

O P I C



C I P O

LE REGISTRAIRE DES MARQUES DE COMMERCE
THE REGISTRAR OF TRADE-MARKS

Citation: 2018 TMOB 144

Date of Decision: 2018-05-28

IN THE MATTER OF AN OPPOSITION

Cree, Inc.

Opponent

and

DEKREE INDUSTRIES LTD

Applicant

1,481,778-01 for DEKREE & Design

Application

INTRODUCTION

[1] Cree, Inc. (the Opponent) opposes registration of the trade-mark DEKREE & Design as hereinafter illustrated (the Mark):

The logo for 'dekree' is displayed in a bold, lowercase, sans-serif font. The letter 'd' is stylized with a horizontal line above it, resembling a power symbol or a specific design element. The rest of the letters are solid and bold.

filed by DEKREE INDUSTRIES LTD (the Applicant).

[2] For the reasons that follow, I dismiss this application to extend the statement of goods and services to include the Goods and Services as defined hereinafter.

THE RECORD

[3] On April 24, 2014 the Applicant filed the application bearing serial No. 1,481,778-01 to extend the statement of goods and services to include:

Goods:

(1) Lighting products, namely, indoor and outdoor lighting fixtures made from light emitting diode (LED), fluorescent lamp tubes and discharge lamps and T5 high bay fluorescent lighting fixtures.

(2) Electrical supplies, namely, electric switch plates, electric switch boxes, electric plug boxes, electric junction boxes, electrical connectors for junction boxes, electrical connectors for power distribution centres, electrical control systems for heating and air conditioning systems, electrical control systems for lighting systems, electrical controllers for energy conservation, electric converters, electrical industrial controls for monitoring waste water treatment, electrical power connectors, and electrical drivers for LED light fixtures (the Goods) and

Services

(1) Retail and wholesale sales of lighting products, namely, indoor and outdoor lighting fixtures made from light emitting diode (LED), fluorescent lamp tubes and discharge lamps and T5 high bay fluorescent lighting fixtures, and electrical supplies, namely, electric switch plates, electric switch boxes, electric plug boxes, electric junction boxes, electrical connectors for junction boxes, electrical connectors for power distribution centres, electrical control systems for heating and air conditioning systems, electrical control systems for lighting systems, electrical controllers for energy conservation, electric converters, electrical industrial controls for monitoring waste water treatment, electrical power connectors, and electrical drivers for LED light fixtures (the Services).

[4] The application is based on use of the Mark in Canada since February 1, 2014.

[5] The application was published on April 29, 2015 in the *Trade-marks Journal* for the purposes of opposition.

[6] On September 23, 2015 the Opponent filed a statement of opposition which was forwarded to the Applicant by the Registrar on October 13, 2015. The grounds of opposition pleaded are based on sections 12(1)(d) (registrability); 16(1)(a),(b) and (c) (entitlement); 30(b) (compliance); 30(i) combined with sections 7 and 20; and 2 (distinctiveness) of the *Trade-marks Act*, RSC 1985, c T-13 (the Act).

[7] The Applicant filed a counter statement on December 1, 2015 denying each ground of opposition pleaded.

[8] The Opponent filed the affidavit of Kristin L. Chapman sworn on April 21, 2016.

[9] The Applicant filed the affidavits of Oscar Horst Krueger sworn on August 9, 2016 and Vanessa M. Carle sworn on the same date.

[10] The Opponent filed as reply evidence the affidavit of Laurie Raves sworn on September 8, 2016.

[11] Both parties filed written arguments, but only the Opponent appeared at the hearing.

PRELIMINARY REMARKS

[12] In reaching my decision I have considered all the evidence in the file. However, I shall refer only to those portions of the evidence which are directly relevant to the issues discussed in the body of my decision.

[13] The main issue in these proceedings is the likelihood of confusion between the Mark and the Opponent's trade-marks listed in Annex A (CREE Marks). For the purpose of this decision, I consider that the Opponent strongest case is with its word mark CREE, registrations TMA768,416 and TMA832,800. If it does not succeed under any of the grounds of opposition where the issue is the likelihood of confusion between the Mark and its word mark CREE, it will not achieve a better result with its other trade-marks listed in Annex A.

EVIDENTIAL BURDEN

[14] The legal onus is on the applicant to show that the application complies with the provisions of the Act. However, there is an initial evidential burden on the opponent to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist. Once this initial burden is met, the applicant has to prove, on a balance of probabilities, that the particular ground of opposition should not prevent the registration of the Mark [see *Joseph E. Seagram & Sons Ltd et al v Seagram Real Estate Ltd* (1984), 3 CPR (3d) 325 (TMOB), *John Labatt Ltd v Molson Companies Ltd* (1990), 30 CPR (3d)

293 (FCTD), and *Wrangler Apparel Corp v The Timberland Company* [2005] FCJ No 899, (FC)].

REGISTRABILITY OF THE MARK (SECTION 12(1)(D) OF THE ACT)

[15] The relevant date to assess this ground of opposition is the date of the Registrar's decision [see *Park Avenue Furniture Corporation v Wickes/Simmons Bedding Ltd* (1991), 37 CPR (3d) 413 at 424].

[16] Ms. Chapman described herself as the Associate General Counsel and Lead Counsel, Lighting, for the Opponent. As part of her evidence, Ms. Chapman, annexed as Exhibit 5 to her affidavit certificates of authenticity for each of the CREE Marks.

[17] I checked the register and all those registrations are still extant. Therefore, the Opponent has met its initial burden with respect to this ground of opposition.

[18] The test for confusion is outlined in section 6(2) of the Act. Some of the surrounding circumstances to be taken into consideration when assessing the likelihood of confusion between two trade-marks are described in section 6(5) of the Act: the inherent distinctiveness of the trade-marks and the extent to which they have become known; the length of time the trade-marks or trade names have been in use; the nature of the goods, services, or business; the nature of the trade; and the degree of resemblance between the trade-marks in appearance, or sound or any ideas suggested by them. Those criteria are not exhaustive and it is not necessary to give each one of them equal weight [see *Veuve Clicquot Ponsardin v Boutiques Clicquot Ltée et al* [2006] 1 SCR 824, (2006), 49 CPR (4th) 401 (SCC), *Mattel Inc v 3894207 Canada Inc* [2006] 1 SCR 772, (2006), 49 CPR (4th) 321 (SCC) and *Masterpiece Inc v Alavida Lifestyles Inc et al* [2011] 2 SCR 387, (2011), 96 CPR (4th) 361 (SCC)].

[19] The test under section 6(2) of the Act does not concern the confusion of the marks themselves, but confusion of goods or services from one source as being from another source. In the instant case, the question posed by section 6(2) is whether a consumer, with an imperfect recollection of the Opponent's trade-marks, who sees the Applicant's Goods and Services in association with the Mark, would think they emanate from, or are sponsored by, or approved by the Opponent.

Degree of resemblance

[20] As indicated by the Supreme Court of Canada in *Masterpiece*, in most instances, the degree of resemblance between the marks in issue is the most important relevant factor. One must consider the degree of resemblance from the perspective of appearance, sound and in the ideas suggested by them. Moreover, the Supreme Court stated that the preferable approach, when comparing trade-marks, is to begin by determining whether there is an aspect of the trade-mark that is particularly striking or unique. It is not the proper approach to set the marks side by side and to critically analyze them to find similarities and differences.

[21] In its written argument, the Applicant contends that the Mark is a coined word while the Opponent's dominant and common denominator of its CREE Marks is the word CREE, which is an English word defined in the *Oxford English Dictionary* as a member of a group of Native American people living in Central Canada (see Carle's Affidavit, paras. 4-5, 7; Exhibits A, B and D). This argument will be addressed when assessing the degree of inherent distinctiveness associated to the marks in issue.

[22] The Mark comprises two syllables. The second one is phonetically identical to the Opponent's word mark CREE.

[23] Visually, the Mark bears some resemblance to the word mark CREE, given that the second syllable of the Mark is almost identical to the word mark CREE. The only differences are the addition of a first syllable "DE" and the letter "K" replacing the letter "C". I do not consider the design feature of the Mark (three horizontal stripes) to be a dominant feature of the Mark which would serve to distinguish the Mark, as a whole, from the word mark CREE.

[24] I wish to point out that the Applicant, through the affidavit of Mr. Krueger, the Applicant's President, made a side-by-side comparison of the marks in issue in order to point out the differences between the marks. The Supreme Court in *Masterpiece* has condemned such approach.

[25] I acknowledge that the ideas suggested by the marks in issue are different as the CREE Marks may refer to a member of a Native American people, while the Mark is a coined word.

[26] Overall, given that the Mark bears some resemblance phonetically and visually with the word mark CREE of the Opponent, this factor slightly favours the Opponent.

Inherent distinctiveness of the marks and the extent to which they have become known

[27] The Opponent takes the position that its CREE Marks are not descriptive of the character or quality of the Opponent's products. As such, they possess a high degree of inherent distinctiveness even though CREE is an English word.

[28] In any event, the Mark, being a coined word together with a design element, is more inherently distinctive than any of the Opponent's word marks CREE.

[29] The degree of distinctiveness of a trade-mark can be enhanced through use and promotion in Canada.

[30] Ms. Chapman states that the Opponent develops and manufactures semiconductor materials and devices primarily based on silicon carbide, gallium nitride and related components. She adds that it is a market-leading innovator of lighting-class LEDs, LED lighting, and semiconductor solutions for wireless and power applications. It also develops power and radio frequency products, including power switching and radio frequency devices.

[31] Ms. Chapman states that the majority of the Opponent's revenue is generated from the sales of LED products. Its product families include light emitting diodes (LEDs), light bulbs, lighting fixtures, lamps, spotlights and lighting controllers (collectively referred to as Lighting Products), as well as LED components, such as LED chips, semiconductor diodes, and wafers (collectively referred as LED Components) (Lighting Products and LED Components collectively referred to as the CREE Products). She asserts that the CREE Products are used in applications for general illumination, backlighting, electronic signs and signals, variable-speed motors, and wireless communications.

[32] Ms. Chapman states that Ruud Lighting Inc (Ruud) had been one of the Opponent's customers for LED Components. The Opponent acquired on August 17, 2011 Ruud which has been established in Canada since December 14, 2001. Through such acquisition, Ms. Chapman alleges that the Opponent expanded its presence in Canada and continued to sell its CREE

Products into Canada using the Opponent's trade name and CREE Marks. On December 15, 2011 Rudd's name was changed to Cree Canada Corp (Cree Canada).

[33] Ms. Chapman states that Cree Canada has established a network of professional lighting agents covering every Canadian province and territory and she attached as Exhibit 4 a list of such Canadian agents.

[34] In paragraphs 18 to 21 with references to Exhibits 6 to 24 to her affidavit, Ms. Chapman explains the adoption and use of the CREE Marks in Canada. She states that the Opponent has been using CREE as a trade name and trade-mark in Canada since at least June 2002 in association with LED Components and since at least July 2008 for Lighting Products. Exhibits 6 to 24 are copies or printouts of representative samples of CREE Products as well as packaging and labelling of CREE Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks, manufactured and/or sold by the Opponent, in its normal course of business, to distributors and retailers throughout Canada.

[35] Ms. Chapman states that the primary retailer of CREE Lighting Products, including those illustrated in Exhibits 6 to 18, to Canadian consumers is Home Depot Canada which operates 181 stores across Canada.

[36] Ms. Chapman attached, as Exhibit 29 to her affidavit, sample invoices from July 2005 to January 2014 illustrating sales of the CREE Products, bearing the CREE Marks, from the Opponent to its distributors. She attached as Exhibit 30 invoices issued by Cree Canada to distributors from February 2012 to January 2014 for the sale of CREE Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks.

[37] Ms. Chapman then provides the Opponent's yearly sales of LED Components in Canada in association with the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks, for the years 2002 to 2014 inclusive, which totalled over 8.5 million units and over \$16.5 million (USD).

[38] Ms. Chapman also provides the combined sales of Lighting Products by the Opponent and Cree Lighting Solutions, Inc (Cree LLS) (Cree LLS arose from the acquisition of LED

Lighting Fixtures Inc. Cree LLS then merged with the Opponent as of June 27, 2010) in Canada from July 2008 to December 2013 in association with the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks, which totalled over 240,000 units and over \$8.2 million (USD).

[39] Ms. Chapman goes on to state that, from January 2012 to January 2014, Cree Canada's sales in Canada of CREE Products sold in association with the CREE Mark, alone or in combination with one or more trade-marks forming part of the CREE Marks totalled over 140,000 units and over \$36.5 million (USD). To substantiate those figures, she filed, as Exhibit 31, the sales data reports for the Opponent's Canadian sales of LED Components, Lighting Products, and CCA Units bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks.

[40] Ms. Chapman then describes the efforts made by the Opponent to promote and advertise the CREE Products in Canada. She states that Cree Canada has consistently been engaged in extensive advertising and promotion throughout Canada of the CREE Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks.

[41] Ms. Chapman provides a yearly breakdown from January 2012 to February 2014 of the different type of advertisement and promotion campaigns of the CREE Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks, made by Cree Canada, which totalled over \$850,000 during that period.

[42] The promotion of the CREE Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks, has been done through printed catalogues and brochures which have been distributed or made available to Canadian distributors, retailers and consumers since 2002. They are available for download on the website located at *www.creecanada.com* and Ms. Chapman filed an extract of such website, as Exhibit 32. She also filed, as Exhibits 33 to 48, copies of those catalogues and brochures.

[43] Ms. Chapman goes on to explain that, when the Opponent introduces a new product bearing the CREE mark, alone or in combination with one or more trade-marks forming part of

the CREE Marks, it regularly makes use of news releases which are distributed to industry publications and are made available on its website. She filed, as Exhibit 49, examples of such news releases. She adds that the Opponent also promotes its products through its attendance at numerous industry events both in Canada and internationally. She filed, as Exhibit 50, a list of the Canadian industry events which Cree Canada has participated in since 2012 up to April 2016 (the month of execution of her affidavit).

[44] Ms. Chapman states that the Opponent also promotes its CREE Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks, on its website located at *www.cree.com*, having been in operation since 1996, which, at all times, has been available to Canadian consumers and to the trade. She filed, as Exhibit 51, an extract of the Opponent's website showing use of the CREE Marks and, as Exhibit 52, copies of a selection of pages from archived versions of the website since 1996.

[45] Ms. Chapman states that from April 1, 2012 to February 1, 2014, over 112,000 Canadian visitors came to that website and she filed, as Exhibit 53, a Google Analytics report to substantiate such allegation.

[46] Ms. Chapman affirms that following the acquisition of Ruud Lighting in 2011, the Opponent maintained a specifically Canadian presence for its CREE Products through the website of Ruud at *www.ruud.ca*. She adds that Cree Canada has since transferred its online activities to its new website, *www.creecanada.com*. Therefore visitors to *www.ruud.ca* are automatically re-directed to *www.creecanada.com*. She filed, as Exhibit 54, an extract of the *www.creecanada.com* website and, as Exhibit 55, copies of a selection of pages from the archived versions of this website since 2011.

[47] Ms. Chapman asserts that from January 1, 2012 to January 31, 2014, over 50,000 visitors came to *www.ruud.ca* website and she filed, as Exhibit 56, a Google Analytics report to support such allegation. However, we do not know how many of those visitors came from Canada.

[48] Ms. Chapman states that the Opponent is also active on social media and promotes the CREE Products bearing the CREE Marks through the use of two Twitter accounts and provides the details for each one of them. They have been in existence since September 2008 for one, and

since February 2013 for the other. She filed, as Exhibits 57 to 59, samples of the twitter accounts' activities.

[49] From this evidence, I conclude that the Opponent's word mark CREE is known in Canada in association with the CREE Products.

[50] Mr. Krueger has been involved with the affairs of the Applicant as a director and as its President since December 1, 2013.

[51] The only evidence of use of the Mark is a copy of an invoice filed by Mr. Krueger, as Exhibit A, dated January 21, 2014 to Krueger Electric Ltd. on which appears the Mark in the top center portion of the invoice. However, such invoice would show use of the Mark in association with the Services and not in association with any of the Goods as it would appear from a description of the goods sold, they originated from third parties. In fact, some of those goods appear to originate from the Opponent as one item sold is identified as "120/227v 48w LED fixtures, 4200 CREE led and CUL Driver, CUL approved".

[52] Ms. Raves is a legal clerk with the Opponent's agent firm. On September 2, 2016 she was asked to obtain certified copies of the BC Company Summary for Dekree Industries Ltd. and Krueger Electric Ltd. She filed them as Exhibits 60 and 61 respectively. From these documents, we see that Mr. Krueger is a director of both the Applicant and Krueger Electrical Ltd. Moreover, these entities are located at the same address.

[53] Mr. Krueger also filed a product sheet used as of January 21, 2014 for the sale of some of the Products but has not provided any information on the number of copies distributed, to whom and where.

[54] The single invoice filed by the Applicant, which was issued to a company located at the same address of the Applicant, combined with the absence of evidence of promotion of the Goods and Services, lead me to conclude that the Mark has not acquired any distinctiveness in association with the Goods and Services.

[55] Consequently, overall, this factor favours the Opponent.

Length of time the marks have been in use

[56] From the evidence described above, this factor also favours the Opponent.

Nature of the goods and the services and the nature of the trade

[57] For the purpose of assessing paragraphs 6(5)(c) and (d) of the Act, it is the Applicant's Goods and Services and the goods and services listed in the Opponent's registrations that govern [see *Miss Universe Inc v Bohna* (1994), 58 CPR (3d) 381 (FCA)]. As for the channels of trade, those statements must be read with a view to determine the probable type of business or trade intended by the parties rather than all possible trades that might be encompassed by the wording. The evidence of the parties' actual trades is useful in this respect [see *McDonald's Corp v Coffee Hut Stores Ltd* (1996), 68 CPR (3d) 168 (FCA); *Procter & Gamble Inc v Hunter Packaging Ltd* (1999), 2 CPR (4th) 266 (TMOB); and *American Optical Corp v Alcon Pharmaceuticals Ltd* (2000), 5 CPR (4th) 110 (TMOB)].

[58] As mentioned previously, the primary retailer of CREE Lighting Products to Canadian consumers, including those illustrated in Exhibits 6 to 18 to Ms. Chapman's affidavit, is Home Depot Canada. Ms. Chapman also states that the Opponent maintains a network of distributors in Canada and she filed, as Exhibit 27, an extract of its website listing the authorized distributors for Canada of LED Components and Modules, Chips and other Cree Products bearing the CREE mark, alone or in combination with one or more trade-marks forming part of the CREE Marks.

[59] Ms. Chapman explains that, for example, with respect to Lighting Products, apart from the sales by Home Depot Canada to consumers, the authorized Canadian distributor is and has been since January 1, 2013, Acklands Grainger who sells to both consumers and commercial customers.

[60] As described earlier, since June 2002, LED Components bearing the CREE Marks have been and continue to be sold by the Opponent or by its authorized distributors while, since July 2008, they have been selling and continue to sell Lighting Products bearing the CREE Marks.

[61] There is no evidence of the Applicant's nature of the trade. Without any further information on the business activities of the Applicant, it is impossible to determine if they differ

from those of the Opponent. The Applicant did not establish any possible distinction between its Goods and Services and those covered by the CREE Marks and listed in Annex A.

[62] From a simple reading of the Goods and Services and the goods covered by the CREE Marks, there is an overlap between them. The Applicant has not addressed this factor in its written argument and the evidence it filed does not clearly show any differences between the parties' goods, services, or channels of trade.

[63] Consequently, these factors also favour the Opponent.

Additional surrounding circumstances

[64] Mr. Krueger alleges that the Applicant has never been contacted by a customer or potential customers who believed that the Applicant was associated with the Opponent or that the Applicant's Goods and Services originated from the Opponent or were licensed to the Applicant by the Opponent.

[65] The Opponent does not have to prove an instance of confusion. Moreover, the absence of instances of confusion can be explained by the fact that the Applicant does not seem to have taken any real measures to introduce in the marketplace the Goods and Services in association with the Mark as there is evidence of only a single sale to a related company located within the same building. As stated earlier, such sale may show use of the Mark in association with the Services, but there is no evidence of use of the Mark in association with the Goods. Additionally, there is no evidence of marketing and advertising efforts to promote them.

Conclusion

[66] Given that the analysis of each relevant factor listed in section 6(5) of the Act favours the Opponent, the Applicant failed to demonstrate, on a balance of probabilities, that the Mark, when used in association with the Goods and Services, is not confusing with the word marks CREE of the Opponent.

[67] Consequently, this ground of opposition is maintained.

GROUND OF OPPOSITION BASED ON SECTIONS 16(1) (ENTITLEMENT) AND 2 (DISTINCTIVENESS)

[68] The relevant date for each of those grounds of opposition is:

- The claimed date of first use of the Mark (February 1, 2014) for the entitlement ground of opposition [see section 16 (1) of the Act];
- The filing date of the statement of opposition (September 23, 2015) with respect to the ground of lack of distinctiveness of the Mark [see *Bojangles' International, LLC v Bojangles Café Ltd* (2004), 40 CPR (4th) 553, affirmed 2006 FC 657].

[69] Under the ground of opposition based on section 16(1) of the Act, the Opponent had the initial burden to prove use of its CREE Marks prior to February 1, 2014 and that it had not abandoned such use as of the advertisement date of the present application (April 29, 2015) [see section 16(5) of the Act].

[70] As for the ground based on lack of distinctiveness of the Mark, it had to establish that any of its CREE Marks were known in Canada to some extent as of September 23, 2015 so as to negate the distinctiveness of the Mark.

[71] The evidence described under the previous ground of opposition clearly establishes that the Opponent has used its word marks CREE in association with the CREE Products prior to February 1, 2014; that it had not abandoned such use on April 29, 2015; and that such trade-mark was known in Canada so as to negate the distinctiveness of the Mark, as of September 23, 2015. Accordingly, the Opponent has met its initial burden under each of those grounds of opposition.

[72] The earlier relevant dates associated to those grounds would not alter the results of the analysis of each of the relevant factors discussed under the previous ground of opposition. Accordingly, all these factors favour the Opponent.

[73] Consequently, both of these grounds of opposition are maintained as well.

OTHER GROUNDS OF OPPOSITION

[74] Given that the Opponent has been successful under three separate grounds of opposition, I do not need to discuss the remaining grounds of opposition.

DISPOSITION

[75] Pursuant to the authority delegated to me under section 63(3) of the Act, I refuse the application to extend the statement of goods and services, pursuant to section 38(8) of the Act.

Jean Carrière
Member
Trade-marks Opposition Board
Canadian Intellectual Property Office

**TRADE-MARKS OPPOSITION BOARD
CANADIAN INTELLECTUAL PROPERTY OFFICE
APPEARANCES AND AGENTS OF RECORD**

HEARING DATE 2018-04-25

APPEARANCES

Mr. Daniel Grodinsky

FOR THE OPPONENT

No one appearing

FOR THE APPLICANT

AGENT(S) OF RECORD



Borden Ladner Gervais LLP

FOR THE OPPONENT


Pushor Mitchell LLP

FOR THE APPLICANT

ANNEX A

Mark	Registration and/or Application number	Registration and/or application date	Products
CREE LIGHTING	TMA671,290	August 25, 2006	Optoelectronic devices, namely, light emitting diodes, photodiodes, laser diodes; silicon carbide semiconductor wafers.
	TMA715,707	June 3, 2008	Optoelectronic devices and materials, namely light emitting diodes, photodiodes, packaged light emitting diodes, laser diodes, semiconductor materials and devices to include semiconductor wafers; electronic components, modules, and/or subassemblies for providing backlighting in liquid crystal display monitors, televisions, and related video displays.
	TMA751,377	October 28, 2009	Electronic devices and materials, namely, optoelectronic devices, light emitting diodes, photodiodes, and silicon carbide semiconductor wafers
CREE	TMA768,416	June 2, 2010	Electronic devices and materials, namely, optoelectronic devices, light emitting diodes, photodiodes, and silicon carbide semiconductor wafers
CREE LED LIGHTING SOLUTIONS	TMA757,567	January 21, 2010	Light emitting diodes (LEDs); light fixtures.

	TMA815,883	January 23, 2012	Light emitting diodes (LEDs); light fixtures.
CREE LED LIGHTING	TMA815,884	January 23, 2012	Light emitting diodes (LEDs); light fixtures.
CREE	TMA832,800	September 26, 2012	(1) Semiconductor diodes; light emitting diodes; transistors; semiconductor integrated circuits; semiconductor transistors; semiconductor chips; semiconductor wafers. (2) Flashlights; LED (light emitting diode) lighting fixtures; light bulbs; lighting fixtures; spotlights.
	TMA832,801	September 26, 2012	(1) Semiconductor diodes; light emitting diodes; transistors; semiconductor integrated circuits; semiconductor transistors; semiconductor chips; semiconductor wafers. (2) Flashlights; LED (light emitting diode) lighting fixtures; light bulbs; lighting fixtures; spotlights.
	TMA855264	July 16, 2013	Lighting fixtures
CREE TRUEWHITE	TMA855300	July 16, 2013	(1) Light emitting diodes (LEDs). (2) LED (light emitting diode) lighting fixtures; lighting fixtures.
	TMA876,119	April 22, 2014	Light emitting diodes (LEDs); light fixtures.
	TMA915614	September 30, 2015	(1) Light emitting diodes; photodiodes; transistors; semiconductor integrated circuits and semiconductor transistors; semiconductor

			chips; semiconductor wafers. (2) LED (light emitting diode) lighting fixtures; light bulbs; lighting fixtures; spotlights.
CREE	1,626,766 (TMA937637)	May 15, 2013 (Got registered on May 12, 2016)	(1) Apparatus and instruments for conducting, switching, transforming, regulating or controlling electricity, namely, electric switches, electric controllers, electric circuitry and electric components for lighting; lighting controllers.
	1,636,205	July 23, 2013 (abandoned August 9, 2017)	Semiconductor diodes; transistors; semiconductor integrated circuits; semiconductor transistors; semiconductor chips; semiconductor wafers; and modules of the foregoing goods, namely power modules.

Collectively referred to in the decision as the CREE Marks.