

substantial part of the letter "D".

2. Applicant's marks combine the image of a star with the letter "D". Opposer and its licensees also have used stars in connection with Opposer's said marks.

3. Opposer's said marks are used for a wide variety of goods and services, including but not limited to sport and athletic bags, backpacks, tote bags, purses, travel bags, beach bags, luggage tags, trunks, toiletry cases, key cases, billfolds, checkbook covers, and umbrellas, as well as jerseys, uniforms, athletic uniforms, pants, overalls, jumpers, shorts, boxer shorts, shirts, T-shirts, rugby shirts, polo shirts, sweat shirts, sweat pants, sweaters, vests, fleece vests, pullovers, ponchos, jackets, caps, hats, headbands, headwear, scarves, neckties, cloth bibs, booties, infantwear, socks, camisoles, gloves, and rainwear, which goods are identical or substantially similar to those identified in Applications Serial Nos. 76/412,351 and 76/412,352.

4. Opposer's first use of marks consisting in whole or substantial part of the letter "D" was at least as early as 1925; use of said marks by Opposer and its licensees has been substantially continuous since said date of first use.

5. Opposer is the owner of Registration No. 2,820,854 for the mark "D"; Registration No. 2,082,553 for the mark DKE; Registration No. 2,092,314 for the mark D KE; Registration No. 2,307,324 for the mark "D"; Registration No. 2,122,067 for the mark DKE; Registration No. 2,026,492 for the mark DKE; Registration No. 1,707,766 for the mark "D"; Registration No. 1,737,968 for the mark "D"; Registration No. 1,724,999 for the mark D U ERUDITIO ET RELIGIO; Registration No. 1,741,140 for the mark "D"; Registration No. 2,203,764 for the mark DUKE CENTER FOR LIVING; Registration No. 2,415,817 for the mark DUKECARD; Registration No. 2,317,603 for the mark DUKE; Registration No. 1,701,827 for the mark DUKE UNIVERSITY; Registration No. 1,702,830 for the mark DUKE UNIVERSITY; Registration No.

1,713,473 for the mark UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO; Registration No. 1,717,941 for the mark DUKE; Registration No. 1,702,350 for the mark DUKE UNIVERSITY STORES; Registration No. 1,248,673 for the mark DUKE CHILDREN'S CLASSIC; and Registration No. 1,003,663 for the mark IRON DUKES ID.

6. Over the years, Opposer's provision and promotion of its services and products to the public under its marks consisting in whole or substantial part of the letter "D", has caused the public to associate its marks consisting in whole or substantial part of the letter "D" and the goods and services provided thereunder with Opposer. Through those efforts, Opposer now has substantial goodwill symbolized in its marks consisting in whole or substantial part of the letter "D".

7. In view of the similarity of Opposer's prior-used and not abandoned marks with Applicant's marks, and the substantially identical goods of Opposer with the goods of Applicant, it is alleged that Applicant's marks so resemble Opposer's marks, as to be likely to cause confusion, or to cause mistake, or to deceive. Registration and/or use of Applicant's marks as applied for will interfere with Opposer's use and exploitation of Opposer's marks consisting in whole or substantial part of the letter "D", and will diminish and dilute the goodwill associated with Opposer's said marks which presently inures to the benefit of Opposer.

An original and one copy of the Notice of Opposition are enclosed herewith, along with the Opposition filing fee. The Office is authorized to charge any additional filing fee for this Opposition to deposit account 15-0490.

This 20th day of July, 2004.



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cc: Duke University
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ADMINISTRATOR:
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July 20, 2004

Box TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

I hereby certify that this paper and one copy thereof, together with the filing fee, are being deposited this date with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513


Susan Freya Olive
Attorney at Law
July 20, 2004
Date

Re: MARK: "D" with Star Design
Serial No.: 76/412,351
Published: June 24, 2003
Opposer: Duke University
Our File Reference: DUKU9064SOVJ

Re: MARK: "D" with Star Design
Serial No.: 76/412,352
Published: July 15, 2003
Opposer: Duke University
Our File Reference: DUKU9065SOVJ

Dear Sir:

Enclosed is a Consolidated Notice of Opposition to Registration of Marks for filing with respect to the captioned applications, along with a check in the amount of \$600.00, representing the filing fee, together with a return postcard for your use in acknowledging receipt of this document.

Please charge our Deposit Account #15-0490 for any additional charges for the filing of this Opposition.

Yours very truly,


Susan Freya Olive

SFO/dbp

Enclosures: Consolidated Notice of Opposition to Registration of Marks
Check for \$600.000
Return Postcard

cc: Duke University



07-23-2004