

ESTTA Tracking number: **ESTTA609464**

Filing date: **06/11/2014**

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	Duke University
Granted to Date of previous extension	06/11/2014
Address	Office of Counsel, 310 Blackwell St., 4th Floor Durham, NC 27701 UNITED STATES
Party who filed Extension of time to oppose	Duke Universtiy
Relationship to party who filed Extension of time to oppose	The word "university" was misspelled, the Opposer's name has not changed.

Attorney information	Susan Freya Olive Olive & Olive, P.A. 500 Memorial St Durham, NC 27701 UNITED STATES emailboxTTAB@oliveandolive.com
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Applicant Information

Application No	86136430	Publication date	02/11/2014
Opposition Filing Date	06/11/2014	Opposition Period Ends	06/11/2014
Applicant	Bad Dragon Enterprises, Inc. 16845 N 29th Ave #1 PMB 212 Phoenix, AZ 85053 UNITED STATES		

Goods/Services Affected by Opposition

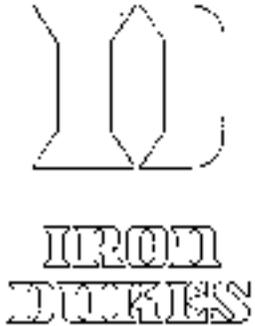
Class 010. First Use: 2013/11/15 First Use In Commerce: 2013/11/15 All goods and services in the class are opposed, namely: Adult sexual stimulation aids, namely, artificial penises, artificial vaginas
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Grounds for Opposition

Immoral or scandalous matter	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Failure to comply with requirements for a use-based application (not in use as claimed, no specimen showing use), Trademark Act section 1, 15 USC 1051(a) (1) and (a)(2)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1003662	Application Date	09/27/1973
Registration Date	01/28/1975	Foreign Priority Date	NONE
Word Mark	IRON DUKES ID		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 200. First use: First Use: 1971/07/01 First Use In Commerce: 1971/07/01 INDICATING MEMBERSHIP IN THE IRON DUKESAN UNINCORPORATED ORGANIZATION OF ALUMNI AND FRIENDS OF DUKE UNIVERSITY WHO HAVE AS THEIR COMMON PURPOSE THE SUPPORT OF THE UNIVERSITY'S ATHLETIC PROGRAM		

U.S. Registration No.	1701827	Application Date	10/01/1991
Registration Date	07/21/1992	Foreign Priority Date	NONE
Word Mark	DUKE UNIVERSITY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 020. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 pillows Class 021. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 cups Class 025. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 shirts
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U.S. Registration No.	1702350	Application Date	09/30/1991
Registration Date	07/21/1992	Foreign Priority Date	NONE
Word Mark	DUKE UNIVERSITY STORES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1940/00/00 First Use In Commerce: 1940/00/00 retail store and mail order services inthe field of clothing, furniture, toys,games, sports equipment, school and office supplies, educational materials, computers, books, photography, housewares, towels, floor coverings, jewelry, ornaments, stationery, prints, camping equipment, pennants, decals, memorabilia, items-bearing Duke University trademarks, anditems depicting Duke University or its students, faculty, or campus life		

U.S. Registration No.	1702830	Application Date	10/01/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE
Word Mark	DUKE UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 key rings made primarily of metal and metal license plates Class 016. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 business card holders, decals, postcards, notepaper, envelopes, stationery, notebooks, loose leaf binders, pens, pencils, pen and pencil sets and paper bags Class 018. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 trunks for traveling, travel bags, and toiletry cases sold empty Class 024. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 tablecloths not of paper, blankets, andcloth flags		

U.S. Registration No.	1713473	Application Date	10/01/1991
Registration Date	09/08/1992	Foreign Priority Date	NONE

Word Mark	UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 jewelry; namely, class rings Class 041. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 educational services; namely, providing courses of study at the undergraduate and graduate level

U.S. Registration No.	2026492	Application Date	06/27/1995
Registration Date	12/31/1996	Foreign Priority Date	NONE

Word Mark	DKE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1995/02/17 First Use In Commerce: 1995/02/17 clothing, namely, T-shirts

U.S. Registration No.	2082553	Application Date	06/28/1995
Registration Date	07/22/1997	Foreign Priority Date	NONE
Word Mark	DKE		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1996/11/12 First Use In Commerce: 1996/11/12 balloons		

U.S. Registration No.	2092314	Application Date	06/28/1995
Registration Date	08/26/1997	Foreign Priority Date	NONE
Word Mark	D KE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1996/11/22 First Use In Commerce: 1996/11/22 pennants not of paper		

U.S. Registration No.	2122067	Application Date	06/28/1995
Registration Date	12/16/1997	Foreign Priority Date	NONE
Word Mark	DKE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1996/11/05 First Use In Commerce: 1996/11/05 decals, stickers, stationery, and note pads Class 021. First use: First Use: 1996/11/06 First Use In Commerce: 1996/11/06 drinking glasses, cups, and mugs

U.S. Registration No.	2203764	Application Date	07/01/1997
Registration Date	11/17/1998	Foreign Priority Date	NONE

Word Mark	DUKE CENTER FOR LIVING
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 1991/08/00 First Use In Commerce: 1991/08/00 educational services, namely, conducting classes, individualized programs, re- treats, seminars, and workshops in the fields of health, medicine, nutrition, phys- ical fitness, and stress and lifestyle management; and providing facilities for ex- ercise Class 042. First use: First Use: 1991/08/00 First Use In Commerce: 1991/08/00 counseling in the fields of health care, nutrition, physical fitness, and stress and lifestyle management; medical services; restaurant services; and weight man- agement diet planning and supervision
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U.S. Registration No.	2317603	Application Date	08/26/1997
Registration Date	02/15/2000	Foreign Priority Date	NONE

Word Mark	DUKE
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Design Mark	DUKE
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 1935/01/00 First Use In Commerce: 1935/01/00 Educational services and teaching hospital services, namely, conducting classes, seminars, workshops, conferences and exhibitions, and distributing course materials therewith, in the field of medicine and health care, and con- ducting medical and health care training in the use of medical and health care devices, all provided via live sessions, interactive and/or on-line computer net- works, television, and/or video-conferencing Class 042. First use: First Use: 1935/01/00 First Use In Commerce: 1935/01/00 providing hospital, medical, and healthcare services; providing medical services delivered by mobile unit; conducting clinical and experimental research in the
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	fields of health care and medicine; and providing health-related support group services
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U.S. Registration No.	2415817	Application Date	01/07/2000
Registration Date	12/26/2000	Foreign Priority Date	NONE
Word Mark	DUKECARD		
Design Mark	DUKECARD		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1985/08/00 First Use In Commerce: 1985/08/00 magnetically encoded debit cards, security access cards, admission cards, identification cards and telephone calling cards for use in debit and stored-value transactions, library material rentals, purchase of goods and services from contracting vendors and for gaining access to facilities and events</p> <p>Class 036. First use: First Use: 1985/08/00 First Use In Commerce: 1985/08/00 financial services namely, providing and administering issuance, redemption and processing of transactions related to debit and stored value cards, and issuing statements of account and payment processing, and transactions related thereto</p>		

U.S. Registration No.	3157222	Application Date	07/20/2005
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	DUKIE		
Design Mark	DUKIE		
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2002/07/17 First Use In Commerce: 2002/07/17 Children's wear, namely, jackets, wind jackets, wind vests, undergarments, pants, shorts, sweaters, sweat pants, sweat shirts, sports jerseys, headwear, gloves, sleepwear, neckwear, uniforms, footwear, dresses; infants' wear, namely, jackets, wind jackets, wind vests, undergarments, shirts, pants, shorts, dresses, skirts, headwear, footwear, gloves, sleepwear, and infants' cloth and</p>		

	plastic bibs
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U.S. Registration No.	3780204	Application Date	03/27/2009
Registration Date	04/27/2010	Foreign Priority Date	NONE
Word Mark	DUKEENGAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 charitable services, namely, organizing and conducting volunteer programs and community service projects; providing a website featuring information on social issues, namely, activities in the field of civic engagement and public service</p> <p>Class 036. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 charitable fundraising services</p> <p>Class 041. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 Educational services, namely, conducting workshops and programs and providing internships in the field of civic engagement and public service and distribution of training material in connection therewith; on-line journals, namely, blogs featuring information regarding cultural immersion for community service projects and other volunteer programs</p> <p>Class 042. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 Computer services, namely, creating an on-line community for users to participate in discussions and receive feedback</p>		

U.S. Registration No.	3878213	Application Date	08/03/2006
Registration Date	11/16/2010	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 016. First use: First Use: 2010/02/01 First Use In Commerce: 2010/02/01 Decals, note pads, note cards, writing paper, and binders		
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U.S. Registration No.	3936096	Application Date	10/08/1998
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Registration Date	03/29/2011	Foreign Priority Date	NONE
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Word Mark	DUKE		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 1926/00/00 First Use In Commerce: 1926/00/00 clothing for men, women and children, namely, cloth and plastic bibs, booties, cheerleading costumes, dresses, hats, jackets, jerseys, mittens, neckties, night-shirts, pajamas, pants, playsuits, shirts, shoes, shorts, slippers, socks, sun visors, sweatbands, sweatpants, sweatshirts, sweaters, T-shirts and vests, and headwear, namely, earbands		
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U.S. Registration No.	3995015	Application Date	05/27/2010
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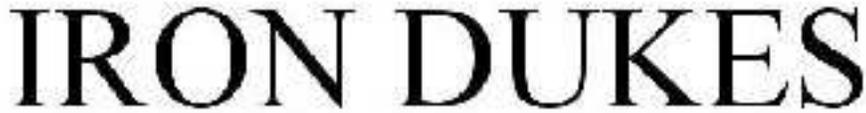
Registration Date	07/12/2011	Foreign Priority Date	NONE
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Word Mark	DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D		
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Design Mark			
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Description of Mark	The mark consists of a medallion design that consists of two outer concentric rings and an inner circle. The outermost ring has a scalloped border and contains nine stars. The mid ring contains the words "DUKE UNIVERSITY ATHLETICS" in a circular presentation. The inner circle contains the words "LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY" stacked in the top half and "SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT" stacked in the bottom half. The word "EXCELLENCE" appears in an oblong banner that horizontally bisects the entire medallion. A stylized letter "D" appears at the bottom of the medallion in the scalloped outer ring.		
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Goods/Services	Class 025. First use: First Use: 2006/09/11 First Use In Commerce: 2006/09/11 Clothing, namely, shirts Class 041. First use: First Use: 2006/09/11 First Use In Commerce: 2006/09/11 Entertainment services, namely, organizing and conducting an array of athletic events; Encouraging university athletic program by organizing and conducting educational programs and activities for athletes, alumni, supporters and fans; providing various facilities for an array of sporting events, sports and athletic competitions and awards programs		
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U.S. Registration No.	4108223	Application Date	06/27/2011
Registration Date	03/06/2012	Foreign Priority Date	NONE
Word Mark	IRON DUKES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Decals</p> <p>Class 021. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Drinking vessels</p> <p>Class 024. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Blankets for outdoor use</p> <p>Class 025. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Shirts and hats for non-industrial uses</p> <p>Class 028. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Golf balls</p>		

U.S. Registration No.	4172132	Application Date	08/03/2006
Registration Date	07/10/2012	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	The mark consists of the stylized wording "DUKE". A design of the side of a devil's head appears between the letters "U" and "K" in "DUKE".		
Goods/Services	Class 025. First use: First Use: 2009/10/00 First Use In Commerce: 2009/10/00 Clothing for men and women, namely, tops and sweatshirts		

U.S. Registration	4323346	Application Date	06/21/2012
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No.			
Registration Date	04/23/2013	Foreign Priority Date	NONE
Word Mark	DUKE CHILDREN'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2009/06/17 First Use In Commerce: 2009/06/17 Downloadable electronic publications in the nature of bulletins in the field of healthcare</p> <p>Class 016. First use: First Use: 2009/06/17 First Use In Commerce: 2009/06/17 Bulletins concerning healthcare</p> <p>Class 035. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 Retail pharmacy services; retail gift shop services</p> <p>Class 036. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 Charitable fundraising services</p> <p>Class 041. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Educational services, namely, conducting programs and training in the fields of medicine and healthcare; charitable services, namely, providing recreational activities for children suffering from illness in the nature of swimming, hiking, fishing, climbing, tennis, dance, photography, arts and crafts, and boating, and conducting field trips in the fields of arts, culture and science</p> <p>Class 042. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Scientific research</p> <p>Class 044. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 Healthcare; providing information in the field of healthcare</p>		
U.S. Registration No.	4342645	Application Date	10/17/2012
Registration Date	05/28/2013	Foreign Priority Date	NONE
Word Mark	WASHINGTON DUKE INN & GOLF CLUB		

Design Mark	<p style="text-align: center;">WASHINGTON DUKE INN & GOLF CLUB</p>
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1988/10/00 First Use In Commerce: 1988/10/00 Retail gift shop; retail sporting goodsstore</p> <p>Class 041. First use: First Use: 1988/10/00 First Use In Commerce: 1988/10/00 Providing sports facilities</p> <p>Class 043. First use: First Use: 1988/10/00 First Use In Commerce: 1988/10/00 Hotel services; restaurant services; provision of banquet and social function facilities for special occasions; provision of conference, exhibition and meetingfacilities</p>

U.S. Registration No.	4372828	Application Date	07/20/2006
Registration Date	07/23/2013	Foreign Priority Date	NONE

Word Mark	DUKE MEDICINE
Design Mark	<p style="text-align: center;">DUKE MEDICINE</p>
Description of Mark	NONE
Goods/Services	<p>Class 041. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Arranging and conducting educational conferences; medical and scientific training and teaching; arranging of exhibitions, seminars, conferences, professional workshops, training courses; organizationof seminars, working groups, research groups and conventions, in the fields of medicine and science; production of radio or television programs; children's entertainment and amusement centers, namely, interactive play areas; entertainment in the nature of golf or tennis tournaments; awards programs for major corporations and individuals who have made significant charitable contributions; publishing documents, books, journals and reports in the fields of science and medicine;providing fitness and exercise facilities; educational research; providing instruction in the field of health and wellness</p> <p>Class 042. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21</p>

	<p>Clinical research; design of medical, optical, and scientific apparatus and instruments; design or development of information and databases; design and testing for new product development; design or testing of new products for others; licensing of intellectual property; medical research; medical and optical laboratories; scientific research and development</p> <p>Class 044. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Blood bank; charitable services, namely, providing medical services, medical equipment, and medical supplies to those in need; charitable services, namely, patient assistance programs to provide drugs, drug counseling, and assistance in obtaining drugs for senior citizens and others in need; dentist services; emergency medical response services; health care; hospitals; hospices; medical, dental, optical, pharmaceutical, wellness and nursing care, consultation, and advice; medical information; nursing care; optician and optometry services; medical clinics; medical services; nutrition counseling; pharmaceutical dispensing; providing health information; providing medical information; rental of medical equipment; home health care and wellness counseling and psychotherapy with individuals, families, and groups; providing information in the field of health and wellness; social work services, namely, assisting patients and their families to obtain appropriate support services in the nature of home health care and wellness counseling; providing medical equipment to individuals</p> <p>Class 045. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Grief and bereavement counseling; ministerial services; providing personal support services for families of patients, namely, companionship, help with medical forms, counseling and emotional support</p>
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U.S. Registration No.	4397703	Application Date	09/25/2012
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	DUKE FORWARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2012/09/29 First Use In Commerce: 2012/09/29 Accepting and administering monetary charitable contributions; Charitable fundraising services		

U.S. Registration No.	4481331	Application Date	06/30/2009
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	DUKE CONNECTED CARE		

Design Mark	DUKE CONNECTED CARE
Description of Mark	NONE
Goods/Services	Class 044. First use: First Use: 2012/12/03 First Use In Commerce: 2012/12/03 health care

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE		
Goods/Services	<p>A wide range of products for men, women and children, including products for use in connection with athletic events and performance and further including but not limited to clothing including casual and sports clothing, headwear, outerwear, footwear, knitwear, hats, tops, t- shirts, polo shirts, bottoms, pants, sweatshirts, sweatpants, sports jerseys, uniforms, foul weather gear, jackets, athletic apparel, protective eyewear, beachwear, infant wear, coats, cover-ups, lingerie, loungewear, neckwear, skiwear, swimwear, sleepwear, suspenders, hair wear, undergarments; personal accessories including but not limited to sports and travel bags, sunglasses, jewelry and watches, belts, wallets, hair accessories; medical paraphernalia and accessories; stuffed and plush toys; a wide variety of items for children and infants, including clothing, sleepwear, toys, bibs and other feeding related items, and accessories; electronics and computer accessories, data storage devices, portable computer sleeves, and mouse pads; holiday ornaments and accessories; dolls, toys, action figures, board games and video games; blankets, bed & bath items; personal care, skin care, grooming, and cosmetic items including toothbrushes and personal care packs comprising a variety of items; containers to hold personal care, skin care, grooming, and cosmetic items; time keeping devices; pet accessories, including apparel, restraint devices, and food and treat related items; beverage & barware; kitchenware, kitchen and cooking accessories; pennants, banners & flags; automobile and other vehicular accessories including but not limited to license plates, bumper stickers, decals, flags, fins, and mirror adornments; bicycles, bicycles accessories including bicycle clothing, gear, and bags; kitchenware; desk & office accessories; furniture; lighting; personal accessories; writing instruments and paper products including, but not limited to, memo pads, books, napkins; photographs; artworks; collectibles; sports equipment, accessories & team memorabilia including helmets and ball markers; decor items; pre-recorded music; cell phone ringtones; streaming live musical performances; magazines, periodicals and other publications directed to a variety of subjects of interest to or related to the University, its programs, research, students, professors, or alumni</p>		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE		
Goods/Services	<p>A wide range of services for men, women and children, including but not limited to educational services, namely providing courses of instruction for men, women and children, including classes, seminars, workshops, conferences, tutoring and training in virtually all fields of learning at the pre-university, university, graduate and post-graduate levels, including but not limited to liberal arts, science and medicine, business, law, music, art, religion, sports, health and wellness, and auxiliary skills necessary to success in a career; educational and scientific research; religious instruction, teaching, counseling and services including divinity school services and church services; photography services; services in the fields of entertainment and sports, such as sports team and club services and performances in, among others, the fields of badminton, baseball, basketball, bicycles, crew, cross country, cycling, dancing, diving, endurance events, equestrian, fencing, field hockey, football, golf, ice hockey, ice skating, lacrosse, martial arts, motor sports including automobile racing, music, racing, racquetball, rowing, rugby, sailing, ski, soccer, softball, snowboard, swimming, table tennis, tennis, track and field, ultimate Frisbee, volleyball, water polo, and wrestling, as well as others; sports medicine programs; sports training programs; including intermural sports teams, club teams intercollegiate sports teams, and NCAA sports programs; sports training camps for its own students and athletes and others; sports training programs, including providing training for youthful athletes as well as older athletes; sports medicine programs; and athlete injury rehabilitation programs; sports, athletic and health training and education; publishing services; providing a web site featuring sports information; providing news and information in the field of sports; programming in the fields of sports, news, current events, popular culture, stories of general interest, and educational programming; creating, maintaining and merchandising a wide variety of recorded and streamed content; entertainment and educational services in the nature of museums; entertainment and educational services in the nature of musical and theatrical performances; fund raising; provision of food and beverages and restaurant services; medical and wellness services; education in the fields of health and wellness aimed at the general public; spa services; medical and nutritional research and programs, including research on dietary supplements, and other "non-traditional" medical treatments and research; psychological services including but not limited to counseling and treatment for victims of physical, emotional and sexual abuse; mental and physical health services for men, women and children, including diagnosis, treatment, and study of mental and physical health issues, including services relating to sexuality and fertility; creation and provision of prosthetic devices and artificial body parts; retail store services in the fields of personal care, grooming, cosmetics and health and wellness; and provision of information of interest to or related to the University, its programs, research, students, professors, or alumni; medical and nutritional research and programs; retail store services; on-line and fixed premises retail store and sales services featuring a wide range of products including but not limited to those listed hereinabove</p>		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	DUKE UNIVERSITY		
Goods/Services	Substantially the same goods as provided herein with respect to DUKE; substantially the same entertainment, education, health, medical and sports related services as provided herein with respect to DUKE		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE BLUE DEVILS		
Goods/Services	Substantially the same goods as provided herein with respect to DUKE; substantially the same entertainment, education, and sports related services as provided herein with respect to DUKE		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	IRON DUKE		
Goods/Services	Clothing including footwear, head wear, tops, bottoms, foul weather gear, and athletic apparel; sports equipment and accessories; decals and other items indicating affiliation with the athletic support organization; membership services related to the athletic support organization		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	IRON DUKES		
Goods/Services	Clothing including footwear, head wear, tops, bottoms, foul weather gear, and athletic apparel; sports equipment and accessories; decals and other items indicating affiliation with the athletic support organization; membership services related to the athletic support organization; operating a website with links to purchase a variety of goods, including, but not limited to, prerecorded music and to streaming entertainment in the nature of musical and sports performances		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKES AND DUCHESSSES		
Goods/Services	Clothing indicating affiliation with the Duke University's student ambassador program; Provision of information of interest to or related to the University, its programs, research, students, professors, alumni, donors or visitors; membership in a student ambassador program and services related thereto		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE FERTILITY CLINIC		
Goods/Services	Services in the field of human reproduction and sexuality		

U.S. Application/ Registration No.	NONE	Application Date	NONE
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tion No.			
Registration Date	NONE		
Word Mark	DUKE MEDICINE		
Goods/Services	Medical, health and wellness services		

Attachments	73002136#TMSN.gif(bytes) 74208935#TMSN.gif(bytes) 74208934#TMSN.gif(bytes) 74208924#TMSN.gif(bytes) 74693793#TMSN.gif(bytes) 75976141#TMSN.gif(bytes) 75976140#TMSN.gif(bytes) 74694684#TMSN.gif(bytes) 75347293#TMSN.gif(bytes) 75892149#TMSN.gif(bytes) 78674480#TMSN.jpeg(bytes) 77700792#TMSN.jpeg(bytes) 78944344#TMSN.jpeg(bytes) 85049335#TMSN.jpeg(bytes) 85356737#TMSN.jpeg(bytes) 78944306#TMSN.jpeg(bytes) 85658564#TMSN.jpeg(bytes) 85756810#TMSN.jpeg(bytes) 78933450#TMSN.jpeg(bytes) 85738029#TMSN.jpeg(bytes) 77771298#TMSN.jpeg(bytes) Registration 1003662 (Exhibit 1).pdf(118871 bytes) Registration 1701827 (Exhibit 2).pdf(117737 bytes) Registration 1702350 (Exhibit 3).pdf(115925 bytes) Registration 1702830 (Exhibit 4).pdf(120150 bytes) Registration 1713473 (Exhibit 5).pdf(149584 bytes) Registration 2026492 (Exhibit 6).pdf(119130 bytes) Registration 2082553 (Exhibit 7).pdf(119857 bytes) Registration 2092314 (Exhibit 8).pdf(116348 bytes) Registration 2122067 (Exhibit 9).pdf(123759 bytes) Registration 2203764 (Exhibit 10).pdf(112242 bytes) Registration 2317603 (Exhibit 11).pdf(123853 bytes) Registration 2415817 (Exhibit 12).pdf(128573 bytes) Registration 3157222 (Exhibit 13).pdf(127371 bytes) Registration 3780204 (Exhibit 14).pdf(133568 bytes) Registration 3878213 (Exhibit 15).pdf(138240 bytes) Registration 3936096 (Exhibit 16).pdf(111852 bytes) Registration 3995015 (Exhibit 17).pdf(189651 bytes) Registration 4108223 (Exhibit 18).pdf(117603 bytes) Registration 4172132 (Exhibit 19).pdf(136334 bytes) Registration 4323346 (Exhibit 20).pdf(128057 bytes) Registration 4342645 (Exhibit 21).pdf(22655 bytes) Registration 4372828 (Exhibit 22).pdf(164926 bytes) Registration 4397703 (Exhibit 23).pdf(123100 bytes) Registration 4481331 (Exhibit 24).pdf(27988 bytes) 20140611 NOO.pdf(357663 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	/sfo/
Name	Susan Freya Olive
Date	06/11/2014

Duke University's Notice of Opposition

Exhibit 1:

TSDR website printout of Reg. No. 1,003,662
IRON DUKES and D design

Generated on: This page was generated by TSDR on 2014-02-19 16:48:46 EST

Mark: IRON DUKES ID



US Serial Number: 73002136 Application Filing Date: Sep. 27, 1973
US Registration Number: 1003662 Registration Date: Jan. 28, 1975
Register: Principal
Mark Type: Collective Membership Mark
Status: The registration has been renewed.
Status Date: Mar. 15, 2005

Mark Information

Mark Literal Elements: IRON DUKES ID
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: INDICATING MEMBERSHIP IN THE IRON DUKES AN UNINCORPORATED ORGANIZATION OF ALUMNI AND FRIENDS OF DUKE UNIVERSITY WHO HAVE AS THEIR COMMON PURPOSE THE SUPPORT OF THE UNIVERSITY'S ATHLETIC PROGRAM

International Class(es): U.S Class(es): 200 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Jul. 01, 1971 Use in Commerce: Jul. 01, 1971

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: DUKE UNIVERSITY
Owner Address: DURHAM, NORTH CAROLINA 27706
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where NORTH CAROLINA
Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE
500 MEMORIAL ST
P O BOX 2049
DURHAM, NORTH CAROLINA 27702
UNITED STATES

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Mar. 15, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 27, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 27, 2005	PAPER RECEIVED	
Mar. 09, 1995	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 12, 1995	RESPONSE RECEIVED TO POST REG. ACTION	
Dec. 20, 1994	POST REGISTRATION ACTION MAILED - SEC. 9	
Sep. 30, 1994	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Aug. 04, 1980	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 28, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 15, 2005

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827

Duke University's Notice of Opposition

Exhibit 2:

TSDR website printout of Reg. No. 1,701,827
DUKE UNIVERSITY

Generated on: This page was generated by TSDR on 2014-02-19 16:54:14 EST

Mark: DUKE UNIVERSITY



US Serial Number: 74208935
US Registration Number: 1701827
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jun. 26, 2012
Publication Date: Apr. 28, 1992

Application Filing Date: Oct. 01, 1991
Registration Date: Jul. 21, 1992

Mark Information

Mark Literal Elements: DUKE UNIVERSITY
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Color(s) Claimed: Color is not claimed as a feature of the mark.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: pillows

International Class(es): 020 - Primary Class

U.S Class(es): 032

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

For: cups

International Class(es): 021 - Primary Class

U.S Class(es): 002, 030

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

For: shirts

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University

Owner Address: 310 Blackwell Street, 4th Floor
Office of Counsel
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0412
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial Street
Durham, NORTH CAROLINA 27701
UNITED STATES
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 26, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	73376
Jun. 26, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Jun. 25, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 30, 2008	CASE FILE IN TICRS	
Oct. 11, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Oct. 11, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 18, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 18, 2002	PAPER RECEIVED	
Oct. 08, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 21, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 21, 1992	REGISTERED-PRINCIPAL REGISTER	
Apr. 28, 1992	PUBLISHED FOR OPPOSITION	
Mar. 27, 1992	NOTICE OF PUBLICATION	
Dec. 10, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 21, 2012

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: Not Found

Date in Location: Jun. 26, 2012

Proceedings

Summary

Number of Proceedings: 25

Duke University's Notice of Opposition

Exhibit 3:

TSDR website printout of Reg. No. 1,702,350
DUKE UNIVERSITY STORES

Attorney of Record

Attorney Name: Susan Freya Olive **Docket Number:** DUKU0410
Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA 27701
UNITED STATES
Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jun. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 26, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Jun. 26, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Jun. 25, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 31, 2008	CASE FILE IN TICRS	
Jul. 05, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 05, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 29, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 29, 2002	PAPER RECEIVED	
Oct. 07, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 21, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 21, 1992	REGISTERED-PRINCIPAL REGISTER	
Apr. 28, 1992	PUBLISHED FOR OPPOSITION	
Mar. 27, 1992	NOTICE OF PUBLICATION	
Dec. 30, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 1991	EXAMINER'S AMENDMENT MAILED	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 21, 2012

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: Not Found

Date in Location: Jun. 26, 2012

Proceedings**Summary**

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Duke University's Notice of Opposition

Exhibit 4:

TSDR website printout of Reg. No. 1,702,830
DUKE UNIVERSITY

Generated on: This page was generated by TSDR on 2014-02-19 16:57:52 EST

Mark: DUKE UNIVERSITY

Duke University

US Serial Number: 74208934 Application Filing Date: Oct. 01, 1991
US Registration Number: 1702830 Registration Date: Jul. 28, 1992
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: May 02, 2012
Publication Date: May 05, 1992

Mark Information

Mark Literal Elements: DUKE UNIVERSITY
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Color(s) Claimed: Color is not claimed as a feature of the mark.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: key rings made primarily of metal and metal license plates

International Class(es): 006 - Primary Class

U.S Class(es): 013, 025

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

For: business card holders, decals, postcards, notepaper, envelopes, stationery, notebooks, loose leaf binders, pens, pencils, pen and pencil sets and paper bags

International Class(es): 016 - Primary Class

U.S Class(es): 002, 037, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

For: trunks for traveling, travel bags, and toiletry cases sold empty

International Class(es): 018 - Primary Class

U.S Class(es): 002, 003

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

For: tablecloths not of paper, blankets, and cloth flags

International Class(es): 024 - Primary Class

U.S Class(es): 032, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: 310 Blackwell Street
4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: NON-PROFIT CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0408
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA 27701
UNITED STATES
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 02, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 02, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70132
May 02, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70132
May 02, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Apr. 13, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 08, 2008	CASE FILE IN TICRS	
Oct. 17, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Oct. 17, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 25, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 25, 2002	PAPER RECEIVED	
Oct. 09, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 24, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 28, 1992	REGISTERED-PRINCIPAL REGISTER	
May 05, 1992	PUBLISHED FOR OPPOSITION	
Apr. 03, 1992	NOTICE OF PUBLICATION	
Dec. 30, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 1991	EXAMINER'S AMENDMENT MAILED	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Jul. 28, 2012

TM Staff and Location Information

TM Staff Information - None

Duke University's Notice of Opposition

Exhibit 5:

TSDR website printout of Reg. No. 1,713,473
UNIVERSITAS DUKIANA ERUDITIO ET
RELIGIO

Generated on: This page was generated by TSDR on 2014-02-19 17:00:18 EST

Mark: UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO



US Serial Number: 74208924
US Registration Number: 1713473
Register: Principal
Mark Type: Trademark, Service Mark
Status: The registration has been renewed.
Status Date: Mar. 15, 2012
Publication Date: May 12, 1992

Application Filing Date: Oct. 01, 1991
Registration Date: Sep. 08, 1992

Mark Information

Mark Literal Elements: UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Disclaimer: "UNIVERSITY"
Translation: The English translation of the words "UNIVERSITAS DUKIANA" and "ERUDITO ET RELIGIO" in the mark is "Duke University" and "education and religion" respectively.
Design Search Code(s): 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
24.13.01 - Cross, Latin (shorter horizontal lines); Latin cross (shorter horizontal lines)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: jewelry; namely, class rings

International Class(es): 014 - Primary Class

U.S Class(es): 028

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

For: educational services; namely, providing courses of study at the undergraduate and graduate level

International Class(es): 041 - Primary Class

U.S Class(es): 107

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University

Owner Address: 310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU2101

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA 27701
UNITED STATES

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 15, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
Mar. 15, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Mar. 12, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 27, 2008	CASE FILE IN TICRS	
Jul. 07, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 07, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 29, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 29, 2002	PAPER RECEIVED	
Jun. 27, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 26, 1998	RESPONSE RECEIVED TO POST REG. ACTION	
Dec. 29, 1997	POST REGISTRATION ACTION MAILED - SEC. 15	
Dec. 02, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 08, 1992	REGISTERED-PRINCIPAL REGISTER	
May 12, 1992	PUBLISHED FOR OPPOSITION	
Apr. 10, 1992	NOTICE OF PUBLICATION	
Jan. 08, 1992	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 1991	EXAMINER'S AMENDMENT MAILED	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 08, 2012

TM Staff and Location Information

TM Staff Information - None

Duke University's Notice of Opposition

Exhibit 6:

TSDR website printout of Reg. No. 2,026,492
D[U]KE with Stylized "U"

Generated on: This page was generated by TSDR on 2014-02-19 17:01:55 EST

Mark: DKE



US Serial Number: 74693793 Application Filing Date: Jun. 27, 1995
US Registration Number: 2026492 Registration Date: Dec. 31, 1996
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Feb. 26, 2007
Publication Date: Oct. 08, 1996

Mark Information

Mark Literal Elements: DKE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
27.03.02 - Humans forming punctuation; Humans forming letters or numerals

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: clo hing, namely, T-shirts
International Class(es): 025 - Primary Class U.S Class(es): 022, 039
Class Status: ACTIVE
Basis: 1(a)
First Use: Feb. 17, 1995 Use in Commerce: Feb. 17, 1995

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: Post Office Box 3024
Durham, NORTH CAROLINA 27710
UNITED STATES
Legal Entity Type: NONPROFIT CORPORATION State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive Docket Number: DUKU0416

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 MEMORIAL ST
PO BOX 2049

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 08, 2008	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Feb. 26, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Feb. 26, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 16, 2007	ASSIGNED TO PARALEGAL	68502
Dec. 19, 2006	TEAS SECTION 8 & 9 RECEIVED	
Sep. 14, 2006	CASE FILE IN TICRS	
Dec. 23, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 29, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 29, 2002	PAPER RECEIVED	
Dec. 31, 1996	REGISTERED-PRINCIPAL REGISTER	
Oct. 08, 1996	PUBLISHED FOR OPPOSITION	
Sep. 06, 1996	NOTICE OF PUBLICATION	
Jul. 22, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 1995	NON-FINAL ACTION MAILED	
Nov. 21, 1995	ASSIGNED TO EXAMINER	68788

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 31, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Feb. 26, 2007

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.

Duke University's Notice of Opposition

Exhibit 7

TSDR website printout of Reg. No. 2,082,553
D[U]KE with Stylized "U"

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com

Docket Number: DUKU0427

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
POST OFFICE BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919) 683-5514

Fax: (919) 688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 11, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Jun. 11, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 08, 2007	ASSIGNED TO PARALEGAL	68502
May 15, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 15, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 15, 2007	CASE FILE IN TICRS	
Jul. 10, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 17, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 17, 2003	PAPER RECEIVED	
Jul. 22, 1997	REGISTERED-PRINCIPAL REGISTER	
Jun. 02, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 22, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 17, 1997	USE AMENDMENT FILED	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Sep. 17, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 11, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 28, 1995	NON-FINAL ACTION MAILED	
Dec. 15, 1995	ASSIGNED TO EXAMINER	68788
Dec. 07, 1995	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 22, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jun. 11, 2007

Proceedings

Duke University's Notice of Opposition

Exhibit 8

TSDR website printout of Reg. No. 2,092,314
D[U]KE with Stylized "U"

Generated on: This page was generated by TSDR on 2014-02-19 17:04:35 EST

Mark: D KE



US Serial Number: 75976140 Application Filing Date: Jun. 28, 1995
US Registration Number: 2092314 Registration Date: Aug. 26, 1997
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Oct. 31, 2007
Publication Date: Jun. 25, 1996 Notice of Allowance Date: Sep. 17, 1996

Mark Information

Mark Literal Elements: D KE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
27.03.05 - Objects forming letters or numerals

Related Properties Information

Claimed Ownership of US Registrations: 74694684
Child Of: 74694684

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: pennants not of paper
International Class(es): 024 - Primary Class U.S Class(es): 042, 050
Class Status: ACTIVE
Basis: 1(a)
First Use: Nov. 22, 1996 Use in Commerce: Nov. 22, 1996

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: POST OFFICE BOX 3024
Durham, NORTH CAROLINA 27710
UNITED STATES
Legal Entity Type: NONPROFIT CORPORATION State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive **Docket Number:** DUKU0426
Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
 OLIVE & OLIVE, P.A.
 500 MEMORIAL STREET
 POST OFFICE BOX 2049
 DURHAM, NORTH CAROLINA 27702-2049
 UNITED STATES
Phone: 919-683-5514 **Fax:** 919-688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Oct. 10, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 31, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Oct. 31, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 31, 2007	ASSIGNED TO PARALEGAL	75461
May 31, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 31, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 02, 2007	CASE FILE IN TICRS	
Jul. 10, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 17, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 17, 2003	PAPER RECEIVED	
Aug. 26, 1997	REGISTERED-PRINCIPAL REGISTER	
Jun. 19, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 17, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 22, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 17, 1997	USE AMENDMENT FILED	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Sep. 17, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 11, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 28, 1995	NON-FINAL ACTION MAILED	
Dec. 15, 1995	ASSIGNED TO EXAMINER	68788
Dec. 07, 1995	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Aug. 26, 2007

TM Staff and Location Information

TM Staff Information - None
File Location

Duke University's Notice of Opposition

Exhibit 9

TSDR website printout of Reg. No. 2,122,067
D[U]KE with Stylized "U"

Generated on: This page was generated by TSDR on 2014-02-19 17:06:35 EST

Mark: DKE



US Serial Number: 74694684
US Registration Number: 2122067
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jun. 23, 2007
Publication Date: Jun. 25, 1996

Application Filing Date: Jun. 28, 1995
Registration Date: Dec. 16, 1997
Notice of Allowance Date: Sep. 17, 1996

Mark Information

Mark Literal Elements: DKE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
27.03.05 - Objects forming letters or numerals

Related Properties Information

Claimed Ownership of US Registrations: 2026492, 2082553, 2092314, 75976140, 75976141
Parent Of: 75976140, 75976141

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: decals, stickers, stationery, and note pads

International Class(es): 016 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Nov. 05, 1996
U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050
Use in Commerce: Nov. 05, 1996

For: drinking glasses, cups, and mugs

International Class(es): 021 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Nov. 06, 1996
U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050
Use in Commerce: Nov. 06, 1996

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: Durham, NORTH CAROLINA 27706

UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE **Docket Number:** DUKU0417
Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 Memorial Street
P.O. Box 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: (919) 683-5514 **Fax:** (919) 688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 19, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 23, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Jun. 23, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 08, 2007	ASSIGNED TO PARALEGAL	73376
May 15, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 15, 2007	TEAS SECTION 8 & 9 RECEIVED	
Feb. 26, 2007	CASE FILE IN TICRS	
Sep. 27, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 14, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 14, 2003	PAPER RECEIVED	
Dec. 16, 1997	REGISTERED-PRINCIPAL REGISTER	
Oct. 16, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 12, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 16, 1997	USE AMENDMENT FILED	
May 22, 1997	EXTENSION 1 GRANTED	
Mar. 17, 1997	EXTENSION 1 FILED	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Sep. 17, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 11, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 28, 1995	NON-FINAL ACTION MAILED	
Dec. 15, 1995	ASSIGNED TO EXAMINER	68788
Dec. 07, 1995	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 16, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jun. 23, 2007

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
D	Renewed	74208328	1703029
D	Renewed	74209067	1707766
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
D U ERUDITIO ET RELIGIO	Renewed	74209059	1724999
D	Renewed	74209062	1737968
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
CAMERON CRAZIE D	Renewed	75078947	2100928
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
D	Renewed	75565065	2307324
DUKE			

Duke University's Notice of Opposition

Exhibit 10

TSDR website printout of Reg. No. 2,203,764
DUKE CENTER FOR LIVING

Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0429
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE PA
500 MEMORIAL ST.
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: 919-683-5514
Fax: 919-688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 24, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
May 24, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 21, 2008	ASSIGNED TO PARALEGAL	73376
May 09, 2008	TEAS SECTION 8 & 9 RECEIVED	
Jul. 27, 2007	CASE FILE IN TICRS	
Jun. 07, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 29, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 17, 1998	REGISTERED-PRINCIPAL REGISTER	
Aug. 25, 1998	PUBLISHED FOR OPPOSITION	
Jul. 24, 1998	NOTICE OF PUBLICATION	
Jun. 04, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 20, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 01, 1998	NON-FINAL ACTION MAILED	
Mar. 13, 1998	ASSIGNED TO EXAMINER	74301

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 17, 2008

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: POST REGISTRATION

Date in Location: May 24, 2008

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Duke University's Notice of Opposition

Exhibit 11:

TSDR website printout of Reg. No. 2,317,603

DUKE

Generated on: This page was generated by TSDR on 2014-02-19 17:09:59 EST

Mark: DUKE

DUKE

US Serial Number: 75347293 Application Filing Date: Aug. 26, 1997
US Registration Number: 2317603 Registration Date: Feb. 15, 2000
Register: Principal
Mark Type: Service Mark
Status: The registration has been renewed.
Status Date: Aug. 12, 2009
Publication Date: Nov. 23, 1999

Mark Information

Mark Literal Elements: DUKE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 2203764

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Educational services and teaching hospital services, namely, conducting classes, seminars, workshops, conferences and exhibitions, and distributing course materials therewith, in the field of medicine and health care, and conducting medical and health care training in the use of medical and health care devices, all provided via live sessions, interactive and/or on-line computer networks, television, and/or video-conferencing

International Class(es): 041 - Primary Class **U.S Class(es):** 100, 101, 107
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 1935 **Use in Commerce:** Jan. 1935

For: providing hospital, medical, and health care services; providing medical services delivered by mobile unit; conducting clinical and experimental research in the fields of health care and medicine; and providing health-related support group services

International Class(es): 042 - Primary Class **U.S Class(es):** 100, 101
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 1935 **Use in Commerce:** Jan. 1935

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: 4th Floor
310 Blackwell Street

Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0428
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 Memorial Street, P.O. Box 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: 919-683-5514
Fax: 919-688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 10, 2009	CASE FILE IN TICRS	96529
Aug. 12, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Aug. 12, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 10, 2009	ASSIGNED TO PARALEGAL	77315
Aug. 06, 2009	TEAS SECTION 8 & 9 RECEIVED	
Dec. 03, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70853
Dec. 03, 2005	ASSIGNED TO PARALEGAL	70853
Aug. 10, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 10, 2005	TEAS SECTION 8 & 15 RECEIVED	
Feb. 15, 2000	REGISTERED-PRINCIPAL REGISTER	
Nov. 23, 1999	PUBLISHED FOR OPPOSITION	
Oct. 22, 1999	NOTICE OF PUBLICATION	
Aug. 02, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 29, 1999	EXAMINER'S AMENDMENT MAILED	
Jan. 21, 1999	NON-FINAL ACTION MAILED	
Nov. 16, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 11, 1998	NON-FINAL ACTION MAILED	
May 08, 1998	ASSIGNED TO EXAMINER	74301
May 07, 1998	ASSIGNED TO EXAMINER	73699

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 15, 2010

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Sep. 14, 2009

Proceedings

Duke University's Notice of Opposition

Exhibit 12

TSDR website printout of Reg. No. 2,415,817
DUKECARD

Attorney of Record

Attorney Name: Susan Freya Olive **Docket Number:** DUKU0435
Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
 Olive & Olive, P.A.
 500 Memorial Street
 DURHAM, NORTH CAROLINA 27702-2049
 UNITED STATES

Phone: (919) 683-5514

Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Nov. 03, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Nov. 03, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 01, 2010	TEAS SECTION 8 & 9 RECEIVED	
Jan. 06, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Jan. 06, 2007	ASSIGNED TO PARALEGAL	76533
Oct. 30, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 30, 2006	TEAS SECTION 8 & 15 RECEIVED	
Jul. 19, 2006	CASE FILE IN TICRS	
Dec. 26, 2000	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2000	PUBLISHED FOR OPPOSITION	
Sep. 01, 2000	NOTICE OF PUBLICATION	
Jul. 17, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 13, 2000	EXAMINER'S AMENDMENT MAILED	
Jun. 28, 2000	ASSIGNED TO EXAMINER	76145
Jun. 22, 2000	ASSIGNED TO EXAMINER	77770

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 26, 2010

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: Not Found

Date in Location: Nov. 03, 2010

Proceedings**Summary**

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC

Duke University's Notice of Opposition

Exhibit 13

TSDR website printout of Reg. No. 3,157,222

DUKIE

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com

Docket Number: DUKU0439
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 Memorial Street
DURHAM, NORTH CAROLINA 27701
UNITED STATES

Phone: (919) 683-5514

Fax: (919) 688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 30, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 30, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Apr. 30, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Apr. 13, 2012	TEAS SECTION 8 & 15 RECEIVED	
Oct. 17, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2006	PUBLISHED FOR OPPOSITION	
Jul. 05, 2006	NOTICE OF PUBLICATION	
Jun. 03, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77975
May 31, 2006	ASSIGNED TO LIE	77975
May 31, 2006	ASSIGNED TO LIE	74189
May 25, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 27, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 25, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 25, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 17, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 17, 2006	NON-FINAL ACTION WRITTEN	76137
Feb. 17, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 17, 2006	NON-FINAL ACTION WRITTEN	76137
Feb. 08, 2006	ASSIGNED TO EXAMINER	76137
Jul. 26, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 112

Date in Location: Apr. 30, 2012

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Duke University's Notice of Opposition

Exhibit 14:

TSDR website printout of Reg. No. 3,780,204
DUKEENGAGE

Duke University's Notice of Opposition

Exhibit 15:

TSDR website printout of Reg. No. 3,878,213
DUKE and Design

Generated on: This page was generated by TSDR on 2014-02-19 17:18:32 EST

Mark: DUKE



US Serial Number: 78944344 Application Filing Date: Aug. 03, 2006
US Registration Number: 3878213 Registration Date: Nov. 16, 2010
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Nov. 16, 2010
Publication Date: Oct. 20, 2009 Notice of Allowance Date: Apr. 20, 2010

Mark Information

Mark Literal Elements: DUKE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 04.01.05 - Heads with horns (persons); Heads of devils or horned personages, with or without wings

Related Properties Information

Claimed Ownership of US Registrations: 1703446, 1737968, 1742734 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Decals, note pads, note cards, writing paper, and binders

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2010

Use in Commerce: Feb. 01, 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: 310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: NON-PROFIT CORPORATION State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0444

Attorney Primary Email emailboxtm@oliveandolive.com
Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919) 683-5514

Fax: (919) 688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

**Correspondent e-mail No
Authorized:**

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 17, 2010	CERTIFICATE OF CORRECTION ISSUED	76293
Dec. 17, 2010	ASSIGNED TO PARALEGAL	76293
Nov. 16, 2010	REGISTERED-PRINCIPAL REGISTER	
Oct. 14, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 13, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Oct. 13, 2010	ASSIGNED TO LIE	70884
Sep. 30, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 28, 2010	STATEMENT OF USE PROCESSING COMPLETE	76874
Aug. 30, 2010	USE AMENDMENT FILED	76874
Sep. 27, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Aug. 30, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 20, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 05, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 18, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 20, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 20, 2009	PUBLISHED FOR OPPOSITION	
Sep. 16, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Sep. 15, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Feb. 21, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 29, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Jul. 24, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76243
Jan. 23, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jul. 23, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 23, 2007	LETTER OF SUSPENSION E-MAILED	6332
Jul. 23, 2007	SUSPENSION LETTER WRITTEN	76635
Jun. 30, 2007	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Jun. 30, 2007	ASSIGNED TO LIE	76243
Dec. 28, 2006	LETTER OF SUSPENSION E-MAILED	6332
Dec. 28, 2006	SUSPENSION LETTER WRITTEN	76635
Dec. 17, 2006	ASSIGNED TO EXAMINER	76635
Aug. 09, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 08, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to The drawing is corrected to appear as follows: Publish cut

Registration:

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Feb. 17, 2011

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
D	Renewed	74208328	1703029
D	Renewed	74209067	1707766
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
D U ERUDITIO ET RELIGIO	Renewed	74209059	1724999
D	Renewed	74209062	1737968
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
CAMERON CRAZIE D	Renewed	75078947	2100928
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
D	Renewed	75565065	2307324
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
D	Section 8 and 15 - Accepted and Acknowledged	76465255	2820854

Duke University's Notice of Opposition

Exhibit 16:

TSDR website printout of Reg. No. 3,936,096

DUKE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE

Docket Number: DUKU0433SOBV

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 MEMORIAL STREET
POST OFFICE BOX 2049
DURHAM, NORTH CAROLINA 27702
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 18, 2011	TTAB RELEASE CASE TO TRADEMARKS	193267
Feb. 18, 2011	OPPOSITION TERMINATED NO. 999999	193267
Feb. 18, 2011	OPPOSITION DISMISSED NO. 999999	193267
Jan. 05, 2010	OPPOSITION INSTITUTED NO. 999999	193267
Jul. 27, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 07, 2009	PUBLISHED FOR OPPOSITION	
Jun. 17, 2009	NOTICE OF PUBLICATION	
Jun. 04, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jun. 03, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 02, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 02, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 08, 2008	FINAL REFUSAL MAILED	
Dec. 08, 2008	FINAL REFUSAL WRITTEN	76145
Nov. 17, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
May 14, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 14, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
Nov. 13, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
May 09, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Apr. 26, 2007	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
Apr. 26, 2007	ASSIGNED TO LIE	68171
Oct. 10, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Apr. 05, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145
Oct. 04, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Mar. 29, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76532
Sep. 20, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 12, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70138
May 29, 2003	CASE FILE IN TICRS	
Apr. 26, 2000	LETTER OF SUSPENSION MAILED	
Apr. 25, 2000	ASSIGNED TO EXAMINER	76145
Dec. 27, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 21, 1999	NON-FINAL ACTION MAILED	
Jun. 04, 1999	ASSIGNED TO EXAMINER	74301
May 14, 1999	ASSIGNED TO EXAMINER	69817
May 11, 1999	ASSIGNED TO EXAMINER	74301

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2011

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATESCorrespondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
D	Renewed	74208328	1703029
D	Renewed	74209067	1707766
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
D U ERUDITIO ET RELIGIO	Renewed	74209059	1724999
D	Renewed	74209062	1737968
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
CAMERON CRAZIE D	Renewed	75078947	2100928
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
D	Renewed	75565065	2307324
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
D	Section 8 and 15 - Accepted and Acknowledged	76465255	2820854

Duke University's Notice of Opposition

Exhibit 17:

TSDR website printout of Reg. No. 3,995,015

DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY
DIVERSITY EDUCATION ACCOUNTABILITY
SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D



Generated on: This page was generated by TSDR on 2014-02-19 17:32:03 EST

Mark:

DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D



US Serial Number: 85049335

Application Filing Date: May 27, 2010

US Registration Number: 3995015

Registration Date: Jul. 12, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 12, 2011

Publication Date: Nov. 16, 2010

Notice of Allowance Date: Jan. 11, 2011

Mark Information

Mark Literal Elements: DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a medallion design that consists of two outer concentric rings and an inner circle. The outermost ring has a scalloped border and contains nine stars. The mid ring contains the words "DUKE UNIVERSITY ATHLETICS" in a circular presentation. The inner circle contains the words "LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY" stacked in the top half and "SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT" stacked in the bottom half. The word "EXCELLENCE" appears in an oblong banner that horizontally bisects the entire medallion. A stylized letter "D" appears at the bottom of the medallion in the scalloped outer ring.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "UNIVERSITY", "ATHLETICS", "EXCELLENCE", "LOYALTY", "DIVERSITY", "EDUCATION", "ACCOUNTABILITY", "SPORTSMANSHIP", "COMMITMENT", "INTEGRITY" AND "RESPECT"

Design Search Code(s): 24.07.04 - Medals
24.09.07 - Advertising, banners; Banners
26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Related Properties Information

Claimed Ownership of US Registrations: 2203764, 2317603, 2415817 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 11, 2006

Use in Commerce: Sep. 11, 2006

For: Entertainment services, namely, organizing and conducting an array of athletic events; Encouraging university athletic program by organizing and conducting educational programs and activities for athletes, alumni, supporters and fans; providing various facilities for an array of sporting events, sports and athletic competitions and awards programs

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 11, 2006

Use in Commerce: Sep. 11, 2006

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Duke University
Owner Address: 310 Blackwell Street, 4th Floor
Office of Counsel
Durham, NORTH CAROLINA 27710
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0455
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: 919-683-5514
Fax: 919-688-3781
Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 13, 2011	REPRINTING REGISTRATION CERTIFICATE	
Sep. 13, 2011	CERTIFICATE OF CORRECTION ISSUED	70132
Aug. 28, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Aug. 25, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 12, 2011	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 06, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
May 24, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 24, 2011	STATEMENT OF USE PROCESSING COMPLETE	61813
May 19, 2011	USE AMENDMENT FILED	61813
May 24, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 19, 2011	TEAS STATEMENT OF USE RECEIVED	
Jan. 11, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 16, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 16, 2010	PUBLISHED FOR OPPOSITION	

Oct. 08, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Oct. 08, 2010	ASSIGNED TO LIE	69712
Sep. 24, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 24, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 24, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 24, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 24, 2010	EXAMINERS AMENDMENT -WRITTEN	73363
Sep. 14, 2010	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Sep. 14, 2010	PRIORITY ACTION E-MAILED	6326
Sep. 14, 2010	PRIORITY ACTION WRITTEN	73363
Sep. 09, 2010	ASSIGNED TO EXAMINER	73363
Jun. 02, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 01, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 31, 2010	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the statement of goods , class 41Entertainment services, namely, organizing and conducting an array of a hle ic events; Encouraging university a hle ic program by organizing and conducting educational programs and activities for athletes, alumni, supporters and fans; providing various facilities for an array of sporting events, sports and athletic competitions and awards programs should be inserted. First use dates anywhere and in commerce 9-11-2006 should be inserted.

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: Not Found

Date in Location: Oct. 28, 2011

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827

Duke University's Notice of Opposition

Exhibit 18:

TSDR website printout of Reg. No. 4,108,223
IRON DUKES

Generated on: This page was generated by TSDR on 2014-02-19 17:33:24 EST

Mark: IRON DUKES

IRON DUKES

US Serial Number: 85356737
US Registration Number: 4108223
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Mar. 06, 2012
Publication Date: Dec. 20, 2011

Application Filing Date: Jun. 27, 2011

Registration Date: Mar. 06, 2012

Mark Information

Mark Literal Elements: IRON DUKES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1003662

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Decals

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Drinking vessels

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Blankets for outdoor use

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Shirts and hats for non-industrial uses

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Golf balls

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Duke University
Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0492
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
500 Memorial Street
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 06, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 20, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 20, 2011	PUBLISHED FOR OPPOSITION	
Nov. 30, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 16, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Nov. 09, 2011	ASSIGNED TO LIE	70633
Oct. 19, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 19, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 19, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 19, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 19, 2011	EXAMINERS AMENDMENT -WRITTEN	82436
Oct. 12, 2011	ASSIGNED TO EXAMINER	82436
Jul. 01, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 30, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 06, 2012

Duke University's Notice of Opposition

Exhibit 19:

TSDR website printout of Reg. No. 4,172,132
DUKE with Devil Head Design

Generated on: This page was generated by TSDR on 2014-02-19 17:34:38 EST

Mark: DUKE



US Serial Number: 78944306 Application Filing Date: Aug. 03, 2006
US Registration Number: 4172132 Registration Date: Jul. 10, 2012
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 10, 2012
Publication Date: Feb. 21, 2012 Notice of Allowance Date: Apr. 17, 2012

Mark Information

Mark Literal Elements: DUKE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the stylized wording "DUKE". A design of the side of a devil's head appears between the letters "U" and "K" in "DUKE".
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 04.01.05 - Heads with horns (persons); Heads of devils or horned personages, with or without wings

Related Properties Information

Claimed Ownership of US Registrations: 1703446, 1737968, 1742734 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Clothing for men and women, namely, tops and sweatshirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 2009

Use in Commerce: Oct. 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: 310 Blackwell Street, 4th Floor
Office of Counsel
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: NON-PROFIT CORPORATION State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive **Docket Number:** DUKU0445
Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: (919) 683-5514 **Fax:** (919) 688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jul. 10, 2012	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 06, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Jun. 06, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 04, 2012	STATEMENT OF USE PROCESSING COMPLETE	76538
May 09, 2012	USE AMENDMENT FILED	76538
Jun. 01, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 09, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 17, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 21, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 21, 2012	PUBLISHED FOR OPPOSITION	
Feb. 01, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 19, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Jan. 19, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 19, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 19, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 19, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 19, 2012	EXAMINERS AMENDMENT -WRITTEN	76635
Dec. 27, 2011	LIE CHECKED SUSP - TO ATTY FOR ACTION	74221
Jun. 24, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	74221
Dec. 23, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Dec. 03, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 03, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 03, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 29, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	74221
Sep. 29, 2010	ASSIGNED TO LIE	74221
Mar. 26, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Mar. 16, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Sep. 15, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 26, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Feb. 21, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 29, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Jul. 18, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 18, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	

Jun. 30, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76243
Jun. 30, 2007	ASSIGNED TO LIE	76243
Dec. 28, 2006	LETTER OF SUSPENSION E-MAILED	6332
Dec. 28, 2006	SUSPENSION LETTER WRITTEN	76635
Dec. 17, 2006	ASSIGNED TO EXAMINER	76635
Aug. 09, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 08, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 06, 2012

Proceedings

Summary

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
D	Renewed	74208328	1703029
D	Renewed	74209067	1707766
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
D U ERUDITIO ET RELIGIO	Renewed	74209059	1724999
D	Renewed	74209062	1737968
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
CAMERON CRAZIE D	Renewed	75078947	2100928
DKE			

Duke University's Notice of Opposition

Exhibit 20:

TSDR website printout of Reg. No. 4,323,346
DUKE CHILDREN'S

Generated on: This page was generated by TSDR on 2014-02-19 17:35:59 EST

Mark: DUKE CHILDREN'S

DUKE CHILDREN'S

US Serial Number: 85658564 Application Filing Date: Jun. 21, 2012
US Registration Number: 4323346 Registration Date: Apr. 23, 2013
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 23, 2013
Publication Date: Feb. 05, 2013

Mark Information

Mark Literal Elements: DUKE CHILDREN'S
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "CHILDREN'S"

Related Properties Information

Claimed Ownership of US Registrations: 2317603

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Downloadable electronic publications in the nature of bulletins in the field of healthcare

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 2009

Use in Commerce: Jun. 17, 2009

For: Bulletins concerning healthcare

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 2009

Use in Commerce: Jun. 17, 2009

For: Retail pharmacy services; retail gift shop services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 1974

Use in Commerce: 1974

For: Charitable fundraising services

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 1974

Use in Commerce: 1974

For: Educational services, namely, conducting programs and training in the fields of medicine and healthcare; charitable services, namely, providing recreational activities for children suffering from illness in the nature of swimming, hiking, fishing, climbing, tennis, dance, photography, arts and crafts, and boating, and conducting field trips in the fields of arts, culture and science

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: 1996

Use in Commerce: 1996

For: Scientific research

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1996

Use in Commerce: 1996

For: Healthcare; providing information in the field of healthcare

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1990

Use in Commerce: 1990

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0484

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 05, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 05, 2013	PUBLISHED FOR OPPOSITION	
Jan. 16, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 28, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Dec. 28, 2012	ASSIGNED TO LIE	68552
Dec. 11, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	

Dec. 10, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 10, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 10, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 15, 2012	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Oct. 15, 2012	PRIORITY ACTION E-MAILED	6326
Oct. 15, 2012	PRIORITY ACTION WRITTEN	81089
Oct. 08, 2012	ASSIGNED TO EXAMINER	81089
Jul. 06, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 25, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 23, 2013

Proceedings

Summary

Number of Proceedings: 15

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
D	Renewed	74208328	1703029
D	Renewed	74209067	1707766
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
D U ERUDITIO ET RELIGIO	Renewed	74209059	1724999
D	Renewed	74209062	1737968
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314

Duke University's Notice of Opposition

Exhibit 21:

TSDR website printout of Reg. No. 4,342,645
WASHINGTON DUKE INN & GOLF CLUB

Owner Name: Duke University
Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU2309
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: 919 683 5514
Fax: 919 688 3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 28, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 12, 2013	PUBLISHED FOR OPPOSITION	
Feb. 20, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Feb. 05, 2013	ASSIGNED TO LIE	77312
Jan. 23, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 23, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT -WRITTEN	83698
Jan. 23, 2013	ASSIGNED TO EXAMINER	83698
Oct. 23, 2012	NOTICE OF PSEUDO MARK MAILED	
Oct. 22, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 20, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 28, 2013

Proceedings

Summary

Number of Proceedings: 12

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Duke University's Notice of Opposition

Exhibit 22:

TSDR website printout of Reg. No. 4,372,828
DUKE MEDICINE

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

For: Grief and bereavement counseling; ministerial services; providing personal support services for families of patients, namely, companionship, help with medical forms, counseling and emotional support

International Class(es): 045 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0446

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
P. O. Box 2049
500 Memorial Street
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919) 683-5514

Fax: (919) 688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
Jun. 21, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 20, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Jun. 19, 2013	ASSIGNED TO LIE	67287
Jun. 05, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 04, 2013	STATEMENT OF USE PROCESSING COMPLETE	65362
May 07, 2013	USE AMENDMENT FILED	65362
Jun. 04, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
May 07, 2013	TEAS STATEMENT OF USE RECEIVED	
May 01, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 12, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 02, 2013	TTAB RELEASE CASE TO TRADEMARKS	183030

Jan. 02, 2013	OPPOSITION TERMINATED NO. 999999	183030
Jan. 02, 2013	OPPOSITION DISMISSED NO. 999999	183030
Mar. 18, 2008	OPPOSITION INSTITUTED NO. 999999	183030
Oct. 18, 2007	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 18, 2007	PUBLISHED FOR OPPOSITION	
Aug. 29, 2007	NOTICE OF PUBLICATION	
Aug. 13, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Aug. 13, 2007	ASSIGNED TO LIE	78289
Jun. 27, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 26, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 26, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 26, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 28, 2006	NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2006	NON-FINAL ACTION WRITTEN	76635
Dec. 17, 2006	ASSIGNED TO EXAMINER	76635
Jul. 25, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 20, 2013

Proceedings

Summary

Number of Proceedings: 12

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Brave Dave's Inc

Correspondent Address: BRAVE DAVE'S INC
8604 STERLING # 200
CENTER LINE MI , 48015-1779

Correspondent e-mail: Dave@BraveDaveSalsa.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
D	Opposition Pending	85891996	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial St
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
D	Renewed	74208328	1703029

Duke University's Notice of Opposition

Exhibit 23:

TSDR website printout of Reg. No. 4,397,703

DUKE FORWARD

Generated on: This page was generated by TSDR on 2014-02-19 17:43:04 EST

Mark: DUKE FORWARD

DUKE FORWARD

US Serial Number: 85738029
Application Filing Date: Sep. 25, 2012
US Registration Number: 4397703
Registration Date: Sep. 03, 2013
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Sep. 03, 2013
Publication Date: Mar. 12, 2013
Notice of Allowance Date: May 07, 2013

Mark Information

Mark Literal Elements: DUKE FORWARD
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2317603, 3780204, 3995015 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Accepting and administering monetary charitable contributions; Charitable fundraising services
International Class(es): 036 - Primary Class
U.S Class(es): 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 29, 2012
Use in Commerce: Sep. 29, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Duke University
Owner Address: Office of University Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU 0494

Attorney Primary Email emailboxTM@oliveandolive.com
Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
P. O. Box 2049
500 Memorial Street
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919)683-5514

Fax: (919)688-3781

Correspondent e-mail: emailboxTM@oliveandolive.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 03, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 29, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Jul. 26, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 26, 2013	STATEMENT OF USE PROCESSING COMPLETE	66530
Jul. 01, 2013	USE AMENDMENT FILED	66530
Jul. 26, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jul. 01, 2013	TEAS STATEMENT OF USE RECEIVED	
Jun. 25, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 07, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 12, 2013	PUBLISHED FOR OPPOSITION	
Feb. 20, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Feb. 05, 2013	ASSIGNED TO LIE	66213
Jan. 23, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 23, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT -WRITTEN	83698
Jan. 23, 2013	ASSIGNED TO EXAMINER	83698
Sep. 28, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 28, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 29, 2013

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91214959](#)

Filing Date: Feb 18, 2014

Status: Pending

Status Date: Feb 18, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Duke University's Notice of Opposition

Exhibit 24:

TSDR website printout of Reg. No. 4,481,331
DUKE CONNECTED CARE

Attorney Name: Susan Freya Olive

Docket Number: DUKU0482

Attorney Primary Email emailboxtm@oliveandolive.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
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UNITED STATES

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Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 11, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 08, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 07, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	73296
Jan. 03, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 31, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 30, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 30, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 20, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 20, 2013	FINAL REFUSAL E-MAILED	
Dec. 20, 2013	SU - FINAL REFUSAL - WRITTEN	82429
Dec. 03, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Dec. 03, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Nov. 25, 2013	ASSIGNED TO LIE	73296
Nov. 20, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 28, 2013	NON-FINAL ACTION E-MAILED	
May 28, 2013	SU - NON-FINAL ACTION - WRITTEN	82429
May 20, 2013	STATEMENT OF USE PROCESSING COMPLETE	76538
May 16, 2013	USE AMENDMENT FILED	76538
May 16, 2013	TEAS STATEMENT OF USE RECEIVED	
May 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 17, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 16, 2012	EXTENSION 5 GRANTED	76538
Nov. 13, 2012	EXTENSION 5 FILED	76538
Nov. 13, 2012	TEAS EXTENSION RECEIVED	
Nov. 12, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 03, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 02, 2012	EXTENSION 4 GRANTED	76538
Apr. 30, 2012	EXTENSION 4 FILED	76538
Apr. 30, 2012	TEAS EXTENSION RECEIVED	
Nov. 23, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 22, 2011	EXTENSION 3 GRANTED	76538
Nov. 17, 2011	EXTENSION 3 FILED	76538
Nov. 17, 2011	TEAS EXTENSION RECEIVED	
May 17, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

May 16, 2011	EXTENSION 2 GRANTED	76538
May 13, 2011	EXTENSION 2 FILED	76538
May 13, 2011	TEAS EXTENSION RECEIVED	
Nov. 11, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 10, 2010	EXTENSION 1 GRANTED	76538
Nov. 01, 2010	EXTENSION 1 FILED	76538
Nov. 10, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Nov. 01, 2010	TEAS EXTENSION RECEIVED	
May 18, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 02, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Dec. 16, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 17, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 17, 2009	PUBLISHED FOR OPPOSITION	
Oct. 14, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Oct. 14, 2009	ASSIGNED TO LIE	77075
Sep. 28, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 28, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 28, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 28, 2009	EXAMINERS AMENDMENT -WRITTEN	82429
Sep. 26, 2009	ASSIGNED TO EXAMINER	82429
Jul. 06, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 03, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 07, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [77771298](#)

Filing Date: Dec 16, 2009

Status: Terminated

Status Date: Apr 02, 2010

Interlocutory Attorney:

Defendant

Name: Duke University

Correspondent Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM NC , 27702-2049
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUKE CONNECTED CARE	Registered	77771298	4481331

Potential Opposer(s)

Name: Walgreen Co.

Correspondent Address: Cary M. Pumphrey, Sr. IP Atty.
Walgreen Co.
104 Wilmot RoadMS #1425
Deerfield IL , 60015
UNITED STATES

Correspondent e-mail: cary.pumphrey@walgreens.com , kate.collins@walgreens.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 16, 2009	
2	EXTENSION OF TIME GRANTED	Dec 16, 2009	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jan 13, 2010	
4	EXTENSION OF TIME GRANTED	Jan 13, 2010	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Trademark Trial and Appeal Board

IN THE MATTER OF Trademark Application of Bad Dragon Enterprises, Inc.
For Registration of DUKE’S BUTT, Serial No. 86136430
Published for Opposition in the Official Gazette on Feb. 11, 2014

Duke University, Plaintiff-Opposer vs Bad Dragon Enterprises, Inc. Defendant-Applicant	OPPOSITION TO REGISTRATION OF MARK
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Our Ref.: DUKU9314

Duke University, a corporation of the State of North Carolina, with a principal place of business in Durham, North Carolina and business address at Office of University Counsel, Duke University, Durham, North Carolina, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer is the owner of many marks (hereafter referred to as Opposer’s “DUKE Marks”) consisting in whole or substantial part of the term DUKE.
2. Use of DUKE Marks by Opposer commenced in or about 1924 and has continued and expanded in interstate and foreign commerce, both directly and through licensees, continuously since that time.
3. Applicant seeks registration of the mark DUKE’S BUTT, comprising the possessive form of the word DUKE with another word, pursuant to Section 1(a) of the Trademark Act (15 USC §1051(a)), for use in connection with “Adult sexual stimulation aids, namely, artificial penises, artificial vaginas.”
4. Since long prior to the filing date of Applicant’s application, and any other priority date to

which Applicant might be entitled, Opposer directly and through licensees has provided a wide variety of educational, entertainment, health and wellness, and other goods and services under its famous mark DUKE and has sold and/or provided directly and through licensees, in commerce, a multitude of products and services under its DUKE Marks. Among the many services that Opposer, an accredited university and medical center, provides under its DUKE Marks are a wide variety of services and counseling in the field of sexual identity, sexuality and human reproduction, including instruction and courses of relevance to that area as well as medical and psychological services to students and to patients. Opposer also has created under its DUKE Marks, in association with its medical services, a wide variety of prosthetic devices and artificial body parts, including devices intended to address issues related to sexual health and reproduction as well as human sexuality; and distributes products for use in human sexual activity through various of its services provided under its DUKE Marks. Such products and services under the DUKE Marks have been provided in commerce since long prior to any date of first use that Applicant can claim. Opposer is identified by its DUKE Marks in connection with these products and services.

5. Opposer owns the following United States Trademark Registrations, among others, for its DUKE Marks, each of which includes the term DUKE or a variant term that reminds viewers and customers of Opposer and reinforces the link between DUKE Marks and Opposer. Each of the marks listed below was lawfully issued, and is valid and subsisting (copies of the electronic records provided by the United States Trademark Office for each registration are attached hereto as Exhibits 1 through 24 and are incorporated herein by reference and for purpose of reliance):

Registration No.	Issue Date	Mark
1,003,662	01/28/75	IRON DUKES and D design
1,701,827	07/21/92	DUKE UNIVERSITY
1,702,350	07/21/92	DUKE UNIVERSITY STORES
1,702,830	07/28/92	DUKE UNIVERSITY
1,713,473	09/08/92	UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO

Registration No.	Issue Date	Mark
2,026,492	12/31/96	D[U]KE with Stylized "U"
2,082,553	07/22/97	D[U]KE with Stylized "U"
2,092,314	08/26/97	D[U]KE with Stylized "U"
2,122,067	12/16/97	D[U]KE with Stylized "U"
2,203,764	11/17/98	DUKE CENTER FOR LIVING
2,317,603	02/15/00	DUKE
2,415,817	12/26/00	DUKECARD
3,157,222	10/17/06	DUKIE
3,780,204	04/27/10	DUKEENGAGE
3,878,213	11/16/10	DUKE and Design
3,936,096	03/29/11	DUKE
3,995,015	07/12/11	DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D
4,108,223	03/06/12	IRON DUKES
4,172,132	07/10/12	DUKE with Devil Head
4,323,346	04/23/13	DUKE CHILDREN'S
4,342,645	05/28/13	WASHINGTON DUKE INN & GOLF CLUB
4,372,828	07/23/13	DUKE MEDICINE
4,397,703	09/03/13	DUKE FORWARD
4,481,331	02/11/14	DUKE CONNECTED CARE

6. Opposer's DUKE Marks include, in addition to these registered marks, the word "DUKE" and close variants thereof in a variety of designs and fonts, used for substantially the same goods and services as are identified in the preceding paragraphs, including in the registrations themselves.

7. Opposer's DUKE Marks serve to identify, and as an identity of, Opposer, such identification beginning prior to the filing date of Applicant's applications, prior to any first date of use of Applicant's mark that Applicant is entitled to assert, and prior to any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought, and continuing to the present time.

8. Opposer's provision and promotion of its services and products to the public under its DUKE Marks for almost a century has caused the public to strongly associate the marks, and the goods and

services provided thereunder, with Opposer. Through those efforts Opposer now has built substantial goodwill in its DUKE Marks that inures to the benefit of Opposer.

9. Opposer's DUKE Marks, including specifically the mark DUKE, have become famous, and are associated with Opposer; and acquired such fame prior to the filing date of Applicant's application, any date of first use of Applicant's mark that Applicant is entitled to assert, and any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought.

10. A survey taken prior to the date of Applicant's alleged commencement of use of Applicant's mark showed that 80% of consumers, upon seeing DUKE, immediately associated that term with Opposer. Even when a second term was added following the word DUKE, most consumers immediately associated the composite term with Opposer.

11. The fame of Opposer's DUKE Marks (including the mark DUKE) is so widespread and pervasive that consumers will expect that not only identical marks but also similar marks are associated with Opposer.

12. The mark that Applicant seeks to register incorporates as its most distinctive term the word DUKE'S, which is substantially similar or identical to the terms contained in Opposer's DUKE Marks, for products that are related or identical to products and services with which Opposer's said marks are used.

13. Applicant seeks to register a mark whose initial and most immediately recognizable element is the word DUKE in possessive form. The mark is applied for in standard character form, and if the mark were registered, Applicant would presumptively be entitled to use the word DUKE in larger type than any other element of the mark, so as to further increase the emphasis on that term; and to use that mark in channels of commerce identical to those of Opposer; and to market the products to customers who use services provided under Opposer's DUKE Marks and purchase goods bearing Opposer's DUKE Marks.

14. Despite Applicant's asserted desire to use a DUKE mark in connection with products that are similar to products and services offered by Opposer, Applicant is not affiliated with, licensed by, or otherwise associated with Opposer. Opposer is not connected with the identified products that Applicant allegedly offers under the mark sought to be registered.

15. Opposer's fame and Opposer's excellent and well-known reputation are such that a connection with Opposer and Opposer's services is likely to be presumed when Applicant's mark sought to be registered is used in connection with Applicant's goods.

16. Applicant's mark includes the term BUTT.

17. The term BUTT is equivalent in meaning and usage to the term ASS.

18. The term BUTT, in the context of human body parts, is recognized as a vulgar reference to the human derriere.

19. Alternatively, the term BUTT, when applied to entities, is recognized as a pejorative, vulgar reference to said entities.

20. Applicant's goods are identified as artificial penises and artificial vaginas. The identified artificial human body parts do not include any portion of an artificial human derriere, and the term BUTT is misdescriptive as applied to Applicant's identified products.

21. Applicant committed fraud on the Trademark Office by knowingly and falsely alleging material facts relating to use of its mark, with the intent that the Office would rely upon the false statements and issue its registration, for at least the following reasons.

- a. When filing its application and describing its products in the identification of products, Applicant knowingly and falsely described its products as artificial penises and artificial vaginas, when in fact its products sold under the mark are artificial anuses.

- b. When submitting a specimen purportedly showing use of the mark in connection with the identified goods (artificial penises and/or vaginas), Applicant instead submitted a specimen that showed use of the mark to identify artificial anuses, which it described in the text variously as “Duke’s ass” and as “our first male penetrable design, carefully sculpted to mimic Duke’s rear end. Duke’s Butt has a tight but flexible entrance, sculpted outer texture for a better grip, and a brand-new core texture for an exhilarating ride.” Applicant did not disclose to the examiner that its specimen did not, in fact, show use of the mark in connection with the identified goods although it knew that the mark did not show such use.
- c. Based upon Opposer’s investigation, it is alleged that Applicant had not used the mark sought to be registered in connection with the goods identified in the application, on the date of first use alleged in the application or indeed at any date prior to the date of filing of the application.
- d. Applicant knew that the true facts were not as represented to the Office. At the date of its application, and throughout prosecution of its application, Applicant knew that it had not placed in use the mark sought to be registered, for the goods identified in the application, as of the dates of use stated in the application; and that its specimen did not show the use its CFO swore under penalty of perjury was shown therein.
- e. Applicant intended that the Office would rely upon Applicant’s false identification of its products and upon Applicant’s allegation that the mark was in use for the products identified in the application together with the dates of use specified therein, and would issue to Applicant the registration it sought.
- f. Applicant sought to obtain the advantages of registration based upon false information knowingly submitted to the Office.

22. The application fails to comply with the requirements for a use-based application under Sec. 1(a) of the Lanham Act, including the requirements that the application correctly state the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, and the goods or services in connection with which the mark is used (15 USC 1051(a)(2) and 15 USC 1053). Because Applicant was not using its mark in commerce on or in connection with the identified goods at the time it filed its use-based application or on the date stated in the application, and the submitted specimen did not show use in commerce of the mark in connection with the goods identified in the application, such non-use renders the application *void ab initio* for failure to comply with the requirements of Section 1(a) of the Trademark Act (15 USC §1051(a)).

23. Opposer has established standards for the licensing of its DUKE Marks to ensure that products and services bearing Opposer's marks protect the integrity and reputation of the institution, maintain and build upon the goodwill of the institution, and promote support for and increase awareness of the institution, its mission and goals.

24. Applicant's mark is likely to tarnish Opposer's DUKE Marks and Opposer is legitimately concerned about the harm likely to be caused by use of that mark both with respect to Opposer's DUKE Marks as a whole, and with respect to Opposer's reputation as a source of medical information, scholarly knowledge and discourse, and research in the field of human sexuality and reproduction, and as a guide to students regarding discourse and behavior in these fields. Moreover, with respect to medical and health services and products, Opposer is concerned among other things to avoid any implication that Opposer has endorsed or approves of unaffiliated sexual aid products and their marketing.

25. In view of the similarity of Opposer's prior-used and not abandoned DUKE Marks to Applicant's mark, the similarities between the use made by Opposer and its licensees of the DUKE Marks and the use of Applicant's mark by Applicant, it is further alleged that Applicant's mark so

resembles Opposer's marks as to be likely to cause confusion, to cause mistake, and to deceive.

26. Moreover, registration and/or use of Applicant's mark as sought in Applicant's application is likely to interfere with Opposer's use and exploitation of Opposer's DUKE Marks, to falsely suggest a connection with Opposer, and to diminish and dilute Opposer's rights in said marks and the distinctive quality thereof and the goodwill associated therewith which presently inures to the benefit of Opposer.

WHEREFORE, Opposer requests that Applicant's application be denied.

This 11th day of June, 2014.

OLIVE & OLIVE, P.A.
Attorneys for Opposer

/ Susan Freya Olive

Susan Freya Olive
NC Bar No. 7252
P. O. Box 2049
Durham, North Carolina 27702
Telephone: (919) 683-5514
Email: emailboxTTAB@oliveandolive.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the Notice of Opposition filed herein, together with any and all attachments thereto, has been served upon Applicant by depositing a copy of the same in the United States mail, first class postage prepaid, addressed to Applicant at the correspondence address of record, to wit:

Bad Dragon Enterprises, Inc.
16845 N 29th Ave #1 PMB 212
Phoenix, AZ 85053

on this the 11th day of June, 2014.

Susan Freya Olive

Susan Freya Olive
Olive & Olive, P.A.
Attorneys for Opposer

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