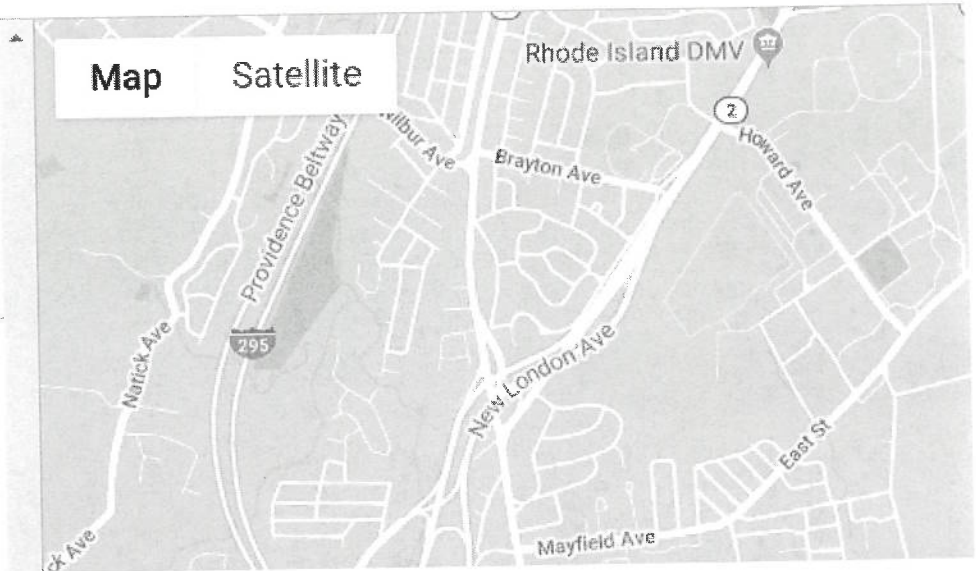
GO



**Mutual Engineering
Service Co**



WARWICK - 14.7 miles
401-351-3900



LOCATION: 02874



FIND A DEALER

LIFE

OWNERS

SEARCH

The image shows a map interface with a sidebar. The map displays a street grid with labels for 'Pontiac Ave', 'Jefferson Blvd', and 'Lincoln Ave'. A large black circle with the number '1' is centered over the 'Lincoln Park Cemetery' area, with the word 'Matches' written below it. A square icon with four corner brackets is positioned above the circle. The sidebar on the right is dark grey and contains the following elements from top to bottom:

- 'Filter Re' (select all the)
- 'Award Wi' (with a ribbon icon containing the number 1)
- 'Promot Particip' (with a price tag icon)



Advanced Heating
& Hot Water Systems

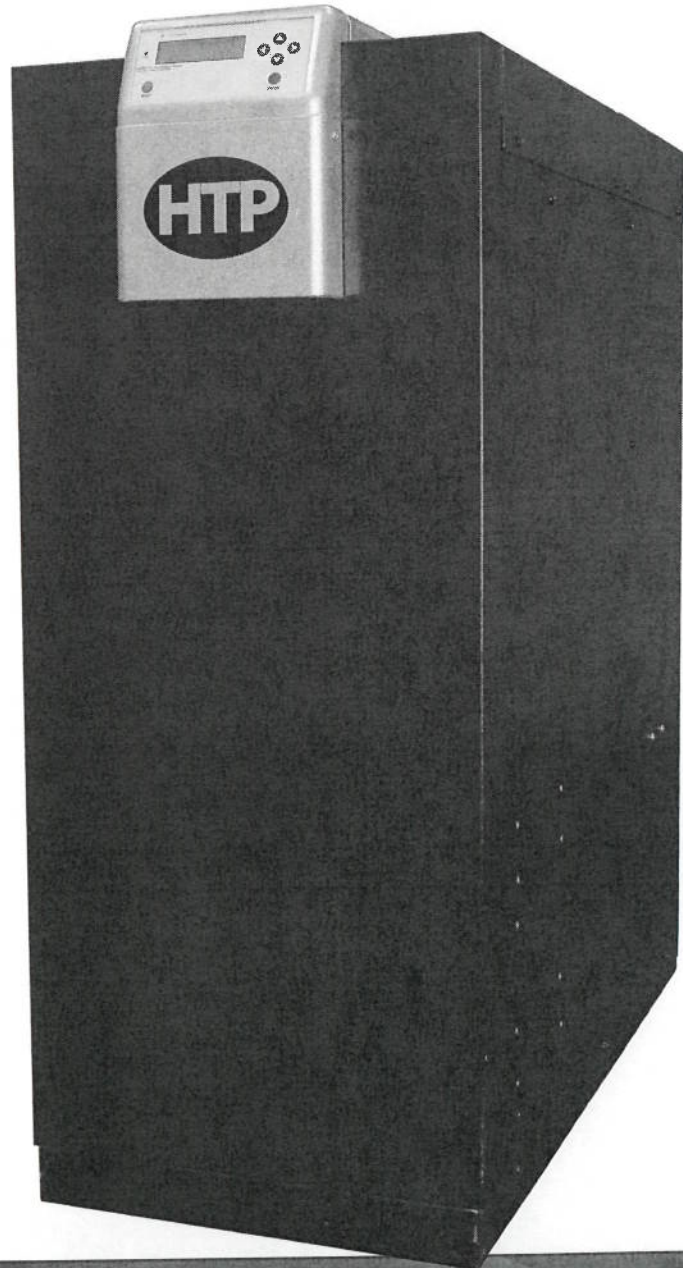
Elite
Premier

www.htproducts.com

10:1
Turndown
Ratio

Up to
96%
Efficient
Gas Fired
Boiler

Eliminates the
Need for Primary/
Secondary Piping

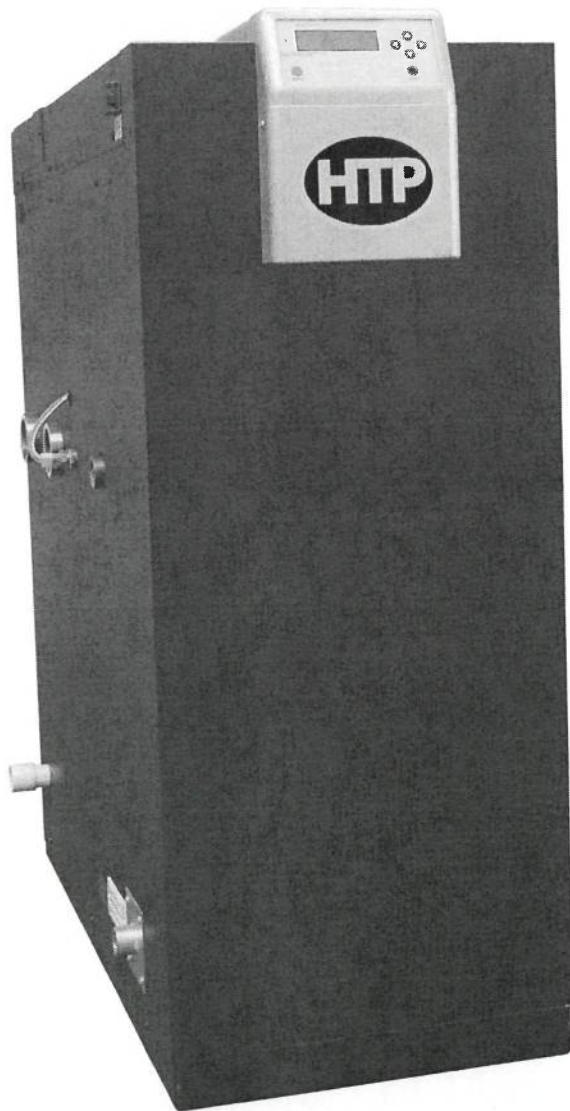


Impressive range: 7 models, ranging from 80,000 to 399,000 Btuh

Elite

Premier

10:1
Turndown
Ratio



LOW MASS

Up to 96% Efficient

Vents in inexpensive,
easy-to-install PVC pipe,
up to 200 combined feet

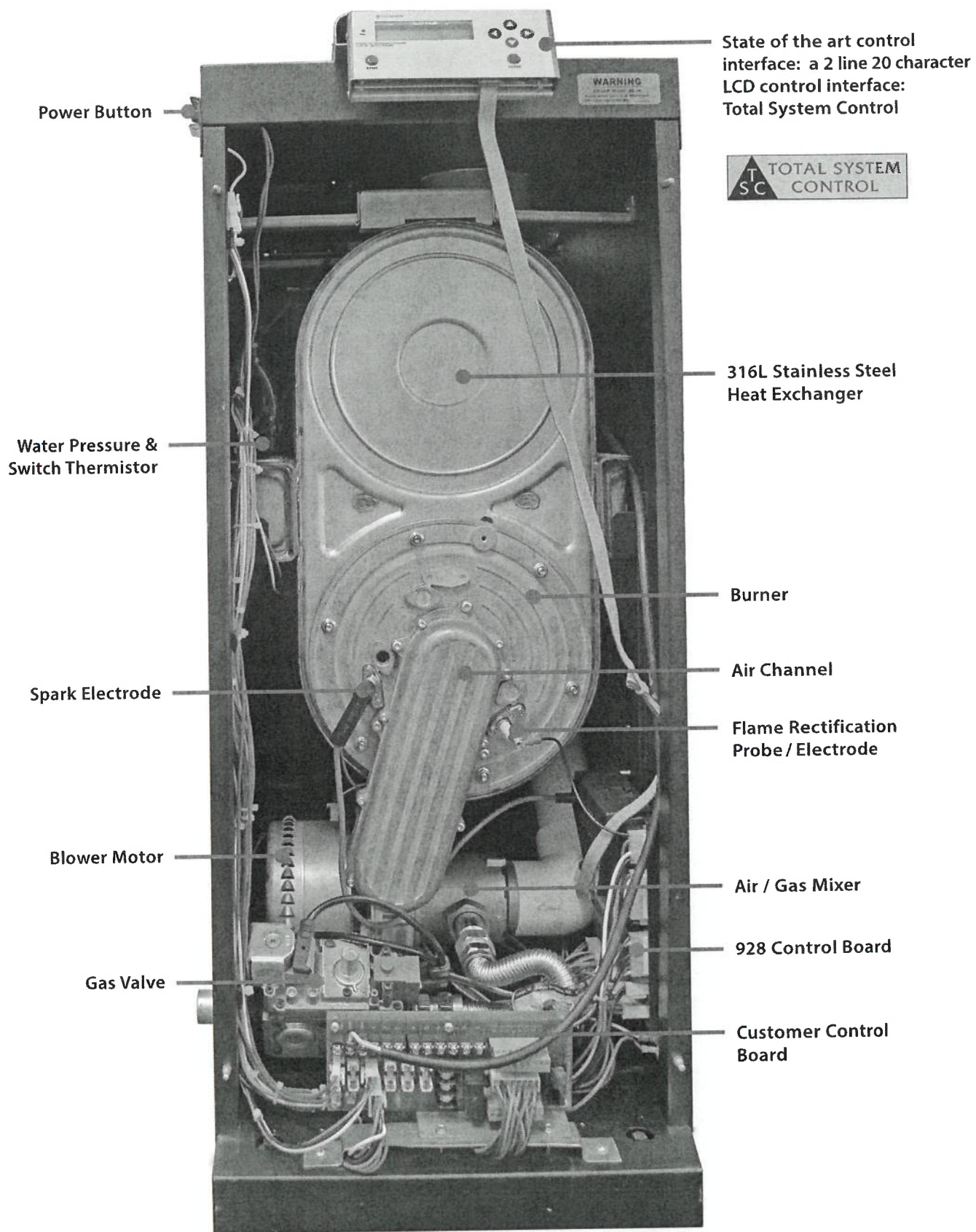
State of the art control
interface: a 2 line 20 character
LCD control interface:
Total System Control

Impressive range:
7 models, ranging from
80,000 to 399,000 Btuh

Floor standing or wall mount

12 year limited warranty

316 L Stainless Steel Heat Exchanger



Power Button

State of the art control interface: a 2 line 20 character LCD control interface: Total System Control



Water Pressure & Switch Thermistor

316L Stainless Steel Heat Exchanger

Spark Electrode

Burner

Air Channel

Flame Rectification Probe / Electrode

Blower Motor

Air / Gas Mixer

Gas Valve

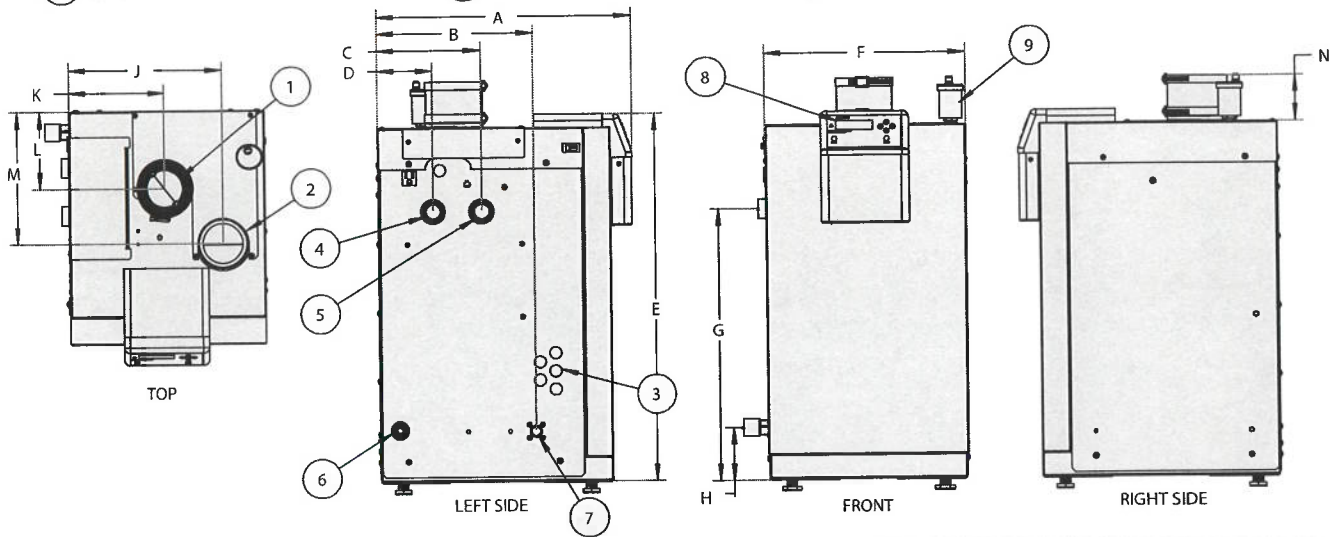
928 Control Board

Customer Control Board



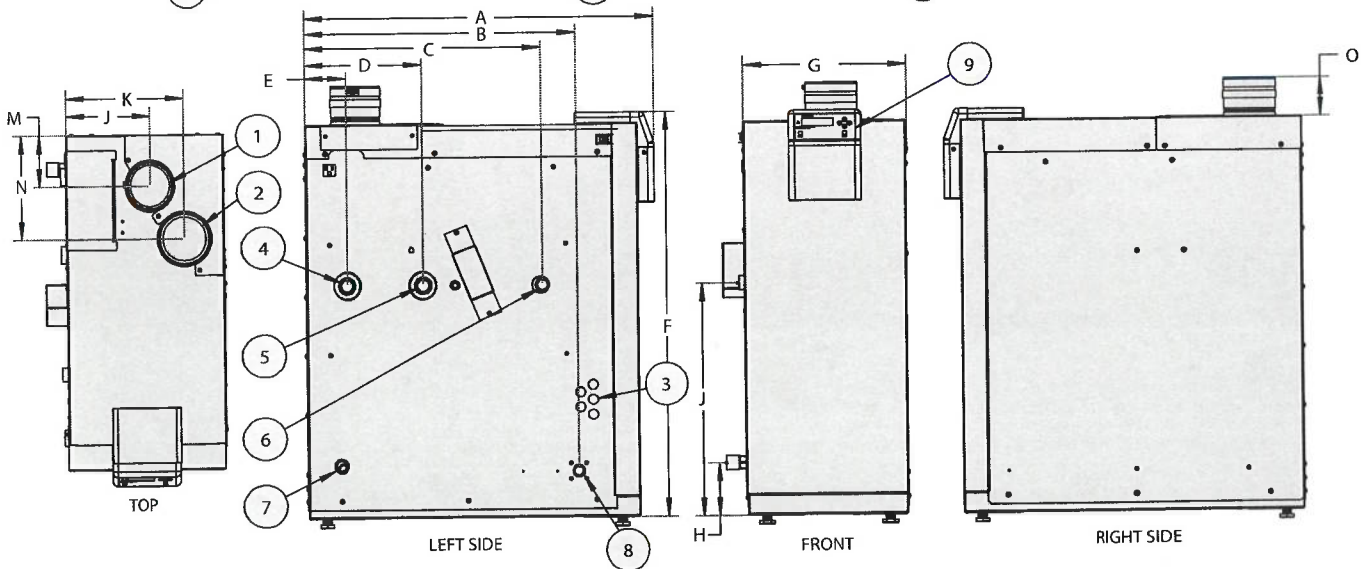
Elite Premier Applications: Radiant Floor • Fan Coil • Base Board • Snow Melt • DHW (w/ Indirect Tank or VWH) • Pool Heater (w/ Indirect Tank) • ASME

- 1 EXHAUST VENT CONNECTION
- 4 SYSTEM RETURN
- 7 GAS LINE CONNECTION
- 2 COMBUSTION AIR INLET CONNECTION
- 5 SYSTEM SUPPLY WITH INTEGRATED RELIEF VALVE
- 8 DISPLAY/CONTROL PANEL
- 3 ELECTRICAL CONNECTIONS
- 6 CONDENSATE CONNECTION
- 9 AIR RELEASE VENT



MODEL*	A	B	C	D	E	F	G	H	J	K	L	M	N	Shipping Weight
EP-80	18.5"	11.5"	7.75"	4.25"	27"	14.5"	20"	4"	11.75"	7.38"	5.75"	9.75"	4"	108 lbs
EP-110	18.5"	11.5"	7.75"	4.25"	27"	14.5"	20"	4"	11.75"	7.38"	5.75"	9.75"	4"	113 lbs
EP-150	19.5"	12.5"	10.25"	2.50"	27"	14.5"	20"	3.75"	11.75"	7.38"	4.25"	8.25"	4"	126 lbs
EP-220	26.5"	19.5"	15.50"	6.00"	24.25"	14.5"	20"	4.5"	11.75"	7.38"	4.25"	8.25"	4"	164 lbs

- 1 EXHAUST VENT CONNECTION
- 4 SYSTEM RETURN
- 7 CONDENSATE CONNECTION
- 2 COMBUSTION AIR INLET CONNECTION
- 5 RELIEF VALVE
- 8 GAS LINE CONNECTION
- 3 ELECTRICAL CONNECTIONS
- 6 CONDENSATE CONNECTION
- 9 DISPLAY/CONTROL PANEL



MODEL*	A	B	C	D	E	F	G	H	J	K	L	M	N	O	Shipping Weight
EP-299	24.75"	17.5"	14.5"	7.38"	3.25"	36.5"	14.5"	4.75"	21"	11"	7.88"	4.63"	9.5"	3.5"	211 lbs
EP-301	24.75"	17.5"	14.5"	7.38"	3.25"	36.5"	14.5"	4.75"	21"	11"	7.88"	4.63"	9.5"	3.5"	211 lbs
EP-399	31.75"	24.75"	21.5"	10.75"	3.75"	36"	14.5"	4.75"	21"	11"	7.88"	4.63"	9.5"	3.5"	256 lbs

Model	Btuh /Input Range	Net Ratings (Water)	DOE Heating	AFUE	Supply/Return	Exhaust/Airinlet	Gas Connection
EP-80	8,000-80,000	-	7,700-77,000	96.4	1"	3"	3/4"
EP-110	11,000-110,000	-	10,600-106,000	96.4			
EP-150	15,000-150,000	-	14,300-143,000	95.4			
EP-220	22,000-220,000	-	20,900-209,000	95.2			
EP-299	30,000-299,000	-	27,400-283,000	94.5	1-1/4"	4"	1"
EP-301	30,000-301,000	251 Mbh	28,300-289,000	96.1**			
EP-399	40,000-399,000	335 Mbh	37,600-385,000	96.5**			

**"N" Denotes Natural Gas & "LP" Denotes Propane ** Thermal Efficiency (Net AFUE) - All weights & dimensions in this brochure are approximate. In accordance with our company policy of ongoing product improvement, HTP Comfort Solutions LLC. reserves the right to make changes without prior notice. 272 Duchaine Blvd, New Bedford, MA 02745 MKTLIT-80 4/2018 © HTP Comfort Solutions LLC.

LENNOX

A BETTER PLACE™

G32
High-Efficiency
Gas Furnace



LENNOX' ELITE® SERIES

Home Comfort Systems



LENNOX® ELITE® SERIES G32 GAS FURNACE. IT'S LIKE HAVING TWO FURNACES IN ONE.

LENNOX MAKES YOUR HOME...A BETTER PLACE™.

For more than 100 years, people have trusted Lennox to make their homes more comfortable. The Elite® Series continues this tradition, providing a wide choice of highly efficient, reliable comfort systems from the brand you can trust.

With impressive features and efficiencies, the Elite Series G32 gas furnace delivers consistent comfort and energy savings. And by conserving energy, the G32 helps preserve the environment.

It's our way of making your home, your world...

A Better Place.™

Comfort heating

The single-stage furnace has been the standard for years. It delivers full heating capacity every time it runs, regardless of weather conditions. This results in a temperature swing of two degrees or more above or below the thermostat setting.

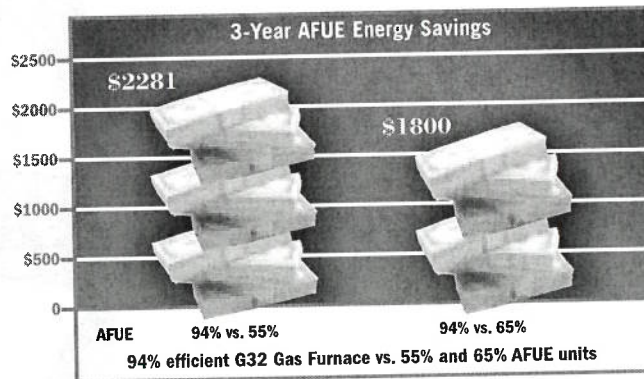


The G32 two-stage furnace sets a new standard. It's like having two furnaces in one: a small furnace (low heat) for mild days and a larger furnace (high heat) for extreme cold days. Because the G32 operates at low capacity about 80% of the time, it runs for longer periods and provides more even heat distribution, regulating temperature to within as little as one degree of the thermostat setting. The G32 features

low-speed continuous fan operation which provides better air circulation, resulting in more even temperatures.

Outstanding energy efficiency

Built to exacting standards, the G32 not only keeps you warm—it keeps your energy costs at a minimum. With an efficiency rating of up to 94% AFUE (Annual Fuel Utilization Efficiency), the G32 offers more comfort for your energy dollars. The added monthly savings means you'll be more comfortable with the return on your investment for years to come.



This chart depicts potential energy savings you can expect from the G32 gas furnace versus older furnaces with lower efficiency ratings. Criteria used in this example are 2,000 full load heating hours, with a 60,000 Btuh heating design load and \$0.84 ccf for gas. Your actual savings may vary depending on the weather patterns in your local area, local fuel rates and your individual lifestyle. Source: U.S. Department of Energy national average energy rates.

Better, cleaner air

The G32 gas furnace has a dedicated low speed for continuous fan operation, which provides better air circulation, resulting in more even temperatures. This also increases the effectiveness of filters and any other indoor air quality devices you may have.



**G32
GAS FURNACE**

HIGH-PERFORMANCE, HIGH-EFFICIENCY HEATING.

ENERGY STAR® qualification means energy savings



Lennox Industries, Inc. became the first and only HVAC company to be named an EPA*

ENERGY STAR® Partner of the Year.

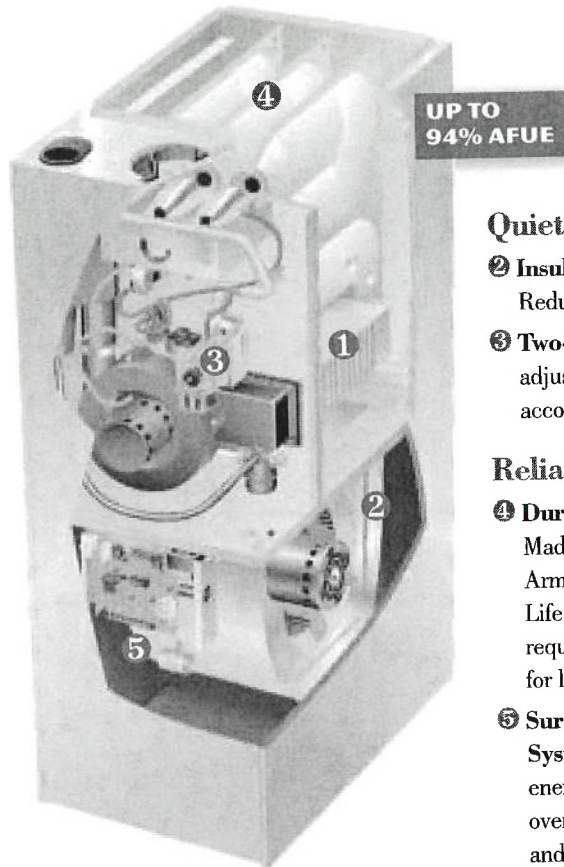
This prestigious honor reflects Lennox' ongoing commitment to producing high-quality, high-efficiency products, including the Elite® Series G32 furnace and other energy-saving innovations.

Energy Efficiency

- ① **Secondary Heat Exchanger** – Allows the furnace to reach high-efficiency levels by capturing additional heat.

Comfort Heating

Two-Stage Operation – Provides two levels of heat output for greater temperature control, regulating temperature to within as little as one degree of the thermostat setting.



UP TO 94% AFUE

Quiet Operation

- ② **Insulated Blower Compartment** – Reduces sound for quieter operation.
- ③ **Two-Stage Gas Valve** – Quietly adjusts the amount of gas to accommodate two levels of heating.

Reliable Performance

- ④ **DuralokPlus® Heat Exchanger** – Made of high-quality, patented ArmorFuf™ aluminized steel. Life-tested to 2-1/2 times agency requirements (ANSI Standard Z21.47) for long product life and durability.
- ⑤ **SureLight® Electronic Ignition System** – Provides just enough energy to light the burners without overheating the igniter, ensuring safe and reliable operation.

We build to the highest standards.
We stand behind our warranties.

The G32 gas furnace is backed by a 20-year limited warranty on the heat exchanger and a 5-year limited warranty on all remaining covered components.

*Environmental Protection Agency

Elite® Series G32 Specifications

		G32	G32	G32	G32
		Q3-75	Q3/4-100	Q4/5-100	Q4/5-125
MODEL		Q3-75	Q3/4-100	Q4/5-100	Q4/5-125
AFUE		94.0%	94.0%	94.0%	94.2%
Overall Dimensions	HxWxD (in.)	46 x 16-1/4 x 28-1/2	46 x 21-1/4 x 28-1/2	46 x 21-1/4 x 28-1/2	46 x 26-1/4 x 28-1/2
	HxWxD (mm)	1168 x 413 x 724	1168 x 540 x 724	1168 x 540 x 724	1168 x 667 x 724
		GHR32	GHR32	GHR32	GHR32
		Q2/3-50	Q3-75	Q4/5-100	Q4/5-120
MODEL		Q2/3-50	Q3-75	Q4/5-100	Q4/5-120
AFUE		92.7%	92.7%	92.7%	92.7%
Overall Dimensions	HxWxD (in.)	40 x 16-1/4 x 28-1/2	40 x 16-1/4 x 28-1/2	46 x 21-1/4 x 28-1/2	46 x 21-1/4 x 28-1/2
	HxWxD (mm)	1016 x 413 x 724	1016 x 413 x 724	1168 x 540 x 724	1168 x 540 x 724

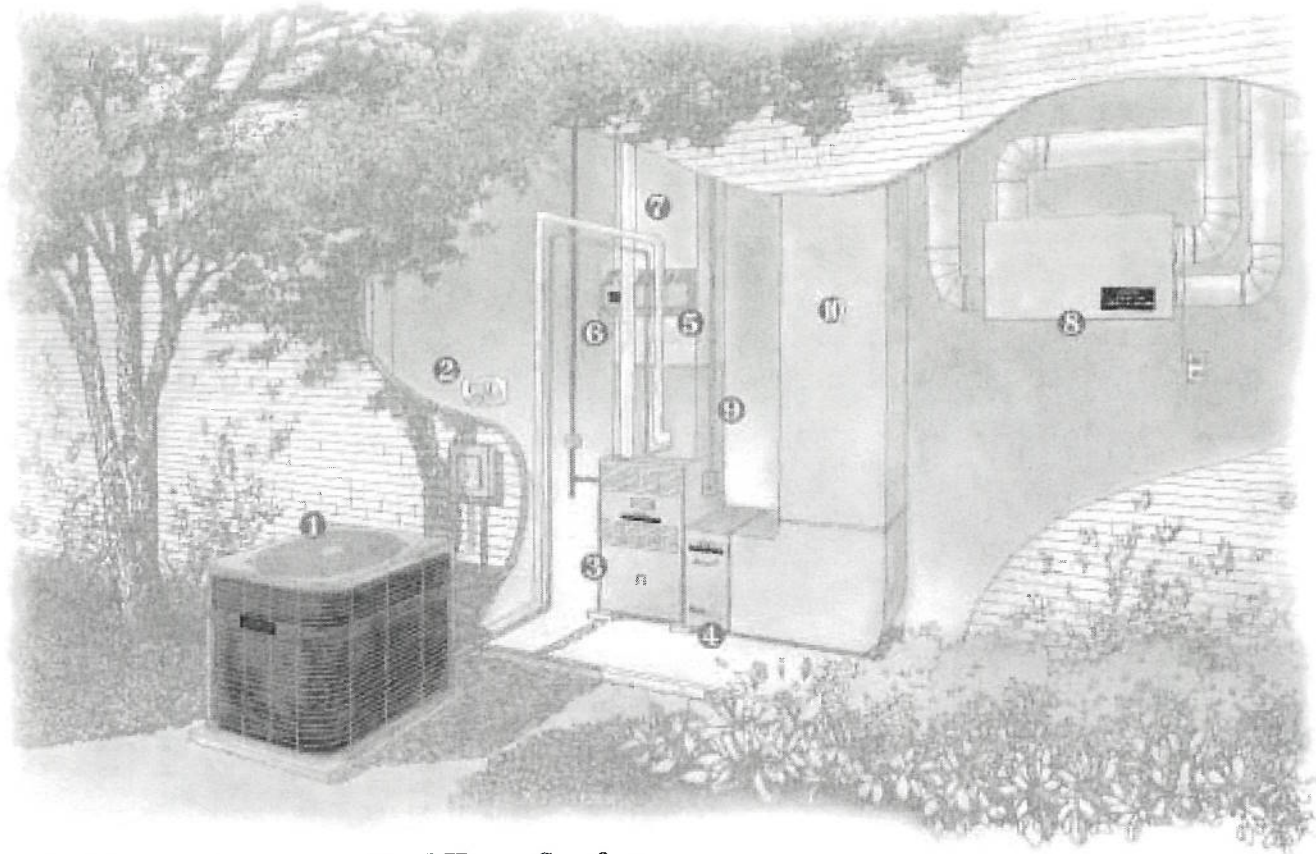
Note: Due to Lennox' ongoing commitment to quality, all specifications, ratings and dimensions are subject to change without notice.



VERIFIED ENERGY PERFORMANCE



VERIFIE RENDEMENT ENERGETIQUE



- ① Air conditioner or heat pump
- ② Thermostat
- ③ Furnace or air handler
- ④ Filtration device
- ⑤ Germicidal light
- ⑥ Humidifier
- ⑦ Supply duct
- ⑧ Energy recovery ventilator
- ⑨ Refrigerant coil
- ⑩ Return duct

Total Home Comfort

Lennox is committed to providing you with the finest home comfort and indoor air quality systems. At Lennox, we understand how important it is for you to feel comfortable at home.

Dealers You Can Count On

Choosing the right dealer for your heating, cooling and indoor air quality needs is every bit as important as choosing the right brand. We think you'll agree that our dealers are a big reason why you can count on getting quality customer service when you call.

LENNOX[®] *A better place*[®]
HOME COMFORT SYSTEMS

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