

ESTTA Tracking number: **ESTTA848034**

Filing date: **09/25/2017**

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

Name	Pirelli Tyre S.p.A.
Granted to Date of previous extension	09/24/2017
Address	Viale Sarca 222 Milano, 20126 ITALY

Attorney information	Steven B. Powell Venable LLP P.O. Box 34385 Washington, DC 20043-9998 UNITED STATES Email: adprice@venable.com, trademarkdocket@venable.com, aweinstein@venable.com, sbpowell@venable.com Phone: 202-344-4536
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Applicant Information

Application No	86889950	Publication date	03/28/2017
Opposition Filing Date	09/25/2017	Opposition Period Ends	09/24/2017
Applicant	Faraday&Future Inc. 18455 S. Figueroa Street Gardena, CA 90248 UNITED STATES		

Goods/Services Affected by Opposition


Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Concept cars and motor vehicle prototypes; Automobile and motor vehicles; automobile and motor vehicles structural parts; automobile and motor vehicle parts and accessories, namely, drivetrains and suspension systems


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2749340	Application Date	06/01/2001
Registration Date	08/12/2003	Foreign Priority	01/03/2001

		Date	
Word Mark	ZERO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 tires; pneumatic, semi-pneumatic and solid tires for vehicle wheels; wheels for vehicles, inner tubes, rims, structural and replacement parts therefor		

U.S. Registration No.	3661976	Application Date	04/19/2007
Registration Date	07/28/2009	Foreign Priority Date	NONE
Word Mark	ZERO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Electric vehicles, namely, motorcycles		

U.S. Registration No.	1625883	Application Date	12/01/1989
Registration Date	12/04/1990	Foreign Priority Date	NONE
Word Mark	PZERO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1988/09/09 First Use In Commerce: 1988/09/09 VEHICLE TIRES		

U.S. Registration	2337503	Application Date	07/27/1998
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No.			
Registration Date	04/04/2000	Foreign Priority Date	04/06/1998
Word Mark	P ZERO ROSSO		
Design Mark	P ZERO ROSSO		
Description of Mark	NONE		
Goods/Services	<p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Tires, pneumatic, semi-pneumatic and solid tires for vehicle wheels [; wheels for land vehicles and parts therefore, namely, inner tubes and rims]</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 PLACING ADVERTISEMENTS FOR OTHERS; COMMERCIAL ADMINISTRATION, NAMELY, MANAGEMENT AND ADMINISTRATION OF TIRE AND CARE MAINTENANCE BUSINESSES; OFFICE WORK, NAMELY, PROVIDING ADMINISTRATIVE AND CLERICAL ASSISTANCE IN RELATION TO TIRE AND CARE MAINTENANCE BUSINESSES</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 REPAIRING, INSTALLING, RETREADING, ROTATING AND BALANCING, AND CHANGING OF VEHICLE TIRES; CAR ASSISTANCE SERVICES, NAMELY, CHANGING WHEELS AND TIRES DURING CARRACES</p>		

U.S. Registration No.	3708874	Application Date	09/29/2008
Registration Date	11/10/2009	Foreign Priority Date	NONE
Word Mark	P ZERO SYSTEM		
Design Mark	P ZERO SYSTEM		
Description of Mark	NONE		
Goods/Services	<p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Tyres, pneumatic, semi-pneumatic and solid tyres for vehicle wheels; wheels for vehicles, wheel rims</p>		

U.S. Registration No.	4725881	Application Date	06/19/2014
Registration Date	04/28/2015	Foreign Priority Date	NONE
Word Mark	ICE ZERO		

Design Mark	ICE ZERO
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 Tires, solid, for vehicle wheels; pneumatic, semi pneumatic and/or solid tyres; vehicle wheels and components and/or accessories therefor; wheel rims; inner tubes and mousse for vehicle tyres

U.S. Registration No.	2847159	Application Date	05/30/2001
Registration Date	06/01/2004	Foreign Priority Date	03/01/2001

Word Mark	ZERO NERO
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Design Mark	ZERO NERO
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Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 Tires; pneumatic, semi-pneumatic and solid tires for vehicle wheels [; wheels for vehicles, inner tubes, rims, structural and replacement parts therefore]

U.S. Registration No.	3038910	Application Date	06/10/2003
Registration Date	01/10/2006	Foreign Priority Date	05/22/2003

Word Mark	SOTTOZERO
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Design Mark	SOTTOZERO
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Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 Tires [; pneumatic, semi-pneumatic and solid tires for vehicle wheels; wheels for vehicles, inner tubes, rims and structural and replacement parts for all thefore-said goods]

Related Proceed-	Opposition No. 91231460 regarding the mark FF ZERO
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Attachments	76265012#TMSN.png(bytes) 77977387#TMSN.png(bytes) 75526377#TMSN.png(bytes) 79061248#TMSN.png(bytes) 79152815#TMSN.png(bytes) 76263956#TMSN.png(bytes) 76521615#TMSN.png(bytes) FFZERO2 Notice of Opposition with Exhibit.pdf(384563 bytes)
Signature	/StevenBPowell/
Name	Steven B. Powell
Date	09/25/2017

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

Pirelli Tyre S.p.A.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
)	Mark: FFZERO2
)	
Faraday&Future Inc.,)	Application Serial No.: 86/889,950
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Pirelli Tyre S.p.A. (“Opposer”), a società per azioni duly organized and existing under the laws of Italy, and having an office at Viale Piero e Alberto Pirelli, 25, I-20126 Milan, Italy, believes it would be damaged by registration of the mark FFZERO2 (the “Mark”), which is the subject of Application Serial No. 86/889,950 (the “Application”). The Application was filed with the U.S. Patent and Trademark Office (“USPTO”) on January 28, 2016 (the “Application Filing Date”) on an intent-to-use basis in the name of Faraday&Future Inc. (“Applicant”), a corporation organized and existing under the laws of California, with a business address of 18455 South Figueroa Street, Gardena, California 90248.

The USPTO’s Trademark Status & Document Retrieval (“TSDR”) and Trademark Electronic Search System (“TESS”) databases show the Application was originally filed for registration of the Mark in connection with the following goods:

“Concept cars and motor vehicle prototypes; Automobile and motor vehicles, automobile and motor vehicles structural parts, automobile and motor vehicle parts and accessories,” in International Class 12.

The USPTO examining attorney assigned to the application determined that portions of the identification of goods above were indefinite. Applicant, through legal counsel, subsequently amended the identification to its current iteration, which reads in its entirety as follows:

“Concept cars and motor vehicle prototypes; automobile and motor vehicles; automobile and motor vehicles structural parts; automobile and motor vehicle parts and accessories, namely, drivetrains and suspension systems,” in International Class 12 (“Applicant’s Goods”).

Opposer hereby opposes registration, for the reasons set forth below.

1. Opposer owns the following federally registered marks:

MARK (collectively, "Opposer's Marks")	EFFECTIVE FILING DATE or DATE OF FIRST USE IN US COMMERCE	REG. NO. (collectively, "Opposer's Registrations") and REG. DATE	GOODS (collectively, "Opposer's Goods")
ZERO	At least as early as Jan. 3, 2001	2,749,340 Reg. Date: August 12, 2003	Tires; pneumatic, semi-pneumatic and solid tires for vehicle wheels; wheels for vehicles, inner tubes, rims, structural and replacement parts therefor, in Intl. Class 12.
ZERO	At least as early as April 19, 2007	3,661,976 Reg. Date: July 28, 2009	Electric vehicles, namely, motorcycles, in Intl. Class 12.
PZERO	At least as early as Sept. 9, 1988	1,625,883 Reg. Date: Dec. 4, 1990	Vehicle tires, in Intl. Class 12.

P ZERO ROSSO	At least as early as April 6, 1998	2,337,503 Reg. Date: April 4, 2000	Tires, pneumatic, semi-pneumatic and solid tires for vehicle wheels, in Intl. Class 12.
P ZERO SYSTEM	At least as early as Sept. 29, 2008	3,708,874 Reg. Date: Nov. 10, 2009	Tyres, pneumatic, semi-pneumatic and solid tyres for vehicle wheels; wheels for vehicles, wheel rims, in Intl. Class 12.
ICE ZERO	At least as early as June 19, 2014	4,725,881 Reg. Date: April 28, 2015	Tires, solid, for vehicle wheels; pneumatic, semi pneumatic and/or solid tyres; vehicle wheels and components and/or accessories therefor; wheel rims; inner tubes and mousse for vehicle tyres, in Intl. Class 12.
ZERO NERO	At least as early as March 1, 2001	2,847,159 Reg. Date: June 1, 2004	Tires; pneumatic, semi-pneumatic and solid tires for vehicle wheels, in Intl. Class 12.
SOTTOZERO	At least as early as May 22, 2003	3,038,910 Reg. Date: Jan. 10, 2006	Tires, in Intl. Class 12.

Copies of the registrations referenced above are attached hereto as Exhibit A.

2. Opposer's Registrations are valid and subsisting and are *prima facie* evidence of Opposer's exclusive right to use Opposer's Marks in US commerce in connection with the goods identified in Opposer's Registrations.

3. Opposer's Registration Nos. 2,749,340, 3,661,976, 1,625,883, 2,337,503, 3,708,874, 2,847,159, and 3,038,910 are incontestable.

4. Beginning at least as early as 1988 and through the present day, continuously and without abandonment, Opposer has marketed and sold goods in US commerce in connection with

ZERO-formative marks and possesses valuable and enforceable registration-based and common-law rights in Opposer's Marks in the US.

Likelihood of Confusion -- 15 U.S.C. § 1052(d)

Opposer repeats and reasserts each and every allegation set forth in Paragraphs 1 through 4.

5. The Application Filing Date is later than the dates of first use of Opposer's Marks in US commerce in connection with Opposer's Goods and later than the effective filing dates of the applications that matured into Opposer's Registrations.

6. Applicant did not – either itself or through Applicant's related company, licensee, or predecessor in interest – use the Mark on or in connection with Applicant's Goods in US commerce or otherwise obtain rights in the Mark before the dates of first use of Opposer's Marks in US commerce in connection with Opposer's Goods or the effective filing dates of the applications that matured into Opposer's Registrations.

7. The Mark contains Opposer's distinctive ZERO mark.

8. Opposer's Marks and the Mark are highly similar in appearance, sound, connotation, and commercial impression.

9. Tires and other goods encompassed by Opposer's Goods are sold to manufacturers and end-consumers in the automotive industry, both as component parts of vehicles -- including Applicant's Goods -- and also as complementary goods in the nature of aftermarket vehicle parts and accessories directed to the same classes of consumers.

10. Upon information and belief, Applicant's Goods would be offered to the same, substantially similar, and/or overlapping classes of consumers as Opposer's Goods and would be sold in the same channels of trade as Opposer's Goods.

11. Because the Mark is highly similar to Opposer's Marks, and because Applicant's Goods are highly related to Opposer's Goods, registration of the Mark would be likely to cause confusion, mistake, or deception, in that relevant consumers are likely to believe Applicant's Goods originate from Opposer or that Applicant's Goods are sponsored, authorized, licensed by, or in some other way legitimately connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), resulting in damage to Opposer.

Dilution -- 15 U.S.C. § 1125(c)(1)

Opposer repeats and reasserts each and every allegation set forth in Paragraphs 1 through 11.

12. As a result of extensive marketing, promotion, advertising and sales activity, Opposer's Marks have become famous and became famous prior to the Application Filing Date.

13. The Mark is so similar to Opposer's Marks that it is likely to dilute the distinctive quality of Opposer's Marks, in violation of 15 U.S.C. § 1125(c)(1).

WHEREFORE, Opposer has been and will continue to be damaged by the Mark for all the reasons set forth above and respectfully requests that this Opposition be granted and that the Mark be refused registration.

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Opposer appoints Andrew D. Price and Steven B. Powell, as well as Mark B. Harrison, Linda J. Zirkelbach, Rebecca A. Liebowitz, Halle B. Markus, Paula E. Hopkins, and Catherine S. Mitros of the law firm Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this petition.

Respectfully submitted,



Date: September 25, 2017

Andrew D. Price
Steven B. Powell
Venable LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: 202-344-4536
Facsimile: 202-344-8300
Attorneys for Opposer

Exhibit A

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

Reg. No. 2,749,340

United States Patent and Trademark Office

Registered Aug. 12, 2003

**TRADEMARK
PRINCIPAL REGISTER**

ZERO

PIRELLI PNEUMATICI S.P.A. (ITALY COR-
PORATION)
VIALE SARCA 222
20126 MILANO, ITALY

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ITALY APPLICATION NO. MI2001C00232, FILED 1-
3-2001, REG. NO. 846589, DATED 5-28-2001, EXPIRES
1-3-2011.

FOR: TIRES; PNEUMATIC, SEMI-PNEUMATIC
AND SOLID TIRES FOR VEHICLE WHEELS;
WHEELS FOR VEHICLES, INNER TUBES, RIMS,
STRUCTURAL AND REPLACEMENT PARTS
THEREFOR, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31,
35 AND 44).

SER. NO. 76-265,012, FILED 6-1-2001.

HELLEN BRYAN-JOHNSON, EXAMINING ATTOR-
NEY

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

Reg. No. 3,661,976

United States Patent and Trademark Office

Registered July 28, 2009

TRADEMARK
PRINCIPAL REGISTER

zero

ZERO MOTORCYCLES, INC. (DELAWARE CORPORATION)
ONE VICTOR SQUARE
SCOTTS VALLEY, CA 95066

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: ELECTRIC VEHICLES, NAMELY, MOTORCYCLES, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

SN 77-977,387, FILED 4-19-2007.

FIRST USE 6-29-2007; IN COMMERCE 6-29-2007.

ELI HELLMAN, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cl.: 35

United States Patent and Trademark Office

Reg. No. 1,625,883

Registered Dec. 4, 1990

**TRADEMARK
PRINCIPAL REGISTER**

PZERO

PIRELLI ARMSTRONG TIRE CORPORATION
(DELAWARE CORPORATION)
500 SARGENT DRIVE
NEW HAVEN, CT 065360201

FIRST USE 9-9-1988; IN COMMERCE
9-9-1988.

SER. NO. 74-006,960, FILED 12-1-1989.

FOR: VEHICLE TIRES, IN CLASS 12 (U.S. CL.
35).

STEPHEN JANOSKI, EXAMINING ATTORNEY

Int. Cls.: 12, 35 and 37

Prior U.S. Cls.: 19, 21, 23, 31, 35, 44, 100, 101,
102, 103 and 106

United States Patent and Trademark Office
Corrected

Reg. No. 2,337,503

Registered Apr. 4, 2000

OG Date Jan. 9, 2001

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

P ZERO ROSSO

PIRELLI PNEUMATICI SPA. (ITALY COR-
PORATION)
VIALE SARCA 222
20126 MILANO, ITALY, BY CHANGE OF
NAME

PRIORITY CLAIMED UNDER SEC. 41(D)
ON ITALY APPLICATION NO. M98000448,
FILED 4-6-1998, REG. NO. 00750866, DATED
5-26-1998, EXPIRES 4-6-2008.

OWNER OF U.S. REG. NO. 1,625,883.
"ROSSO" IN ITALIAN MEANS "RED"
FOR: TIRES, PNEUMATIC, SEMI-PNEU-
MATIC AND SOLID TIRES FOR VEHICLE
WHEELS; WHEELS FOR LAND VEHICLES
AND PARTS THEREFORE, NAMELY, INNER-
TUBES AND RIMS, IN CLASS 12 (U.S. CLS.
19, 21, 23, 31, 35 AND 40).

FIRST USE IN COMMERCE.
FOR: PLACING ADVERTISEMENTS FOR
OTHERS; COMMERCIAL ADMINISTRATION,

NAMELY, MANAGEMENT AND ADMINIS-
TRATION OF TIRE AND CARE MAINTE-
NANCE BUSINESSES; OFFICE WORK,
NAMELY, PROVIDING ADMINISTRATIVE
AND CLERICAL ASSISTANCE IN RELATION
TO TIRE AND CARE MAINTENANCE BUSI-
NESSES, IN CLASS 35 (U.S. CLS. 100, 101
AND 102).

FIRST USE: IN COMMERCE.

FOR: REPAIRING, INSTALLING, RE-
TREADING, ROTATING AND BALANCING,
AND CHANGING OF VEHICLE TIRES; CAR
ASSISTANCE SERVICES, NAMELY, CHANG-
ING WHEELS AND TIRES DURING CAR
RACES, IN CLASS 37 (U.S. CLS. 100, 103
AND 106).

FIRST USE: IN COMMERCE.

SER. NO. 75-526,377, FILED 7-27-1998.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Jan. 9, 2001.*

COMMISSIONER OF PATENTS AND TRADEMARKS

United States of America
United States Patent and Trademark Office

P ZERO SYSTEM

Reg. No. 3,708,874 PIRELLI TYRE S.P.A. (ITALY SOCIETÀ PER AZIONI (SPA))
Registered Nov. 10, 2009 VIALE SARCA, 222
I-20126 MILANO (MI), ITALY

Int. Cl.: 12 FOR: TYRES, PNEUMATIC, SEMI-PNEUMATIC AND SOLID TYRES FOR VEHICLE
WHEELS; WHEELS FOR VEHICLES, WHEEL RIMS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31,
35 AND 44).

TRADEMARK
PRINCIPAL REGISTER OWNER OF U.S. REG. NOS. 1,625,883, 2,749,340 AND OTHERS.

OWNER OF INTERNATIONAL REGISTRATION 0628339 DATED 11-15-1994, EXPIRES 11-15-2014.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SYSTEM", APART FROM THE MARK AS SHOWN.

SER. NO. 79-061,248, FILED 9-29-2008.

JAMES MACFARLANE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

ICE ZERO

Reg. No. 4,725,881

Registered Apr. 28, 2015

Int. Cl.: 12

TRADEMARK

PRINCIPAL REGISTER

PIRELLI TYRE S.P.A. (ITALY JOINT STOCK COMPANY)
VIALE PIERO E ALBERTO PIRELLI, 25
I-20126 MILAN
ITALY

FOR: TIRES, SOLID, FOR VEHICLE WHEELS; PNEUMATIC, SEMI PNEUMATIC AND/OR SOLID TYRES; VEHICLE WHEELS AND COMPONENTS AND/OR ACCESSORIES THEREFOR; WHEEL RIMS; INNER TUBES AND MOUSSE FOR VEHICLE TYRES, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF INTERNATIONAL REGISTRATION 1174163 DATED 7-2-2013, EXPIRES 7-2-2023.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ICE", APART FROM THE MARK AS SHOWN.

SER. NO. 79-152,815, FILED 6-19-2014.

GRETITA YAO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

Reg. No. 2,847,159

United States Patent and Trademark Office

Registered June 1, 2004

**TRADEMARK
PRINCIPAL REGISTER**

ZERO NERO

PIRELLI PNEUMATICI S.P.A. (ITALY COR-
PORATION)
VIALE SARCA 222
20126 MILANO, ITALY

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ITALY APPLICATION NO. MI2001C00232, FILED 3-
1-2001, REG. NO. 846590, DATED 5-28-2001, EXPIRES
3-1-2011.

FOR: TIRES; PNEUMATIC, SEMI-PNEUMATIC
AND SOLID TIRES FOR VEHICLE WHEELS;
WHEELS FOR VEHICLES, INNER TUBES, RIMS,
STRUCTURAL AND REPLACEMENT PARTS
THEREFORE, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31,
35 AND 44).

SER. NO. 76-263,956, FILED 5-30-2001.

WON TEAK OH, EXAMINING ATTORNEY

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

United States Patent and Trademark Office

Reg. No. 3,038,910

Registered Jan. 10, 2006

**TRADEMARK
PRINCIPAL REGISTER**

SOTTOZERO

PIRELLI PNEUMATICI S.P.A. (ITALY COR-
PORATION)
VIALE SARCA 222
20126 MILAN
ITALY

FOR: TIRES; PNEUMATIC, SEMI-PNEUMATIC
AND SOLID TIRES FOR VEHICLE WHEELS;
WHEELS FOR VEHICLES, INNER TUBES, RIMS
AND STRUCTURAL AND REPLACEMENT PARTS
FOR ALL THE AFORESAID GOODS, IN CLASS 12
(U.S. CLS. 19, 21, 23, 31, 35 AND 44).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ITALY APPLICATION NO. M12003C00522, FILED 5-
22-2003, REG. NO. 899275, DATED 5-22-2003, EX-
PIRES 5-22-2013.

THE ENGLISH TRANSLATION OF THE WORD
SOTTOZERO IS "SUB ZERO" OR "BELOW ZERO".

SER. NO. 76-521,615, FILED 6-10-2003.

JENNIFER CHICOSKI, EXAMINING ATTORNEY