

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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GMM/tdc

Mailed: June 2, 2016

Opposition No. 91224568

Duke University

v.

Dallara Automobili S.p.A.

By the Trademark Trial and Appeal Board:

On May 6, 2016, the parties filed Applicant's proposed amendment to its application Serial No. 79161714, with Opposer's consent, and stipulated withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment the parties seek to add the wording "in all cases, such goods excluding goods intended to promote collegiate athletic teams, colleges, universities, and health care facilities" to the identification of goods in Classes 9, 12, 25 and 28, such that the amended identification of goods would read as follows:¹

International Class 9:

Spectacles; sunglasses; sports glasses; spectacle frames; spectacle cases; optical apparatus, namely, optical character recognition apparatus; video and computer game programs; simulators, namely, vehicle drive training simulators; simulators for driving and control of vehicles; in all cases, such goods excluding goods intended to promote collegiate athletic teams, colleges, universities, and health care facilities.

¹ The underlined wording reflects the proposed language to be added to the identification.

International Class 12:

Vehicles, namely, land vehicles, automobiles, trucks, vans, sports utility vehicles, passenger automobiles; apparatus for locomotion by land, namely, motor cars for transport on land; in all cases, such goods excluding goods intended to promote collegiate athletic teams, colleges, universities, and health care facilities.

International Class 25:

Clothing, namely, pants, shirts, shorts, tops, blouses, polo shirts, T-shirts, sweatshirts, dresses, skirts, jackets, coats, sweaters, sweat pants, bathing suits, stockings, ties, scarves, trousers, overalls; shoes; headwear; athletic apparel for gymnastics and sports, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; in all cases, such goods excluding goods intended to promote collegiate athletic teams, colleges, universities, and health care facilities.

International Class 28:

Games, namely, interactive video game programs, action skill games, arcade game machines; toys, namely, electric action toys, electronic toy vehicles; toy model vehicles, namely, land vehicles, automobiles, trucks, vans and sports utility vehicles; toy model cars; toy model vehicles; gymnastic apparatus and sporting equipment, namely, bags specially adapted for sports equipment; in all cases, such goods excluding goods intended to promote collegiate athletic teams, colleges, universities, and health care facilities.

Because the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents to its entry, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in the parties' stipulation having now been met, the opposition is dismissed in accordance with the agreement between the parties.