

ESTTA Tracking number: **ESTTA396475**

Filing date: **03/04/2011**

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

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| Name | HBP, Inc. |
| Granted to Date of previous extension | 03/06/2011 |
| Address | 2265-B Renaissances Drive, Suite 8 Las Vegas, NV 89119 UNITED STATES |
| Party who filed Extension of time to oppose | International Speedway, Inc. |
| Relationship to party who filed Extension of time to oppose | HBP, Inc. is the exclusive licensee of the DAYTONA marks which are owned by International Speedway, Inc. Because HBP is a party in privity with International Speedway, Inc., International Speedway, Inc. respectfully requests that the Board substitute HBP for International Speedway, Inc. as the opposer. |

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| Attorney information | Jessica Lewis Alston & Bird LLP 1201 West Peachtree Street Atlanta, GA 30309 UNITED STATES jessica.lewis@alston.com, jason.rosenberg@alston.com Phone:4048814960 |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 77924310 | Publication date | 09/07/2010 |
| Opposition Filing Date | 03/04/2011 | Opposition Period Ends | 03/06/2011 |
| Applicant | Daytona Detailing Products, Inc. 3801 S. Ocean Dr. Suite #7R Hollywood, FL 33019 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 003. First Use: 2004/00/00 First Use In Commerce: 2004/00/00 All goods and services in the class are opposed, namely: Automobile and car wax preparations; Automobile carpet and upholstery cleaning preparations; Automobile tire cleaning and polishing preparations; Automobile, tire, glass and wheel cleaning preparations; Automotive cleaning preparations; Degreasing preparations not used in the manufacturing process for use on vehicles; Preparations for cleaning, protecting and preserving vehicle surfaces; Tire dressings |
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Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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| Dilution | Trademark Act section 43(c) |
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Marks Cited by Opposer as Basis for Opposition


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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1050968 | Application Date | 10/10/1975 |
| Registration Date | 10/19/1976 | Foreign Priority Date | NONE |
| Word Mark | 24 HOURS OF DAYTONA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 1968/02/03 First Use In Commerce: 1968/02/03 ENTERTAINMENT SERVICES-NAMELY, AUTOMOBILE RACING | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1050970 | Application Date | 12/12/1975 |
| Registration Date | 10/19/1976 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 200 | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 1953/00/00 First Use In Commerce: 1953/00/00 ENTERTAINMENT SERVICES-NAMELY, MOTORCYCLE RACING | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 964900 | Application Date | 06/27/1972 |
| Registration Date | 07/24/1973 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class U107 (International Class 041). First use: First Use: 1959/02/01 First Use In Commerce: 1959/02/22 ENTERTAINMENT SERVICE-NAMELY, AN ANNUAL AUTOMOBILE RACE, THE ENTERTAINMENT BEING RENDERED THROUGH THE MEDIUM OF RADIO AND TELEVISION | | |

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| U.S. Registration No. | 986222 | Application Date | 06/27/1972 |
| Registration Date | 06/11/1974 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA INTERNATIONAL SPEEDWAY | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class U107 (International Class 041). First use: First Use: 1958/01/15 First Use In Commerce: 1958/01/15 CONDUCTING MOTOR RACING EVENTS | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1228337 | Application Date | 03/18/1982 |
| Registration Date | 02/22/1983 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1981/02/14 First Use In Commerce: 1981/02/14 Eyeglass Frames and Lenses | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1445066 | Application Date | 03/18/1986 |
| Registration Date | 06/30/1987 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 1984/12/01 First Use In Commerce: 1984/12/01 JEWELRY Class 025. First use: First Use: 1984/11/01 First Use In Commerce: 1984/11/01 CLOTHING, NAMELY, JACKETS AND SHIRTS Class 026. First use: First Use: 1984/12/01 First Use In Commerce: 1984/12/01 [BELT BUCKLES] Class 041. First use: First Use: 1984/11/01 First Use In Commerce: 1984/11/01 ORGANIZING AND CONDUCTING VEHICLE RACING EVENTS | | |

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| U.S. Registration No. | 1861606 | Application Date | 11/12/1992 |
| Registration Date | 11/08/1994 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |



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| Description of Mark | NONE |
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| Goods/Services | <p>Class 006. First use: First Use: 1991/11/29 First Use In Commerce: 1991/11/29 [novelty license plates for motor vehicles made of common metals]</p> <p>Class 016. First use: First Use: 1992/06/00 First Use In Commerce: 1992/06/00 paper articles; namely, book covers, bumper stickers, pencils, three ring binders, and pens</p> <p>Class 020. First use: First Use: 1991/02/00 First Use In Commerce: 1991/02/00 furniture; namely, seat cushions, sleeping bags and sleeping bag carriers sold as a unit</p> <p>Class 021. First use: First Use: 1990/01/00 First Use In Commerce: 1990/01/00 household utensils; namely, mugs, shot glasses, drinking glasses, portable coolers, beverage insulators, glass fruit jars, salt and pepper shakers and decanters, and plastic sport bottles</p> <p>Class 024. First use: First Use: 1991/06/07 First Use In Commerce: 1991/06/07 textile goods; namely, beach towels, bedspreads, blankets, comforters, pillowcases, pillow shams, sheets and window treatments; namely, curtains and draperies featuring designs relating to the field of auto racing</p> <p>Class 028. First use: First Use: 1991/02/07 First Use In Commerce: 1991/02/07 games and playthings; namely, battery powered non coin-operated pinball machines, board games, electronic driving games, electronic road race sets, and plastic model cars</p> <p>Class 030. First use: First Use: 1991/02/25 First Use In Commerce: 1991/02/25 [edible goods; namely, cookies]</p> <p>Class 034. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 [smokers articles; namely, ashtrays not of precious metal]</p> |
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| U.S. Registration No. | 1827196 | Application Date | 11/12/1992 |
| Registration Date | 03/22/1994 | Foreign Priority Date | NONE |


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| Word Mark | DAYTONA |
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| Design Mark | |
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| Description of Mark | NONE |
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| Goods/Services | <p>Class 006. First use: First Use: 1991/11/29 First Use In Commerce: 1991/11/29 [novelty license plates for motor vehicles made of common metals]</p> <p>Class 016. First use: First Use: 1992/06/00 First Use In Commerce: 1992/06/00 paper articles; namely, book covers, bumper stickers, pencils, pens, three-ring binders, spiral notebooks, erasers and pencil cases of leather and/or imitation leather</p> <p>Class 018. First use: First Use: 1992/06/00 First Use In Commerce: 1992/06/00</p> |
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| | <p>[leather and imitation leather backpacks]</p> <p>Class 020. First use: First Use: 1991/02/00 First Use In Commerce: 1991/02/00 furniture; namely, stadium seat cushions, sleeping bags and sleeping bag carriers sold as a unit</p> <p>Class 021. First use: First Use: 1990/01/00 First Use In Commerce: 1990/01/00 household utensils; namely, mugs, shot glasses, drinking glasses, portable can coolers, portable decanters and plastic sport bottles</p> <p>Class 024. First use: First Use: 1991/06/07 First Use In Commerce: 1991/06/07 textile goods; namely, beach towels, bedspreads, blankets, comforters, pillowcases, pillow shams, sheets, and window curtains featuring designs relating to the field of auto racing</p> <p>Class 025. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 clothing; namely, caps, sweatshirts, golf shirts, jackets, T-shirts and visors</p> <p>Class 028. First use: First Use: 1991/02/07 First Use In Commerce: 1991/02/07 games and playthings; namely, board games, electronic driving games, electronic road race sets, battery powered non-coin operated pinball machines and plastic model cars</p> <p>Class 034. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 smokers' articles; namely, ashtrays not made of precious metal</p> <p>Class 041. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 entertainment services; namely, organizing and conducting automobile racing events</p> |
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| U.S. Registration No. | 2056613 | Application Date | 03/17/1995 |
| Registration Date | 04/29/1997 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 030. First use: First Use: 1990/07/19 First Use In Commerce: 1990/07/19 sandwiches | | |

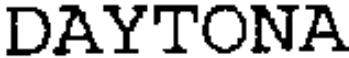
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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2042836 | Application Date | 08/15/1995 |
| Registration Date | 03/11/1997 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 042. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 restaurant services, namely, providing food for consumption on and off the | | |


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| U.S. Registration No. | 2042834 | Application Date | 08/14/1995 |
| Registration Date | 03/11/1997 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 042. First use: First Use: 1986/02/00 First Use In Commerce: 1986/02/00 restaurant services, namely providing food for consumption on or off the premises | | |

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| U.S. Registration No. | 3734318 | Application Date | 08/31/2006 |
| Registration Date | 01/05/2010 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 012. First use: First Use: 1976/03/19 First Use In Commerce: 1976/03/19 Recreational powerboats | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2524170 | Application Date | 01/26/2000 |
| Registration Date | 01/01/2002 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |

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| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1994/02/00 First Use In Commerce: 1994/02/00 Sunglasses | | |

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| U.S. Registration No. | 2861844 | Application Date | 10/19/1999 |
| Registration Date | 07/13/2004 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1974/00/00 First Use In Commerce: 1983/11/00 Boots for motorcyclists | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3172252 | Application Date | 12/20/2004 |
| Registration Date | 11/14/2006 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA | | |
| Design Mark |  | | |

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| Description of Mark | NONE |
| Goods/Services | Class 003. First use: First Use: 2006/02/19 First Use In Commerce: 2006/02/19 Men's cologne, after shave, shaving cream, body wash, bath gels, body lotion, shampoo and deodorants |

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| U.S. Registration No. | 3559159 | Application Date | 08/15/2006 |
| Registration Date | 01/06/2009 | Foreign Priority Date | NONE |

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| Word Mark | 8 HOURS AT DAYTONA |
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| Design Mark |  |
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| Description of Mark | NONE |
| Goods/Services | Class 041. First use: First Use: 2006/10/19 First Use In Commerce: 2006/10/19 Entertainment services, namely, organizing and conducting motorcycle racing events |

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| U.S. Registration No. | 1827197 | Application Date | 11/12/1992 |
| Registration Date | 03/22/1994 | Foreign Priority Date | NONE |


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| Word Mark | DAYTONA 500 |
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| Design Mark | |
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| Description of Mark | NONE |
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| Goods/Services | <p>Class 006. First use: First Use: 1991/11/29 First Use In Commerce: 1991/11/29 [novelty license plates for motor vehicles made of common metals]</p> <p>Class 021. First use: First Use: 1991/02/00 First Use In Commerce: 1991/02/00 household utensils; namely, salt and pepper shakers, mugs, shot glasses, and glass fruit jars</p> <p>Class 025. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 clothing; namely, caps, and T-shirts</p> <p>Class 028. First use: First Use: 1991/02/07 First Use In Commerce: 1991/02/07 games and playthings; namely, board games, electronic driving games, and battery powered non-coin operated pinball machines</p> <p>Class 034. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 smokers' articles; namely, ashtrays not made of precious metal</p> |
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| U.S. Registration No. | 3441782 | Application Date | 03/13/2007 |
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| Registration Date | 06/03/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008 | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. | | |
| Goods/Services | Class 041. First use: First Use: 2007/05/07 First Use In Commerce: 2007/05/07 Entertainment services, namely, organizing and conducting automobile racing events | | |

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| U.S. Registration No. | 3402732 | Application Date | 03/13/2007 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008 | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. | | |
| Goods/Services | Class 028. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 Toys and playthings, namely, diecast and plastic miniature cars, puzzles, and stuffed animals | | |


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| U.S. Registration No. | 3402726 | Application Date | 03/13/2007 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008 | | |

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| Design Mark |  | | |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. | | |
| Goods/Services | Class 006. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 Key chains and license plates of common metal | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3441781 | Application Date | 03/13/2007 |
| Registration Date | 06/03/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008 | | |


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| Design Mark |  | | |
| Description of Mark | The mark consists of Tri-val circle with flags on top with words encompassed inside. | | |
| Goods/Services | Class 009. First use: First Use: 2008/03/03 First Use In Commerce: 2008/03/03 Computer video game equipment for use in connection with personal computers and televisions, namely, joysticks, interactive floor pads or mats; computer game cartridges, cassettes, disk and memory devices containing computer game programs; AM/FM radio headsets, electronic microphones; remote and cordless telephones, walkie-talkies and sunglasses | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3402731 | Application Date | 03/13/2007 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008 | | |

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| Design Mark |  |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. |
| Goods/Services | Class 025. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 Clothing, namely, t-shirts, collared shirts, sport shirts, sweatshirts, sleeveless tank tops, jackets, sweaters, caps, hats, sun visors, shorts, pants, shoes, socks, belts, bandanas and headbands |


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| U.S. Registration No. | 3402728 | Application Date | 03/13/2007 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |

Word Mark DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008

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| Design Mark |  |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. |
| Goods/Services | Class 016. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 Paper goods and printed materials, namely, books, magazines, comic books, program booklets, and periodical newsletters and newspapers, all in the field of automobile racing; posters, calendars, stickers, bumper stickers, decals, postcards, book covers, wirebound notebooks, loose leaf binders and memo pads; pens, pencils, and erasers; paper napkins and paper placemats, trading cards |


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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3402729 | Application Date | 03/13/2007 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |

Word Mark DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008

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| Design Mark |  | | |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. | | |
| Goods/Services | Class 018. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 Tote bags, back packs, duffel bags, travel bags, umbrellas, wallets, fanny packs and luggage | | |

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| U.S. Registration No. | 3402730 | Application Date | 03/13/2007 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |

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| Word Mark | DAYTONA 500 50 YEARS THE GREAT AMERICAN RACE 2008 | | |
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| Design Mark |  | | |
| Description of Mark | The mark consists of Tri-oval circle with flags on top with words encompassed inside. | | |
| Goods/Services | Class 021. First use: First Use: 2007/10/01 First Use In Commerce: 2007/10/01 Housewares and glass products, namely, mugs, shot glasses, drinking glasses, salt and pepper shakers, decanters, portable coolers, insulating sleeve holders for beverage cans, and plastic sport bottles sold empty | | |


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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3391408 | Application Date | 07/02/2007 |
| Registration Date | 03/04/2008 | Foreign Priority Date | NONE |


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| Word Mark | DAYTONA 500 EXPERIENCE | | |
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| Design Mark | DAYTONA 500 EXPERIENCE |
| Description of Mark | NONE |
| Goods/Services | Class 041. First use: First Use: 2007/07/01 First Use In Commerce: 2007/07/01 Entertainment services, namely, an amusement park |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3391409 | Application Date | 07/02/2007 |
| Registration Date | 03/04/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA 500 EXPERIENCE | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of DAYTONA and flags on top with 500 and EXPERIENCE inside a tri-oval track design. | | |
| Goods/Services | Class 041. First use: First Use: 2007/07/01 First Use In Commerce: 2007/07/01 Entertainment services, namely, an amusement park | | |


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|-----------------------|--------------|-----------------------|------------|
| U.S. Registration No. | 2481304 | Application Date | 03/24/1999 |
| Registration Date | 08/28/2001 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA CLUB | | |


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| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 1997/02/00 First Use In Commerce: 1997/02/00 hospitality club services for stock car racing fans attending racing events | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2743655 | Application Date | 05/29/2001 |
| Registration Date | 07/29/2003 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA DREAM LAPS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 Entertainment services in the nature of an amusement center attraction | | |


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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1819018 | Application Date | 11/12/1992 |
| Registration Date | 02/01/1994 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA INTERNATIONAL SPEEDWAY | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 025. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 clothing; namely, jackets, and T-shirts</p> <p>Class 028. First use: First Use: 1992/01/00 First Use In Commerce: 1992/01/00 games and playthings; namely, electronic road race sets</p> <p>Class 034. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 [smokers' articles; namely, ashtrays not made of precious metal]</p> | | |

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|-----------------------|--------------------------------|-----------------------|------------|
| U.S. Registration No. | 1232848 | Application Date | 10/16/1981 |
| Registration Date | 03/29/1983 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA INTERNATIONAL SPEEDWAY | | |

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| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 1980/11/27 First Use In Commerce: 1981/03/04 Clothing-Namely, Jackets |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3449572 | Application Date | 08/23/2006 |
| Registration Date | 06/17/2008 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA KARTWEEK | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2002/12/17 First Use In Commerce: 2002/12/17 Entertainment services, namely, organizing and conducting go-kart racing events | | |

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|-----------------------|--------------------------------|-----------------------|------------|
| U.S. Registration No. | 3056539 | Application Date | 07/06/2004 |
| Registration Date | 01/31/2006 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA MOTORCYCLE MARKETPLACE | | |

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| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 2004/10/14 First Use In Commerce: 2004/10/14 Arranging and conducting trade show exhibitions in the field of motorcycles, motorcycle parts and accessories | | |

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| U.S. Registration No. | 1901330 | Application Date | 02/04/1992 |
| Registration Date | 06/20/1995 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA PIT SHOP | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 042. First use: First Use: 1992/06/00 First Use In Commerce: 1993/05/00 retail store services featuring merchandise directed to the stock car, automotive and cycle racing fields | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2887110 | Application Date | 06/10/2002 |
| Registration Date | 09/21/2004 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA PROTOTYPES | | |
| Design Mark | DAYTONA PROTOTYPES | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2002/01/31 First Use In Commerce: 2002/01/31 entertainment services in the nature of conducting, organizing and sanctioning, motorsports events | | |

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| U.S. Registration No. | 1861408 | Application Date | 02/04/1992 |
| Registration Date | 11/01/1994 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA SPEEDWEAR | | |
| Design Mark | | | |

| | |
|---------------------|--|
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 1992/06/00 First Use In Commerce: 1992/06/00 men's, women's and children's clothing; namely, T-shirts, collared shirts, sport shirts, sweatshirts, sleeveless tank tops, jackets, sweaters, vests, caps, hats, straw hats, sun visors, shorts, pants, sweat pants, shoes, sandals, shoelaces, belts and socks |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1875314 | Application Date | 11/12/1992 |
| Registration Date | 01/24/1995 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA SPEEDWEEKS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 clothing; namely, caps and T-shirts Class 041. First use: First Use: 1959/02/00 First Use In Commerce: 1959/02/00 entertainment services; namely, organizing and conducting automobile racing events | | |


| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1822849 | Application Date | 11/12/1992 |
| Registration Date | 02/22/1994 | Foreign Priority Date | NONE |
| Word Mark | DAYTONA USA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 clothing; namely, T-shirts Class 028. First use: First Use: 1992/01/14 First Use In Commerce: 1992/01/14 [playthings; namely, battery powerd non-coin operated pinball machines] Class 030. First use: First Use: 1991/02/25 First Use In Commerce: 1991/02/25 [edible goods; namely, cookies] Class 041. First use: First Use: 1967/00/00 First Use In Commerce: 1967/00/00 entertainment services; namely, organizing and conducting automobile racing events | | |

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|-----------------------|-----------------|-----------------------|------------|
| U.S. Registration No. | 3111426 | Application Date | 01/11/2005 |
| Registration Date | 07/04/2006 | Foreign Priority Date | NONE |
| Word Mark | DUEL AT DAYTONA | | |

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|---------------------|---|--|--|
| Design Mark | DUEL AT DAYTONA | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2005/01/07 First Use In Commerce: 2005/01/07 Entertainment services, namely organizing and conducting automobile racing events | | |


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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2937989 | Application Date | 02/05/2004 |
| Registration Date | 04/05/2005 | Foreign Priority Date | NONE |
| Word Mark | FANS "R" 1ST @ DAYTONA | | |
| Design Mark | FANS "R" 1ST @ DAYTONA | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2004/01/28 First Use In Commerce: 2004/01/28 Hospitality services, namely a program offering information and assistance to guests attending motorsports events | | |

| | | | |
|-----------------------|----------------------|-----------------------|------------|
| U.S. Registration No. | 3007347 | Application Date | 02/05/2004 |
| Registration Date | 10/18/2005 | Foreign Priority Date | NONE |
| Word Mark | FANS R 1ST @ DAYTONA | | |

| | | | |
|---------------------|---|--|--|
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2004/01/28 First Use In Commerce: 2004/01/28 Hospitality services, namely a program offering race-related and race-venue related information to guests attending motor sports events | | |


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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3848749 | Application Date | 07/14/2009 |
| Registration Date | 09/14/2010 | Foreign Priority Date | NONE |

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|-----------|----------------|--|--|
| Word Mark | 31° AT DAYTONA | | |
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|---------------------|---|--|--|
| Design Mark |  | | |
| Description of Mark | The mark consists of The numbers "31" and degree symbol attached to a slanted angle and the words "AT DAYTONA" underneath. | | |
| Goods/Services | Class 043. First use: First Use: 2010/02/14 First Use In Commerce: 2010/02/14 Hospitality services, namely, providing food and beverages at motorsports racing events | | |


| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3848748 | Application Date | 07/14/2009 |
| Registration Date | 09/14/2010 | Foreign Priority Date | NONE |

| | | | |
|-----------|---------------------|--|--|
| Word Mark | 5TH TURN AT DAYTONA | | |
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|---------------------|---|--|--|
| Design Mark |  | | |
| Description of Mark | The mark consists of The word "TURN" with a slanted "U" and the number 5th inside the "U". A straight line with the words "AT DAYTONA" underneath. | | |
| Goods/Services | Class 043. First use: First Use: 2010/02/14 First Use In Commerce: 2010/02/14 Hospitality services, namely, providing food and beverages at motorsports racing events | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3854722 | Application Date | 07/28/2009 |
| Registration Date | 09/28/2010 | Foreign Priority Date | NONE |

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|-----------|------------------------|
| Word Mark | THE PIT BOX AT DAYTONA |
|-----------|------------------------|

| | | | |
|---------------------|---|--|--|
| Design Mark |  | | |
| Description of Mark | The mark consists of the words "THE PIT BOX AT DAYTONA" inside a square box. | | |
| Goods/Services | Class 043. First use: First Use: 2010/02/14 First Use In Commerce: 2010/02/14 Hospitality services, namely, providing food and beverages at motorsports racing events | | |

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| Attachments | 73588726#TMSN.gif (1 page)(bytes) 74331735#TMSN.gif (1 page)(bytes) 74647966#TMSN.gif (1 page)(bytes) 74715305#TMSN.gif (1 page)(bytes) 78964683#TMSN.jpeg (1 page)(bytes) 75903080#TMSN.gif (1 page)(bytes) 75826790#TMSN.gif (1 page)(bytes) 78535471#TMSN.jpeg (1 page)(bytes) 78952414#TMSN.jpeg (1 page)(bytes) 77129342#TMSN.jpeg (1 page)(bytes) 77129327#TMSN.jpeg (1 page)(bytes) 77129193#TMSN.jpeg (1 page)(bytes) 77129262#TMSN.jpeg (1 page)(bytes) |
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| | 78446362#TMSN.jpeg (1 page)(bytes) |
| | 76419091#TMSN.gif (1 page)(bytes) |
| | 78545473#TMSN.jpeg (1 page)(bytes) |
| | 78362826#TMSN.jpeg (1 page)(bytes) |
| | 78362834#TMSN.jpeg (1 page)(bytes) |
| | 77780546#TMSN.jpeg (1 page)(bytes) |
| | 77780343#TMSN.jpeg (1 page)(bytes) |
| | 77790820#TMSN.jpeg (1 page)(bytes) |
| | DDP Opposition.pdf (28 pages)(283756 bytes) |

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 | /jessica e. lewis/ |
| Name | Jessica Lewis |
| Date | 03/04/2011 |

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

In the Matter of U.S. Application Serial No. 77/924310
Mark: DAYTONA DETAILING PRODUCTS & Design
Filing Date: January 30, 2010

HBP, INC.

Opposer,

v.

DAYTONA DETAILING PRODUCTS, INC.

Applicant.

Opposition _____

Commissioner for Trademarks
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

HBP, Inc. (hereinafter "HBP" or "Opposer"), a Delaware Corporation having its principal place of business at 2265-B Renaissances Drive, Suite 8, Las Vegas, Nevada 89119, will be damaged by the registration of the mark shown in trademark application Serial No. 77/924310 (the "Application"), filed by Daytona Detailing Products ("Applicant") on January 30, 2010 for the mark DAYTONA DETAILING PRODUCTS & Design ("DAYTONA DETAILING Mark"). The DAYTONA DETAILING Mark incorporates a checkered race flag and a sports car design as a part of the mark. The Application seeks registration of the DAYTONA DETAILING Mark in International Class 03 for "Automobile and car wax preparations; Automobile carpet and upholstery cleaning preparations; Automobile tire cleaning and polishing preparations; Automobile, tire, glass and wheel cleaning preparations; Automotive cleaning preparations;

Degreasing preparations not used in the manufacturing process for use on vehicles; Preparations for cleaning, protecting and preserving vehicle surfaces; Tire dressings.”

As grounds for its opposition, HBP alleges as follows:

1. HBP is the exclusive licensee of an entire family of marks comprised in whole or in part of the term DAYTONA, including, but not limited to, the DAYTONA mark, and the marks DAYTONA & Flags Design, DAYTONA USA, DAYTONA 500, DAYTONA INTERNATIONAL SPEEDWAY & Design, 24 HOURS OF DAYTONA, DAYTONA 200, DAYTONA PIT SHOP, DAYTONA SPEEDWARE, DAYTONA SPEEDWEAR, DAYTONA SPEEDWEEKS, and DAYTONA AT THE SPEED OF LIGHT.

2. A complete list of the registrations and marks on which HBP, individually and collectively, bases this opposition is attached hereto as Exhibit A. These marks are referred to herein as the “DAYTONA Marks.”

3. The DAYTONA Marks are owned by International Speedway, Inc. (“ISI”) an organization organized and existing under the laws of the state of Delaware with its principal place of business at 2265-B Renaissances Drive, Suite 8, Las Vegas, Nevada 89119. HBP is a wholly owned subsidiary of ISI.

4. Both HBP and ISI are wholly owned subsidiaries of International Speedway Corporation, Inc. (“ISC”).

5. HBP sub-licenses the DAYTONA Marks to, among others, Daytona International Speedway, LLC (“DIS”), a corporation organized and existing under the laws of Delaware, having its principal place of business at 1801 West International Speedway Boulevard, Daytona Beach, Florida 32114.

6. DIS is the owner and operator of the DAYTONA INTERNATIONAL SPEEDWAY racetrack, located in Daytona Beach, Florida. HBP, ISI, ISC, DIS and their affiliated companies are hereinafter collectively referred to as the "HBP Entities."

7. The HBP Entities are, collectively, in the business of promoting, organizing, and conducting stock car, motorcycle and other vehicle racing events.

8. Since at least as early as 1953 (long prior to the Applicant's use of the DAYTONA DETAILING Mark) the HBP Entities and their predecessor companies have continuously used the DAYTONA mark in connection with the promotion and hosting of numerous motorsports racing events, including but not limited to, the DAYTONA 500.

9. The DAYTONA 500, hosted annually at the DAYTONA INTERNATIONAL SPPEEDWAY, is one of the most widely known stock car races in the world.

10. Over 30 million viewers watched all or part of the televised broadcast of the world famous DAYTONA 500 race in 2011.

11. In 2010 the DAYTONA 500 posted awards exceeding \$18.5 million, the largest total payout in prize money for any motorsports event in the United States.

12. HBP has used or licensed the DAYTONA Marks to be used on numerous goods or services, including, but not limited to clothing, sunglasses, toys, household utensils, bed linens, key chains, car covers, license plates, race caps, dinnerware, footwear, luggage, clocks, mugs, pens, beach towels, decals, video games, automotive aftermarket products, and computer game programs.

13. Moreover, HBP has licensed the DAYTONA mark to be used in connection with automotive cleaning goods, the same goods covered by the DAYTONA DETAILING Application.

14. From 2001-2010, HBP received a total of over \$27.19 million in licensing revenue, the majority of which is attributable to goods and services offered under the DAYTONA Marks..

15. HPB is the exclusive licensee of forty-four (44) U.S. Service Mark and Trademark Registrations that include the word “Daytona” and were issued by the United States Patent and Trademark Office ("PTO"). See Exhibit A.

16. The registrations listed on Exhibit A are valid and subsisting in law, were duly and legally issued, are *prima facie* evidence of the validity of the marks registered, and constitute constructive notice of the ownership of these marks by HBP’s licensor, ISI, in accordance with Sections 7(b) and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057(b) and 1072. HBP asserts each of the registrations on Exhibit A as the basis for this opposition.

17. The following registrations are incontestable pursuant to Section 15 of the Trademark Act of 1946, 15 U.S.C. §§ 1065, and, pursuant to Section 33(b) of the Act, 15 U.S.C. § 1115(b), constitute conclusive evidence of HBP’s licensor’s exclusive right to use the DAYTONA Marks in commerce in the United States:

| Mark | Registration No. |
|--------------------------------|-------------------------|
| DAYTONA INTERNATIONAL SPEEDWAY | 986,222 |
| DAYTONA 500 | 964,900 |
| DAYTONA PROTOTYPES | 2,887,110 |
| DAYTONA | 2,861,844 |
| DAYTONA DREAM LAPS | 2,743,655 |
| DAYTONA & Flags Design | 2,524,170 |
| DAYTONA CLUB & Design | 2,481,304 |
| DAYTONA | 2,056,613 |
| DAYTONA | 2,042,836 |
| DAYTONA & Design | 2,042,834 |
| DAYTONA PIT SHOP | 1,901,330 |
| DAYTONA SPEEDWEEKS | 1,875,314 |
| DAYTONA & Design | 1,861,606 |
| DAYTONA SPEEDWEAR | 1,861,408 |
| DAYTONA 500 | 1,827,197 |

| | |
|---|-----------|
| DAYTONA | 1,827,196 |
| DAYTONA USA | 1,822,849 |
| DAYTONA & Design | 1,445,066 |
| DAYTONA INTERNATIONAL SPEEDWAY & Design | 1,232,848 |
| DAYTONA | 1,228,337 |
| DAYTONA 200 | 1,050,970 |
| 24 HOURS OF DAYTONA | 1,050,968 |

18. HBP's licensor, ISI, owns many registrations for stylized versions of the DAYTONA Marks.

19. Many of these stylized registrations incorporate an image of a checkered race flag including, Registration Nos. 2,042,834; 1,445,066; 1,861,606; 2,524,170; 3,441,782; 3,402,732; 3,402,726; 3,441,781; 3,402,731; 3,402,728; 3,402,729; 3,402,730; 3,391,409; 2,481,304; 3,056,539; and 3,007,347.

20. By virtue of its adoption and long-continuous use of the DAYTONA Marks, HBP's licensor, ISI, is the owner of all right, title and interest in and to the DAYTONA Marks.

21. As the exclusive licensee of the federal registrations listed at Exhibit A, HBP has the right to bring and maintain this opposition. HBP has used the DAYTONA Marks by granting non-exclusive licenses to these marks and the use of the DAYTONA Marks by HBP's licensees inures to HBP.

22. The HBP Entities and its licensees have spent millions of dollars promoting and marketing goods and services associated with the DAYTONA Marks. Consequently, the goods and services used in connection with the DAYTONA Marks have received worldwide recognition as being associated with the HBP Entities and the motorsports entertainment services provided by DIS at the DAYTONA INTERNATIONAL SPEEDWAY racetrack.

23. Through widespread and favorable consumer acceptance and recognition, the DAYTONA Marks have become assets of substantial value as symbols of the HBP Entities, the

DAYTONA INTERNATIONAL SPEEDWAY, and their quality goods and services, and their goodwill.

24. Because of the HBP Entities' extensive licensing and use of the DAYTONA Marks in connection with conducting and organizing motorsports racing events at the DAYTONA INTERNATIONAL SPEEDWAY racetrack and on a wide range of goods and services, the public has come to associate goods or services sold in connection with marks that consist in whole or in part of the word "DAYTONA" with the HBP Entities and the DAYTONA INTERNATIONAL SPEEDWAY racetrack.

25. On January 30, 2010, Applicant filed the Application seeking registration of the trademark DAYTONA DETAILING Mark for use in connection with, "Automobile and car wax preparations; Automobile carpet and upholstery cleaning preparations; Automobile tire cleaning and polishing preparations; Automobile, tire, glass and wheel cleaning preparations; Automotive cleaning preparations; Degreasing preparations not used in the manufacturing process for use on vehicles; Preparations for cleaning, protecting and preserving vehicle surfaces; Tire dressings."

26. The Application was filed well after the DAYTONA Marks were first used in commerce.

27. The Application was filed well after the DAYTONA Marks became famous.

28. The DAYTONA DETAILING Mark incorporates a motorsports racing theme through the use of a checkered race flag and sports car in its design mark.

29. Upon information and belief the DAYTONA DETAILING Mark incorporates a checkered race flag and sports car design in order to deliberately mislead or deceive consumers into believing that Applicant, or its goods or services, are associated or affiliated with, or

sponsored or endorsed by, HBP or another HBP Entity, or are otherwise connected with the famous DAYTONA Marks.

30. Upon information and belief, Applicant is not using DAYTONA as a geographic identifier as the Applicant is not located in Daytona, Florida and has no apparent connection to Daytona, Florida.

31. HBP will be damaged by Applicant's offering of services bearing the DAYTONA DETAILING Mark because consumers are likely to be confused, mistaken or deceived by such use into believing that Applicant's goods and services originate from, are sponsored or endorsed by, or are associated or affiliated with the HBP Entities.

32. Registration of Applicant's mark will further damage HBP because Applicant's registration and use of its mark is likely to dilute the distinctive quality of the famous DAYTONA Marks by blurring and tarnishment.

Pursuant to 37 C.F.R. § 2.6(a)(17), credit card information sufficient to charge the required filing fee of \$300.00 is submitted concurrently herewith via the Electronic System for Trademark Trials and Appeals.

All correspondence in connection with this matter should be mailed to:

Jessica E. Lewis, Esq.
Alston & Bird, LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
jessica.lewis@alston.com

WHEREFORE, Opposer HBP prays that the registration for which application has been made be disallowed, and that this opposition be sustained and that Opposer be granted such other different and additional relief as this Board deems just and proper.

Respectfully submitted this 4th day of March, 2011

/s/ Jessica E. Lewis
Jason D. Rosenberg
Jessica E. Lewis
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
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Fax: (404) 881-7070
jason.rosenberg@alston.com
jessica.lewis@alston.com

Attorneys for Opposer HBP, Inc.

CERTIFICATE OF SERVICE

The undersigned counsel of record hereby certifies that on this 4th day of March, 2011, a copy of the foregoing *Notice of Opposition* was served by placing a copy in U.S. Mail, postage prepaid, and addressed to the following correspondent of record:

DAYTONA DETAILING PRODUCTS, INC.
3801 S. OCEAN DRIVE, SUITE #7R
HOLLYWOOD, FLORIDA 33019

/s/ Jessica E. Lewis
Jessica E. Lewis

EXHIBIT A

| Mark | Reg. No. | Reg. Date | Class - Goods/Services |
|--------------------------------|-----------------|------------------|--|
| 24 HOURS OF DAYTONA | 1,050,968 | 10/19/1976 | 41 - Entertainment services, namely, automobile racing. |
| DAYTONA 200 | 1,050,970 | 10/19/1976 | 41 - Entertainment services; namely, motorcycle racing. |
| DAYTONA 500 | 964,900 | 07/24/1973 | 41 - Entertainment services; namely, an annual automobile race, the entertainment being rendered through the medium of radio and television. |
| DAYTONA INTERNATIONAL SPEEDWAY | 986,222 | 06/11/1974 | 41 - Conducting motor racing events. |
| DAYTONA | 1,228,337 | 02/22/1983 | 09 - Eyeglass frames and lenses. |
| DAYTONA & Design | 1,445,066 | 06/30/1987 | 14 - Jewelry. 25 - Clothing, namely, jackets and shirts. 26 - Belt buckles. 41 - Organizing and conducting vehicle racing events. |
| DAYTONA & Design | 1,861,606 | 11/08/1994 | 16 - Paper articles; namely, book covers, bumper stickers, pencils, three-ring binders, and pens. 20 - Furniture; namely, seat cushions, sleeping bags and sleeping bag carriers sold as a unit. 21 - Household utensils; namely, mugs, shot glasses, drinking glasses, portable coolers, beverage insulators, glass fruit jars, salt and pepper shakers and decanters, and plastic sport bottles. 24 - Textile goods; namely, beach towels, bedspreads, blankets, comforters, pillowcases, pillow shams, sheets & window treatments; namely curtains & draperies featuring designs relating to the field of auto racing. |

| Mark | Reg. No. | Reg. Date | Class - Goods/Services |
|---------|-----------|------------|---|
| | | | 28 - Games & playthings, namely battery powered non coin-operated pinball machines, board games, electronic driving sets, plastic model cars. |
| DAYTONA | 1,827,196 | 03/22/1994 | <p>16 - Paper articles namely, book covers, bumper stickers, pencils, pens, three-ring binders, spiral notebooks, erasers and pencil cases of leather and/or imitation leather.</p> <p>20 - Furniture namely, stadium seat cushions, sleeping bags and sleeping bag carriers sold as a unit.</p> <p>21 - Household utensils namely, mugs, shot glasses, drinking glasses, portable can coolers, portable decanters and plastic sport bottles.</p> <p>24 - Textile goods namely, beach towels, bedspreads, blankets, comforters, pillowcases, pillow shams, sheets and window curtains featuring designs relating to the field of auto racing.</p> <p>25 - Clothing namely, caps, sweatshirts, golf shirts, jackets, t-shirts and visors.</p> <p>28 - Games and playthings namely, board games, electronic driving games, electronic road race sets, battery powered non-coin operated pinball machines and plastic model cars.</p> <p>41 - Entertainment services namely, organizing and conducting automobile racing events.</p> |
| DAYTONA | 2,056,613 | 04/29/1997 | 30 - Sandwiches. |
| DAYTONA | 2,042,836 | 03/11/1997 | 42 - Restaurant services; namely, providing food for consumption on and off the premises. |

| Mark | Reg. No. | Reg. Date | Class - Goods/Services |
|-----------------------------|-----------------|------------------|--|
| DAYTONA & Design | 2,042,834 | 03/11/1997 | 42 - Restaurant services; namely, providing food for consumption on and off the premises. |
| DAYTONA | 3,734,318 | 01/05/2010 | 12 - Recreational powerboats. |
| DAYTONA & Flags Design | 2,524,170 | 01/01/2002 | 09 - Sunglasses. |
| DAYTONA | 2,861,844 | 07/13/2004 | 25 - Boots for motorcyclists. |
| DAYTONA | 3,172,252 | 11/14/2006 | 03 - Men's cologne, after shave, shaving cream, body wash, bath gels, body lotion, shampoo and deodorants. |
| 8 HOURS AT DAYTONA & Design | 3,559,159 | 01/06/2009 | 41 - Entertainment services; namely organizing and conducting motorcycle racing events. |
| DAYTONA 500 | 1,827,197 | 03/22/1994 | 21 - Household utensils; namely, salt and pepper shakers, mugs, shot glasses and glass fruit jars. <hr/> 25 - Clothing; namely, caps and t- shirts. <hr/> 28 - Games and playthings; namely, board games, electronic driving games, and battery powered non-coin operated pinball machines. <hr/> |
| DAYTONA 500 & Design | 3,441,782 | 06/03/2008 | 41 - Entertainment services; namely, organizing and conducting automobile racing events. |
| DAYTONA 500 & Design | 3,402,732 | 03/25/2008 | 28 - Toys and playthings; namely diecast and plastic miniature cars, puzzles, trading cards and stuffed animals. |
| DAYTONA 500 & Design | 3,402,726 | 03/25/2008 | 06 - Key chains and license plates of common metal. |
| DAYTONA 500 & Design | 3,441,781 | 06/03/2008 | 09 - Computer video game equipment for use in connection with personal computers and televisions; computer game cartridges, cassettes, disk and memory devices containing computer game programs; AM/FM |

| Mark | Reg. No. | Reg. Date | Class - Goods/Services |
|---------------------------------|-----------------|------------------|---|
| | | | radio headsets, electronic microphones; remote and cordless telephones, walkie-talkies and sunglasses. |
| DAYTONA 500 & Design | 3,402,731 | 03/25/2008 | 25 - Clothing, namely t-shirts, collared shirts, sport shirts, sweatshirts, sleeveless tank tops, jackets, sweaters, caps, hats, sun visors, shorts, pants, shoes, socks, belts, bandanas and headbands. |
| DAYTONA 500 & Design | 3,402,728 | 03/25/2008 | 16 - Paper goods and printed materials, namely, books, magazines, comic books, program booklets, and periodical newsletters and newspapers, all in the field of automobile racing; posters, calendars, stickers, bumper stickers, decals, postcards, book covers, wirebound notebooks, loose leaf binders and memo pads; pens, pencils, and erasers; paper napkins and paper placemats. |
| DAYTONA 500 & Design | 3,402,729 | 03/25/2008 | 18 - Tote bags, back packs, duffel bags, travel bags, umbrellas, wallets, credential holders, fanny packs and luggage. |
| DAYTONA 500 & Design | 3,402,730 | 03/25/2008 | 21 - Housewares and glass products; namely, mugs, shot glasses, drinking glasses, salt and pepper shakers, decanters, portable coolers, insulating sleeve holders for beverage cans, and plastic sport bottles sold empty. |
| DAYTONA 500 EXPERIENCE | 3,391,408 | 03/04/2008 | 41 - Entertainment services, namely, an amusement park. |
| DAYTONA 500 EXPERIENCE & Design | 3,391,409 | 03/04/2008 | 41 - Entertainment services, namely, an amusement park. |
| DAYTONA CLUB & Design | 2,481,304 | 08/28/2001 | 41 - Hospitality club services for stock car racing fans attending racing events. |
| DAYTONA DREAM LAPS | 2,743,655 | 07/29/2003 | 41 - Entertainment services in the nature of an amusement center attraction. |
| DAYTONA | 1,819,018 | 02/01/1994 | 25 - Clothing; namely, jackets and t-shirts. |

| Mark | Reg. No. | Reg. Date | Class - Goods/Services |
|---|-----------------|------------------|--|
| INTERNATIONAL SPEEDWAY | | | 28 - Games and playthings; namely, electronic road race sets. |
| DAYTONA INTERNATIONAL SPEEDWAY & Design | 1,232,848 | 03/29/1983 | 25 - Clothing; namely, jackets. |
| DAYTONA KARTWEEK | 3,449,572 | 06/17/2008 | 41 - Entertainment services, namely organizing and conducting go-kart racing events. |
| DAYTONA MOTORCYCLE MARKETPLACE & Design | 3,056,539 | 01/31/2006 | 35 - Arranging and conducting trade show exhibitions in the field of motorcycles, motorcycle parts and accessories. |
| DAYTONA PIT SHOP | 1,901,330 | 06/20/1995 | 42 - Retail store services featuring merchandise directed to the stock car, automotive and cycle racing fields. |
| DAYTONA PROTOTYPES | 2,887,110 | 09/21/2004 | 41 - Entertainment services in the nature of conducting, sanctioning and organizing motorsports events. |
| DAYTONA SPEEDWEAR | 1,861,408 | 11/01/1994 | 25 - Men's, women's and children's clothing; namely, t-shirts, collared shirts, sport shirts, sweatshirts, sleeveless tank tops, jackets, sweaters, vests, caps, hats, straw hats, sun visors, shorts, pants, sweat pants, shoes, sandals, shoelaces, belts and socks. |
| DAYTONA SPEEDWEEKS | 1,875,314 | 01/24/1995 | 25 - Clothing; namely, caps and t-shirts. 41 - Entertainment services; namely, organizing and conducting automobile racing events. |
| DAYTONA USA | 1,822,849 | 02/22/1994 | 25 - Clothing; namely, t-shirts. 41 - Entertainment services; namely, organizing and conducting automobile racing events. |

| Mark | Reg. No. | Reg. Date | Class - Goods/Services |
|---------------------------------|-----------------|------------------|--|
| DUEL AT DAYTONA | 3,111,426 | 07/04/2006 | 41 - Entertainment services, namely, organizing and conducting automobile racing events. |
| FANS "R" FIRST @ DAYTONA | 2,937,989 | 04/05/2005 | 41 - Hospitality services, namely a program offering information and assistance to guests attending motorsports events. |
| FANS R FIRST @ DAYTONA & Design | 3,007,347 | 10/18/2005 | 41 - Hospitality services, namely a program offering race-related and race-venue related information to guests attending motorsports events. |
| 31° AT DAYTONA & Design | 3,848,749 | 09/14/2010 | 043 - Hospitality services, namely, providing food and beverages at motorsports racing events. |
| 5TH TURN AT DAYTONA & Design | 3,848,748 | 09/14/2010 | 043 - Hospitality services, namely, providing food and beverages at motorsports racing events. |
| THE PIT BOX AT DAYTONA & Design | 3,854,722 | 09/28/2010 | 043 - Hospitality services, namely, providing food and beverages at motorsports racing events. |

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

In the Matter of U.S. Application Serial No. 77/924310
Mark: DAYTONA DETAILING PRODUCTS & Design
Filing Date: January 30, 2010

HBP, INC.

Opposer,

v.

DAYTONA DETAILING PRODUCTS, INC.

Applicant.

Opposition _____

Commissioner for Trademarks
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION TO SUBSTITUTE PARTY

On September 17, 2010 counsel for HPB, Inc. inadvertently requested an extension of time to file an opposition to the DAYTONA DETAILING PRODUCTS application (77/924310) in the name of International Speedway, Inc. (“ISI”) A second extension was requested on January 4, 2011. ISI requests that the Board substitute HBP as the Opposer in the above referenced action.

International Speedway, Inc. (“ISI”) is the owner of the DAYTONA family of marks and is the owner of numerous registrations that incorporate the term DAYTONA. *See* Exhibit A for a complete list of registrations (the “DAYTONA Marks”). Both HBP and ISI are wholly owned subsidiaries of International Speedway Corporation, Inc. (“ISC”). HBP is the exclusive licensee of the DAYTONA Marks. As the exclusive licensee of the DAYTONA Marks, HBP

would be damaged by the registration of the mark DAYTONA DETAILING PRODUCTS & Design and therefore, pursuant to 37 CFR § 2.101(b) and TBMP § 201, may file an opposition to the DAYTONA DETAILING PRODUCTS & Design Application.

Pursuant to 37 CFR § 2.102(b) the Board may accept an opposition, “if the opposition is filed in the name of a person in privity with the person who requested and was granted the extension of time.” HBP, as the exclusive licensee of the DAYTONA marks, is in privity with ISI. and therefore a substitution of parties is permissible pursuant to 37 CFR § 2.102(b) and TBMP § 303.05(b)

Accordingly, Pursuant to 37 CFR §§ 2.101(b) & 2.102(b) and TBMP §§ 303.05(b) and 201, ISI respectfully requests that the Board substitute HBP, Inc. as the Opposer in this action and accept the opposition filed concurrently in the name of HBP, Inc..

Respectfully submitted this 4th day of March, 2011

/s/ Jessica E. Lewis
Jason D. Rosenberg
Jessica E. Lewis
Nadya Munasifi
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

Attorneys for Opposer HBP, Inc.

CERTIFICATE OF SERVICE

The undersigned counsel of record hereby certifies that on this 4th day of March, 2011, a copy of the foregoing *Motion to Substitute Party* was served by placing a copy in U.S. Mail, postage prepaid, and addressed to the following correspondent of record:

DAYTONA DETAILING PRODUCTS, INC.
3801 S. OCEAN DRIVE, SUITE #7R
HOLLYWOOD, FLORIDA 33019

/s/ Jessica E. Lewis
Jessica E. Lewis

EXHIBIT A

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|--------------------------------|----------------|-------------------------|--------------------------|--|
| 24 HOURS OF DAYTONA | UNITED STATES | 1,050,968 | 10/19/1976 | 41 - Entertainment services, namely, automobile racing. |
| DAYTONA 200 | UNITED STATES | 1,050,970 | 10/19/1976 | 41 - Entertainment services; namely, motorcycle racing. |
| DAYTONA 500 | UNITED STATES | 964,900 | 07/24/1973 | 41 - Entertainment services; namely, an annual automobile race, the entertainment being rendered through the medium of radio and television. |
| DAYTONA INTERNATIONAL SPEEDWAY | UNITED STATES | 986,222 | 06/11/1974 | 41 - Conducting motor racing events. |
| DAYTONA | UNITED STATES | 1,228,337 | 02/22/1983 | 09 - Eyeglass frames and lenses. |
| DAYTONA & Design | UNITED STATES | 1,445,066 | 06/30/1987 | 14 - Jewelry. 25 - Clothing, namely, jackets and shirts. 26 - Belt buckles. 41 - Organizing and conducting vehicle racing events. |
| DAYTONA & Design | UNITED STATES | 1,861,606 | 11/08/1994 | 16 - Paper articles; namely, book covers, bumper stickers, pencils, three-ring binders, and pens. 20 - Furniture; namely, seat cushions, sleeping bags and sleeping bag carriers sold as a unit. 21 - Household utensils; namely, mugs, shot glasses, drinking glasses, portable |

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|---------|---------------|------------------|-------------------|--|
| | | | | <p>coolers, beverage insulators, glass fruit jars, salt and pepper shakers and decanters, and plastic sport bottles.</p> <hr/> <p>24 - Textile goods; namely, beach towels, bedspreads, blankets, comforters, pillowcases, pillow shams, sheets & window treatments; namely curtains & draperies featuring designs relating to the field of auto racing.</p> <hr/> <p>28 - Games & playthings, namely battery powered non coin-operated pinball machines, board games, electronic driving sets, plastic model cars.</p> |
| DAYTONA | UNITED STATES | 1,827,196 | 03/22/1994 | <p>16 - Paper articles namely, book covers, bumper stickers, pencils, pens, three-ring binders, spiral notebooks, erasers and pencil cases of leather and/or imitation leather.</p> <hr/> <p>20 - Furniture namely, stadium seat cushions, sleeping bags and sleeping bag carriers sold as a unit.</p> <hr/> <p>21 - Household utensils namely, mugs, shot glasses, drinking glasses, portable can coolers, portable decanters and plastic sport bottles.</p> <hr/> <p>24 - Textile goods namely, beach towels, bedspreads, blankets, comforters, pillowcases, pillow shams,</p> |

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|------------------------|---------------|------------------|-------------------|---|
| | | | | <p>sheets and window curtains featuring designs relating to the field of auto racing.</p> <hr/> <p>25 - Clothing namely, caps, sweatshirts, golf shirts, jackets, t-shirts and visors.</p> <hr/> <p>28 - Games and playthings namely, board games, electronic driving games, electronic road race sets, battery powered non-coin operated pinball machines and plastic model cars.</p> <hr/> <p>41 - Entertainment services namely, organizing and conducting automobile racing events.</p> <hr/> |
| DAYTONA | UNITED STATES | 2,056,613 | 04/29/1997 | 30 - Sandwiches. |
| DAYTONA | UNITED STATES | 2,042,836 | 03/11/1997 | 42 - Restaurant services; namely, providing food for consumption on and off the premises. |
| DAYTONA & Design | UNITED STATES | 2,042,834 | 03/11/1997 | 42 - Restaurant services; namely, providing food for consumption on and off the premises. |
| DAYTONA | UNITED STATES | 3,734,318 | 01/05/2010 | 12 - Recreational powerboats. |
| DAYTONA & Flags Design | UNITED STATES | 2,524,170 | 01/01/2002 | 09 - Sunglasses. |
| DAYTONA | UNITED STATES | 2,861,844 | 07/13/2004 | 25 - Boots for motorcyclists. |
| DAYTONA | UNITED STATES | 3,172,252 | 11/14/2006 | 03 - Men's cologne, after shave, shaving cream, body wash, bath gels, body lotion, |

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|-----------------------------|---------------|------------------|-------------------|--|
| | | | | shampoo and deodorants. |
| 8 HOURS AT DAYTONA & Design | UNITED STATES | 3,559,159 | 01/06/2009 | 41 - Entertainment services; namely organizing and conducting motorcycle racing events. |
| DAYTONA 500 | UNITED STATES | 1,827,197 | 03/22/1994 | 21 - Household utensils; namely, salt and pepper shakers, mugs, shot glasses and glass fruit jars. <hr/> 25 - Clothing; namely, caps and t- shirts. <hr/> 28 - Games and playthings; namely, board games, electronic driving games, and battery powered non-coin operated pinball machines. <hr/> |
| DAYTONA 500 & Design | UNITED STATES | 3,441,782 | 06/03/2008 | 41 - Entertainment services; namely, organizing and conducting automobile racing events. |
| DAYTONA 500 & Design | UNITED STATES | 3,402,732 | 03/25/2008 | 28 - Toys and playthings; namely diecast and plastic miniature cars, puzzles, trading cards and stuffed animals. |
| DAYTONA 500 & Design | UNITED STATES | 3,402,726 | 03/25/2008 | 06 - Key chains and license plates of common metal. |
| DAYTONA 500 & Design | UNITED STATES | 3,441,781 | 06/03/2008 | 09 - Computer video game equipment for use in connection with personal computers and televisions; computer game cartridges, cassettes, disk and memory devices containing computer game programs; AM/FM |

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|----------------------|----------------|-------------------------|--------------------------|---|
| | | | | radio headsets, electronic microphones; remote and cordless telephones, walkie-talkies and sunglasses. |
| DAYTONA 500 & Design | UNITED STATES | 3,402,731 | 03/25/2008 | 25 - Clothing, namely t-shirts, collared shirts, sport shirts, sweatshirts, sleeveless tank tops, jackets, sweaters, caps, hats, sun visors, shorts, pants, shoes, socks, belts, bandanas and headbands. |
| DAYTONA 500 & Design | UNITED STATES | 3,402,728 | 03/25/2008 | 16 - Paper goods and printed materials, namely, books, magazines, comic books, program booklets, and periodical newsletters and newspapers, all in the field of automobile racing; posters, calendars, stickers, bumper stickers, decals, postcards, book covers, wirebound notebooks, loose leaf binders and memo pads; pens, pencils, and erasers; paper napkins and paper placemats. |
| DAYTONA 500 & Design | UNITED STATES | 3,402,729 | 03/25/2008 | 18 - Tote bags, back packs, duffel bags, travel bags, umbrellas, wallets, credential holders, fanny packs and luggage. |

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|---|----------------|-------------------------|--------------------------|--|
| DAYTONA 500 & Design | UNITED STATES | 3,402,730 | 03/25/2008 | 21 - Housewares and glass products; namely, mugs, shot glasses, drinking glasses, salt and pepper shakers, decanters, portable coolers, insulating sleeve holders for beverage cans, and plastic sport bottles sold empty. |
| DAYTONA 500 EXPERIENCE | UNITED STATES | 3,391,408 | 03/04/2008 | 41 - Entertainment services, namely, an amusement park. |
| DAYTONA 500 EXPERIENCE & Design | UNITED STATES | 3,391,409 | 03/04/2008 | 41 - Entertainment services, namely, an amusement park. |
| DAYTONA CLUB & Design | UNITED STATES | 2,481,304 | 08/28/2001 | 41 - Hospitality club services for stock car racing fans attending racing events. |
| DAYTONA DREAM LAPS | UNITED STATES | 2,743,655 | 07/29/2003 | 41 - Entertainment services in the nature of an amusement center attraction. |
| DAYTONA INTERNATIONAL SPEEDWAY | UNITED STATES | 1,819,018 | 02/01/1994 | 25 - Clothing; namely, jackets and t-shirts. 28 - Games and playthings; namely, electronic road race sets. |
| DAYTONA INTERNATIONAL SPEEDWAY & Design | UNITED STATES | 1,232,848 | 03/29/1983 | 25 - Clothing; namely, jackets. |
| DAYTONA KARTWEEK | UNITED STATES | 3,449,572 | 06/17/2008 | 41 - Entertainment services, namely organizing and conducting go-kart racing events. |

| Mark | Country | Registration No. | Registration Date | Class - Goods/Services |
|---|----------------|-------------------------|--------------------------|--|
| DAYTONA MOTORCYCLE MARKETPLACE & Design | UNITED STATES | 3,056,539 | 01/31/2006 | 35 - Arranging and conducting trade show exhibitions in the field of motorcycles, motorcycle parts and accessories. |
| DAYTONA PIT SHOP | UNITED STATES | 1,901,330 | 06/20/1995 | 42 - Retail store services featuring merchandise directed to the stock car, automotive and cycle racing fields. |
| DAYTONA PROTOTYPES | UNITED STATES | 2,887,110 | 09/21/2004 | 41 - Entertainment services in the nature of conducting, sanctioning and organizing motorsports events. |
| DAYTONA SPEEDWEAR | UNITED STATES | 1,861,408 | 11/01/1994 | 25 - Men's, women's and children's clothing; namely, t-shirts, collared shirts, sport shirts, sweatshirts, sleeveless tank tops, jackets, sweaters, vests, caps, hats, straw hats, sun visors, shorts, pants, sweat pants, shoes, sandals, shoelaces, belts and socks. |
| DAYTONA SPEEDWEEKS | UNITED STATES | 1,875,314 | 01/24/1995 | 25 - Clothing; namely, caps and t-shirts. |
| | | | | 41 - Entertainment services; namely, organizing and conducting automobile racing events. |
| DAYTONA USA | UNITED STATES | 1,822,849 | 02/22/1994 | 25 - Clothing; namely, t-shirts. |
| | | | | 41 - Entertainment services; namely, organizing and conducting automobile racing events. |

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|---------------------------------|----------------|-------------------------|--------------------------|--|
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| FANS "R" FIRST @ DAYTONA | UNITED STATES | 2,937,989 | 04/05/2005 | 41 - Hospitality services, namely a program offering information and assistance to guests attending motorsports events. |
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