

ESTTA Tracking number: **ESTTA89566**

Filing date: **07/12/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Colibri Corporation
Granted to Date of previous extension	08/05/2006
Address	100 Niantic Avenue Providence, RI 02907 UNITED STATES

Attorney information	Michelle Brownlee Colibri Corporation 100 Niantic Avenue Providence, RI 02907 UNITED STATES mbrownlee@colibri.com Phone:401-330-4411
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### Applicant Information

Application No	75215662	Publication date	06/06/2006
Opposition Filing Date	07/12/2006	Opposition Period Ends	08/05/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	Deutsche Bahn Aktiengesellschaft Rusche-strasse 59 D-10365 Berlin, GERMANY		

### Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Jewelry and watches made of precious metals; precious metals and their alloys sold in bulk
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Attachments	DB CARGO opposition.pdf ( 2 pages )(13149 bytes )
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Signature	/Michelle Brownlee/
Name	Michelle Brownlee
Date	07/12/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of application Serial No. 75/215,662  
For the Trademark DB CARGO & design  
Published in the Official Gazette on June 6, 2006

COLIBRI CORPORATION	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
DEUTSCHE BAHN AKTIENGESELLSCHAFT,	)	
	)	
Applicant.	)	
	)	

NOTICE OF OPPOSITION

Opposer Colibri Corporation (“Opposer” or “Colibri”), a corporation organized under the laws of Rhode Island, believes that it will be damaged by the issuance of a registration for the mark DB CARGO & design (the “Mark”), as applied for in application Serial No. 75/215,662, filed on December 19, 1996 by Applicant Deutsche Bahn Atkiengesellschaft (the “Applicant”) and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Since at least as early as May 1, 1985, Opposer has been selling jewelry under the trademark DB.
2. Opposer is the owner of United States trademark registration no. 1,391,538 for DB & design for jewelry.

3. By the application herein opposed, the Applicant seeks to register the mark DB CARGO & design for jewelry. As the Applicant's application was filed in 1996 based on a foreign registration also filed in 1996, there is no question that Opposer has priority in use over the Applicant's use of its mark.

4. The Applicant's DB CARGO & design mark is deceptively similar to Opposer's DB & design trademark so as to cause confusion and lead to deception as to the origin of the goods bearing the Applicant's mark. Accordingly, Opposer will be damaged by registration of the Applicant's mark.

5. Wherefore, Opposer prays that this Opposition be sustained and that Application Serial No. 75/215,662 be denied and refused with respect to the goods in class 14 of the application.

6. Colibri will be represented in this proceeding by Michelle Brownlee, its General Counsel, an attorney admitted to practice in the Commonwealth of Massachusetts and the State of Rhode Island. Colibri requests that all correspondence be directed to Michelle Brownlee at the address given below.

Dated: July 12, 2006

COLIBRI CORPORATION

/s/ Michelle Brownlee

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Michelle Brownlee, Esq.  
General Counsel  
Colibri Corporation  
100 Niantic Avenue  
Providence, RI 02907  
(401) 330-4411