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Filing date: **05/29/2015**

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

| | |
|------------------------|--|
| Proceeding | 91176848 |
| Party | Plaintiff Peer Bearing Company |
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| Submission | Motion to Amend Pleading/Amended Pleading |
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| Signature | /Thomas C. McDonough/ |
| Date | 05/29/2015 |
| Attachments | Second Amended Notice of Opposition 6900 SERIES.pdf(99719 bytes) Exhibit A Peer Catalog Pages.pdf(291549 bytes) Exhibit B Applicant's specimen.pdf(717296 bytes) Exhibit C Third Amended Complaint.pdf(595036 bytes) Exhibit D Partial Stipulation.pdf(74532 bytes) |

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

| | | |
|-------------------------------------|---|--|
| Peer Bearing Company, |) | Opposition No. 91176848 (Appl. No. 78/754907) |
| |) | Mark: 6900 SERIES |
| Opposer, |) | |
| |) | Consolidated |
| v. |) | Opposition No. 91171191 (Appl. No. 78/535213) |
| |) | |
| RBC Bearings, Inc. |) | Opposition No. 91176823 (Appl. No. 78/745178) |
| |) | Opposition No. 91176837 (Appl. No. 78/754894) |
| Applicant. |) | Opposition No. 91176848 (Appl. No. 78/754907) |
| |) | Opposition No. 91176851 (Appl. No. 78/754876) |
| | | |
| --and-- |) | |
| |) | Opposition No. 91216123 (Appl. No. 78/664362) |
| Peer Bearing Company, |) | Opposition No. 91216129 (Appl. No. 78/664347) |
| |) | Opposition No. 91216332 (Appl. No. 78/664533) |
| Opposer, |) | |
| |) | |
| v. |) | |
| |) | Attorney Docket No. 019194.0720 |
| Roller Bearing Co. of America, Inc. |) | |
| | | |
| Applicant. | | |

SECOND AMENDED NOTICE OF OPPOSITION

Peer Bearing Company, an Illinois corporation located and doing business at 2200 Norman Drive South, Waukegan, Illinois 60085, believes that it will be damaged by registration of the mark 6900 SERIES shown in Application Serial No. 78/754,907, and opposes the same.

The grounds for opposition are as follows:

The Term Applicant Seeks to Register is Descriptive or Deceptively Misdescriptive

1. The term which Applicant seeks to register, 6900 SERIES, is a common term for a collection or series of size designations of ball bearings. The term 6900 SERIES is, therefore, merely descriptive of the goods which are described in Application Serial No. 78/754,907.

2. Opposer and many others in the industry have used and continue to use the term 6900 SERIES in an identical, descriptive manner for ball bearings which fall within a collection or series of size designations. Based in part on the extensive identical and descriptive use by many in the ball bearing industry, the term which Applicant seeks to register does not function as a source identifier for Applicant's goods or distinguish them from similar goods offered by others.

3. Opposer and others in the industry use the term 6900 SERIES to describe a family of ball bearings identified by 4-digit part numbers, such as 6900, 6901, 6902, etc.

4. Opposer is using the term 6900 SERIES in connection with the identical goods set forth in the subject application. **Exhibit A** comprises selected pages of Opposer's current catalog showing the 6900 series family of bearings sold by Opposer.

5. The 4-digit part numbers within the 6900 series are dictated by industry standards such as those of the American Bearing Manufacturers Association ("ABMA") and International Standards Organization ("ISO"). Pursuant to industry standards and industry practice, the numbers in the 6900 series have the following meaning:

(a) The first digit in the "69XX" numbers specifies the bearing type, and "6" designates a metric-based, single row, deep groove ball bearing.

(b) The second digit in the "69XX" numbers designates the diameter series, *i.e.*, the relationship between the bore (inner diameter) and the outer diameter. The number "9" designates a specific relationship to which all bearings in this series conform.

(c) The last two digits of a number in the "69XX" range is the bore code, which indicates the bore size. The following table summarizes certain bore codes and their corresponding bore sizes within the 6900 series.

| Bore Code | Bore Size |
|-----------|-----------|
| 00 | 10mm |
| 01 | 12 mm |
| 02 | 15 mm |
| 03 | 17 mm |
| 04 | 20 mm |
| 05 | 25 mm |
| 06 | 30 mm |
| 07 | 35 mm |
| 08 | 40 mm |

6. While the bearings sold by Opposer under the 6900 SERIES term are properly classified as “metric bearings” in that they are fabricated to metric dimensions and tolerances, these same bearings are also advertised and sold using both metric dimensions as well as “English” or inch dimensions for applications typically requiring bearings having English dimensions and tolerances. As shown in relevant pages of Opposer’s current catalog, Opposer is advertising and selling 6900 series bearings using both metric and “English” dimensions and tolerances. *See, Exhibit A*, pp. 2, 5 and 6.

7. These 4-digit numbers are therefore descriptive of these bearings. The compound term 6900 SERIES is also descriptive of these bearings because it describes a family of such bearings having these incremental sizes and dimensions.

8. According to the specimen that Applicant filed on November 16, 2005 in connection with Application Serial No. 78/754,907, Applicant is using the term 6900 SERIES in connection with semi-ground, radial bearings having an extended inner ring with two set screws, such bearings being configured with or without a flanged housing. **Exhibit B**, Applicant’s specimen. Such bearings do not conform to the aforementioned industry standards when used in connection with the “6900 SERIES” term. To the extent that Applicant uses the 6900 SERIES

term on bearings that do not meet the aforementioned industry standards, then Applicant's use of this term is deceptively misdescriptive.

9. Registration of the term 6900 SERIES by Applicant would damage Opposer because registration would confer nationwide trademark rights and exclusivity of use to Applicant with respect to a common designation used descriptively and/or generically by Opposer and Applicant's competitors for a series of incrementally-sized ball bearings that are each physically interchangeable with one another regardless of the manufacturer, thereby creating the erroneous, misleading and false impression to consumers that only Applicant's goods may be sold having that designation.

10. To the extent Applicant uses the 6900 SERIES term on bearings that do not meet the aforementioned standards, the public will be harmed due to the likelihood that consumers will be confused into believing the Applicant's ball bearing products meet these standards.

11. In view of the above, Applicant is not entitled to federal registration of the term 6900 SERIES or to exclusive use of this term in commerce on the goods specified in its application.

The Term Applicant Seeks to Register is Generic

12. The term which Applicant seeks to register as a trademark is a common descriptive or generic term for ball bearings. Opposer and others throughout the ball bearing industry have used and continue to use this term in the identical, common descriptive or generic manner to refer and/or distinguish bearings based on their size or other physical attribute.

13. Registration of the term 6900 SERIES by Applicant would damage Opposer because registration would confer nationwide trademark rights and exclusivity of use to Applicant with respect to a common designation used descriptively and/or generically by

Opposer and Applicant's competitors for a series of incrementally-sized ball bearings that are each physically interchangeable with one another regardless of the manufacturer, thereby creating the erroneous, misleading and false impression to consumers that only Applicant's goods may be sold having that designation.

14. Therefore, Applicant is not entitled to federal registration of the term 6900 SERIES or to exclusive use of this term in commerce on the goods specified in its application.

Applicant Does Not Own Trademark Rights in 6900 SERIES and Did Not Own Trademark Rights in 6900 SERIES at the Time it Applied to Register the Term

15. Applicant's subsidiaries, Roller Bearing Corp. of America, Inc. and RBC Nice Bearings, Inc. ("Plaintiffs") filed Civil Action No. 3:06-cv-01380-TLM in the United States District Court for the District of Connecticut (the "Connecticut Litigation") alleging, among other things, that those two entities (not the Applicant) owned trademark rights in the term 6900 SERIES. Plaintiffs further alleged that Opposer Peer's use of 6900 SERIES infringed these rights. *See, Exhibit C*, Third Amended Complaint in the Connecticut Litigation.

16. Applicant is in privity with Plaintiffs and is bound by Plaintiffs' actions in the Connecticut Litigation and by the Court's rulings in that case.

17. Plaintiffs admitted in the Connecticut Litigation that Opposer was using the term 6900 SERIES in connection with the sale of radial ball bearings identical to those of Applicant and in the same channels of trade as those of Applicant

18. Opposer's use of the 6900 SERIES term in connection with ball bearings commenced prior to the date Applicant filed its application to register 6900 SERIES.

19. On April 3, 2009, the Plaintiffs and Peer entered into a Stipulation of Partial Dismissal with respect to the terms 600 SERIES and 6900 SERIES. A copy of this dismissal is attached as **Exhibit D**.

20. As a consequence of the Court's dismissal with prejudice of all claims with respect to 6900 SERIES in the Connecticut Litigation, Peer is forever entitled to use the term 6900 SERIES and the 4-digit numbers within that series for ball bearings.

21. Applicant's use of the 6900 SERIES term and the 4-digit numbers within that series is, therefore, not exclusive for the goods set forth in application No. 78/754,894, and such use will remain non-exclusive.

22. Opposer's continuing right to use the same term for the exact same goods and in the same channels of trade as those of Applicant constitutes grounds for denying registration of the alleged 6900 SERIES trademark.

23. Registration of the term 6900 SERIES by Applicant would damage Opposer because registration would confer nationwide trademark rights and exclusivity of use to Applicant with respect to a common designation used descriptively and/or generically by Opposer and Applicant's competitors, thereby creating the erroneous, misleading and false impression to consumers that only Applicant's goods may be sold having that designation. In addition, Applicant's ability to record its registration with U.S. Customs would damage Opposer in that it may lead to seizures of goods that Opposer is legally permitted to import and sell in the United States.

24. In view of the above, Applicant is not entitled to federal registration of the term 6900 SERIES or to exclusive use of this term in commerce on the goods specified in its application.

WHEREFORE, Opposer prays that the opposition be sustained and the application for registration of the term which Applicant seeks to register as a trademark be refused.

Respectfully submitted,

Date: May 29, 2015

By: /Thomas C. McDonough/
One of the Attorneys for Opposer,
Peer Bearing Company

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CERTIFICATE OF TRANSMISSION

I hereby certify that the enclosed **SECOND AMENDED NOTICE OF OPPOSITION** is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://estta.uspto.gov/> on the date noted below:

Date: May 29, 2015

By: /Thomas C. McDonough/
One of the Attorneys for Opposer,
Peer Bearing Company

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CERTIFICATE OF SERVICE

I, Thomas C. McDonough, an attorney, state that I served a copy of the enclosed **SECOND AMENDED NOTICE OF OPPOSITION** upon:

John H. Mutchler, Esq.
Michael Kinney, Esq.
MKG LLC
306 Industrial Park Rd., Suite 206
Middletown, CT 06457-1517
mutchler@mkqip.com

by depositing said copy in a properly addressed envelope, first class postage prepaid, and depositing same in the United States mail at Two North LaSalle Street, Chicago, Illinois, and via Electronic Mail, on the date noted below:

Date: May 29, 2015

By: /Thomas C. McDonough/

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continued on next page

Mission Statement

In order to be the most reliable supplier to our customers, PEER intends to meet all of their quality and delivery requirements. We realize that a quality product provides the critical foundation for our relationship with our valued customers. PEER will expect the same level of cooperation from our suppliers.

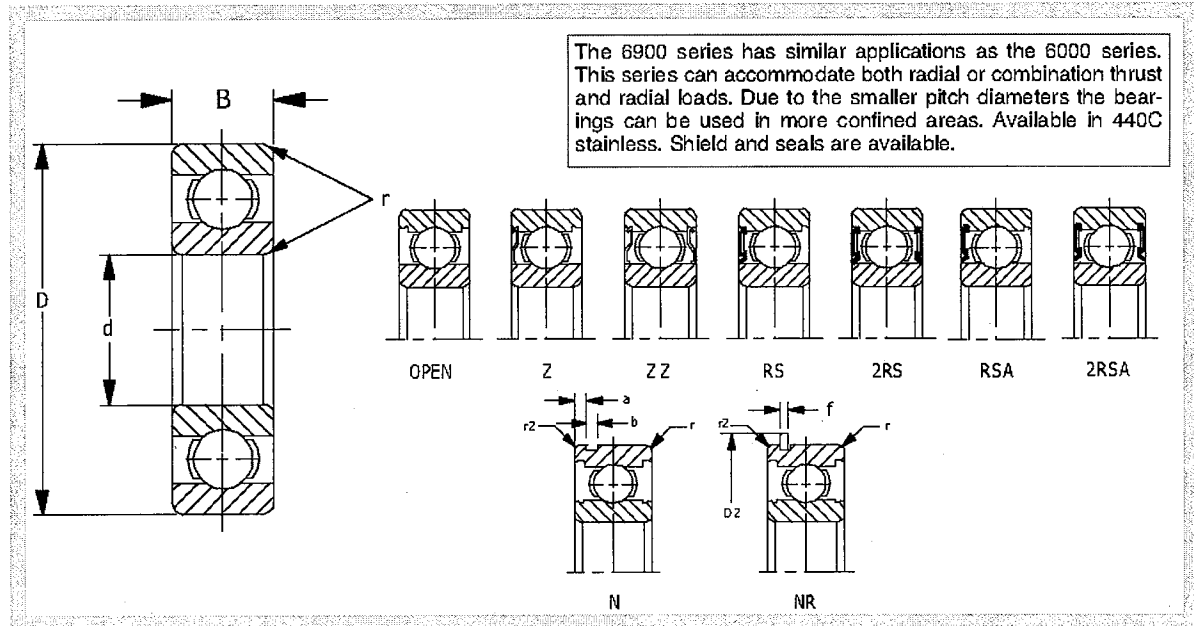


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6900 SERIES



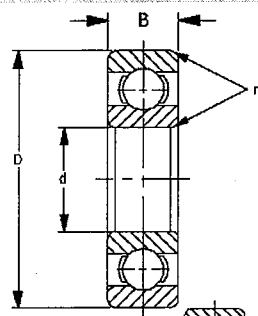
Units: Inches
Metric

| Part Number | Bore d | Tolerance +.0000 to minus | OD D | Tolerance +.0000 to minus | Width B | Tolerance +.0000 to minus | * Fillet radii | | snap ring dimensions | | snap ring groove dimensions | | Basic Load Ratings lbf | | Weight lb | Limiting speed of Open Bearing (rpm) |
|-------------|--------|---------------------------|--------|---------------------------|---------|---------------------------|----------------|----------------|----------------------|-------|-----------------------------|-------|------------------------|------------|-----------|--------------------------------------|
| | | | | | | | r | r ₂ | D ₂ Max | r Max | a Max | b Min | Dynamic Cr | Static Cor | | |
| 6900 | .3937 | .0003 | .8661 | .0004 | .2362 | .0047 | .012 | .012 | .976 | .028 | .041 | .031 | 607 | 285 | .020 | 36,000 |
| | 10 | .003 | 22 | .009 | 6 | .120 | .3 | .3 | 24.3 | .7 | 1.05 | .9 | 2,700 | 1,270 | .009 | 30,000 |
| 6901 | .4724 | .0003 | .9449 | .0004 | .2362 | .0047 | .012 | .012 | 1.055 | .028 | .041 | .031 | 650 | 330 | .022 | 32,000 |
| | 12 | .003 | 24 | .009 | 6 | .120 | .3 | .3 | 26.8 | .7 | 1.05 | .8 | 2,891 | 1,468 | .010 | 27,000 |
| 6902 | .5906 | .0003 | 1.1024 | .0004 | .2756 | .0047 | .012 | .012 | 1.213 | .033 | .051 | .037 | 970 | 979 | .031 | 28,000 |
| | 15 | .003 | 28 | .009 | 7 | .120 | .3 | .3 | 30.8 | .85 | 1.3 | .95 | 4,315 | 4,350 | .014 | 24,000 |
| 6903 | .6693 | .0003 | 1.1811 | .0004 | .2756 | .0047 | .012 | .012 | 1.291 | .033 | .051 | .037 | 1,050 | 580 | .040 | 26,000 |
| | 17 | .003 | 30 | .009 | 7 | .120 | .3 | .3 | 32.8 | .85 | 1.3 | .95 | 4,671 | 2,579 | .018 | 22,000 |
| 6904 | .7874 | .0004 | 1.4567 | .0005 | .3543 | .0047 | .012 | .012 | 1.567 | .033 | .067 | .037 | 1,440 | 892 | .079 | 23,000 |
| | 20 | .010 | 37 | .011 | 9 | .120 | .3 | .3 | 39.8 | .85 | 1.7 | .95 | 6,400 | 3,700 | .036 | 19,000 |
| 6905 | .9843 | .0004 | 1.6535 | .0005 | .3543 | .0047 | .012 | .012 | 1.764 | .033 | .067 | .037 | 1,586 | 1,023 | .090 | 16,000 |
| | 25 | .010 | 42 | .011 | 9 | .120 | .3 | .3 | 44.8 | .85 | 1.7 | .95 | 7,050 | 4,550 | .041 | 14,000 |
| 6906 | 1.1811 | .0004 | 1.8504 | .0005 | .3543 | .0047 | .012 | .012 | 1.961 | .033 | .067 | .037 | 1,691 | 1,130 | .115 | 17,000 |
| | 30 | .010 | 47 | .011 | 9 | .120 | .3 | .3 | 49.8 | .85 | 1.7 | .95 | 7,250 | 5,026 | .052 | 14,000 |
| 6907 | 1.3780 | .0005 | 2.1654 | .0005 | .3937 | .0047 | .024 | .020 | 2.276 | .033 | .067 | .037 | 2,511 | 1,670 | .165 | 15,000 |
| | 35 | .012 | 55 | .012 | 10 | .120 | .6 | .5 | 57.8 | .85 | 1.7 | .95 | 11,165 | 7,429 | .075 | 12,000 |
| 6908 | 1.5748 | .0005 | 2.4409 | .0005 | .4724 | .0047 | .024 | .020 | 2.551 | .033 | .067 | .037 | 3,252 | 2,300 | .247 | 13,000 |
| | 40 | .012 | 62 | .013 | 12 | .120 | .6 | .5 | 64.8 | .85 | 1.7 | .95 | 14,457 | 10,231 | .112 | 11,000 |
| 6909 | 1.7717 | .0005 | 2.6772 | .0005 | .4724 | .0047 | .024 | .020 | 2.787 | .033 | .067 | .037 | 3,403 | 2,592 | .278 | 9,800 |
| | 45 | .012 | 68 | .013 | 12 | .120 | .6 | .5 | 70.8 | .85 | 1.7 | .95 | 15,125 | 11,254 | .126 | 9,800 |
| 6910 | 1.9685 | .0005 | 2.8346 | .0005 | .4724 | .0047 | .024 | .020 | 2.945 | .033 | .067 | .037 | 3,500 | 2,750 | .290 | 11,000 |
| | 50 | .012 | 72 | .013 | 12 | .120 | .6 | .5 | 74.8 | .85 | 1.7 | .95 | 15,569 | 12,233 | .132 | 8,900 |
| 6911 | 2.1654 | .0006 | 3.1496 | .0005 | .5118 | .0059 | .039 | .020 | 3.323 | .044 | .083 | .051 | 3,602 | 2,992 | .417 | 9,600 |
| | 55 | .015 | 80 | .013 | 13 | .150 | 1.0 | .5 | 84.4 | 1.12 | 2.1 | 1.3 | 16,012 | 13,300 | .189 | 8,200 |
| 6912 | 2.3622 | .0006 | 3.3465 | .0006 | .5118 | .0059 | .039 | .020 | 3.520 | .044 | .083 | .051 | 4,360 | 3,650 | .423 | 8,900 |
| | 60 | .015 | 85 | .015 | 13 | .150 | 1.0 | .5 | 89.4 | 1.12 | 2.1 | 1.3 | 19,395 | 16,300 | .192 | 7,600 |
| 6913 | 2.5591 | .0006 | 3.5433 | .0006 | .5118 | .0059 | .039 | .020 | 3.717 | .044 | .083 | .051 | 3,915 | 3,622 | .481 | 8,200 |
| | 65 | .015 | 90 | .015 | 13 | .150 | 1.0 | .5 | 94.4 | 1.12 | 2.1 | 1.3 | 17,400 | 16,100 | .218 | 7,000 |

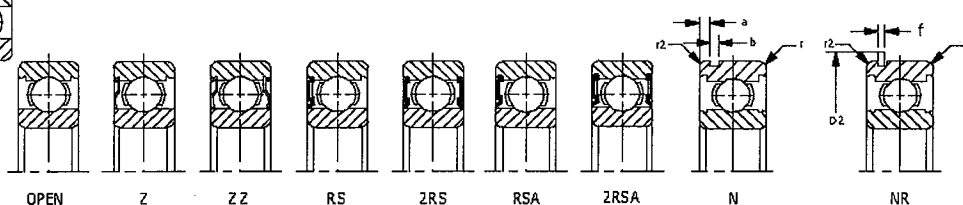
*Maximum fillet which corner radius of bearing will clear.



6900 SERIES (continued)



The 6900 series has similar applications as the 6000 series. This series can accommodate both radial or combination thrust and radial loads. Due to the smaller pitch diameters the bearings can be used in more confined areas. Available in 440C stainless. Shield and seals are available.



Units: Inches
Metric

| Part Number | Bore d | Tolerance +.0000 to minus | OD D | Tolerance +.0000 to minus | Width B | Tolerance +.0000 to minus | * fillet radii | | snap ring dimensions | | snap ring groove dimensions | | Basic Load Ratings | | Weight lb | Limiting speed of Open Bearing (rpm) |
|-------------|--------|---------------------------|---------|---------------------------|---------|---------------------------|----------------|------|----------------------|-------|-----------------------------|-------|--------------------|------------|-----------|--------------------------------------|
| | | | | | | | r1 | r2 | D2 Max | f Max | a Max | b Min | Dynamic Cr | Static Cor | | |
| 6914 | 2.7559 | .0006 | 3.9370 | .0006 | .6299 | .0059 | .039 | .020 | 4.110 | .044 | .098 | .051 | 5,354 | 4,770 | .769 | 7,700 |
| | 70 | .015 | 100 | .015 | 16 | .150 | 1.0 | .5 | 104.4 | 1.12 | 2.5 | 1.3 | 23,796 | 21,200 | .949 | 6,100 |
| | 2.9528 | .0006 | 4.1339 | .0006 | .6299 | .0059 | .039 | .020 | 4.358 | .044 | .098 | .051 | 5,504 | 5,060 | .789 | 7,400 |
| 6915 | 75 | .015 | 105 | .015 | 16 | .150 | 1.0 | .5 | 110.7 | 1.12 | 2.5 | 1.3 | 24,464 | 22,509 | .858 | 6,100 |
| 6916 | 3.1496 | .0006 | 4.3307 | .0006 | .6299 | .0059 | .039 | .020 | 4.555 | .044 | .098 | .051 | 5,625 | 5,390 | .862 | 6,700 |
| | 80 | .015 | 110 | .015 | 16 | .150 | 1.0 | .5 | 115.7 | 1.12 | 2.5 | 1.3 | 25,000 | 23,977 | .991 | 5,700 |
| | 3.3465 | .0008 | 4.7244 | .0006 | .7087 | .0079 | .043 | .020 | 4.949 | .044 | .130 | .051 | 7,200 | 6,660 | 1.213 | 6,300 |
| 6917 | 85 | .020 | 120 | .015 | 18 | .200 | 1.1 | .5 | 125.7 | 1.12 | 3.3 | 1.3 | 32,000 | 29,600 | .550 | 5,400 |
| | 3.5433 | .0008 | 4.9213 | .0007 | .7087 | .0079 | .043 | .020 | 5.146 | .044 | .130 | .051 | 7,425 | 7,105 | 1.290 | 6,000 |
| | 90 | .020 | 125 | .018 | 18 | .200 | 1.1 | .5 | 130.71 | 1.12 | 3.3 | 1.3 | 33,000 | 31,380 | .585 | 5,100 |
| 6919 | 3.7402 | .0008 | 5.1181 | .0007 | .7087 | .0079 | .043 | .020 | 5.343 | .044 | .130 | .051 | 7,555 | 7,555 | 1.325 | 5,700 |
| | 95 | .020 | 130 | .018 | 18 | .200 | 1.1 | .5 | 135.7 | 1.12 | 3.3 | 1.3 | 33,582 | 33,582 | .601 | 4,800 |
| 6920 | 3.9370 | .0008 | 5.5118 | .0007 | .7874 | .0079 | .043 | .020 | 5.736 | .067 | .130 | .075 | 9,675 | 9,450 | 1.825 | 5,300 |
| | 100 | .020 | 140 | .018 | 20 | .200 | 1.1 | .5 | 145.7 | 1.7 | 3.3 | 1.9 | 43,000 | 42,000 | .928 | 4,500 |
| | 4.1339 | .0008 | 5.7087 | .0007 | .7874 | .0079 | .043 | .020 | 5.933 | .067 | .130 | .075 | 9,562 | 9,460 | 1.887 | 5,300 |
| 6921 | 105 | .020 | 145 | .018 | 20 | .200 | 1.1 | .5 | 150.7 | 1.7 | 3.3 | 1.9 | 42,500 | 42,082 | .956 | 4,300 |
| | 4.3307 | .0008 | 5.9055 | .0007 | .7874 | .0079 | .043 | .020 | 6.130 | .067 | .130 | .075 | 9,807 | 10,000 | 1.969 | 5,000 |
| | 110 | .020 | 150 | .018 | 20 | .200 | 1.1 | .5 | 155.7 | 1.7 | 3.3 | 1.9 | 43,590 | 44,500 | .993 | 4,300 |
| 6922 | 4.7244 | .0008 | 6.4961 | .0010 | .8661 | .0079 | .043 | .020 | 6.752 | .067 | .146 | .075 | 11,925 | 12,209 | 2.619 | 4,400 |
| | 120 | .020 | 165 | .025 | 22 | .200 | 1.1 | .5 | 171.5 | 1.7 | 3.7 | 1.9 | 53,000 | 54,265 | 1.188 | 3,800 |
| 6926 | 5.1181 | .0010 | 7.0866 | .0010 | .9449 | .0098 | .059 | .020 | 7.342 | .067 | .146 | .075 | 14,625 | 15,187 | 3.461 | 4,100 |
| | 130 | .025 | 180 | .025 | 24 | .250 | 1.5 | .5 | 186.5 | 1.7 | 3.7 | 1.9 | 65,000 | 67,500 | 1.570 | 3,500 |
| | 5.5118 | .0010 | 7.4803 | .0012 | .9449 | .0098 | .059 | .020 | 7.736 | .067 | .146 | .075 | 14,962 | 16,100 | 3.682 | 3,800 |
| 6928 | 140 | .025 | 190 | .030 | 24 | .250 | 1.5 | .5 | 196.5 | 1.7 | 3.7 | 1.9 | 66,500 | 72,000 | 1.670 | 3,200 |
| | 5.9055 | .0010 | 8.2677 | .0012 | 1.1024 | .0098 | .079 | | | | | | 19,000 | 20,362 | 6.636 | 3,500 |
| | 150 | .025 | 210 | .030 | 28 | .250 | 2.0 | | | | | | 85,000 | 90,590 | 3.010 | 3,000 |
| 6932 | 6.2992 | .0010 | 8.6614 | .0012 | 1.1024 | .0098 | .079 | | | | | | 19,575 | 21,600 | 5.975 | 3,300 |
| | 160 | .025 | 220 | .030 | 28 | .250 | 2.0 | | | | | | 87,000 | 96,000 | 2.710 | 2,800 |
| 6934 | 6.6929 | .0010 | 9.0551 | .0012 | 1.1024 | .0098 | .079 | | | | | | 19,350 | 21,825 | 7.275 | 3,100 |
| | 170 | .025 | 230 | .030 | 28 | .250 | 2.0 | | | | | | 86,000 | 97,000 | 3.900 | 2,600 |
| | 7.0866 | .0010 | 9.8425 | .0012 | 1.2992 | .0098 | .079 | | | | | | 26,752 | 28,800 | 9.171 | 2,900 |
| 6936 | 180 | .025 | 250 | .030 | 32 | .250 | 2.0 | | | | | | 112,000 | 128,114 | 4.160 | 2,400 |
| | 7.4803 | .0012 | 1.2962 | .0014 | 1.2992 | .0118 | .079 | | | | | | 25,425 | 28,575 | 11.420 | 2,700 |
| | 190 | .030 | 260 | .035 | 32 | .300 | 2.0 | | | | | | 113,000 | 127,000 | 5.180 | 2,300 |
| 6940 | 7.8740 | .0012 | 11.0236 | .0014 | 1.4961 | .0118 | .083 | | | | | | 32,100 | 37,800 | 16.050 | 2,600 |
| | 200 | .030 | 280 | .035 | 36 | .300 | 2.10 | | | | | | 157,000 | 168,000 | 7.280 | 2,200 |

*Maximum fillet which corner radius of bearing will clear.

6900

Series Semi-Ground Radial Bearings, Extended Inner with Flanged Housing

- EASY TO USE INCH DIMENSIONS
- MEDIUM LOADS
- MAX SPEED RANGE - 5000 - 6000 RPM
- THROUGH HARDENED
- RETAINER DESIGN
- NYLON RETAINER STANDARD
- DOUBLE SEALED STANDARD
- EXTENDED INNER RING WITH TWO SET SCREWS
- BEARINGS ARE AVAILABLE WITH OR WITHOUT FLANGE



| ASSEMBLY NUMBER | | PRINCIPAL DIMENSIONS | | | | | | | |
|--------------------|-----------------|----------------------|-------------------|---------------|-----------|-----------|-----------|------------------------------|-----------|
| | | d (in) Bore | D (in) O.D. | B (in) | C (in) | E (in) | F (in) | G (in) Bolt Centers | H (in) |
| FLANGED UNIT | BEARING ONLY | +0.005/-0.000 | +0.0000/-0.0005 | +0.000/-0.005 | | | | | |
| 6906 | 6906 - B | 0.375 | 0.9063 | 0.3125 | 0.6875 | 0.555 | 0.375 | 1.875 | 2.500 |
| 6908 | 6908 - B | 0.500 | 1.6250 | 0.5000 | 1.0000 | 0.995 | 0.500 | 2.875 | 3.750 |
| 6910 | 6910 - B | 0.625 | 1.6250 | 0.5000 | 1.0000 | 0.995 | 0.500 | 2.875 | 3.750 |
| 6912 ① | 6912 - B ① | 0.750 | 2.0000 | 0.5625 | 1.0625 | 1.293 | 0.500 | 3.250 | 4.125 |
| 6916 ① | 6916 - B ① | 1.000 | 2.0000 | 0.5625 | 1.0625 | 1.293 | 0.500 | 3.250 | 4.125 |

① O.D. Tolerance for 6912 and larger is +.0000/-0.0006

② Weights given are for flanged versions.

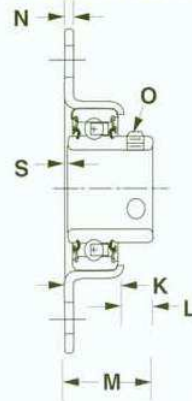
6900 Series Semi-Ground Radial Bearings, Extended Inner with Flanged Housing

The 6900 series consists of a double sealed, ground bearing with an extended inner ring. It is provided with two set screws and a flanged housing designed for flush mounting. Bearings are supplied assembled in the housing. Flanged and non-flanged units are available from stock.

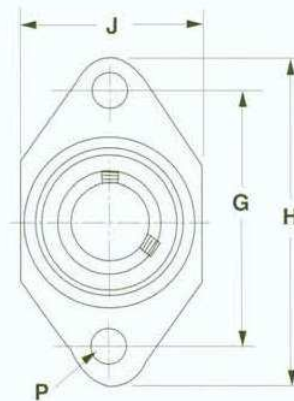
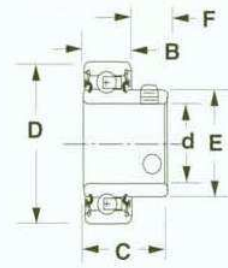
The pressed steel flanged housing provides a secure yet inexpensive means for holding the bearing in place. Although these units are not of the self-aligning type, they will accommodate a limited amount of angular misalignment.

For less exacting applications involving light loads and speeds up to 2500 rpm, semi-ground type bearings may be specified in lieu of a precision ground bearing at a cost savings. These assemblies are generally produced to order and may or may not be in stock. Contact your Nice sales representative or customer service for more information.

FLANGED UNIT



BEARING ONLY



PRINCIPAL DIMENSIONS

BASIC LOAD RATINGS

WEIGHT

| | J (in) Overall Width | K (in) | L (in) | M (in) | N (in) | O 2-Set Screws | P (in) Hole Dia. | S (in) | DYNAMIC C (lb) | STATIC C ₀ (lb) | W ^② (lb) |
|--|-------------------------------|-----------|-----------|-----------|-----------|----------------------|---------------------------|-----------|----------------------|----------------------------------|------------------------|
| | 1.125 | 0.3438 | 0.3438 | 0.6875 | 0.035 | 8-32 | 0.3125 | 0 | 580 | 300 | 0.07 |
| | 1.875 | 0.6875 | 0.4375 | 1.0000 | 0.062 | 1/4-28 | 0.4375 | 0.01 | 1610 | 1000 | 0.35 |
| | 1.875 | 0.6875 | 0.4375 | 1.0000 | 0.062 | 1/4-28 | 0.4375 | 0.01 | 1610 | 1000 | 0.32 |
| | 2.250 | 0.6875 | 0.4375 | 1.1250 | 0.062 | 1/4-28 | 0.4375 | 0.062 | 1870 | 1350 | 0.55 |
| | 2.250 | 0.6875 | 0.4375 | 1.1250 | 0.062 | 10-32 | 0.4375 | 0.062 | 1870 | 1350 | 0.33 |

Innovation. Commitment. Quality.

RBC has been producing bearings in the USA since 1919. In addition to unique custom bearings, RBC offers a full line of standard industrial and aerospace bearings, including:



Spherical Plain Bearings

Radial, angular contact, extended inner ring, high misalignment. **QuadLube®**, **ImpactTuff®**, **SpreadLock® Seal**, **CrossLube®** bearings, and self-lubricating bearings. Available in inch and metric sizes.



Rod Ends

Commercial and industrial, precision, Mil-Spec series, self-lubricating, and aircraft. **Heim Unibal®** and **Spherco®** brands. Available in inch and metric sizes.



Thin Section Ball Bearings

Standard cross sections to one inch. Sizes to 40 inches. Stainless steel and other materials are available. Seals are available on all sizes and standard cross sections.



Ball Bearings

Precision ground, semiground, unground. High loads, long life, smooth operation. **Nice** brand is offered in caged and full complement configurations.



Self-Lubricating Bearings

Radial, thrust, rod ends, spherical bearings, high temperature, high loads. Available in inch and metric sizes. **Fiberglide®**.



Cam Followers

Standard stud, heavy stud, yoke type, caged roller followers. Patented **RBC Roller®** cylindrical roller cam followers, **HexLube®** universal cam followers, airframe track rollers.



Airframe Control Bearings

Ball bearing types, self-lubricating types, needle roller track rollers.



Needle Roller Bearings

Pitchlign® caged heavy duty needle roller bearings, inner rings, **TJ TandemRoller®** bearings for long life.



Pins and Shafts

Bremen and **Miller** pins, needle rollers, shafts, and rollers.



Tapered Roller and Thrust Bearings

Tyson® brand case-hardened and through-hardened tapered roller and tapered thrust bearings available in many sizes. Used in Class 8 heavy truck and trailer wheel bearings, gear-boxes, and final drive transmissions.



Ball Screws

Precision ground, rolled, ball splines. Long life, low wear, high accuracy. **QuickTurn™** Ball Screw Repair Service.



Specials

RBC manufactures many specialty bearings for the aerospace, oil and energy, semiconductor equipment, packaging, heavy truck, and other industries.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

| | | |
|------------------------------------|---|---|
| RBC NICE BEARINGS, INC. and |) | |
| ROLLER BEARING COMPANY of |) | |
| AMERICA, INC. |) | |
| |) | Civil Action No: 3:06-CV-01380-MRK |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| PEER BEARING COMPANY, |) | |
| |) | |
| Defendant |) | |

THIRD AMENDED COMPLAINT

RBC Nice Bearings, Inc., and Roller Bearing Company of America, Inc. allege as follows:

Jurisdiction & Venue

1. This is an action for trademark infringement, unfair competition, false designation of origin, advertising injury, and palming off/passing off under the Trademark Laws of the United States (15 U.S.C. § 1051 *et seq.*, including Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), the Connecticut Unfair Trade Practices Act (Conn. Gen. Stat. §§ 42-110a *et seq.*), the Connecticut Unfair Sales Practices Act (Conn. Gen. Stat. §§ 42-115e *et seq.*), and the common law of unfair competition, copyright infringement under the Copyrights Act of 1976, 17 U.S.C. §§ 101 *et seq.*, and unjust enrichment.

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1338 (a) and (b), 15 U.S.C. § 1121 (a), and under its supplemental jurisdiction.

3. Venue is proper in this district under 28 U.S.C. § 1391.

Parties

4. RBC Nice Bearings, Inc. is a Delaware corporation having a principal place of business at One Tribology Center, Oxford, CT 06478.

5. Roller Bearing Company of America, Inc. is a Delaware corporation having a principal place of business at One Tribology Center, Oxford, CT 06478. Roller Bearing Company of America, Inc. is the parent company of RBC Nice Bearings, Inc. and the two are collectively referred to herein as "Plaintiffs."

6. Peer Bearing Company is an Illinois corporation with a principal place of business at 2200 Norman Drive South, Waukegan, Illinois 60085.

Background

7. Plaintiffs are, and at all times relevant to the matters alleged in this complaint were, engaged in the business of, among other things, manufacturing, marketing, and selling bearings.

8. Plaintiffs assign bearing numbers to their bearing products under a system that utilizes the term "Series" preceded by a particular number, such as 1600, 7500, 7600, 600 and 6900. These bearing numbers have been in use by Plaintiffs since 1946.

9. Since 1946 the relevant consuming public has come to associate Plaintiffs' bearing numbers with the Plaintiffs' Nice product line, and Plaintiffs have developed a significant measure of goodwill associated with their product line and bearing numbers.

Plaintiffs have also acquired common-law and statutory trademark rights in these bearing number and bearing series designations.

10. Plaintiffs have filed the following trademark applications and have received Notice of Publication from the United States Patent and Trademark Office:

- a. "1600 Series" Application No. 78/535,213 Publication Date: May 2, 2006
- b. "7500 Series" Application No. 78/754,876 Publication Date: Dec. 19, 2006
- c. "7600 Series" Application No. 78/754,894 Publication Date: Dec. 19, 2006
- d. "600 Series" Application No. 78/745,178 Publication Date: Dec. 26, 2006
- e. "6900 Series" Application No. 78/754,907 Publication Date: Dec. 19, 2006

11. Plaintiffs have filed the following trademark applications for specific bearing numbers with dates of first use in 1946 which are currently being examined in the United States Patent and Trademark Office:

- a. U.S. Trademark Application Serial No. 78/664,362 for the mark "1621"
- b. U.S. Trademark Application Serial No. 78/664,347 for the mark "1630"
- c. U.S. Trademark Application Serial No. 78/664,336 for the mark "1635"
- d. U.S. Trademark Application Serial No. 78/664,533 for the mark "1641"

12. Upon information and belief, Defendant is a competitor of Plaintiffs in the manufacture and sale of bearing products and is advertising and marking its bearing products and the containers therefor with (i) numbers that correspond to Plaintiffs' bearing series numbers; and

(ii) specific bearing numbers for products that replicate the same bearing numbers on Plaintiffs identical bearing products.

13. Defendant is therefore misappropriating Plaintiffs' bearing numbers and bearing numbering system.

14. Defendant is also using Plaintiffs' bearing numbers in its online product catalogs at its website www.peerbearing.com.

15. Plaintiffs' catalogs, beginning in 1946 and continuing to the present, identify a line of bearings by the term "1600 SERIES" and list the following bearing numbers as belonging to the 1600 SERIES: 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1614, 1615, 1616, 1620, 1621, 1622, 1623, 1628, 1630, 1633, 1635, 1638, 1640, 1641, 1652, 1654, 1657, and 1658. Each bearing number corresponds to a bearing with a defined structure and dimensions.

16. Defendant's current catalogs identify a line of bearings by the term "1600 SERIES" in the table of contents and further list the following bearing numbers as belonging to the 1600 SERIES: 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1614, 1615, 1616, 1620, 1621, 1622, 1623, 1628, 1630, 1633, 1635, 1638, 1640, 1641, 1652, 1654, 1657, and 1658.

17. Each of Defendant's bearing numbers correspond identically to Plaintiffs' bearing numbers.

18. The bearings that Defendant has marked with these bearing numbers have structure and dimensions that are virtually identical to Plaintiffs similarly numbered bearings.

19. Plaintiffs' catalogs, beginning in 1956 and continuing to the present, identify a line of bearings by the term "7500 SERIES" and list the following bearing numbers as belonging to the 7500 SERIES: 7508, 7510, 7512, 7514, 7516, 7518, and 7520.

20. Defendant's current catalogs identify a line of bearings by the term "7500 SERIES" in the table of contents and further list the following bearing numbers as belonging to the 7500 SERIES: 7508, 7510, 7512, 7514, 7516, 7518, and 7520.

21. The bearings that Defendant has marked with these bearing numbers have structure and dimensions that are virtually identical to Plaintiffs similarly numbered bearings.

22. Plaintiffs' catalogs, beginning in 1956 and continuing to the present, identify a line of bearings by the term "7600 SERIES" and list the following bearing numbers as belonging to the 7600 SERIES: 7608, 7610, 7612, 7614, 7616, 7617, 7618, and 7620.

23. Defendant's current catalogs identify a line of bearings by the term "7600 SERIES" and further list the following bearing numbers as belonging to the 7600 SERIES: 7608, 7610, 7612, 7614, 7616, 7617, 7618, and 7620.

24. The bearings that Defendant has marked with these bearing numbers have structure and dimensions that are virtually identical to Plaintiffs similarly numbered bearings.

25. Plaintiffs' catalogs, beginning in 1956 and continuing to the present, identify a line of bearings by the term "600 Series," and beginning in September 1956, another line of bearings by the term "6900 Series".

26. Defendant's current catalogs identify lines of bearings by the terms "600 Series" and "6900 Series".

27. On August 1, 2006, Plaintiffs sent Defendant a cease-and-desist letter relating to the "1600 Series" trademark, a copy of which is attached hereto as **Exhibit A**.

28. Despite demand that it cease doing so, Defendant has continued to misappropriate Plaintiffs' bearing numbers and bearing numbering system after receiving Plaintiffs' cease-and-desist letter.

29. Defendant's use of Plaintiffs' bearing numbers and bearing numbering system results in Defendant's trading on the goodwill established by Plaintiffs in the marketplace.

30. Defendant's use of Plaintiffs' bearing numbers and bearing numbering system results in unjust enrichment of Defendant.

31. Defendant's continued use of the Plaintiffs' bearing numbers without Plaintiffs' permission constitutes a misleading indication of the origin of Defendant's products and/or a misleading indication of Plaintiffs' endorsement of Defendant's products.

32. Defendant's willful infringement of Plaintiffs' trademark has caused and will continue to cause actual confusion in the marketplace regarding the source of goods and services of the Defendant.

33. Upon information and belief, Defendant continues to trade on the goodwill established by Plaintiffs by marketing and manufacturing products under Plaintiffs' bearing numbers.

34. Defendant's actions have greatly and irreparably damaged Plaintiffs and will continue to do so unless restrained by the Court; wherefore, Plaintiffs are without an adequate remedy at law.

Count I - Trademark Infringement

1-34. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and incorporate them herein by reference.

35. Defendant's actions are likely to cause consumer confusion as to the source of those goods or as to the sponsorship or approval of such goods. Defendant's actions violate Plaintiffs' exclusive right to their trademarks, and constitute a knowing use of a false designation of origin and represent false descriptions or representations in commerce in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125 (a)).

36. By virtue of the Defendant's use of Plaintiffs' bearing numbers on essentially identical goods, Defendant has knowingly and willfully infringed upon Plaintiffs' trademark rights in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)(1)(B)) as well as common-law trademark rights deriving from Plaintiff's long-standing continuous use.

37. Defendant's actions have caused actual confusion in the marketplace with respect to Defendant's and Plaintiffs' bearing numbers, in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1225(a)(1)(A)).

38. Plaintiffs have been damaged as a result of Defendant's knowing and willful infringement of Plaintiffs' marks in an amount which is unknown and cannot at the present time be ascertained.

39. Unless enjoined by this Court, Defendant will continue to infringe Plaintiffs' trademark rights, to Plaintiffs' continuing and irreparable injury for which they have no adequate remedy at law.

Count II - Unfair Competition

1-34. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and incorporate them herein by reference.

35. By virtue of the foregoing acts, Defendant has engaged in unfair methods of competition and unfair acts or deceptive acts or practices in the conduct of a trade or commerce, all in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1225(a)), the Connecticut Unfair Trade Practices Act (Conn. Gen. Stat. §§ 42-110a *et seq.*), the Connecticut Unfair Sales Practices Act (Conn. Gen. Stat. §§ 42-115e *et seq.*), and the common law of unfair competition.

36. As a result of Defendant's unfair methods of competition and unfair or deceptive acts or practices, Plaintiffs have been damaged in an amount which is unknown and cannot at the present time be ascertained.

37. Unless enjoined by this Court, Defendant will continue to use unfair methods of competition and unfair or deceptive acts or practices, to Plaintiffs' continuing and irreparable injury for which they have no adequate remedy at law.

Count III - False Designation of Origin

1-34. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and incorporate them herein by reference.

35. By virtue of Defendant's use of Plaintiffs' bearing numbers on Defendant's goods and on Defendant's packages and catalogs for those goods, Defendant's actions are likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Defendant's goods by Plaintiffs, all in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125 (a)), the Connecticut Unfair Trade Practices Act (Conn. Gen. Stat. §§ 42-110a *et seq.*), the Connecticut Unfair Sales Practices Act (Conn. Gen. Stat. §§ 42-115e *et seq.*), and the common law of unfair competition.

36. As a result of Defendant's use of Plaintiffs' bearing numbers on Defendant's goods and on Defendant's packages and catalogs for those goods, Plaintiffs have been damaged in an amount which is unknown and cannot at the present time be ascertained.

37. Unless enjoined by this Court, Defendant will continue to use Plaintiffs' bearing numbers on Defendant's goods and on Defendant's packages and catalogs for those goods to Plaintiffs' continuing and irreparable injury for which they have no adequate remedy at law.

Count IV - Advertising Injury

1-34. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and incorporate them herein by reference.

35. By virtue of Defendant's widespread promotional use of Plaintiffs' bearing numbers on essentially identical goods and in catalogs for those goods, Defendant has made a false designation of origin, as well as false and misleading representations in commercial advertising that misrepresent the nature, characteristics, and origin of its goods, services and commercial activities in commerce, and a false indication of an affiliation, connection, or association of Defendant with Plaintiffs, all in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1225(a)), the Connecticut Unfair Trade Practices Act (Conn. Gen. Stat. §§ 42-110a *et seq.*), the Connecticut Unfair Sales Practices Act (Conn. Gen. Stat. §§ 42-115e *et seq.*), and the common law of unfair competition.

36. As a result of Defendant's false designation of origin and false or misleading representations, Plaintiffs have been damaged in an amount which is unknown and cannot at the present time be ascertained.

37. Unless enjoined by this Court, Defendant will continue to make false or misleading representations, to Plaintiffs' continuing and irreparable injury for which they have no adequate remedy at law.

Count V - Copyright Infringement

1-34. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and incorporate them herein by reference.

35. As a cause of action and ground for relief, Plaintiffs allege copyright infringement by Defendant pursuant to 17 U.S.C. §§ 101 *et seq.*

36. Prior to the introduction by Defendant of the 1600 Series, and later the 7500 Series and 7600 Series lines of bearings, Plaintiffs published catalogs containing pages devoted to original descriptions of bearings in the 1600, 7500 and 7600 Series. Plaintiffs' catalogs contained original drawings, unique layouts, designs and organization of the information presented on the group of bearings constituting the 1600 Series, and later the 7500 Series and 7600 Series lines of bearings, which information is copyrightable subject matter under the laws of the United States.

37. Plaintiffs are currently, and at all relevant times have been, the sole proprietor of all rights, title, and interest in and to the copyrights in the catalogs setting forth the 1600 Series, the 7500 Series, and 7600 Series bearings.

38. A portion of Plaintiffs' catalog, published and copyrighted in 1966, titled NICE Ball Bearings, Catalog No. 240, Copyright Registration No. A 882-029, has selected pages thereof reproduced as **Exhibit B**, with pages 6 and 7 showing 1600 Series and page 9 showing 7500 Series and 7600 Series.

39. On information and belief, Defendant had access to this catalog and earlier catalogs of Plaintiffs with similar content.

40. A portion of Defendant's online catalog, identified in paragraph 10, is reproduced as **Exhibit C**, which contains selected pages including pages 15 and 16 relating to the 1600 Series, and page 44 relating to the 7500 Series and 7600 Series.

41. A comparison of the pages corresponding to the similarly named products from Plaintiffs' catalog (set forth at **Exhibit B**) and Defendant's catalog (set forth at **Exhibit C**) shows that they are substantially similar, if not essentially identical, in overall appearance and content, and that there is no reasonable possibility of independent creation by Defendant.

42. In addition, on information and belief, Defendant had access to bearing drawings of Plaintiff, at the time of the creation of Defendant's 1600 Series, 7500 Series and 7600 Series lines of bearings that were used in an infringing manner to produce Defendant's corresponding lines of bearings. These drawings are entitled to copyright protection.

43. In light of the tight tolerances associated with the structure and dimensions of such bearings, and in light of the substantial similarity between Plaintiffs' bearings and Defendant's bearings in the 1600 Series, 7500 Series, and 7600 Series, Plaintiffs have reason to believe, and do believe, that Defendant copied Plaintiffs' engineering drawings for such bearings in order to manufacture them.

44. By these actions, Defendant has infringed, and on information and belief will continue to infringe, Plaintiffs' copyrights on its catalogs and one or more bearing drawings for the creation of Defendant's catalogs and bearing products in violation of the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.*

45. Unless enjoined by this Court, Defendant will continue its course of conduct, infringing on Plaintiffs' copyrights, to Plaintiffs' continuing and irreparable injury for which they have no adequate remedy at law.

Count VI -- Unjust Enrichment

1-43. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and paragraphs 36-44 inclusive, and incorporate them herein by reference.

44. As a result of the conduct of Defendant as described above, and unless the relief sought in this complaint is granted, Defendant will unjustly benefit from, and be unjustly enriched by, its own intentional and wrongful acts.

45. To the extent that any unjust benefit or enrichment accrues, it is rightfully and equitably the property of the Plaintiffs since all of it will have directly flowed from the unlawful use of Plaintiffs' trademark bearing numbers and the unlawful copying of Plaintiffs' catalogs and engineering drawings for its bearing products. Under these circumstances, it would be unfair and unjust to permit Defendant to hold those embodiments of Plaintiffs' trademarks and copyrights for Defendant's own use.

COUNT VII -- Palming Off/Passing Off

1-43. Plaintiffs reallege each and every allegation set forth in paragraphs 1-34 inclusive, and paragraphs 36-44 inclusive, and incorporate them herein by reference.

44. Defendant has engaged in palming off/passing off in violation of Sec. 43(a) of The Lanham Act (15 U.S.C. § 1225(a)), the Connecticut Unfair Trade Practice Act (Conn. Gen. Stat. §§ 42-110a, *et seq.*), the Connecticut Unfair Sales Practices Act (Conn. Gen. Stat. §§ 42-115e, *et seq.*), and the common law of unfair competition in one or more of the following ways:

(a) by advertising and marking its bearing products and the containers therefor with (i) numbers that correspond to Plaintiffs' bearing series numbers, and (ii) specific bearing numbers for products that replicate the same bearing numbers on Plaintiffs' identical bearing products;

(b) By manufacturing bearings with structure, dimensions, and stylistic attributes that are virtually identical to Plaintiffs' similarly numbered bearings;

(c) By copying Plaintiffs' catalogs, or portions thereof, with respect to Plaintiffs' 1600 Series, 7500 Series, and 7600 Series bearing products.

45. As a result of Defendant's palming off/passing off of its products as Plaintiffs' products, Plaintiffs have been damaged in an amount which is unknown and cannot at the present time be ascertained.

46. Unless enjoined by this Court, Defendant will continue to engage in the palming off/passing off of its products as Plaintiffs' products to Plaintiffs' continuing and irreparable injury for which they have no adequate remedy at law.

WHEREFORE, as relief, Plaintiffs prays that:

1. This Court decree and declare by judgment that Defendant's use of bearing numbers identical to those used by Plaintiffs on Plaintiffs' product, infringes Plaintiffs' trademark rights in those bearing numbers.

2. Defendant, its agents, servants, employees, attorneys, and all others in active concert or participation with Defendant be enjoined, and restrained during the pendency of this action, and permanently thereafter, from:

(a) Making false or misleading statements or representations of fact in commercial advertising or promotion concerning the origin of Defendant's products and services,

(b) All unfair methods of competition and unfair or deceptive acts or practices against Plaintiffs in violation of the Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. § 42-110a *et seq.* and the common law of unfair competition, and

(c) Pursuing any trademark application, in connection with any bearing number used by Plaintiffs.

3. Defendant account and pay to Plaintiffs damages arising from Defendant's violations of the Lanham Act § 43(a), and the Connecticut Unfair Trade Practices Act, and the common law of unfair competition, and Defendant's violation of the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.*

4. Defendant pay to Plaintiffs increased damages, attorney fees, and prejudgment interest pursuant to 15 U.S.C. § 1117(a) and/or Conn. Gen. Stat. § 42-110g and/or 17 U.S.C. §§ 101 *et seq.*

5. Defendant be preliminarily and permanently enjoined from directly or indirectly infringing Plaintiffs' copyrights to the plans and drawings of the aforementioned bearing products or continuing to market, offer, sell, dispose of, license, lease, transfer, reproduce, develop or use any works or structures derived or copied from the subject plans and drawings or to participate or aid in any such activity.

6. Judgment be entered for Plaintiffs and against Defendant for Plaintiffs actual damages according to proof, and for any profits derived from infringements of Plaintiffs' copyrights, in accordance with proof, plus interest.

7. Judgment be entered for Plaintiffs against Defendant for statutory damages based upon Defendant's acts of infringement, pursuant to the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.*

Dated: June 1, 2007

Respectfully submitted,
RBC NICE BEARINGS, INC. and
ROLLER BEARING COMPANY OF AMERICA,
INC.

/s/ Thomas J. Rechen

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2007, a copy of the foregoing Plaintiffs' Third Amended Complaint was filed electronically and served by mail on anyone unable to accept electronic filing or service. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Thomas J. Rechen
Thomas J. Rechen

**UNITES STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

RBC NICE BEARINGS, INC. and
ROLLER BEARING COMPANY of
AMERICA, INC.,

Plaintiffs,

v.

PEER BEARING COMPANY,

Defendant.

Civil Action No.: 3:06-CV-1380-VLB

STIPULATION OF PARTIAL DISMISSAL

Plaintiffs, RBC Nice Bearings, Inc. and Roller Bearing Company of America, Inc. and Defendant Peer Bearing Company, through their respective counsel, hereby stipulate to the following partial dismissal of certain causes of action in this case.

1. Plaintiffs allege in the Third Amended Complaint that Plaintiffs own trademark rights in the terms "600 Series" and "6900 Series" for use in connection with bearings.

2. Plaintiffs allege that Defendant's use of Plaintiffs' terms "600 Series" and "6900 Series" in connection with certain of Defendant's lines of bearings constitutes trademark infringement, unfair competition, false designation of origin, advertising injury, unjust enrichment and palming off/passing off, thereby causing harm to Plaintiffs.

3. The parties have agreed and stipulate to the dismissal, with prejudice, of all causes of action in this litigation with respect to the use of the terms "600 Series" or "6900 Series," by Defendant Peer Bearing Company in connection with the manufacture, importation, marketing, advertising, offer for sale or sale of metric radial ball bearings.

Respectfully submitted,

Dated: April 3, 2009

**RBC NICE BEARINGS, INC. and
ROLLER BEARING COMPANY OF
AMERICA, INC.**

PEER BEARING COMPANY

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By: /s/ Thomas C. McDonough
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