

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:12-cv-24244-EGT**

Kilowatts Electric Supply, Corp. v. Kilowatt Depot Corp.
Assigned to: Magistrate Judge Edwin G. Torres
Cause: 15:44 Trademark Infringement

Date Filed: 11/30/2012
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Kilowatts Electric Supply, Corp.

represented by **Jesus Sanchelima**
Sanchelima & Associates
235 SW Le Jeune Road
Miami, FL 33134
305-447-1617
Fax: 445-8484
Email: jesus@sanchelima.com
ATTORNEY TO BE NOTICED

V.

Defendant

Kilowatt Depot Corp.

represented by **Kilowatt Depot Corp.**
c/o Gilberto Leon
9450 NW 58th Street
Suite 101
Doral, FL 33178
PRO SE

Ricardo Ruz
Cruz & Alcoba PLLC
1560 Lenox Avenue
Suite 207
Miami Beach, FL 33139
305-604-2051
Email: rickruz@yahoo.com
TERMINATED: 07/15/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher James Van Dam
Christopher J. Van Dam, P.A.
19600 ne 21 ct
Miami, FL 33179
United Sta
305-446-5200
Fax: 866-233-2983
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TERMINATED: 07/15/2013
ATTORNEY TO BE NOTICED

Defendant

Carlos A Abad

represented by **Carlos A Abad**
7240 NW 114 AVE Apt 206
Miami, Fl 33178
305-582-1365
PRO SE

Date Filed	#	Docket Text
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11/30/2012	<u>1</u>	COMPLAINT against Kilowatt Depot Corp.. Filing fee \$ 350.00 receipt number 113C-5271506, filed by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Continuation Exhibit 2, # <u>5</u> Summon(s) Summons)(Sanchelima, Jesus) (Entered: 11/30/2012)
11/30/2012	<u>2</u>	Judge Assignment to Judge Ursula Ungaro (yar) (Entered: 11/30/2012)
11/30/2012	<u>3</u>	FORM AO 120 SENT TO DIRECTOR OF U.S. PATENT AND TRADEMARK (yar) (Entered: 11/30/2012)
11/30/2012	<u>4</u>	Summons Issued as to Kilowatt Depot Corp.. (yar) (Entered: 11/30/2012)
12/11/2012	<u>5</u>	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint, with a 21 day response/answer filing deadline by Kilowatts Electric Supply, Corp.. Kilowatt Depot Corp. served on 12/5/2012, answer due 12/26/2012. (Sanchelima, Jesus) (Entered: 12/11/2012)
12/14/2012	<u>6</u>	ORDER Setting Initial Planning and Scheduling Conference, (-Joint Planning and Scheduling Report due by 2/1/2013, Initial Planning and Scheduling Conference set for 2/15/2013 at 9:30 AM in Miami Division before Judge Ursula Ungaro). Signed by Judge Ursula Ungaro on 12/12/2012. (ar2) (Entered: 12/14/2012)
12/23/2012	<u>7</u>	ANSWER and Affirmative Defenses to Complaint by Kilowatt Depot Corp..(Ruz, Ricardo) (Entered: 12/23/2012)
01/09/2013	<u>8</u>	NOTICE by Kilowatts Electric Supply, Corp. <i>Corporate Disclosure Statement and Certificate of Interested Parties Pursuant to F.R.C.P. 7.1</i> (Sanchelima, Jesus) (Entered: 01/09/2013)
01/10/2013	<u>9</u>	CERTIFICATE of Interested Party by Kilowatt Depot Corp. (Ruz, Ricardo) (Entered: 01/10/2013)
01/10/2013	<u>10</u>	Initial Disclosure(s) Re: <u>6</u> Order,, Set/Reset Deadlines/Hearings, by Kilowatt Depot Corp. (Ruz, Ricardo) (Entered: 01/10/2013)
01/11/2013	<u>11</u>	Plaintiff's MOTION to Strike <u>7</u> Answer to Complaint <i>AFFIRMATIVE DEFENSES</i> by Kilowatts Electric Supply, Corp.. Responses due by 1/28/2013 (Sanchelima, Jesus) (Entered: 01/11/2013)
01/22/2013	<u>12</u>	RESPONSE in Opposition re <u>11</u> Plaintiff's MOTION to Strike <u>7</u> Answer to Complaint <i>AFFIRMATIVE DEFENSES</i> filed by Kilowatt Depot Corp.. (Ruz, Ricardo) (Entered: 01/22/2013)
01/23/2013	<u>13</u>	NOTICE by Kilowatts Electric Supply, Corp. re <u>8</u> Notice (Other) <i>Amended Corporate Disclosure Statement and Certificate of Interested Parties Pursuant to F.R.C.P. 7.1</i> (Sanchelima, Jesus) (Entered: 01/23/2013)
01/30/2013	<u>14</u>	REPLY to Response to Motion re <u>11</u> Plaintiff's MOTION to Strike <u>7</u> Answer to Complaint <i>AFFIRMATIVE DEFENSES</i> filed by Kilowatts Electric Supply, Corp.. (Sanchelima, Jesus) (Entered: 01/30/2013)
01/31/2013	<u>15</u>	SCHEDULING REPORT – Rule 26(f) by Kilowatts Electric Supply, Corp. (Attachments: # <u>1</u> Text of Proposed Order)(Sanchelima, Jesus) (Entered: 01/31/2013)
02/08/2013	<u>16</u>	ORDER Requiring Response Signed by Judge Ursula Ungaro on 2/8/2013. (cbr) (Entered: 02/08/2013)
02/08/2013	<u>17</u>	ORDER granting <u>11</u> Motion to Strike Affirmative Defenses Signed by Judge Ursula Ungaro on 2/8/2013. (cbr) (Entered: 02/08/2013)
02/12/2013	<u>18</u>	CONSENT to Jurisdiction by US Magistrate Judge by Kilowatts Electric Supply, Corp. (Sanchelima, Jesus) (Entered: 02/12/2013)
02/12/2013	<u>19</u>	Consent To Exercise of Jurisdiction By A United States Magistrate Judge Signed by Judge Ursula Ungaro on 2/12/2013. (cbr) (Entered: 02/13/2013)
02/13/2013	<u>20</u>	ORDER To Clerk Of Court Signed by Judge Ursula Ungaro on 2/13/2013. (cbr) (Entered: 02/14/2013)

02/19/2013	<u>21</u>	Amended ANSWER and Affirmative Defenses to Complaint by Kilowatt Depot Corp..(Ruz, Ricardo) (Entered: 02/19/2013)
02/19/2013	<u>22</u>	NOTICE of Compliance <i>with Court Order</i> by Kilowatt Depot Corp. re <u>17</u> Order on Motion to Strike (Ruz, Ricardo) (Entered: 02/19/2013)
03/01/2013	<u>23</u>	NOTICE OF UNAVAILABILITY by Kilowatts Electric Supply, Corp. for dates of Friday, March 15, 2013 through Friday, March 22, 2013 (Sanchelima, Jesus) (Entered: 03/01/2013)
03/07/2013	<u>24</u>	MOTION for Protective Order by Kilowatts Electric Supply, Corp.. (Sanchelima, Jesus) (Entered: 03/07/2013)
03/08/2013	<u>25</u>	Plaintiff's MOTION <i>Request for Judicial Notice of Fact</i> by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Appendix Exhibit A, # <u>2</u> Appendix Exhibit B, # <u>3</u> Text of Proposed Order Proposed Order)(Sanchelima, Jesus) Modified relief/text on 3/12/2013 (asl). (Entered: 03/08/2013)
03/22/2013	<u>26</u>	MEMORANDUM in Opposition re <u>25</u> Motion for Judicial Notice filed by Kilowatt Depot Corp.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Ruz, Ricardo) Modified text on 3/26/2013 (asl). (Entered: 03/22/2013)
03/28/2013	<u>27</u>	RESPONSE in Support re <u>25</u> Motion for Judicial Notice filed by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Sanchelima, Jesus) (Entered: 03/28/2013)
04/05/2013	<u>28</u>	ORDER denying <u>25</u> Motion to Take Judicial Notice, with leave to renew. Signed by Magistrate Judge Edwin G. Torres on 4/5/2013. (EGT) (Entered: 04/05/2013)
04/05/2013	<u>29</u>	ORDER granting <u>24</u> Stipulated Motion for Protective Order (as modified). Signed by Magistrate Judge Edwin G. Torres on 4/5/2013. (EGT) (Entered: 04/05/2013)
04/24/2013	<u>30</u>	MOTION to Amend/Correct <u>1</u> Complaint, by Kilowatts Electric Supply, Corp.. Responses due by 5/13/2013 (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Sanchelima, Jesus) (Entered: 04/24/2013)
05/14/2013	31	ORDER granting <u>30</u> Motion to Amend/Correct Complaint, for good cause shown under Rule 15 and the absence of timely opposition as per S.D. Fla. Local R. 26.1. <i>Clerks Notice: Filer must separately re-file the amended pleading pursuant to Local Rule 15.1.</i> Docket Order Signed by Magistrate Judge Edwin G. Torres on 5/14/2013. (EGT) (Entered: 05/14/2013)
05/15/2013	<u>32</u>	First AMENDED COMPLAINT against All Defendants filed in response to Order Granting Motion for Leave, filed by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Exhibit Exhibit "1", # <u>2</u> Exhibit Exhibit "2", # <u>3</u> Exhibit Exhibit "2" Continuation)(Sanchelima, Jesus) (Entered: 05/15/2013)
05/15/2013	<u>33</u>	CERTIFICATE OF SERVICE by Kilowatts Electric Supply, Corp. re <u>32</u> Amended Complaint, (Sanchelima, Jesus) (Entered: 05/15/2013)
05/15/2013	<u>34</u>	NOTICE of Filing Proposed Summons(es) by Kilowatts Electric Supply, Corp. re <u>32</u> Amended Complaint, filed by Kilowatts Electric Supply, Corp. (Sanchelima, Jesus) (Entered: 05/15/2013)
05/16/2013	35	Clerks Notice to Filer re: Summons(es) cannot be issued. Attorney or Pro Se party's return address is not listed. (cbr) (Entered: 05/16/2013)
05/16/2013	<u>36</u>	NOTICE of Filing Proposed Summons(es) by Kilowatts Electric Supply, Corp. re <u>32</u> Amended Complaint, filed by Kilowatts Electric Supply, Corp. (Sanchelima, Jesus) (Entered: 05/16/2013)
05/17/2013	<u>37</u>	Summons Issued as to Carlos A Abad. (cbr) (Entered: 05/17/2013)
05/21/2013	<u>38</u>	SCHEDULING ORDER: Pretrial Conference set for 12/5/2013 10:30 AM in Miami Division before Magistrate Judge Edwin G. Torres. Jury Trial set for 12/16/2013 09:00 AM in Miami Division before Magistrate Judge Edwin G. Torres. Amended Pleadings due by 6/19/2013. Discovery due by 8/19/2013. Joinder of Parties due by 6/19/2013. Mediation Deadline 9/19/2013. In Limine Motions due by 11/4/2013. Motions due by 9/16/2013. Pretrial Stipulation due by

		12/2/2013. Signed by Magistrate Judge Edwin G. Torres on 5/21/2013. (mdc) (Entered: 05/21/2013)
05/21/2013	<u>39</u>	Order on Trial Instructions. Signed by Magistrate Judge Edwin G. Torres on 5/21/2013. (mdc) (Entered: 05/21/2013)
06/06/2013	<u>40</u>	ANSWER and Affirmative Defenses to Amended Complaint by Kilowatt Depot Corp.. (Ruz, Ricardo) (Entered: 06/06/2013)
06/06/2013	<u>41</u>	MOTION for Preliminary Injunction by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Eric Rosaler, # <u>4</u> Exhibit Exhibit ER 1, # <u>5</u> Exhibit Exhibit ER 2, # <u>6</u> Exhibit Exhibit ER 3, # <u>7</u> Exhibit Exhibit ER 4, # <u>8</u> Exhibit Exhibit ER 5, # <u>9</u> Declaration of Albert Santiago, # <u>10</u> Exhibit Exhibit AS-1, # <u>11</u> Exhibit Exhibit AS-2, # <u>12</u> Exhibit Exhibit AS-3, # <u>13</u> Exhibit Exhibit AS-4, # <u>14</u> Exhibit Exhibit AS-5, # <u>15</u> Exhibit Exhibit AS-6, # <u>16</u> Exhibit Exhibit AS-7, # <u>17</u> Exhibit Exhibit AS-8, # <u>18</u> Exhibit Exhibit AS-9)(Sanchelima, Jesus) (Entered: 06/06/2013)
06/11/2013	<u>42</u>	MOTION for Reconsideration <i>Renewed Motion Requesting Judicial Notice</i> by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Sanchelima, Jesus) (Entered: 06/11/2013)
06/14/2013	<u>43</u>	MOTION to Compel <i>THE CORPORATE DEFENDANT TO PRODUCE REQUESTED DOCUMENTS AND MEMORANDUM IN SUPPORT THEREOF</i> by Kilowatts Electric Supply, Corp.. Responses due by 7/1/2013 (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Sanchelima, Jesus) (Entered: 06/14/2013)
06/25/2013	<u>44</u>	Defendant's MOTION to Withdraw as Attorney by Christopher J. Van Dam. by Kilowatt Depot Corp.. Attorney Christopher James Van Dam added to party Kilowatt Depot Corp.(pty:dft). Responses due by 7/12/2013 (Van Dam, Christopher) (Entered: 06/25/2013)
06/27/2013	<u>45</u>	RESPONSE in Opposition re <u>44</u> Defendant's MOTION to Withdraw as Attorney by Christopher J. Van Dam. filed by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(Sanchelima, Jesus) (Entered: 06/27/2013)
07/03/2013	<u>46</u>	ORDER regarding response to <u>44</u> Motion to Withdraw as counsel for Defendant Kilowatt Depot Corp. Signed by Magistrate Judge Edwin G. Torres on 7/3/2013. (rse) (Entered: 07/03/2013)
07/08/2013	<u>47</u>	RESPONSE in Opposition re <u>44</u> Defendant's MOTION to Withdraw as Attorney by Christopher J. Van Dam. filed by Kilowatt Depot Corp.. (Van Dam, Christopher) (Entered: 07/08/2013)
07/11/2013	<u>48</u>	MOTION for Default Judgment by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Exhibit Exhibit A)(Sanchelima, Jesus) (Entered: 07/11/2013)
07/11/2013	<u>49</u>	STRICKEN. NOTICE by Kilowatts Electric Supply, Corp. re <u>48</u> MOTION for Default Judgment <i>Filing of Proposed Order</i> (Sanchelima, Jesus) Modified text per DE <u>52</u> Notice of Striking on 7/17/2013 (ar2). (Entered: 07/11/2013)
07/15/2013	50	Clerks Notice to Filer re <u>49</u> Notice (Other). Proposed Order Docketed as Main Document; CORRECTIVE ACTION REQUIRED – Filer must File a Notice of Striking, then resubmit the proposed order as instructed in the CM/ECF Administrative Procedures. (ar2) (Entered: 07/15/2013)
07/15/2013	<u>51</u>	ORDER granting <u>44</u> Motion to Withdraw as Counsel. Attorneys Ricardo Ruz and Christopher James Van Dam are terminated. Deadline for Defendant Kilowatt Depot Corp. to obtain new counsel is 7/26/2013. Signed by Magistrate Judge Edwin G. Torres on 7/15/2013. (rse) (Entered: 07/15/2013)
07/17/2013	<u>52</u>	NOTICE of Striking <u>49</u> Notice (Other) filed by Kilowatts Electric Supply, Corp. by Kilowatts Electric Supply, Corp. (Sanchelima, Jesus) (Entered: 07/17/2013)
07/17/2013	<u>53</u>	NOTICE by Kilowatts Electric Supply, Corp. re <u>48</u> MOTION for Default Judgment <i>or Judgment on the Pleadings</i> (Attachments: # <u>1</u> Text of Proposed Order)(Sanchelima, Jesus) (Entered: 07/17/2013)

07/29/2013	<u>54</u>	ORDER granting <u>41</u> Plaintiff's Motion for Preliminary Injunction. Signed by Magistrate Judge Edwin G. Torres on 7/29/2013. (rse) (Entered: 07/29/2013)
07/29/2013	55	ORDER denying as moot <u>43</u> Plaintiff's Motion to Compel the Corporate Defendant to Produce Requested Documents. Docket Order signed by Magistrate Judge Edwin G. Torres on 7/29/2013. (rse) (Entered: 07/29/2013)
08/13/2013	56	ORDER denying <u>48</u> Plaintiff's Motion for Default or Judgment on the Pleadings as against Defendant Carlos A. Abad. The Court will treat "Attachment #1" to Plaintiff's Motion [48-1] as Defendant Abad's Answer to Plaintiff's First Amended Complaint, and the Clerk shall re-docket the attachment as such. Docket Order signed by Magistrate Judge Edwin G. Torres on 8/13/2013. (rse) (Entered: 08/13/2013)
08/13/2013	<u>57</u>	Plaintiff's MOTION for Default Judgment by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Text of Proposed Order Proposed Order)(Sanchelima, Jesus) (Entered: 08/13/2013)
08/13/2013	58	Remark: Judge's staff sent copies of D.E. 56 to Defendants Kilowatt Depot Corp. and Carlos A. Abad on 8/13/13. (rse) (Entered: 08/13/2013)
08/13/2013	<u>59</u>	ANSWER to First Amended Complaint by Carlos A Abad. (Filed by Clerk pursuant to DE# 56 .) (wc) (Entered: 09/03/2013)
09/06/2013	<u>60</u>	Plaintiff's MOTION for Summary Judgment <i>and Memorandum of Law</i> by Kilowatts Electric Supply, Corp.. Responses due by 9/23/2013 (Attachments: # <u>1</u> Text of Proposed Order Proposed Order, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5)(Sanchelima, Jesus) (Entered: 09/06/2013)
09/09/2013	<u>61</u>	Consent MOTION for Extension of Time to Mediate by Kilowatts Electric Supply, Corp.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Sanchelima, Jesus) (Entered: 09/09/2013)
09/10/2013	62	ORDER granting <u>61</u> Motion on Consent for Extension of Time to Complete Mediation. The mediation deadline is extended to 10/21/2013. As set forth in the Court's <u>38</u> Scheduling Order, the parties shall notify the Court of the results of the mediation within five (5) days of the conclusion of the mediation. Docket Order signed by Magistrate Judge Edwin G. Torres on 9/10/2013. (rse) (Entered: 09/10/2013)
09/20/2013	<u>63</u>	NOTICE of Change of Address by Carlos A Abad (asl)(system updated) (Entered: 09/20/2013)
09/23/2013	<u>64</u>	Notification of Ninety Days Expiring by Kilowatts Electric Supply, Corp. re <u>42</u> MOTION for Reconsideration <i>Renewed Motion Requesting Judicial Notice</i> filed by Kilowatts Electric Supply, Corp. (Sanchelima, Jesus) (Entered: 09/23/2013)

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Kilowatts Electric Supply, Corp.

Plaintiff,

v.

CASE NO. 12-CV-24244 – UNGARO/TORRES

Kilowatt Depot Corp.,

a Florida corporation, and,

Carlos A. Abad, individually

Defendants,

_____ /

AMENDED COMPLAINT

Plaintiff Kilowatts Electric Supply, Corp. (hereinafter “Plaintiff”), sues Kilowatt Depot Corp. (hereinafter “Corporate Defendant”) and Carlos A. Abad (hereinafter “Abad,” or collectively as “Defendants”).

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a corporation of Florida doing business in the county of Miami Dade, Florida and was incorporated on April 17, 1985.
2. Corporate Defendant is a Florida corporation doing business in the county of Miami-Dade, Florida and was incorporated on April 29, 2011.
3. Upon information and belief, Defendant Abad resides and/or does business in Miami-Dade County, Florida, and is *sui juris*.
4. Defendant Abad is a moving, conscious, and active force behind Corporate Defendant’s actions and actively participates in and approves its infringing acts.

5. This is an action for infringement of federally registered service marks, false description and representations, false designations of origin under the Lanham Act, Title 15, United States Code, Sections 1114 and 1125(a), and the ancillary state causes of action of common law service mark infringement, and unfair competition.

6. Jurisdiction of this Court arises under 28 U.S.C. Sec. 1331, 28 U.S.C. Sec. 1338, and under the doctrine of pendent jurisdiction over state claims arising from a common nucleus of operative facts.

7. Venue is proper under 28 U.S.C. Sec. 1391(b) and (c) and 18 USC 1965(b).

GENERAL ALLEGATIONS

8. Plaintiff has obtained several service mark registrations in the Principal Register of the U.S. Patent and Trademark Office, as well as an initial Florida registration, for *wholesale and retail distribution services for electrical parts* for marks that include the word **KILOWATTS**, as follows:

Register	Reg. No.	Reg. date	Mark
Federal	2,705,805	04/15/2003	KILOWATTS ELECTRIC SUPPLY, CORP and design
Federal	3,626,300	05/26/2009	KILOWATTS ELECTRIC SUPPLY
Federal	3,626,301	05/26/2009	KILOWATTS
Federal	3,960,938	05/17/2011	KILOWATTS ELECTRIC & LIGHTING SUPPLY
Florida	T00000000574	05/22/2000	KILOWATTS ELECTRIC SUPPLY, CORP. and design

Copies of these registrations are attached hereto and referred to as **Exhibit "1,"** and will hereinafter be referred to as "Plaintiff's Marks."

9. Plaintiff's registration No. **2,705,805** for the mark **KILOWATTS ELECTRIC SUPPLY, CORP and design** has become incontestable under Section 15 of the Lanham Act 15 U.S.C. 1065.

10. Plaintiff started using in commerce its trade name, **KILOWATTS ELECTRIC SUPPLY, CORP** at least as early as 1980 and has used its trade name continuously since 1980.

11. Plaintiff has been using continuously said registered marks in interstate commerce since at least as early as 1980, and continues today to use these marks. Plaintiff has also used the word "**KILOWATTS**" as part of its trade name nationally and internationally, and more particularly in Miami-Dade county since as early as 1980.

12. Plaintiff has been continuously offering its services, using Plaintiff's Marks and trade name, through advertising and promotional activities thus creating valuable goodwill for Plaintiff's Marks and trade name.

13. Defendants recently started using the words **KILOWATT, KW DEPOT, KW,** and/or other terms for services similar to those offered by Plaintiff and as part of its trade name that are likely to cause confusion with Plaintiff's Marks and trade name, which will hereinafter be referred to as the "Infringing Designations".

14. Defendants were aware of the existence of Plaintiff, Plaintiff's Marks, and Plaintiff's trade name before Defendants started using the trade name Kilowatt Depot, Corp. and the Infringing Designations. See attached "**Exhibit "2"**".

15. Defendants' acts constitute willful infringement of Plaintiff's Marks.

16. Plaintiff has been, and will continue to be, damaged by the acts of Defendants. The goodwill of Plaintiff has been damaged and will continue to be irreparably damaged unless enjoined.

17. There is no adequate remedy at law for this irreparable harm unless an injunction is issued.

COUNT I
FEDERAL MARK INFRINGEMENT UNDER 15 U.S.C. 1114

Plaintiff realleges the allegations set forth in paragraphs 1 through 17, inclusive.

18. The use in commerce by Defendants of the Infringing Designations for distribution and sales of electrical products is likely to cause confusion, or cause mistake, or to deceive the public and/or members of the trade in violation of Section 32a of the Lanham Act, 15 U.S.C. 1114a.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant the remedies provided under Sections 34 and 35 of the Lanham Act (15 USC 1116 and 1117) including preliminary and permanent injunctive relief, compensatory damages, lost profits, accounting and treble damages, attorney's fees, interest, costs, and any other relief the Court deems just and proper.

COUNT II
VIOLATION OF SECTION 43a OF THE LANHAMACT (15 U.S.C. 1125a)

Plaintiff realleges the allegations set forth in paragraphs 1 through 18, inclusive.

19. The above referenced acts constitute misrepresentations under Section 43a of the Lanham Act 15 USC 1125, that are likely to cause confusion as to the source and/or sponsor of the services as if originating from the Plaintiff.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant the remedies provided under Sections 34 and 35 of the Lanham Act (15 USC 1116 and 1117) including preliminary and permanent injunctive relief, compensatory damages, treble damages, attorney's fees, costs, and any other relief the Court deems just and proper.

COUNT III
COMMON LAW MARK INFRINGEMENT

Plaintiff realleges the allegations set forth in paragraphs 1 through 19, inclusive.

20. The use and/or advertising of the Infringing Designations by Defendants are likely to cause confusion or mistake among purchasers as to the source and sponsor of Defendants' services with those of the Plaintiff.

21. Defendants' deliberate and willful use and/or advertising of Infringing Designations to identify the same, or related, services is likely to cause confusion or mistake among purchasers as to the source and sponsorship of the services and such acts of said Defendants constitute common law infringement of Plaintiff's Marks.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant:

- a. preliminary and permanent injunctive relief;
- b. compensatory damages and punitive damages;
- c. accounting and lost profits;
- d. and any other relief the Court deems just and proper.

COUNT IV
COMMON LAW UNFAIR COMPETITION

The Plaintiff realleges the allegations in Paragraphs 1 through 21, inclusive, as if fully set forth herein.

22. The conduct of Defendants violates Florida's common law unfair competition laws.

WHEREFORE, Plaintiff requests this Honorable Court to grant:

- a. preliminary and permanent injunctive relief;

- b. compensatory damages, punitive damages, attorney's fees, and;
- c. accounting and lost profits; and
- d. any other relief the Court deems just and proper.

Respectfully submitted,

Kilowatts Electric Supply, Corp.



Alberto Santiago, Vice President

SANCHELIMA & ASSOCIATES, P.A.
Attorneys for **Plaintiff**
235 S.W. Le Jeune Rd.
Miami, Florida 33134
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By: 
Jesus Sanchelima, Esq.
FBN 231207

Exhibit "1"

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,705,805

United States Patent and Trademark Office

Registered Apr. 15, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



**Kilowatts
Electric Supply, Corp**

KILOWATTS ELECTRIC SUPPLY, CORP. (FLOR-
IDA CORPORATION)
401 S.W. 71 AVENUE
MIAMI, FL 33144

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIP SERVICES FEATURING ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ELECTRIC SUPPLY, CORP.", APART FROM THE MARK AS SHOWN.

SER. NO. 75-916,216, FILED 2-11-2000.

MICHAEL KEATING, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
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REGISTRATION NO: 2705805 SERIAL NO: 75/916216 MAILING DATE: 06/05/2008
REGISTRATION DATE: 04/15/2003
MARK: KILOWATTS ELECTRIC SUPPLY, CORP AND DESI
REGISTRATION OWNER: Kilowatts Electric Supply, Corp.

CORRESPONDENCE ADDRESS:

Jesus Sanchelima, Esq.
SANCHELIMA & ASSOCIATES, P.A.
235 S.W. LE JEUNE ROAD
MIAMI FL 33134

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
035.

EVERETT, PATRICIA
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,626,300

Registered May 26, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

KILOWATTS ELECTRIC SUPPLY

KILOWATTS ELECTRIC SUPPLY, CORP. (FLOR-
IDA CORPORATION)
401 SW 71 AVENUE
MIAMI, FL 33144

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIPS IN THE FIELD OF ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-31-1980; IN COMMERCE 10-31-1980.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,705,805.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ELECTRIC SUPPLY", APART FROM THE MARK AS SHOWN.

SER. NO. 77-578,028, FILED 9-24-2008.

TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,626,301

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SER. NO. 77-578,057, FILED 9-24-2008.

TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

KILOWATTS ELECTRIC & LIGHTING SUPPLY

Reg. No. 3,960,938

Registered May 17, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

KILOWATTS ELECTRIC SUPPLY, CORP. (FLORIDA CORPORATION)
401 SW 71ST AVENUE
MIAMI, FL 33144

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIP SERVICES FOR ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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SER. NO. 85-039,170, FILED 5-14-2010.

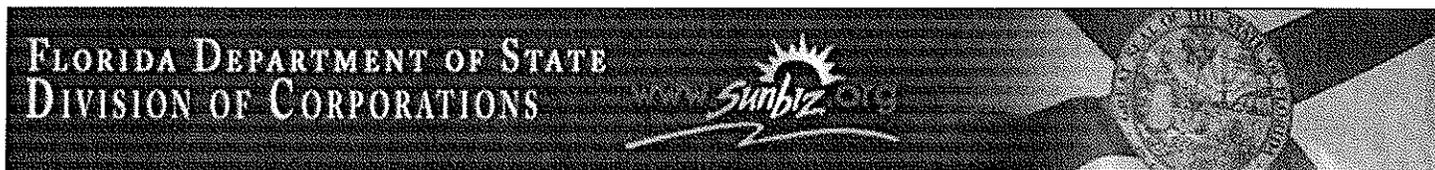
NELSON SNYDER, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

P-000006



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Detail by Document Number

Trademark

KILOWATTS ELECTRIC SUPPLY, CORP. AND DESIGN OF CARTOON FIGURE, BODY ARMS AND LEGS ARE LIGHTNING BOLTS, LIGHT BULB NOSE, LIGHTNING BOLT IN ONE HAND

Filing Information

Document Number T00000000574
Date Filed 05/22/2000
Expiration Date 05/22/2015
Last Event RENEWAL
Event Date Filed 03/15/2010
Event Effective Date NONE
First Used in Florida 10/31/1980
First Used Anywhere 10/31/1980
Status ACTIVE

Mark Used In Connection With
USED IN WHOLESALE AND RETAIL DISTRIBUTION SERVICES OF ELECTRICAL PARTS

Disclaimer For
ELECTRIC SUPPLY CORP.

Owners

Name & Address

KILOWATTS ELECTRIC SUPPLY, CORP.
401 S.W. 71 AVE.
MIAMI FL 33144

Type/Class

SM-003542 0000000000 0000000000 0000000000 0000000000
0000000000 0000000000 0000000000 0000000000 0000000000
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Cross Reference Names

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Exhibit "2"

Sanchelima & Associates, P.A.
Attorneys at Law

Patent, Trademark & Copyright Law

J. Sanchelima, Reg. Patent Attorney
Christian J. Sanchelima, Patent Agent

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Fax: 305-445-8484
jesus@sanchelima.com
www.sanchelima.com

October 17, 2012

Kilowatt Depot Corp.
Mr. Carlos Andres Abad
9450 NW 58th Street, # 101
Doral, Florida 33178

Via: US Certified Mail

Re: Your use of the KILOWATT designation
Trade name and service mark infringement

Dear Mr. Abad,

Please be advised that we represent Kilowatts Electric Supply, Corp., a Florida corporation, in connection with its intellectual property matters. Our client has been using its trade name for many years and built a valuable goodwill associated with its trade name and its service marks using the distinctive word **KILOWATTS** for *wholesale and retail distribution services for electrical parts*.

It has come to our client's attention that your company is selling products with a similar trade name and using designations that utilize the word **KILOWATT** infringing our client's federally registered service mark and trade name rights, as well as violating Section 43a of the Lanham Act. The likelihood of confusion is quite apparent. See copies of our client's federally and state registered registrations, attached.

In view of the serious irreparable damage which will result by continuing to sell your products using our client's mark we demand the following:

1. That you remove all offending inventory, signs and/or advertising/promotional material from the market immediately.
2. That you provide us prompt written assurance that you will cease using the infringing trade name after said date and that the corporate records with the Florida's Division of Corporation will be amended accordingly.
3. That you deliver to us or destroy all offending labels, brochures, or other promotional items, which bear the designation **KILOWATT** in your possession, custody or control.

You may or may not know that the Trademark and Unfair Competition Laws of the United States provide for remedies which enable a trademark to obtain three times the profits of an infringer, immediate injunctions, destruction of infringing goods and in cases of willful infringement, attorney's fees and other penalties.

P-000009

Mr. Carlos Andres Abad
Kilowatt Depot Corp.
October 17, 2012
Page Two

Unless a reply is received within **ten (10)** days from the day you receive this letter, we will assume that you are not interested in settling this controversy amicably leaving us no other option but to seek the judicial route for the pertinent relief.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesus Sanchelima". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Jesus Sanchelima, Esq.

JS/cd
File
Encl copies of SM Reg.

United States of America

United States Patent and Trademark Office

KILOWATTS ELECTRIC & LIGHTING SUPPLY

Reg. No. 3,960,938
Registered May 17, 2011

KILOWATTS ELECTRIC SUPPLY, CORP. (FLORIDA CORPORATION)
401 SW 71ST AVENUE
MIAMI, FL 33144

Int. Cl.: 35

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIP SERVICES FOR ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 5-16-2000; IN COMMERCE 5-16-2000.

PRINCIPAL REGISTER

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SER. NO. 85-039,170, FILED 5-14-2010.

NELSON SNYDER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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Disclaimer For
ELECTRIC SUPPLY CORP.

Owners

Name & Address

KILOWATTS ELECTRIC SUPPLY, CORP.
401 S.W. 71 AVE.
MIAMI FL 33144

Type/Class

SM-0035 0000000000 0000000000 0000000000 0000000000
0000000000 0000000000 0000000000 0000000000 0000000000
0000000000 0000000000 0000000000 0000000000 0000000000
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Cross Reference

Cross Reference Names

Document Images

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Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,626,300

United States Patent and Trademark Office

Registered May 26, 2009

SERVICE MARK
PRINCIPAL REGISTER

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SER. NO. 77-578,028, FILED 9-24-2008.

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TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,626,301

United States Patent and Trademark Office

Registered May 26, 2009

SERVICE MARK
PRINCIPAL REGISTER

KILOWATTS

KILOWATTS ELECTRIC SUPPLY, CORP. (FLOR-
IDA CORPORATION)
401 SW 71 AVENUE
MIAMI, FL 33144

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIPS IN THE FIELD OF ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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OWNER OF U.S. REG. NO. 2,705,805.

SER. NO. 77-578,057, FILED 9-24-2008.

TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

REGISTRATION NO: 2705805 SERIAL NO: 75/916216 MAILING DATE: 06/05/2008
REGISTRATION DATE: 04/15/2003
MARK: KILOWATTS ELECTRIC SUPPLY, CORP AND DESI
REGISTRATION OWNER: Kilowatts Electric Supply, Corp.

CORRESPONDENCE ADDRESS:

Jesus Sanchelima, Esq.
SANCHELIMA & ASSOCIATES, P.A.
235 S.W. LE JEUNE ROAD
MIAMI FL 33134

NOTICE OF ACCEPTANCE

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NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

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ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
035.

EVERETT, PATRICIA
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

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ORIGINAL**

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,705,805

United States Patent and Trademark Office

Registered Apr. 15, 2003

SERVICE MARK
PRINCIPAL REGISTER



Kilowatts
Electric Supply, Corp

KILOWATTS ELECTRIC SUPPLY, CORP. (FLOR-
IDA CORPORATION)
401 S.W. 71 AVENUE
MIAMI, FL 33144

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ELECTRIC SUPPLY, CORP.",
APART FROM THE MARK AS SHOWN.

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIP SERVICES FEATURING ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SER. NO. 75-916,216, FILED 2-11-2000.

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

MICHAEL KEATING, EXAMINING ATTORNEY

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Kilowatt Depot Corp.
Mr. Carlos Andres Abad
9450 NW 58TH ST., #101
DORAL FL 33178

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Registered FLSD Docket 05/38/2013 P2

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Sanchelima & Associates, P.A.
Attorneys at Law

Patent, Trademark & Copyright Law

J. Sanchelima, Reg. Patent Attorney
Christian J. Sanchelima, Patent Agent

Tel: 305-447-1617
Fax: 305-445-8484
jesus@sanchelima.com
www.sanchelima.com

October 17, 2012

Kilowatt Depot Corp.
Mr. Gilberto Luis Leon
9450 NW 58th Street, # 101
Doral, Florida 33178

Via: US Certified Mail

Re: Your use of the KILOWATT designation
Trade name and service mark infringement

Dear Mr. Leon,

Please be advised that we represent Kilowatts Electric Supply, Corp., a Florida corporation, in connection with its intellectual property matters. Our client has been using its trade name for many years and built a valuable goodwill associated with its trade name and its service marks using the distinctive word **KILOWATTS** for *wholesale and retail distribution services for electrical parts*.

It has come to our client's attention that your company is selling products with a similar trade name and using designations that utilize the word **KILOWATT** infringing our client's federally registered service mark and trade name rights, as well as violating Section 43a of the Lanham Act. The likelihood of confusion is quite apparent. See copies of our client's federally and state registered registrations, attached.

In view of the serious irreparable damage which will result by continuing to sell your products using our client's mark we demand the following:

1. That you remove all offending inventory, signs and/or advertising/promotional material from the market immediately.
2. That you provide us prompt written assurance that you will cease using the infringing trade name after said date and that the corporate records with the Florida's Division of Corporation will be amended accordingly.
3. That you deliver to us or destroy all offending labels, brochures, or other promotional items, which bear the designation **KILOWATT** in your possession, custody or control.

You may or may not know that the Trademark and Unfair Competition Laws of the United States provide for remedies which enable a trademark to obtain three times the profits of an infringer, immediate injunctions, destruction of infringing goods and in cases of willful infringement, attorney's fees and other penalties.

P-000019

Mr. Gilberto Luis Leon
Kilowatt Depot Corp.
October 17, 2012
Page Two

Unless a reply is received within **ten (10)** days from the day you receive this letter, we will assume that you are not interested in settling this controversy amicably leaving us no other option but to seek the judicial route for the pertinent relief.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesus Sanchelima". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

Jesus Sanchelima, Esq.

JS/cd
File
Encl copies of SM Reg.

United States of America

United States Patent and Trademark Office

KILOWATTS ELECTRIC & LIGHTING SUPPLY

Reg. No. 3,960,938

Registered May 17, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

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401 SW 71ST AVENUE
MIAMI, FL 33144

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NELSON SNYDER, EXAMINING ATTORNEY



David J. Kappas

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Trademark

KILOWATTS ELECTRIC SUPPLY, CORP. AND DESIGN OF CARTOON FIGURE, BODY ARMS AND LEGS ARE LIGHTNING BOLTS, LIGHT BULB NOSE, LIGHTNING BOLT IN ONE HAND

Filing Information

Document Number T00000000574
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Expiration Date 05/22/2015
Last Event RENEWAL
Event Date Filed 03/15/2010
Event Effective Date NONE
First Used in Florida 10/31/1980
First Used Anywhere 10/31/1980
Status ACTIVE

Mark Used In Connection With
USED IN WHOLESALE AND RETAIL DISTRIBUTION SERVICES OF ELECTRICAL PARTS

Disclaimer For
ELECTRIC SUPPLY CORP.

Owners

Name & Address

KILOWATTS ELECTRIC SUPPLY, CORP.
401 S.W. 71 AVE.
MIAMI FL 33144

Type/Class

SM-0035 0000000000 0000000000 0000000000 0000000000
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Registered May 26, 2009

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Int. Cl.: 35

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,705,805

United States Patent and Trademark Office

Registered Apr. 15, 2003

SERVICE MARK
PRINCIPAL REGISTER



Kilowatts
Electric Supply, Corp

KILOWATTS ELECTRIC SUPPLY, CORP. (FLOR-
IDA CORPORATION)
401 S.W. 71 AVENUE
MIAMI, FL 33144

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIP SERVICES FEATURING ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ELECTRIC SUPPLY, CORP.", APART FROM THE MARK AS SHOWN.

SER. NO. 75-916,216, FILED 2-11-2000.

MICHAEL KEATING, EXAMINING ATTORNEY

SENDER: COMPLETE THIS SECTION

PS Form 3811, February 2004
Complete this section if you are the sender of a restricted delivery item.
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1. Article Addressed to:

Kilowatt Depot Corp.
Mr. Gilberto Luis Leon
9450 NW 58TH ST., #101
DORAL FL 33178

2. Article Number
(Transfer from service label)

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3. Service Type
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 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

P-000028

Sanchelima & Associates, P.A.
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Patent, Trademark & Copyright Law

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October 17, 2012

Kilowatt Depot Corp.
Mr. Carlos Andres Abad
9737 NW 41 Street, Suite 204
Miami, Florida 33178

Via: US Certified Mail

Re: Your use of the KILOWATT designation
Trade name and service mark infringement

Dear Mr. Abad,

Please be advised that we represent Kilowatts Electric Supply, Corp., a Florida corporation, in connection with its intellectual property matters. Our client has been using its trade name for many years and built a valuable goodwill associated with its trade name and its service marks using the distinctive word **KILOWATTS** for *wholesale and retail distribution services for electrical parts*.

It has come to our client's attention that your company is selling products with a similar trade name and using designations that utilize the word **KILOWATT** infringing our client's federally registered service mark and trade name rights, as well as violating Section 43a of the Lanham Act. The likelihood of confusion is quite apparent. See copies of our client's federally and state registered registrations, attached.

In view of the serious irreparable damage which will result by continuing to sell your products using our client's mark we demand the following:

1. That you remove all offending inventory, signs and/or advertising/promotional material from the market immediately.
2. That you provide us prompt written assurance that you will cease using the infringing trade name after said date and that the corporate records with the Florida's Division of Corporation will be amended accordingly.
3. That you deliver to us or destroy all offending labels, brochures, or other promotional items, which bear the designation **KILOWATT** in your possession, custody or control.

You may or may not know that the Trademark and Unfair Competition Laws of the United States provide for remedies which enable a trademark to obtain three times the profits of an infringer, immediate injunctions, destruction of infringing goods and in cases of willful infringement, attorney's fees and other penalties.

P-000029

Mr. Carlos Andres Abad
Kilowatt Depot Corp.
October 17, 2012
Page Two

Unless a reply is received within **ten (10)** days from the day you receive this letter, we will assume that you are not interested in settling this controversy amicably leaving us no other option but to seek the judicial route for the pertinent relief.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesus Sanchelima". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Jesus Sanchelima, Esq.

JS/cd
File
Encl copies of SM Reg.

United States of America

United States Patent and Trademark Office

KILOWATTS ELECTRIC & LIGHTING SUPPLY

Reg. No. 3,960,938

Registered May 17, 2011

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

KILOWATTS ELECTRIC SUPPLY, CORP. (FLORIDA CORPORATION)
401 SW 71ST AVENUE
MIAMI, FL. 33144

FOR: WHOLESALE AND RETAIL DISTRIBUTORSHIP SERVICES FOR ELECTRICAL PARTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-16-2000; IN COMMERCE 5-16-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,705,805, 3,626,300, AND 3,626,301.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ELECTRIC & LIGHTING SUPPLY", APART FROM THE MARK AS SHOWN.

SER. NO. 85-039,170, FILED 5-14-2010.

NELSON SNYDER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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Trademark

KILOWATTS ELECTRIC SUPPLY, CORP. AND DESIGN OF CARTOON FIGURE, BODY ARMS AND LEGS ARE LIGHTNING BOLTS, LIGHT BULB NOSE, LIGHTNING BOLT IN ONE HAND

Filing Information

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Last Event RENEWAL
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Event Effective Date NONE
First Used in Florida 10/31/1980
First Used Anywhere 10/31/1980
Status ACTIVE

Mark Used in Connection With
USED IN WHOLESALE AND RETAIL DISTRIBUTION SERVICES OF ELECTRICAL PARTS

Disclaimer For
ELECTRIC SUPPLY CORP.

Owners

Name & Address

KILOWATTS ELECTRIC SUPPLY, CORP.
401 S.W. 71 AVE.
MIAMI FL 33144

Type/Class

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Cross Reference

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