

ESTTA Tracking number: **ESTTA550374**

Filing date: **07/25/2013**

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	Ducati Motor Holding S.p.A		
Entity	SocietÃ per Azioni	Citizenship	Italy
Address	Via Antonio Cavalieri Ducati, No. 3 Bologna, 40132 ITALY		

Attorney information	REBECCA HAN YOUNG & THOMPSON 209 MADISON ST., STE. 500 ALEXANDRIA, VA 22314 UNITED STATES trademarks@young-thompson.com Phone:703-521-0143		
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Applicant Information

Application No	85645401	Publication date	07/09/2013
Opposition Filing Date	07/25/2013	Opposition Period Ends	08/08/2013
Applicant	Shandong Duratti Rubber Corporation Co., Ltd. No.528, Sheng Shui Xi RD Dongba District Qingzhou, Shandong, CHINA		

Goods/Services Affected by Opposition

Class 012. First Use: 2012/04/28 First Use In Commerce: 2012/05/20 All goods and services in the class are opposed, namely: Casings for pneumatic tires; Inner tubes; Inner tubes for vehicle tires; Passenger and light truck tires; Pneumatic tyres and inner tubes for motorcycles; Tires; Tires for vehicles; Vehicle wheels

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3950005	Application Date	04/20/2009
Registration Date	04/26/2011	Foreign Priority Date	10/30/2008
Word Mark	DUCATI		
Design Mark			

Description of Mark	The mark consists of the wording "DUCATI" in stylized font with a design of a shield cut into two.
Goods/Services	<p>Class 003. First use: Cosmetics, perfumery and personal hygiene products, namely, toilet water, Cologne water, lavender water, toilet soaps, deodorant soaps, oils for toiletry purposes, non-medicated toiletries, bath oils for cosmetic purposes, cosmetic oils, non-medicated bath salts, pre-shaving and after-shaving gels, skin cleansing lotions and creams, body and beauty care cosmetics, beauty masks, cosmetic pencils, pre-moistened cosmetic wipes impregnated with cosmetic lotions, perfumed talcum powder for toilet use, perfumery, hair shampoos and conditioners</p> <p>Class 006. First use: Metal billboards being non-luminous and non-mechanical metal signs, metal plates, namely, metal plates being holders for road signs, house signs, and shop signs; metal plates, namely, metal license plates for motorcycles, automobiles, boats, mopeds and bicycles; key rings of common metal; metal locks and parts thereof, namely, metal lock cases, metal lock security cylinders and metal striking plates</p> <p>Class 008. First use: Hand operated tools and implements, namely, cutlery, tweezers, files, nail files, knives, penknives, scissors, nail scissors, saws, pliers, pincers, hex key wrenches, screwdrivers, forks being cutlery, spoons, manicure accessories, namely, nail files, cuticle tweezers, cuticle nippers, nail nippers, nail clippers, multi-purpose hand hooks, needle-threaders, non-electric can openers, wire-cutters, awls, scrapers, ear piercing needles, hand drill bit chucks, chisels, wire-bending tools, namely, wire strippers, fish scalers</p> <p>Class 009. First use: Eyewear, eyeglasses; sunglasses; anti-glare glasses; protective glasses; safety goggles; prescription accessories for eyeglasses and sunglasses, namely, replacement eyeglasses; cases for eyeglasses and sunglasses; eyeglass lenses; eyeglass frames; ear-stems and nose pieces specifically adapted for wearing with eyeglasses; safety helmets for motorcyclists; helmets for motorcyclists; protective clothing, namely, safety boots for motorcyclists and safety gloves for motorcyclists, fireproof motorcycle and automobile racing suits for safety purpose; pre-recorded video cassettes featuring movies, motion pictures, and music; pre-recorded CD-ROMs featuring computer programs for pre-recorded games, video games, music, movies, motion pictures; amusement apparatus and games adapted for use with television receivers only, namely, video output game machines for use with television; arcade game machines; computer game cartridges; video game cartridges; computer game cassettes; computer games equipment, namely, gaming machines, namely, devices which accept a wager and computer game software used therewith; memory devices, namely, disc memories; computer game programs; computer software for video games to be used in connection with automatic and coin operated machines; computer game equipment, namely, steering wheels for computers with double gear-shifting systems; computer screen savers software, mouse pads; computer mice; desktop computers; notebook computers; laptop computers; portable computers; magnetically encoded cards for portable computers and personal computers; keyboards; tablet personal computers; computer monitors; LCD computer monitors; printers, bags and cases especially adapted for holding computer batteries for notebook computers; personal digital assistants; electronic personal organizers; pen drivers, namely, USB pen drive; memory cards; digital voice recorders; cameras; digital cameras; digital video cameras; multimedia projectors; digital multimedia projectors; camera lenses, namely, zoom lenses; scanners; photo printers; photographic apparatus, namely, photographic cameras; hi-fi systems comprised of compact disc players and tuners thereof, tape players, records and compact discs featuring music ;</p>

television sets; television display screens being television monitors; LCD display screens being LCD panels; CD players; digital video disc players; barometers; barometers with projection devices; electronic language translators; electronic time and date devices, namely, time and date stamping machines; electric remote sensors for data related to temperature, pressure, flow and other physical data; global positioning system (GPS); meteorological instruments, namely, wireless weather stations; wireless weather information apparatus and instruments, namely, meteorological instruments; meteorological instruments, namely, wireless remote thermo hygro sensors; radios incorporating alarm clocks with outdoor, indoor and remote temperature sensors; radios incorporating dual band compact travel clocks with indoor temperature digital alarms; cordless telephones; telephones; cellular telephones, cellular masks in the nature of cell phone covers; devices for hands-free use of mobile phones; head sets for cellular phones; calculators; binoculars; opera glasses; television cameras; telescopes; microscopes; palm pilots being electronic handheld units and accessories for the wireless receipt and transmission of data which also enable to transmit and receive voice communications, e-mail messages and to store data; MP3 players; home theatre systems, comprising DVD players, audio amplifiers, audio speakers; walkie-talkies; decorative magnets in the nature of pins and badges; magnetic cards; encoded magnetic cards; blank smart cards

Class 012. First use:

Motorcycles; motorcycle bodies; gear boxes for being parts of land motor vehicles; horns for vehicles; hubs for land motor vehicles wheels; vehicle wheels; bumpers for motorcycles and automobiles; seat covers for land motor vehicles; sun blinds adapted for automobiles; steering wheels for land motor vehicles; suspension springs for land motor vehicles; suspension shocks absorbers for land motor vehicles; windshields, rearview mirrors, direction indicators for motorcycles and for automobiles; safety harnesses for vehicles seats; transmissions for automobiles; automobiles convertible tops; automobile sunroofs; removable soft tops for vehicles; capote, namely, motor car convertible tops; tires, brakes and engines for land motor vehicles; bicycles; motors for bicycles; vans and trucks; bodywork of bicycles being structural parts of bicycles; motorized, self-propelled, wheeled personal mobility devices, namely, scooters, carts and chariots; brakes, engines and tires for motor land vehicles, motorcycles, vans, and trucks; water-crafts, namely, motor-boats and structural parts thereof, steam-boats and structural parts thereof, pleasure-boats and structural parts thereof; airplanes and parts thereof

Class 014. First use:

Horological and chronometric instruments and their parts; watches; wrist watches; watch straps; stopwatches; watch movements; watchbands; watch glasses; chronometers; chronographs for use as watches; clocks; electronic clocks; mechanical clocks; quartz clocks; alarm clocks; clock cases; watch cases; needles of precious metal; clocks incorporating radios; cufflinks; tie clips; pins being jewelry; charms being personal jewelry; precious stones, jewels being jewelry; key-rings of precious metal; pendants of precious metal; earrings; bracelets; necklaces; picture frames, penholders, paperweights all of precious metals; pocket watches; wall clocks; table clocks; electric timepieces; electronic timepieces; atomic timepieces, measuring watches in the nature of timepieces, ornamental pins, tie pins, digital alarm clocks

Class 016. First use:

Diaries; notebooks and exercise book; pens; fountain pens; rolling pens; pencils; felt pens; writing pens; pen-holders not of precious metal; adhesive labels; stickers and decalcomania transfers; flags made from paper; calendars; catalogues in the field of motorcycles and motorcycle accessories, paper atlases, brochures about travels, lifestyle, and entertainment; booklets about travel, lifestyle, entertainment; document folders for cards and documents; albums for stamps, stickers, coins, and photographs; magazines about travel, lifestyle, entertainment; lithographs; photographs; newspapers; printed

periodicals in the field of travel, lifestyle, and entertainment; books in the field of travel, lifestyle, and entertainment; photographic prints, posters, postcards; erasers; cardboard boxes; agendas; note papers; photo albums; greeting cards; note pads; passes made of paper being printed tickets; envelopes; business cards

Class 018. First use:

Trunks; suit cases; carry-on trolley bags; bags for carrying catalogs, not of paper; duffle bags; carry on bags; hanging garment bags for airline travel; leather shopping bags; textile shopping bags; traveling bags; leather key cases; leather key rings; umbrellas; attaché cases; briefcases; leather suit bags; wallets; purses; business card cases; credit card cases; toiletry cases and vanity cases sold empty; rucksacks; rucksacks for school; school bags; belt bags; saddlery

Class 020. First use:

Furniture and household furnishings, namely, wood furniture, upholstered furniture, metal-frame furniture, pine furniture, living room furniture, dining room furniture, bedroom furniture, garden furniture, children's furniture, non-metal modular storage units, shelves, furniture, namely, modular wall units, tables, chairs, sofas, sofa beds, beds, bed frames, bed headboards, couches, stools, ottomans, sectional seating benches, carpenter's benches, desks, credenzas, sideboards, furniture chests, cupboards, cabinets, bar cabinets, dressers, bathroom vanities, bookcases, tea wagons being tea trolleys, serving trolleys, record player benches, corner cupboards, storage cabinets, hat racks, coat racks, mirrors, cushions, mattresses; plastic boxes; coat stands; display stands; hat stands; wardrobes; baker's bread baskets; sauna benches; cribs; crib mattresses; cradles; blackboards ; bunk beds; non-metal ladders; flower stands being furniture; pedestals; hat storage boxes of plastic; clothes hangers; porch swings; magazine stands; shoe stands; ironing boards

Class 021. First use:

Small domestic utensils and containers, namely, ice buckets, champagne buckets, wine buckets, cooling buckets for wine, salt, pepper and mustard cruet sets not of precious metal, salt cellars, pepper grinders, sauce boats, egg holders for household purposes, butter coolers, butter dishes, candle holders not of precious metal, casserole dishes, caviar coolers, apple graters for household purposes, serving trays not of precious metal, ice pails, cruets, flower vases, non-metal decorative boxes of china, crystal, earthenware, glass, porcelain, or terra cotta; tea canisters, glass bottles for perfume sold empty, glass containers for cosmetics sold empty; sculptures, statues, and figurines made of china, crystal, earthenware, glass, porcelain and terra cotta; dinnerware of glass, porcelain and earthenware, namely, plates, dishes, dish covers, dish stands, cups, saucers, tea and coffee pots, drinking glasses, beer mugs, portable beverage dispensers, beverage glassware, beverage ware being drinking glasses, bowls, rinsing bowls, salad bowls, tumblers for use as a drinking glass, pitchers, bottles sold empty, bottle wine racks, carafes, drinking flasks, decanters, glass jars, jugs; crystal glassware for beverages; porcelain goods, namely, dishes, drinking glasses; earthenware, china and ceramic articles, namely, mugs; pottery, namely, pottery for everyday use, namely, basins, bowls, plates, glass jars, jugs, pots, kettles; perfume burners, perfume sprayers sold empty and perfume vaporizers sold empty; mugs, cups; tankards; wine glasses; champagne flutes; whisky, brandy, shot and liqueur drinking glasses; glasses for beer drinking; pitchers; drinking glasses; drinking flasks, drinking vessels, drinking bottles in the nature of sports bottles sold empty; goblets; decanters and crystal decanters; glass jars, glass stoppers; glass vials for medication sold empty; candlesticks, candle extinguishers and non-electric candelabras; household and kitchen containers; household and kitchen utensils, namely, graters, sieves, spatulas, strainers, whisks, rolling pins and serving forks; non-electric fruit and garlic presses for household purposes; chopsticks; meal trays; bread bins; bread boards; bottle openers; lunch boxes; non-metal piggy banks;

non-electric heaters for feeding bottles; shoe horns and shoe trees; non-electric trouser presses; non-electrical coffee grinders, non-electric coffee percolators, and non-electric coffee pots; non-electric coffee services, namely, sets of coffee pots and sugar bowls sold as a unit; graters for household purposes; non-electric food blenders; salt shakers; ice buckets and ice cube moulds; non-electric kettles; napkin rings; plastic coasters; cork screws; cruets and cruet stands; salt and pepper mills; salt and pepper pots; spice sets consisting of spice racks and containers for spices sold empty; cocktail stirrers and cocktail shakers; combs; toothbrushes and electric toothbrushes; sponges for household use; sponges for personal use, namely, bath sponges; soap boxes, soap dispensers, and soap holders; cosmetic utensils, namely, makeup brushes; dental floss; shaving brushes and shaving brush stands; toilet brushes; dust bins; vases; baby bath tubs; boxes made of glass; pewter tankards and flasks

Class 022. First use:

Unfitted covers for vehicles, namely, covers for motorbikes and for any kind of land vehicles

Class 024. First use:

Bed covers; table covers, namely, plastic table covers and textile table cloths; household linen; curtains; bath sheets; bed sheets; pillow-cases; bedspreads; duvets; duvet covers; bed blankets; towels; tea-towels; table cloths not of paper; textile napkins; handkerchiefs; cloth flags; cloth pennants

Class 025. First use:

T-shirts; sweat shirts; polo shirts; ties; caps; overalls; wind resistant jackets; waterproof jackets; blazers; Bermuda shorts; pullovers; fleece pullovers; fleece jackets; fleece shorts; fleece vests; coats; robes; scarves; shoes; boots; ski boots; sweaters; shirts; trousers; belts; raincoats; track suits; shorts; gloves; pajamas; slippers; swimming costumes

Class 026. First use:

Bobby pins; curling pins; hair pins; safety pins; sewing pins; ornamental novelty badges; buckles for belts

Class 028. First use:

Games and playthings, namely, board games, parlour games, beech wood rocking horses; model motorbikes and model cars for sale in an assembly kit form, toy model vehicles, toy collectible models reproducing motorbikes, automobiles and other vehicles; modular structures construction toys and connecting links therefor for creating play structures, toy construction block kits comprising construction blocks and play mats, dolls, dolls' clothing, accessories for dolls, soft sculpture toys of felt, toy vehicle trucks, toy real-size non operating replicas of motorbikes and automobiles for ornament, entertainment and exhibition purposes; game puzzles; hand held units for playing video games other than those adapted for use with an external display screen or monitor

Class 029. First use:

Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk; milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats

Class 032. First use:

Beer; mineral water; aerated and carbonated waters; processed drinking water; spring water; flavored water; drinking water with vitamins; minerals or herbs; flavored water, namely, beverages with a water base containing tea extracts; non-alcoholic fruit-based beverages and fruit flavored beverages; fruit juices and vegetable juices; fruit nectars; lemonades; soda water; non-alcoholic beverages, namely, soft drinks; syrups and preparations for making beverages, namely, fruit drinks; syrups for making non-alcoholic beverages; isotonic beverages; energy drinks

Class 033. First use:

Wines and liqueurs

Class 034. First use:

Cigarettes; cigars; cigarillos; roll your own tobacco; pipe tobacco; tobacco; tobacco products, namely, smokeless tobacco, tobacco filters, tobacco grinders; matches, cigar lighters and ashtrays

Class 035. First use:

Wholesale and retail store and distributorship services in the field of clothing, footwear, headgear, cars and automotive parts, cosmetics, toiletries, jewelry, costume jewelry, watch-making, stationery, books and magazines; optical goods, photography, hi-fi goods, textile goods, leather luggage goods, toys and playthings, smoker's articles, mugs, retail store services all relating to toiletries, cosmetics, personal care products, perfumery, hair care products, soaps, dentifrices, key rings, key holders, key cases, pill boxes, pins, badges, tags, trophies, artistic objects of common metal, ornaments of common metal made up with car components, eyewear, safety helmets, videos, telephones, cellular phones, cellular phone masks, cellular phone freehand kits, CD-ROMs, computer games and video games, computer software, screen savers, computer mice, mouse pads, portable computers, laptop computers, notebook computers, printers, computer monitors, barometers with digital displays, wireless weather stations, personal digital assistants, wide screen alarms, organizers, translators, projection devices, apparatus for recording, transmission or reproduction of sound or images, TV sets, hi-fi, cameras, digital cameras, digital projectors, horological and chronometric instruments and apparatus, watches, stopwatches, clocks, chronometers tie-pins, tie-clips, cuff-links, jewelry, precious metal tableware; paper, cardboard, printed matter, photographs, stationery, playing cards, writing implements, books, periodicals, office requisites except furniture, calendars, flags, stickers and adhesive labels, pen holders, albums, drawing kits, photographs in wide dimension for decorative purposes, lithographs, posters, postcards, greeting cards, wrapping papers, small blackboards, document folders, cardholders, document holders, stamps, writing and drawing instruments, trunks, suit cases, traveling bags, umbrellas, attaché cases, briefcases, wallets, purses, rucksacks, bags, belt bags, saddlery, travel set necessities, beach towels, table cloths, napkins, textile goods, sheets, blankets, bedclothes, bath towels, clothing, footwear, outerwear, underwear, sleepwear, headgear, scarves, gloves, buttons, fancy pins, mugs, toys, games, dolls and doll's clothing, accessories for dolls, soft felt toys, playthings, puzzles, tennis bags, golf bags, golf pouches, golf clubs, sporting articles, glassware, model motorbikes, model cars being toys or playthings for sale in an assembly kit form, model vehicles, scale model cars being ornaments, scale model vehicles being toys, radio controlled scale model vehicles, toy vehicle tracks, ashtrays

Class 036. First use:

Insurance services, namely, insurance underwriting of all types, insurance administration; insurance brokerage; insurance claims administration and processing; banking services; credit services, namely, credit card services, credit agencies, credit bureaus and credit union; financial services, namely, money lending, financing relating to motorbikes; financing services; issuing of letters of credit

Class 037. First use:

Repair and maintenance of vehicles, in particular of motorbikes

Class 038. First use:

Telecommunication services provided via the Internet, namely, providing access to interactive entertainment web sites relating to the field of motorbike and racing competitions; providing chat lines in the motorbike and racing field utilizing the internet; provision of access to the Internet; providing access to electronic sites containing on-line directories; providing on-line chat rooms for transmission of messages among computer users concerning motorbikes and motorbike racing; providing multiple-user access to computer networks for the

	<p>electronic transmission of data, communication, documents and information in the motorbike field; electronic mail services through wired and wireless access</p> <p>Class 039. First use:</p> <p>Transportation services, namely, conveyance of persons by boat, rail, air and bus; organizing and arranging of excursions and travel tours; travel clubs; organizing of sight-seeing tours; organization of excursions to museums and companies; travel courier services; travel agency services, namely, making reservations and bookings for transportation</p> <p>Class 041. First use:</p> <p>Education services, namely, providing seminars and workshops in the field of sport driving, safe driving and race driving; conducting driver education courses; providing personal training services in the field of motorcycle repair, sport driving, safe driving and race driving; entertainment in the nature of motorcycle races, sporting and cultural activities, namely, production of videos in the field of driving competitions; entertainment services in the nature of organizing and conducting motorcycle riding excursions for members of motorcycle clubs; organizing motorbike and automobile racing exhibitions and competitions for sporting purposes; organizing workshops in the field of motorbikes and automobiles; providing information in the field of sports; organizing motorbike exhibitions for entertainment purposes; conducting classes relating to motor cars and motor racing; sporting training services in the nature of driving motorbikes and sports motorbikes; production of radio programs, television programs, movies and video clips all focused on the world of motorbikes and motorbikers</p> <p>Class 042. First use:</p> <p>Technical and technological research, material analysis and testing, all relating to motorbikes and automotives; design for others in the field of motorbike and motor car engineering; conducting research relating to the design of motorbikes; developing and updating computer hardware and software related to motorbikes</p> <p>Class 043. First use:</p> <p>Restaurants, caf��, cafeterias, snack bars and coffee bars, catering services; refreshment services, namely, preparation of food and drinks; providing temporary accommodation, namely, hotel services; hotel services conducted within holiday villages; providing campground facilities; arranging temporary housing accommodations in the nature of hotels rooms, apartments and holiday homes; making hotel reservations for others; motels</p>
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Registration Date	04/26/2011	Foreign Priority Date	10/30/2008
Word Mark	DUCATI		
Design Mark			
Description of Mark	The mark consists of the wording "DUCATI" in stylized font with a design of a shield cut into two.		
Goods/Services	<p>Class 003. First use:</p> <p>Cosmetics, perfumery and personal hygiene products, namely, toilet water, Cologne water, lavender water, toilet soaps, deodorant soaps, oils for toiletry purposes, non-medicated toiletries, bath oils for cosmetic purposes, cosmetic oils, non-medicated bath salts, pre-shaving and after-shaving gels, skin cleansing lotions and creams, body and beauty care cosmetics, beauty masks, cosmetic pencils, pre-moistened cosmetic wipes impregnated with cosmetic lotions, perfumed talcum powder for toilet use, perfumery, hair shampoos and conditioners</p> <p>Class 006. First use:</p> <p>Metal billboards being non-luminous and non-mechanical metal signs, metal</p>		

plates, namely, metal plates being holders for road signs, house signs, and shop signs; metal plates, namely, metal license plates for motorcycles, automobiles, boats, mopeds and bicycles; key rings of common metal; metal locks and parts thereof, namely, metal lock cases, metal lock security cylinders and metal striking plates

Class 008. First use:

Hand operated tools and implements, namely, cutlery, tweezers, files, nail files, knives, penknives, scissors, nail scissors, saws, pliers, pincers, hex key wrenches, screwdrivers, forks being cutlery, spoons, manicure accessories, namely, nail files, cuticle tweezers, cuticle nippers, nail nippers, nail clippers, multi-purpose hand hooks, needle-threaders, non-electric can openers, wire-cutters, awls, scrapers, ear piercing needles, hand drill bit chucks, chisels, wire-bending tools, namely, wire strippers, fish scalers

Class 009. First use:

Eyewear, eyeglasses; sunglasses; anti-glare glasses; protective glasses; safety goggles; prescription accessories for eyeglasses and sunglasses, namely, replacement eyeglasses; cases for eyeglasses and sunglasses; eyeglass lenses; eyeglass frames; ear-stems and nose pieces specifically adapted for wearing with eyeglasses; safety helmets for motorcyclists; helmets for motorcyclists; protective clothing, namely, safety boots for motorcyclists and safety gloves for motorcyclists, fireproof motorcycle and automobile racing suits for safety purpose; pre-recorded video cassettes featuring movies, motion pictures, and music; pre-recorded CD-ROMs featuring computer programs for pre-recorded games, video games, music, movies, motion pictures; amusement apparatus and games adapted for use with television receivers only, namely, video output game machines for use with television; arcade game machines; computer game cartridges; video game cartridges; computer game cassettes; computer games equipment, namely, gaming machines, namely, devices which accept a wager and computer game software used therewith; memory devices, namely, disc memories; computer game programs; computer software for video games to be used in connection with automatic and coin operated machines; computer game equipment, namely, steering wheels for computers with double gear-shifting systems; computer screen savers software, mouse pads; computer mice; desktop computers; notebook computers; laptop computers; portable computers; magnetically encoded cards for portable computers and personal computers; keyboards; tablet personal computers; computer monitors; LCD computer monitors; printers, bags and cases especially adapted for holding computer batteries for notebook computers; personal digital assistants; electronic personal organizers; pen drivers, namely, USB pen drive; memory cards; digital voice recorders; cameras; digital cameras; digital video cameras; multimedia projectors; digital multimedia projectors; camera lenses, namely, zoom lenses; scanners; photo printers; photographic apparatus, namely, photographic cameras; hi-fi systems comprised of compact disc players and tuners thereof, tape players, records and compact discs featuring music ; television sets; television display screens being television monitors; LCD display screens being LCD panels; CD players; digital video disc players; barometers; barometers with projection devices; electronic language translators; electronic time and date devices, namely, time and date stamping machines; electric remote sensors for data related to temperature, pressure, flow and other physical data; global positioning system (GPS); meteorological instruments, namely, wireless weather stations; wireless weather information apparatus and instruments, namely, meteorological instruments; meteorological instruments, namely, wireless remote thermo hygro sensors; radios incorporating alarm clocks with outdoor, indoor and remote temperature sensors; radios incorporating dual band compact travel clocks with indoor temperature digital alarms; cordless telephones; telephones; cellular telephones, cellular masks in the nature of cell phone covers; devices for hands-free use of mobile phones; head sets for cellular phones; calculators; binoculars; opera glasses; television cameras; telescopes; microscopes; palm pilots being electronic handheld units

and accessories for the wireless receipt and transmission of data which also enable to transmit and receive voice communications, e-mail messages and to store data; MP3 players; home theatre systems, comprising DVD players, audio amplifiers, audio speakers; walkie-talkies; decorative magnets in the nature of pins and badges; magnetic cards; encoded magnetic cards; blank smart cards

Class 012. First use:

Motorcycles; motorcycle bodies; gear boxes for being parts of land motor vehicles; horns for vehicles; hubs for land motor vehicles wheels; vehicle wheels; bumpers for motorcycles and automobiles; seat covers for land motor vehicles; sun blinds adapted for automobiles; steering wheels for land motor vehicles; suspension springs for land motor vehicles; suspension shocks absorbers for land motor vehicles; windshields, rearview mirrors, direction indicators for motorcycles and for automobiles; safety harnesses for vehicles seats; transmissions for automobiles; automobiles convertible tops; automobile sunroofs; removable soft tops for vehicles; capote, namely, motor car convertible tops; tires, brakes and engines for land motor vehicles; bicycles; motors for bicycles; vans and trucks; bodywork of bicycles being structural parts of bicycles; motorized, self-propelled, wheeled personal mobility devices, namely, scooters, carts and chariots; brakes, engines and tires for motor land vehicles, motorcycles, vans, and trucks; water-crafts, namely, motor-boats and structural parts thereof, steam-boats and structural parts thereof, pleasure-boats and structural parts thereof; airplanes and parts thereof

Class 014. First use:

Horological and chronometric instruments and their parts; watches; wrist watches; watch straps; stopwatches; watch movements; watchbands; watch glasses; chronometers; chronographs for use as watches; clocks; electronic clocks; mechanical clocks; quartz clocks; alarm clocks; clock cases; watch cases; needles of precious metal; clocks incorporating radios; cufflinks; tie clips; pins being jewelry; charms being personal jewelry; precious stones, jewels being jewelry; key-rings of precious metal; pendants of precious metal; earrings; bracelets; necklaces; picture frames, penholders, paperweights all of precious metals; pocket watches; wall clocks; table clocks; electric timepieces; electronic timepieces; atomic timepieces, measuring watches in the nature of timepieces, ornamental pins, tie pins, digital alarm clocks

Class 016. First use:

Diaries; notebooks and exercise book; pens; fountain pens; rolling pens; pencils; felt pens; writing pens; pen-holders not of precious metal; adhesive labels; stickers and decalcomania transfers; flags made from paper; calendars; catalogues in the field of motorcycles and motorcycle accessories, paper atlases, brochures about travels, lifestyle, and entertainment; booklets about travel, lifestyle, entertainment; document folders for cards and documents; albums for stamps, stickers, coins, and photographs; magazines about travel, lifestyle, entertainment; lithographs; photographs; newspapers; printed periodicals in the field of travel, lifestyle, and entertainment; books in the field of travel, lifestyle, and entertainment; photographic prints, posters, postcards; erasers; cardboard boxes; agendas; note papers; photo albums; greeting cards; note pads; passes made of paper being printed tickets; envelopes; business cards

Class 018. First use:

Trunks; suit cases; carry-on trolley bags; bags for carrying catalogs, not of paper; duffle bags; carry on bags; hanging garment bags for airline travel; leather shopping bags; textile shopping bags; traveling bags; leather key cases; leather key rings; umbrellas; attaché cases; briefcases; leather suit bags; wallets; purses; business card cases; credit card cases; toiletry cases and vanity cases sold empty; rucksacks; rucksacks for school; school bags; belt bags; saddlery

Class 020. First use:

Furniture and household furnishings, namely, wood furniture, upholstered furniture, metal-frame furniture, pine furniture, living room furniture, dining room furniture, bedroom furniture, garden furniture, children's furniture, non-metal modular storage units, shelves, furniture, namely, modular wall units, tables, chairs, sofas, sofa beds, beds, bed frames, bed headboards, couches, stools, ottomans, sectional seating benches, carpenter's benches, desks, credenzas, sideboards, furniture chests, cupboards, cabinets, bar cabinets, dressers, bathroom vanities, bookcases, tea wagons being tea trolleys, serving trolleys, record player benches, corner cupboards, storage cabinets, hat racks, coat racks, mirrors, cushions, mattresses; plastic boxes; coat stands; display stands; hat stands; wardrobes; baker's bread baskets; sauna benches; cribs; crib mattresses; cradles; blackboards ; bunk beds; non-metal ladders; flower stands being furniture; pedestals; hat storage boxes of plastic; clothes hangers; porch swings; magazine stands; shoe stands; ironing boards

Class 021. First use:

Small domestic utensils and containers, namely, ice buckets, champagne buckets, wine buckets, cooling buckets for wine, salt, pepper and mustard cruet sets not of precious metal, salt cellars, pepper grinders, sauce boats, egg holders for household purposes, butter coolers, butter dishes, candle holders not of precious metal, casserole dishes, caviar coolers, apple graters for household purposes, serving trays not of precious metal, ice pails, cruets, flower vases, non-metal decorative boxes of china, crystal, earthenware, glass, porcelain, or terra cotta; tea canisters, glass bottles for perfume sold empty, glass containers for cosmetics sold empty; sculptures, statues, and figurines made of china, crystal, earthenware, glass, porcelain and terra cotta; dinnerware of glass, porcelain and earthenware, namely, plates, dishes, dish covers, dish stands, cups, saucers, tea and coffee pots, drinking glasses, beer mugs, portable beverage dispensers, beverage glassware, beverage ware being drinking glasses, bowls, rinsing bowls, salad bowls, tumblers for use as a drinking glass, pitchers, bottles sold empty, bottle wine racks, carafes, drinking flasks, decanters, glass jars, jugs; crystal glassware for beverages; porcelain goods, namely, dishes, drinking glasses; earthenware, china and ceramic articles, namely, mugs; pottery, namely, pottery for everyday use, namely, basins, bowls, plates, glass jars, jugs, pots, kettles; perfume burners, perfume sprayers sold empty and perfume vaporizers sold empty; mugs, cups; tankards; wine glasses; champagne flutes; whisky, brandy, shot and liqueur drinking glasses; glasses for beer drinking; pitchers; drinking glasses; drinking flasks, drinking vessels, drinking bottles in the nature of sports bottles sold empty; goblets; decanters and crystal decanters; glass jars, glass stoppers; glass vials for medication sold empty; candlesticks, candle extinguishers and non-electric candelabras; household and kitchen containers; household and kitchen utensils, namely, graters, sieves, spatulas, strainers, whisks, rolling pins and serving forks; non-electric fruit and garlic presses for household purposes; chopsticks; meal trays; bread bins; bread boards; bottle openers; lunch boxes; non-metal piggy banks; non-electric heaters for feeding bottles; shoe horns and shoe trees; non-electric trouser presses; non-electrical coffee grinders, non-electric coffee percolators, and non-electric coffee pots; non-electric coffee services, namely, sets of coffee pots and sugar bowls sold as a unit; graters for household purposes; non-electric food blenders; salt shakers; ice buckets and ice cube moulds; non-electric kettles; napkin rings; plastic coasters; cork screws; cruets and cruet stands; salt and pepper mills; salt and pepper pots; spice sets consisting of spice racks and containers for spices sold empty; cocktail stirrers and cocktail shakers; combs; toothbrushes and electric toothbrushes; sponges for household use; sponges for personal use, namely, bath sponges; soap boxes, soap dispensers, and soap holders; cosmetic utensils, namely, makeup brushes; dental floss; shaving brushes and shaving brush stands; toilet brushes; dust bins; vases; baby bath tubs; boxes made of glass; pewter tankards and flasks

Class 022. First use:

Unfitted covers for vehicles, namely, covers for motorbikes and for any kind of

	<p>land vehicles</p> <p>Class 024. First use: Bed covers; table covers, namely, plastic table covers and textile table cloths; household linen; curtains; bath sheets; bed sheets; pillow-cases; bedspreads; duvets; duvet covers; bed blankets; towels; tea-towels; table cloths not of paper; textile napkins; handkerchiefs; cloth flags; cloth pennants</p> <p>Class 025. First use: T-shirts; sweat shirts; polo shirts; ties; caps; overalls; wind resistant jackets; waterproof jackets; blazers; Bermuda shorts; pullovers; fleece pullovers; fleece jackets; fleece shorts; fleece vests; coats; robes; scarves; shoes; boots; ski boots; sweaters; shirts; trousers; belts; raincoats; track suits; shorts; gloves; pajamas; slippers; swimming costumes</p> <p>Class 026. First use: Bobby pins; curling pins; hair pins; safety pins; sewing pins; ornamental novelty badges; buckles for belts</p> <p>Class 028. First use: Games and playthings, namely, board games, parlour games, beech wood rocking horses; model motorbikes and model cars for sale in an assembly kit form, toy model vehicles, toy collectible models reproducing motorbikes, automobiles and other vehicles; modular structures construction toys and connecting links therefor for creating play structures, toy construction block kits comprising construction blocks and play mats, dolls, dolls' clothing, accessories for dolls, soft sculpture toys of felt, toy vehicle trucks, toy real-size non operating replicas of motorbikes and automobiles for ornament, entertainment and exhibition purposes; game puzzles; hand held units for playing video games other than those adapted for use with an external display screen or monitor</p> <p>Class 029. First use: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk; milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats</p> <p>Class 032. First use: Beer; mineral water; aerated and carbonated waters; processed drinking water; spring water; flavored water; drinking water with vitamins; minerals or herbs; flavored water, namely, beverages with a water base containing tea extracts; non-alcoholic fruit-based beverages and fruit flavored beverages; fruit juices and vegetable juices; fruit nectars; lemonades; soda water; non-alcoholic beverages, namely, soft drinks; syrups and preparations for making beverages, namely, fruit drinks; syrups for making non-alcoholic beverages; isotonic beverages; energy drinks</p> <p>Class 033. First use: Wines and liqueurs</p> <p>Class 034. First use: Cigarettes; cigars; cigarillos; roll your own tobacco; pipe tobacco; tobacco; tobacco products, namely, smokeless tobacco, tobacco filters, tobacco grinders; matches, cigar lighters and ashtrays</p> <p>Class 035. First use: Wholesale and retail store and distributorship services in the field of clothing, footwear, headgear, cars and automotive parts, cosmetics, toiletries, jewelry, costume jewelry, watch-making, stationery, books and magazines; optical goods, photography, hi-fi goods, textile goods, leather luggage goods, toys and playthings, smoker's articles, mugs, retail store services all relating to toiletries, cosmetics, personal care products, perfumery, hair care products, soaps, dentifrices, key rings, key holders, key cases, pill boxes, pins, badges, tags, trophies, artistic objects of common metal, ornaments of common metal made up with car components, eyewear, safety helmets, videos, telephones, cellular</p>
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phones, cellular phone masks, cellular phone freehand kits, CD-ROMs, computer games and video games, computer software, screen savers, computer mice, mouse pads, portable computers, laptop computers, notebook computers, printers, computer monitors, barometers with digital displays, wireless weather stations, personal digital assistants, wide screen alarms, organizers, translators, projection devices, apparatus for recording, transmission or reproduction of sound or images, TV sets, hi-fi, cameras, digital cameras, digital projectors, horological and chronometric instruments and apparatus, watches, stopwatches, clocks, chronometers tie-pins, tie-clips, cuff-links, jewelry, precious metal tableware; paper, cardboard, printed matter, photographs, stationery, playing cards, writing implements, books, periodicals, office requisites except furniture, calendars, flags, stickers and adhesive labels, pen holders, albums, drawing kits, photographs in wide dimension for decorative purposes, lithographs, posters, postcards, greeting cards, wrapping papers, small blackboards, document folders, cardholders, document holders, stamps, writing and drawing instruments, trunks, suit cases, traveling bags, umbrellas, attaché cases, briefcases, wallets, purses, rucksacks, bags, belt bags, saddlery, travel set necessities, beach towels, table cloths, napkins, textile goods, sheets, blankets, bedclothes, bath towels, clothing, footwear, outerwear, underwear, sleepwear, headgear, scarves, gloves, buttons, fancy pins, mugs, toys, games, dolls and doll's clothing, accessories for dolls, soft felt toys, playthings, puzzles, tennis bags, golf bags, golf pouches, golf clubs, sporting articles, glassware, model motorbikes, model cars being toys or playthings for sale in an assembly kit form, model vehicles, scale model cars being ornaments, scale model vehicles being toys, radio controlled scale model vehicles, toy vehicle tracks, ashtrays

Class 036. First use:

Insurance services, namely, insurance underwriting of all types, insurance administration; insurance brokerage; insurance claims administration and processing; banking services; credit services, namely, credit card services, credit agencies, credit bureaus and credit union; financial services, namely, money lending, financing relating to motorbikes; financing services; issuing of letters of credit

Class 037. First use:

Repair and maintenance of vehicles, in particular of motorbikes

Class 038. First use:

Telecommunication services provided via the Internet, namely, providing access to interactive entertainment web sites relating to the field of motorbike and racing competitions; providing chat lines in the motorbike and racing field utilizing the internet; provision of access to the Internet; providing access to electronic sites containing on-line directories; providing on-line chat rooms for transmission of messages among computer users concerning motorbikes and motorbike racing; providing multiple-user access to computer networks for the electronic transmission of data, communication, documents and information in the motorbike field; electronic mail services through wired and wireless access

Class 039. First use:

Transportation services, namely, conveyance of persons by boat, rail, air and bus; organizing and arranging of excursions and travel tours; travel clubs; organizing of sight-seeing tours; organization of excursions to museums and companies; travel courier services; travel agency services, namely, making reservations and bookings for transportation

Class 041. First use:

Education services, namely, providing seminars and workshops in the field of sport driving, safe driving and race driving; conducting driver education courses; providing personal training services in the field of motorcycle repair, sport driving, safe driving and race driving; entertainment in the nature of motorcycle races, sporting and cultural activities, namely, production of videos in the field of driving competitions; entertainment services in the nature of organizing and

	<p>conducting motorcycle riding excursions for members of motorcycle clubs; organizing motorbike and automobile racing exhibitions and competitions for sporting purposes; organizing workshops in the field of motorbikes and automobiles; providing information in the field of sports; organizing motorbike exhibitions for entertainment purposes; conducting classes relating to motor cars and motor racing; sporting training services in the nature of driving motorbikes and sports motorbikes; production of radio programs, television programs, movies and video clips all focused on the world of motorbikes and motorbikers</p> <p>Class 042. First use:</p> <p>Technical and technological research, material analysis and testing, all relating to motorbikes and automotives; design for others in the field of motorbike and motor car engineering; conducting research relating to the design of motorbikes; developing and updating computer hardware and software related to motorbikes</p> <p>Class 043. First use:</p> <p>Restaurants, caf��, cafeterias, snack bars and coffee bars, catering services; refreshment services, namely, preparation of food and drinks; providing temporary accommodation, namely, hotel services; hotel services conducted within holiday villages; providing campground facilities; arranging temporary housing accommodations in the nature of hotels rooms, apartments and holiday homes; making hotel reservations for others; motels</p>
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U.S. Registration No.	3591590	Application Date	07/22/2008
Registration Date	03/17/2009	Foreign Priority Date	04/17/2008
Word Mark	DUCATI DESMO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 033. First use:</p> <p>Wines and fortified wines, namely, red wines, white wines, ros�� wines, sparkling wines, table wines, fruit wines, sparkling fruit wines, sweet wines, aperitif wines, aperitifs with a wine base, cooking wines, prepared wine cocktails; alcoholic beverages except beers, namely, alcoholic energy drinks, alcoholic fruit cocktail drinks, alcoholic cocktail mixes, aperitifs with a distilled alcoholic liquor base</p>		

U.S. Registration No.	2673598	Application Date	12/20/1999
Registration Date	01/14/2003	Foreign Priority Date	08/10/1999
Word Mark	DUCATI CORSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use:</p> <p>[magnifying glasses, eyeglasses,] sunglasses, [safety glasses, protective masks for motorcyclists,] safety helmets, protective clothing against accidents [, radiation and fire; protective overalls; interactive video games of virtual reality comprised of computer hardware and software]</p> <p>Class 014. First use:</p> <p>[jewelry and imitation jewelry,] watches [and chronometers]</p> <p>Class 016. First use:</p>		

	<p>publications, namely, [magazines, pamphlets, newspapers,] newsletters and periodicals in the fields of motorcycles, [sports, leisure, travel and entertainment;] stationery and stationery goods, namely, pens, boxes for pens, rubber erasers, pencils, pads, [paint brushes,] pen cases, pencil sharpeners [, pen holders, pencil holders]</p> <p>Class 018. First use: leather goods, namely, [wallets, purses, bags, handbags, satchels,] rucksacks; [luggage;] umbrellas [; parasols]</p> <p>Class 025. First use: clothing, namely, [coats,] jackets, [parkas,] trousers, [jeans,] shorts, [skirts,] pullovers, sweaters, [cardigans,] shirts, [jogging suits,] socks, [stockings,] pants, [vests, bathing suits, pajamas,] gloves, belts, ties, scarves, foulards; caps, hats and footwear; gloves for motorcyclists</p> <p>Class 028. First use: [board games, role playing games,] toy model vehicles [; sporting articles, namely, exercise bicycles, roller skates, skating boards; appliances for gymnastics, namely, treadmills, stair-steppers, rowers, barbells and dumbbells with and without weights, exercise weights and hand bars for muscular training, exercise benches; Christmas tree decorations]</p> <p>Class 034. First use: [smokers' articles, namely, cigarette lighters not of precious metals and matches]</p>
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U.S. Registration No.	2342263	Application Date	03/17/1998
Registration Date	04/18/2000	Foreign Priority Date	NONE
Word Mark	DUCATI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 002. First use: [paints for use in the manufacture of motor vehicles; varnishes; lacquers in the nature of a coating; and rust preservatives in the nature of a coating]</p> <p>Class 004. First use: [industrial oils; automotive greases; automotive lubricants; and fuel for motor vehicles, namely, gasoline]</p> <p>Class 008. First use: [hand tools, namely, screwdrivers, hammers, pincers, wrenches, spanners, files, planes, and drills]</p> <p>Class 011. First use: [lights for vehicles]</p> <p>Class 022. First use: [unfitted vehicle covers]</p> <p>Class 035. First use: advertising and marketing agencies; automobile and motorcycle dealership services; and organization of exhibitions for motor vehicles</p> <p>Class 036. First use: financing services; financial ownership of motor vehicle racing teams; insurance services, namely, under-writing extended warranty contracts in the field of automobiles and motorcycles; lease-purchase financing; and installment loans</p> <p>Class 037. First use:</p>		

	<p>vehicle repair; emergency roadside services; automobile cleaning, washing, lubrication, polishing and varnishing; maintenance and repair of motors, vehicles and parts thereof; and vehicle service stations services</p> <p>Class 038. First use: [radio and television broadcasting]</p> <p>Class 039. First use: vehicle renting; vehicle towing; and chauffeur services</p> <p>Class 041. First use: organization of sports meetings and competitions in the field of motorcycle races</p> <p>Class 042. First use: [vehicle testing; and technical consultation and scientific research in the industrial field of motorcycle engineering]</p>
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U.S. Registration No.	2143908	Application Date	02/05/1996
Registration Date	03/17/1998	Foreign Priority Date	NONE
Word Mark	DUCATI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: [laundry bleach, all purpose cleaners, floor polish, furniture polish, shoe polish, chrome polish, automobile polish, automobile cleaners, automobile wax, scouring liquids, scouring powders, preparations for abrading automobiles, deodorant soap, skin soap, toilet soap, perfume, essential oils for personal use, cosmetics, hand lotions, dentifrices]</p> <p>Class 009. First use: eye glasses, sunglasses and parts thereof, lenses, contact lenses, frames, cameras, video cameras, high fidelity equipment, namely, stereo receivers, stereo amplifiers, stereo tuners, prerecorded compact discs in the field of music, computer hardware, blank computer floppy discs, computer disk drives, blank audio tapes, blank video tapes, audio and video cassette recorders, videotape recorders, protective helmets, fire-proof clothing, dust masks, gas masks, blank magnetic data carriers, automatic vending machines, cash registers, calculators, computer software for designing motorcycles and for learning to operate motorcycles, computer utility programs, computer printers, computers, fire extinguishers</p> <p>Class 014. First use: precious metals and their alloys sold in bulk, jewelry, precious stones, namely, diamonds, watches, chronometers, stop watches, and clocks</p> <p>Class 016. First use: recycled paper, shelf paper, tissue paper, toilet paper, writing paper, wrapping paper, note paper, newsprint paper, bond paper, carbon paper, cardboard, cardboard cartons, cardboard containers, cardboard mailing tubes, folders, brochures, advertisement publications, bookbinding material, namely, cloth, tape and wire, mounted and unmounted photographs, stationery, adhesives for stationery or household purposes, artists' materials, namely, brushes, painting sets, pastels, pencils and pens, paint brushes, electric typewriters, nonelectric typewriters, pens, ballpoint pens, fountain pens, textliners, pencils, rules, scales, erasers, plastic bags for merchandise packaging, plastic bubble packs for packaging, playing cards, printing type, printing blocks</p> <p>Class 018. First use:</p>		

	<p>leather and imitation leather sold in bulk, leather and imitation leather backpacks, tote bags and briefcases, animal skins and hides, trunks and traveling bags, umbrellas, parasols, walking sticks, whips, harness and saddlery</p> <p>Class 024. First use: woven fabrics, knitted fabrics, felt fabric, apparel accessories, towels, handkerchiefs, dish cloths, bed sheets, bed quilts, bed quilt cases, pillow cases, blankets, textile wall hangings, textile mini-blinds, curtains, tablecloths, shower curtains, cloth labels, bed blankets, bed linen, bed spreads, tablecloths not of paper, table linen, fabric table runners, textile place mats, table mats not of paper</p> <p>Class 025. First use: clothing, namely, T-shirts, shirts, shorts, pants, dresses, skirts, sweat shirts, hats, footwear, headwear</p> <p>Class 028. First use: action games, board games, card games, parlor games, pinball games, electronic and battery operated toys, construction toys, electronically operated toy motor vehicles, dolls, plush toys, puppets, stuffed toy animals, gymnastic apparatus, baseball bats, baseball gloves, tennis rackets, golf bags, golf gloves, skis, ice skates, Christmas tree decorations except confectionery or illumination articles</p> <p>Class 032. First use: [beers, mineral and aerated waters, ginger ale, carbonated lemonades and orangeades, fruit drinks, fruit juices]</p> <p>Class 033. First use: [prepared alcoholic cocktails, alcoholic malt coolers, wine, whiskey]</p> <p>Class 034. First use: [tobacco, cigarettes, cigars, tobacco, tobacco pouches, cigarette cases, mattress, pipes, match holders, lighters]</p>
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U.S. Registration No.	1424581	Application Date	11/21/1979
Registration Date	01/13/1987	Foreign Priority Date	NONE
Word Mark	DUCATI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 007. First use: First Use: 1957/00/00 First Use In Commerce: 1959/00/00 STATIONARY INTERNAL COMBUSTION ENGINES FOR INDUSTRIAL USE, FOR MARINE USE AND FOR AGRICULTURAL USE AND MOTOR DRIVEN PUMPS</p> <p>Class 012. First use: First Use: 1957/00/00 First Use In Commerce: 1958/00/00 MOTORCYCLES AND LIGHTWEIGHT MOTORCYCLES, AND INTERNAL COMBUSTION ENGINES FOR MOTORCYCLES</p>		

Attachments	DUCATI Notice of Opposition of Appln No 85645401 _2_.pdf(18419 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/rgan/
Name	REBECCA H GAN
Date	07/25/2013

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

DUCATI MOTOR HOLDING S.p.A.,

Opposer,

v.

SHANDONG DURATTI RUBBER
CORPORATION CO., LTD.,

Applicant.

Opposition No. _____

Application Serial No. 85/645,401

Mark: **DURATTI & Design**

NOTICE OF OPPOSITION

Ducati Motor Holding S.p.A., (the “Opposer”), an Italian Società per Azioni, with its principal place of business located at Via Antonio Cavalieri Ducati, No. 3, Bologna, Italy, 40132; believes that it will be damaged by the issuance of a registration for the trademark “DURATTI & Design” in Application Serial No. 85/645,401 (the “Mark”), filed on June 7, 2012 for identified goods in International Class 12; as applied for by Shandong Duratti Rubber Corporation Co., Ltd., a Chinese Corporation, with its principal place of business located at No. 528, Sheng Shui Xi RD, Dongba District, Qingzhou, Shandong, China (the “Applicant”); and therefore opposes the same. As grounds for this opposition, Opposer, through counsel, alleges as follows:

FACTS

1. Opposer is the renowned motorcycle manufacturer and owner of the famed “DUCATI” marks.

2. Opposer has more than 700 global registrations for its famed “DUCATI” marks, including the six (6) U.S. registrations for “DUCATI” identified in Appendix A.

3. Opposer has consistently and continually marketed, *inter alia*, tires for many years; by virtue of its marketing, the excellence of its underlying product, awards, and industry press recognition, the American public has come to know, rely on, and recognize the “DUCATI” marks as a source identifier for Opposer’s tires.

4. Through extensive sales, advertising and promotion, as well as national and international recognition from industry organizations and review publications, the “DUCATI” marks are famous, and achieved fame prior to the filing date of Applicant’s application opposed herein.

5. On June 7, 2012, Applicant filed an application to register the “DURATTI & Design” mark with Section 1(a) actual use in U.S. commerce as the basis, for “Casings for pneumatic tires; Inner tubes; Inner tubes for vehicle tires; Passenger and light truck tires; Pneumatic tyres and inner tubes for motorcycles; Tires; Tires for vehicles; Vehicle wheels,” in International Class 12.

COUNT I:

LIKELIHOOD OF CONFUSION

6. Opposer realleges paragraphs 1 through 5 as paragraph 6 of this Count I.

7. Opposer’s use and registration of its “DUCATI” marks long pre-date the filing date of the opposed application.

8. Applicant’s Mark is likely to be confused with and mistaken for Opposer’s tires, developed and marketed under the “DUCATI” marks, pursuant to Section 2(d) of the Lanham

Act, 15 U.S.C. §1052(d), because Applicant's Mark is confusingly similar in sight and sound to Opposer's "DUCATI" marks.

9. Additionally, Applicant's Mark conveys the same or nearly identical commercial connotation as Opposer's "DUCATI" marks.

10. On information and belief, when Applicant filed the opposed application, it was aware of Opposer and Opposer's long-standing use of its famed "DUCATI" marks.

11. Applicant's addition of a design element to its Mark does nothing to distinguish Applicant's Mark from Opposer's "DUCATI" marks.

12. On information and belief, Applicant's Mark is used, or is intended to be used, on and in connection with goods that are identical, or confusingly similar, to those of Opposer, or within Opposer's necessary realm of expansion.

13. On information and belief, Applicant's target customer and consumer base overlaps with the customers and consumers of Opposer's products and services.

14. Applicant's goods description contains no restrictions or limitations as to Applicant's channels of trade; accordingly, Opposer may assume Applicant's Mark, like Opposer's own "DUCATI" marks, will be used in all accepted channels of trade.

15. In addition to overlapping consumer bases, Applicant's channels of trade for its tires overlaps with the channels of trade used by, or exist within the natural realm of expansion available to Opposer for marketing, selling, and otherwise distributing its "DUCATI" products, including its own "DUCATI" tires.

16. If Applicant is permitted to register its "DURATTI & Design" mark for the goods specified in the application herein opposed, confusion resulting in damage and injury to Opposer would likely occur. Persons familiar with Opposer's famed "DUCATI" marks would

likely perceive Applicant's products as associated with, affiliated with, or sponsored by Opposer. Such confusion would inevitably result in damage to Opposer.

17. Opposer's customers and the relevant public are likely to misperceive Applicant's Mark as one of Opposer's "DUCATI" marks, rather than as a mark of Shandong Duratti Rubber Corporation Co., Ltd., and/or believe in error that goods offered under the Applicant's Mark are offered by, in association with, or under license from Opposer.

18. Any defect, objection to, or fault found with Applicant's goods marketed under its Mark would necessarily reflect on and seriously injure the reputation that Opposer has established for its premium goods, including its "DUCATI" tires.

19. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark and of Applicant's exclusive right to use its "DURATTI & Design" mark, all to the detriment of Opposer.

20. In view of the above, the grant of a registration for Applicant's Mark as sought in the application opposed herein, should be denied.

COUNT II:

DILUTION

21. Opposer realleges paragraphs 1 through 20 as paragraph 21 of this Count II.

22. Through extensive advertising and promotion, Opposer's "DUCATI" marks have become famous in the United States.

23. Opposer's "DUCATI" marks were famous prior to the filing date of the opposed application.

24. Registration of the Applicant's Mark is likely to cause dilution of Opposer's "DUCATI" marks, to the injury of Opposer, by lessening the capacity of the "DUCATI" marks

to identify and distinguish Opposer's goods and services, or otherwise diluting or tarnishing Opposer's famous "DUCATI" marks.

25. Based on the foregoing, the grant of registration for Applicant's Mark as sought in the opposed application should be denied, based on a likelihood of dilution of the distinctive quality of Opposer's famous "DUCATI" marks, in violation of Section 43 (c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, by the undersigned attorney, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of Application Serial No. 85/645,401 be refused.

Respectfully submitted,

July 25, 2013

/rgan/
Rebecca Gan
Attorney for Opposer
Young & Thompson
209 Madison St., Suite 500
Alexandria, VA 22314
Tel: (703) 521-2297

APPENDIX A

Ducati Registrations

<u>Mark</u>	<u>Country</u>	<u>Application Number</u>	<u>Registration Number</u>	<u>Registration Date</u>
DUCATI	United States	79/071,001	3,950,005	April 26, 2011
DUCATI DESMO	United States	79/060,567	3,591,590	March 17, 2009
DUCATI CORSE	United States	75/876,683	2,673,598	January 14, 2003
DUCATI	United States	75/451,939	2,342,263	April 18, 2000
DUCATI	United States	75/053,460	2,143,908	March 17, 1998
DUCATI	United States	73/239,987	1,424,581	January 13, 1987

CERTIFICATE OF SERVICE

I hereby certify the foregoing Notice of Opposition was served by U.S. mail, first class, postage prepaid, to the owner's domestic representative and correspondent of record, Anthea Lee, located at 10685B Hazelhurst Dr. # 9123, Houston, Texas 77043-3238; on this 25th day of July 2013.

 /cpe/
Christopher Emond