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

Proceeding	91194280
Party	Defendant Zero Motorcycles, Inc.
Correspondence Address	MIKE RODENBAUGH RODENBAUGH LAW BOX NO. 55819 SAN FRANCISCO, CA 94104 UNITED STATES mike@rodenbaugh.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Erin Vivion
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Signature	/Erin Vivion/
Date	05/13/2010
Attachments	ZERO - REPLY TO PIRELLIS OPP TO MOT For SUSPENSION - final w. Exh 1.pdf (22 pages)(374504 bytes)

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

PIRELLI TYRE S.P.A. and PIRELLI & C. S.P.A.,)
Opposers,)
)
)
v.)
)
ZERO MOTORCYCLES, INC.,)
Applicant.)

Consolidated Proceeding No.
91192093

Mark: ZERO X
Serial No. 77616233
Filed: November 17, 2008
Published: June 2, 2009

Mark: ZERO SS
Serial No. 77665628
Filed: February 6, 2009
Published: June 2, 2009

Mark: ZERO S
Serial No. 77665629
Filed: February 6, 2009
Published: June 2, 2009

Mark: ZERO DS
Serial No. 77793886
Filed: July 30, 2009
Published: October 27, 2009

Mark: ZERO MOTORCYCLES
Registration No. 3669900
Filed: May 27, 2007
Registered: August 18, 2009

Mark: ZERO
Registration No. 3661976
Filed: April 19, 2007
Registered: July 28, 2009

Opposition No. 91194280

Mark: ZERO MX
Serial No. 77757810
Filed: June 11, 2009
Published: March 16, 2010

REPLY TO PIRELLI'S OPPOSITION
TO MOTION FOR SUSPENSION

Applicant Zero Motorcycles, Inc. (“Zero”), pursuant to 37 CFR § 2.127(a) and TBMP Rule 502.02(b) requests that the Board exercise its discretion to consider this Reply brief. See, e.g., *Seculus da Amazonia S/S v. Toyota Jidosha Kabushiki Kaisha*, 66 U.S.P.Q.2d 1154, n.4 (TTAB 2003) (reply brief considered because it clarified the issues at hand); *DAK Industries Inc. v. Daiichi Kosho Co.*, 35 U.S.P.Q.2d 1434, 1436 n.4 (TTAB 1995); *Zirco Corp. v. American Telephone and Telegraph Co.*, 21 USPQ2d 1542 (TTAB 1991). Indeed, Opposer has recently filed a Reply brief with respect to its Motion to Consolidate, and Applicant does not contest that filing. Applicant requests that the Board consider the Reply briefs of both parties.

Applicant filed the current Motion pursuant to 37 CFR § 2.117 and TBMP Rule 510.02, requesting that the Board suspend these consolidated opposition and cancellation proceedings pending the determination of a federal lawsuit between Zero and Opposers *Pirelli Tyre S.p.A.* and *Pirelli & C S.p.A.* (collectively “Pirelli”) See Applicant’s Mot. To Suspend (Dkt. No. 13). On April 29, 2010, Pirelli filed a Brief Opposing Zero’s Motion for Suspension alleging that Zero failed to show “good cause” for these proceedings to be suspended.

Zero Has Demonstrated “Good Cause” for a Suspension

Many Board decisions have interpreted 37 C.F.R. § 2.117 and its “good cause” language, and nearly every decision has decided in favor of a stay. Those decisions make clear that pending parallel federal actions do constitute “good cause” for suspension if they may have any material bearing on the TTAB proceedings. E.g.,

General Motors Corp. v. Cadillac Club Fashions, Inc., 22 U.S.P.Q.2d 1933 (TTAB 1992) (staying TTAB proceedings because relief sought in federal court included an order directing USPTO to cancel mark); Toro Co. v. Hardigg Indus., Inc., 187 U.S.P.Q. 689, 691-92 (TTAB 1975) (noting that TTAB proceedings are generally subservient to district court proceedings, staying TTAB proceedings); Other Telephone Co. v. *Connecticut Nat'l Tel. Co.*, 181 U.S.P.Q.2d 125 (TTAB 1975) (staying TTAB proceedings as decision in civil infringement action would have bearing on outcome of Section 2(d) claim before Board).

As in those cases, in this case the federal action will be determinative of the issues before the Board, and thus the Board should suspend the instant proceedings in order to avoid duplicative litigation between the parties, and to avoid a waste of Board resources. E.g., *Softbelly's, Inc. v. Ty, Inc.*, 2002 WL 1844210, *2-3 (TTAB 2002) (“It would waste the Board's and the parties' time and resources to proceed to litigate this case at the Board when the same issue is in the post-judgment stage in the district court.”); *Farah v. Topiclear Beauty Prods, Inc.*, 2003 WL 22022077, *5 (TTAB 2003) (“Suspension would avoid the undesirable result of the parties litigating the same issue in two forums, with potentially inconsistent results and would minimize waste of both the parties' and the Board's resources.”).¹

¹ *Pirelli* maintains that *Zero* failed to meet a good cause standard that is required for suspension to be granted, but relies only upon inapposite prior decisions of the Board, which did not involve parallel civil proceedings or which involved proceedings that essentially had concluded at the time the motion for suspension was brought. See *National Football League v. DNH Management LLC*, 85 USPQ2d 1852 (TTAB 2008) (does not address a motion to suspend, but instead a motion for extension of discovery, and makes no reference to parallel civil actions); *Boyd's Collection Ltd. v. Herrington & Co.*, 65 USPQ2d 2017 (TTAB 2003) (suspension denied, as trial was over); *E.I. du Pont de Nemours and Co. v. G.C. Murphy Co.*, 199 USPQ 807, 809, n. 3 (TTAB 1978) (same); *Ortho Pharmaceutical Corp. v. Hudson Pharmaceutical Corp.*, 178 USPQ 429 (TTAB 1973) (suspension denied, as testimony period closed).

In the case at bar, Pirelli just has moved the Board to extend discovery and all other dates in a newly consolidated proceeding (Consolidated Proceeding No. 91192093 Dkt. No. 8), as discovery has only just begun between these parties. As Zero highlighted in its original motion, when there is a pending civil action, “[t]he only question for determination . . . is whether the outcome of the civil action will have a bearing on the issues involved in the opposition proceeding.” *The Other Tel. Co. v. Conn. Nat’l Tel. Co.*, 181 USPQ 125, 126 (TTAB 1974) (granting suspension *despite Applicant’s allegations* that opposer's attempt to suspend was an “attempt to further delay” the proceeding); *Boyd*, 65 USPQ2d at 2018 (“it is generally the Board's policy to suspend when the parties are engaged in such a civil action”). As the issues addressed in the district court case between Zero and Pirelli are directly determinative of the same issues before this Board, Zero has met this standard and shows good cause for the Board to suspend these proceedings.

Zero Has Served Pirelli in the Federal Court Action;

Pirelli Seeks to Avoid Service & Delay Proceedings

Pirelli avers that service has not yet been perfected in the District Court action. However, Zero has effected service on Pirelli in specific accord with the Hague Convention, and via notice to and acknowledgement of Pirelli’s counsel in the TTAB proceedings. The Proof of Service is attached to this Reply as Exhibit A. In any event, the status of service is simply irrelevant in determining a motion to suspend. It is clear that a “civil action is commenced by filing a complaint with the court.” Fed. Rule Civ. Pro. 3. Thus, the District Court action is pending even if Zero has yet to perfect service. *The Other Tel. Co.*, 181 USPQ at 126 (finding a suspension was appropriate when a

complaint had been filed in district court and that a civil action is commenced by filing a complaint, thus the fact that the defendant in the action had not yet served its answer “does not serve to vitiate the effectiveness of the complaint.”)

Pirelli further complains that Zero is seeking to delay and forum shop by filing a federal lawsuit for declaratory judgment. However, Pirelli has offered no evidence in support of this allegation, and instead admits that both Defendants will continue to fight jurisdiction of the US courts, despite filing at least seven TTAB actions against Zero, and dozens of others against other parties. By implication, Pirelli argues that they should have the benefits of USPTO registration and TTAB process, but should not be subject to jurisdiction of a federal court in the event of challenge to any decisions of the USPTO and/or TTAB. However, TTAB decisions are subject to de novo review in the District Courts, regardless of where the TTAB parties may be domiciled. See, e.g., *Goya Foods Inc. v. Tropicana Prods. Inc.*, 846 F.2d 848 (2d. Cir. 1988) (“The District Court would still independently have to determine the validity and priority of the marks and the likelihood of consumer confusion as to the source of the goods.”).²

The Northern District of California, where the federal action is pending between these parties, has recently exercised personal jurisdiction over a foreign trademark licensor, due to the licensor’s U.S. trademark application. *Monster Cable Prods v. Euroflex S.R.L.*, 642 F.Supp.2d 1001, 1010 (N.D. Cal. 2009), explaining:

² See also, e.g., *Apple Computer Inc. v. Podfitness, Inc.*, 2007 WL 1378020, *2-3 (N.D. Cal. 2007) (declining to stay federal court action in lieu of parallel TTAB proceedings, as Board is “incapable of deciding all the issues between the parties”). The Apple Computer court further quoted from *Goya Foods*, 846 F.2d at 854-55:

Whether a litigant is seeking to halt an alleged infringement or, as in this case, seeking a declaration of non-infringement, it is entitled to have the infringement issue resolved promptly so that it may conduct its business affairs in accordance with the court's determination of its rights.

EFI's June 2003 application to the PTO to gain trademark protection in the United States for its "MONSTER" mark constitutes a substantial contact. EFI would be able to sue for protection against allegedly infringing marks based on its trademark registration. The privilege of trademark registration invokes the benefits and protections of trademark law. It is reasonable and does not offend "traditional notions of fair play and substantial justice," [Int'l Shoe, 326 U.S. at 316, 66 S.Ct. 154](#), to require EFI to submit to the burden of litigation.

Moreover, it is disingenuous for Pirelli to argue that Zero is trying to delay matters, when it is Pirelli that continues to request extensions of the TTAB proceedings, and it is Pirelli that has refused to accept service in the federal action. This despite having agreed to accept service by email upon counsel in all of these multiple proceedings before the Board, which Pirelli itself has initiated and proliferated. This also despite Pirelli having specifically appointed the Finnegan firm as their representative for service of process for any proceedings related to their marks. See Proof of Service, Exhibit B. So, Pirelli simply cannot be heard to argue that a suspension in this proceeding would result in undue delay, when it admits that it itself will be the primary cause of any undue delay.

Indeed Pirelli continues to file individual oppositions and cancellations of Zero's marks, and with each filing has sought and received a further extension of all deadlines. Pirelli's latest Motion to Consolidate included a request for extension of all dates in the consolidated matters. Applicant again agrees that such an extension makes most sense in the event of consolidation. Applicant's discovery responses were due prior to the Motion to Stay, but Pirelli unilaterally moved to extend the deadline for those responses, so such delay cannot be a factor in the Board's analysis of this Motion to Stay. Indeed the discovery deadlines have been extended several times in the proceedings between the parties, and discovery remains in its very nascent stages. It is now appropriate for the

parties to engage in discovery before the District Court, which has ultimate authority over the trademark dispute between the parties.

Conclusion

Therefore, Applicant Zero respectfully requests that the Board suspend these proceedings until a final determination has been reached in the federal court action.

Dated: May 13, 2010

Respectfully submitted,

By: /s/ Mike Rodenbaugh

Michael L. Rodenbaugh
RODENBAUGH LAW
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087
California Bar No. 179059

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **REPLY IN SUPPORT OF MOTION FOR SUSPENSION OF CONSOLIDATED PROCEEDINGS** has been served on Virginia L. Carron, counsel for opposing party, by delivering a copy via email to her usual place of business, per prior agreement with her, at:

Virginia L. Carron
Finnegan, Henderson, Farabow, et al
901 New York Avenue NW
Washington, DC 20001-4413
UNITED STATES
virginia.carron@finnegan.com

Respectfully submitted,

ZERO MOTORCYCLES, INC.

By: /s/ Mike Rodenbaugh

Michael L. Rodenbaugh
Rodenbaugh Law
548 Market Street
San Francisco, CA 94104
Tel: (415) 738-8087
California Bar No. 179059

EXHIBIT A

1 Michael L. Rodenbaugh
California Bar No. 179059
2 RODENBAUGH LAW
548 Market Street
3 San Francisco, CA 94104
(415) 738-8087 phone
4 (415) 738-8087 fax
info@rodenbaugh.com

5 Attorneys for Plaintiff
6 ZERO MOTORCYCLES, INC.

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9
10 ZERO MOTORCYCLES, INC.,

11 Plaintiff,

12 v.

13 PIRELLI TYRE S.P.A., and PIRELLI & C.
S.P.A.,

14 Defendants.

Case No. CV 10-01290 LB

Magistrate Judge Laurel Beeler

PROOF OF SERVICE

15
16 Plaintiff Zero Motorcycles, Inc., (“Zero”), by its attorneys at Rodenbaugh Law, hereby
17 certify that the following documents have been served:

- 18 • Complaint and Jury Demand
- 19 • Summons
- 20 • Order Setting Initial Case Management Conference & ADR Deadlines
- 21 • Notice of Assignment of Case to Magistrate Judge
- 22 • Standing Order for all Judges of the Northern District of California
- 23 • Standing Order for Magistrate Judge Laurel Beeler
- 24 • Report of Filing Regarding a Trademark

25
26 Service of these documents was accomplished via international Certified Mail on May
27

-1-

28 RODENBAUGH LAW
548 Market Street
San Francisco, CA 94104
(415) 738-8087 phone
(415) 738-8087 fax

1 12, 2010, from the U.S. Post Office in Oakland, California, under supervision of the Deputy
2 Clerk for the U.S. District Court, Ms. Cindy Lenahan. Declaration of Cindy Lenahan re Service
3 of Process via Certified Mail, attached as Exhibit A.

4 Service was previously accomplished on March 26, 2010, of the following documents:

- 5 • Complaint and Jury Demand
- 6 • Summons
- 7 • Notice of Suit and Request for Waiver of Summons
- 8 • Waiver of Summons
- 9 • Order Setting Initial Case Management Conference & ADR Deadlines
- 10 • Notice of Assignment of Case to Magistrate Judge
- 11 • Standing Order for all Judges of the Northern District of California
- 12 • Standing Order for Magistrate Judge Laurel Beeler

13 Service was accomplished via email to Defendants' U.S. trademark counsel, Ms. Virginia Carron
14 of Finnegan, Henderson et al., per prior agreement between Ms. Carron and the undersigned
15 attorney. That agreement pertained to the many pending actions brought by Defendants'
16 Plaintiff before the Trademark Trial & Appeal Board, relating to Plaintiff and Defendants'
17 respective U.S. trademark registrations and applications. Yet, furthermore, Defendants each
18 have specifically appointed, in their trademark applications and/or other documents filed with the
19 U.S. Patent & Trademark Office, the Finnegan firm as "applicant's representative upon whom
20 notices or process in proceedings affecting the mark may be served." For example, Defendant
21 Pirelli's ZERO trademark application (see page 5) attached as Exhibit B.

22 Ms. Carron acknowledged receipt of the aforesaid documents via reply email on March
23 31, 2010, stating: "I acknowledge your requests that Pirelli waive service and consent to a stay
24

1 of the TTAB and other country trademark office proceedings. I have passed your request on to
2 Pirelli and will let you know when I receive their response.” Ms. Carron acknowledged that her
3 clients had actually received and considered the documents, via further email correspondence on
4 April 20, 2010, which began: “We have now heard back from Pirelli in response...”

5
6 Therefore, the Defendants and their U.S. trademark counsel have received actual notice
7 of the Complaint and other initiating documents no later than April 20, 2010. Upon Defendants’
8 refusal to formally accept or acknowledge service, Plaintiff and the District Court have expended
9 additional cost and effort to further serve Defendants via Certified Mail with U.S. District Court
10 clerk supervision on May 12, 2010.

11
12 Respectfully submitted,

13 Dated: May 13, 2010

14 RODENBAUGH LAW

15 By: /s/ Mike Rodenbaugh
16 Mike Rodenbaugh

17 Attorney for Plaintiff
18 ZERO MOTORCYCLES, INC.

EXHIBIT A

1 Michael Rodenbaugh (SBN: 179059)

2 RODENBAUGH LAW
3 548 Market Street
4 San Francisco, CA 94104
5 415/738-8087

6 Attorney for Plaintiff,
7 ZERO MOTORCYCLES, INC.

FILED
MAY 12 2010
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 ZERO MOTORCYCLES, INC.,) Case No.: CV10-01290 LB
13)
14 Plaintiff,) DECLARATION OF CINDY LENAHAN,
15 vs.) DEPUTY CLERK, OF THE UNITED
16) STATE DISTRICT COURT RE:
17 PIRELLI TYRE S.P.A.; PIRELLI) SERVICE OF PROCESS BY CERTIFIED
& C.S.P.A.,) MAIL
Defendants)

18
19 I, CINDY LENAHAN, Deputy Clerk of the United States
20 District Court, Northern District, declare under the laws of the
21 State of California and/or federal law, that the following
22 statement is true and correct.

23 On this date, May 12, 2010, I witnessed the mailing of the
24 SUMMONS IN A CIVIL ACTION; COMPLAINT FOR: *Declaratory Judgment*
25 *of no Trademark Infringement; Declaratory Judgment of no Unfair*
26 *Competition; Cancellation of Defendants' Trademark*
27 *Registration; and Injunction Prohibiting Further Unfair Conduct*
28 *by Defendants; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES*

Declaration of Cindy Lenahan

1 MAGISTRATE JUDGE FOR TRIAL; STANDING ORDER FOR ALL JUDGES OF
2 THE NORTHERN DISTRICT OF CALIFORNIA; STANDING ORDER FOR
3 MAGISTRATE JUDGE LAUREL BEELER; ORDER SETTING INITIAL CASE
4 MANAGEMENT CONFERENCE AND ADR DEADLINES; REPORT ON THE FILING OR
5 DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK, to
6 the defendants, PIRELLI TYRE S.P.A. and PIRELLI & C.S.P.A. A
7 copy of the aforementioned documents were placed in separate
8 envelopes, addressed as follows:

9 PIRELLI TYRE S.P.A., Viale Sarca 222, I-20136 Milan, Italy;

10 and

11 PIRELLI & C.S.P.A., Via Gaetano Negri 10, I-20123, Milan,
12 Italy

13 The envelopes were then sealed in my presence, and presented to
14 the U.S. Post Office Clerk for mailing by Cecil Weefur,
15 Registered California Process Server, registered in Alameda
16 County, No. 683. All fees were paid, and the appropriate
17 Certified Mail documentation was attached to each envelope as
18 necessary.

19 I declare under penalty of perjury, under the laws of the
20 State of California, that the foregoing is true and correct.

21
22
23
24 Dated: May 12, 2010



25 Cindy Lenahan
26 Deputy Clerk,
27 United States District
28 Court, Northern
District

EXHIBIT B

Applicant: Pirelli Pneumatici S.p.A.

Address: Viale Sarca 222
20126 Milano, Italy

Attorneys: Virginia L. Carron
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005-3315
Telephone: (202) 408-4000

Attorney Docket: 07526.0028

Priority Filing Date: March 1, 2001

Goods: Tyres; pneumatic, semi-pneumatic and solid tyres for vehicle
wheels; wheels for vehicles, inner tubes, rims, parts and fittings for
all the aforesaid goods in International Class 12.

ZERO



06-01-2001

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #57

TRADEMARK



76265012

TSM

76265012

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/05/2001 GTHOMAS2 00000162 76265012

01 FC:361

325.00 0P

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L. L. P.

3200 SUN TRUST PLAZA
303 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30308
TELEPHONE 404-653-6400
FACSIMILE 404-653-6444

WRITER'S DIRECT DIAL NUMBER

404-653-6452

EMAIL: VIRGINIA.CARRON@FINNEGAN.COM



WASHINGTON
202-408-4000

PALO ALTO
415-849-6600

TOKYO
011-813-3431-6943

BRUSSELS
011-322-646-0353

June 1, 2001

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: BOX NEW APP FEE

New U.S. Trademark Application
Mark: ZERO
Applicant: Pirelli Pneumatici S.p.A.
Attorney Docket: 07526.0028

Sir:

We enclose the following for filing in the U.S. Patent and Trademark Office:

1. A written application based on intent-to-use and claiming priority under Section 44(d);
2. A drawing of the mark;
3. Filing fee of \$325.00.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 06-0916.

Respectfully submitted,

A handwritten signature in cursive script that reads "Virginia L. Carron".

Virginia L. Carron

VLC/rjm

Enclosures: As Stated

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Mark: ZERO

International Class: 12

**TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513**

ATTN: BOX NEW APP FEE

Applicant: PIRELLI PNEUMATICI S.p.A.
A Corporation of Italy

Address: Viale Sarca 222
20126 MILANO, Italy

The applicant requests registration of the mark shown in the accompanying drawing in the United States Patent & Trademark Office on the Principal Register established by the Act of July 5, 1946, 15 U.S.C. §§ 1051 *et seq.* as amended, for the following **goods**:

Tyres; pneumatic, semi-pneumatic and solid tyres for vehicle wheels; wheels for vehicles, inner tubes, rims, parts and fittings for all the aforesaid goods.

The applicant claims a right of priority under Section 44(d), 15 U.S.C. § 1126(d), as the owner of Application No. MI2001C 002327 duly filed on March 1st, 2001

in Italy to register the mark for the goods and services recited above. Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods and services recited above.

Registration is requested pursuant to Section 1(b), 15 U.S.C. § 1051(b). Applicant has a bona fide intent to use the mark in commerce on or in connection with the goods recited above. The intended manner or mode of use of the mark on the goods is to affix or imprint the mark up on to the goods and or/labels or tags or packaging used in connection with the goods and in other ways customary in the trade.

The applicant hereby appoints Laurence R. Hefter, and each of the attorneys of FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., all of 1300 I Street, N.W., Washington, D.C. 20005-3315, both jointly and separately as its attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent and Trademark Office connected therewith, to receive all correspondence, and to receive the Certificate of Registration.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., whose postal address is 1300 I Street, N.W., Washington, D.C. 20005-3315 is hereby designated applicant's representative upon whom notices or process in proceedings affecting the mark may be served.

The undersigned declares that he is properly authorized to execute this application on behalf of the applicant, that he believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he believes applicant to be entitled to use such mark in commerce; that to the best of his knowledge and belief no other person, firm, corporation or association has the right to use the mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made herein of his own knowledge are true and that all

NOT
- 2015
- no notes

statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any registration resulting therefrom.

PIRELLI PNEUMATICI S.p.A.

By: 
Pier Giovanni Giannesi

Title: **Legal Representative**

Date: 26 APR. 2001