

ESTTA Tracking number: **ESTTA846768**

Filing date: **09/19/2017**

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	Bayerische Motoren Werke Aktiengesellschaft
Granted to Date of previous extension	09/20/2017
Address	Petuelring 130 Dept. AJ-55 Munich, 80809 GERMANY

Attorney information	JOHN G FROEMMING and JESSICA D BRADLEY JONES DAY 51 LOUISIANA AVENUE NW WASHINGTON, DC 20001 UNITED STATES Email: jfroemming@jonesday.com, jbradley@jonesday.com, agaransi@jonesday.com, kbaird@jonesday.com, nytfe@jonesday.com
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Applicant Information

Application No	87258137	Publication date	05/23/2017
Opposition Filing Date	09/19/2017	Opposition Period Ends	09/20/2017
Applicant	Shenzhen Yisi Technology Co., Ltd 2/F, Yili Technology Park GuanLan Rd, LongHua new Dist ShenZhen CHINA		

Goods/Services Affected by Opposition

Class 012. First Use: 2016/07/20 First Use In Commerce: 2016/07/20 All goods and services in the class are opposed, namely: Anti-theft devices for vehicles; Bicycle stands; Clutches for land vehicles; Engines for land vehicles; Gearing for land vehicles; Jet engines for land vehicles; Motor scooters; Motorcycle frames; Motorcycle saddles; Motorcycle tires; Panniers adapted for motorcycles; Rearview mirrors; Saddles for bicycles; Saddles for motorcycles; Side cars; Vehicle chassis; Wheel hubs; Windscreens for motor cars; Motorcycle chains; Motorcycle engines; Motorcycle handlebars; Vehicle windscreens

Applicant Information

Application No	87258151	Publication date	05/23/2017
Opposition Filing Date	09/19/2017	Opposition Period Ends	
Applicant	Shenzhen Yisi Technology Co., Ltd 2/F, Yili Technology Park GuanLan Rd, LongHua new Dist		

	ShenZhen CHINA
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Goods/Services Affected by Opposition


<p>Class 025. First Use: 2016/07/20 First Use In Commerce: 2016/07/20 All goods and services in the class are opposed, namely: Boots for sport; Cyclists' jerseys; Drawers; Gloves; Hats; Kerchiefs; Mittens; Rain wear; Raincoats; Scarfs; Singlets; Ski gloves; Spats; Suits; Sweat-absorbent socks; Trousers; Veils; Waterproof footwear; Waterproof jackets and pants; Wet-suits for water-skiing; Wind coats</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1438545	Application Date	05/15/1986
Registration Date	05/05/1987	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1982/00/00 First Use In Commerce: 1985/01/01 AUTOMOBILES		

U.S. Registration No.	2683597	Application Date	05/16/2002
Registration Date	02/04/2003	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 1994/00/00 First Use In Commerce: 1994/00/00 Valve stem caps; license plate frames, gear shift knobs Class 025. First use: First Use: 1994/00/00 First Use In Commerce: 1994/00/00 headwear; [pullovers; sweaters; shorts; turtlenecks] Class 027. First use: First Use: 1994/00/00 First Use In Commerce: 1994/00/00 floor mats; trunk mats

U.S. Registration No.	3526899	Application Date	02/13/2008
Registration Date	11/04/2008	Foreign Priority Date	NONE

Word Mark	M
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Design Mark	
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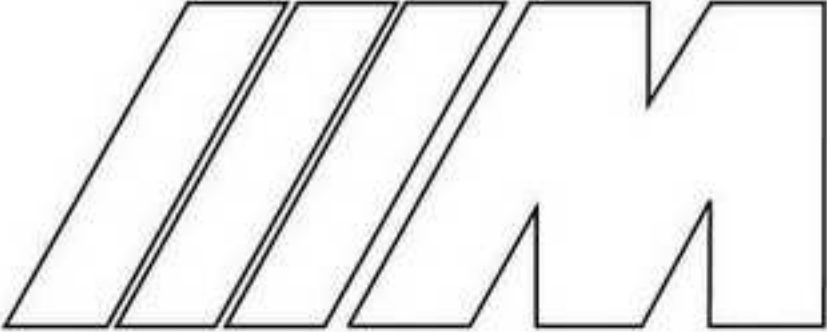
Description of Mark	The mark consists of 3 stripes and the letter M.
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Goods/Services	Class 006. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Metal key chains Class 012. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Automobiles and their structural parts; parts of automobiles, namely, engines, wheels, steering wheels, door sills, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, carbadges; automotive body kits comprising external structural parts of automobiles Class 014. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Lapel pins, watches Class 018. First use: First Use: 2008/01/01 First Use In Commerce: 2008/01/01 Backpacks, sports bags, travel bags, suitcases, umbrellas Class 025. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Jackets, caps, shirts, gloves Class 028. First use: First Use: 2006/01/01 First Use In Commerce: 2006/01/01 Scale model cars, children's ride-on toys
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U.S. Registration No.	3767662	Application Date	02/10/2009
Registration Date	03/30/2010	Foreign Priority Date	08/11/2008

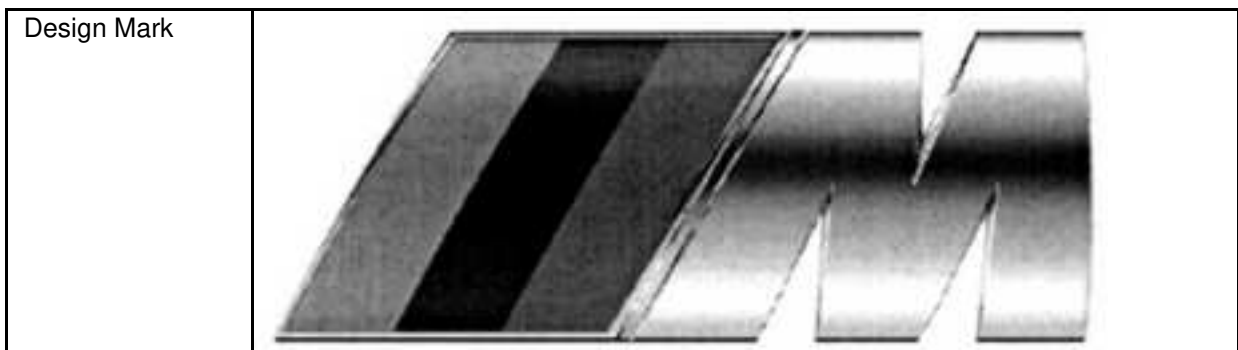
Word Mark	M
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Design Mark			
Description of Mark	The mark consists of a stylized letter "M" and a series of three slanted quadrilaterals.		
Goods/Services	<p>Class 007. First use: First Use: 0 First Use In Commerce: 0 [Oil, gas and air filter for motors; catalytic converters for motors; compressors as parts of motors; crankcases as parts of motors;] motor mufflers [; fan belts as parts of motors; ignition devices for motors of land vehicles; motor starters; oil pumps for use in motors; radiators for motors; water pumps for use in motors]</p> <p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Motor vehicles being land vehicles and their parts, namely, wheels, steering wheels, door sills being strips of metal affixed to the automobile sill, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, badges for motor vehicles being trim; automotive body kits comprising external structural-parts of automobiles; engines for motorvehicles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Jewellery, in particular key rings of precious metal; horological and chronometric instruments</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Paper, cardboard and goods made from these materials, namely, printed matter in particular catalogues in the field of automotive, brochures about automobiles, manuals in the field of automotive, prospectuses in the nature of booklets in the field of automotive, posters; adhesivepaper badges and stickers of paper or plastic; photographs; graphic art representations; stationery; pens, writing instruments</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Goods made of leather and imitations ofleather, namely, bags, trunks and traveling bags and small items of leather, namely, leather purses, leather wallets and leather key bags; umbrellas [, parasols]</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, jackets, shirts, gloves; headgear, namely, caps</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Games and playthings, namely, scale model vehicles and component parts thereof [, children's ride on toy vehicles]</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 Repair and maintenance of motor vehicles and parts thereof and of engines for motor vehicles and parts thereof; maintenance in the nature of tuning of motor vehicles and engines</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Organization of and conducting of entertainment in the nature of automobile rallies and automobile races; organization of and conducting of driver safety training</p>		
U.S. Registration No.	4370967	Application Date	06/18/2012

Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of The mark consists of the capital letter "M" with series of three slanted quadrilateral stripes to the left.		
Goods/Services	Class 035. First use: First Use: 2011/09/21 First Use In Commerce: 2011/09/21 Retail store services in the field of automobiles Class 041. First use: First Use: 2011/09/21 First Use In Commerce: 2011/09/21 Education and instruction services, namely, providing classes, seminars, conferences, workshops of automobile dealers regarding sale, display, repair, performance and technology of vehicles		

U.S. Registration No.	3569473	Application Date	05/30/2008
Registration Date	02/03/2009	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of 3 stripes and the letter M.		
Goods/Services	Class 041. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction, education and instruction regarding vehicles and driving of vehicles		


U.S. Registration No.	3767663	Application Date	02/10/2009
Registration Date	03/30/2010	Foreign Priority Date	08/11/2008
Word Mark	M		



Description of Mark	The mark consists of a stylized letter "M" with horizontal shading. A series of three shaded diagonal vertical bars appear to the left of the letter "M".
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Goods/Services	<p>Class 007. First use: First Use: 0 First Use In Commerce: 0 [Oil, gas and air filters for motors; catalytic converters; parts for motors and generators, namely, compressors, crankcases,] mufflers [, fan belts, ignition devices, motor starters, oil pumps, radiators, and water pumps]</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 [Clothing for protection against fire and accident, namely, shoes, boots, protective helmets, protective glasses; spectacles] ; sunglasses</p> <p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Automobiles and their structural parts; parts of automobiles, namely, engines, wheels, steering wheels, door sills, gear shift knobs, headrests, seat, tire valve stem caps, license plate frames, carbadges; automotive body kits comprising external structural parts of automobiles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Jewellery, namely, [lapel pins; clocks and] watches; key rings of precious metal</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 [Photographs; printed matter, namely, brochures in the field of automobiles, posters, catalogues, automotive service and repair manuals, cards,] stickers; [stationery;] office requisites, namely, pens, writing instruments</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 All purpose carrying bags, trunks, and traveling bags, purses, pocket wallets; umbrellas</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Jackets, caps, shirts, gloves</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Scale model cars [, children's ride-on toy vehicles]</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 Repair, installation, maintenance of automobiles</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction, education and instruction regarding vehicles and driving of vehicles</p>
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U.S. Registration No.	4541350	Application Date	10/31/2013
Registration Date	06/03/2014	Foreign Priority Date	05/03/2013
Word Mark	BMW M		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Automobiles and their parts, namely, structural parts, wheels, steering wheels, door sills, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, badges for motor vehicles being trim; automotive body kits comprising external structural parts of automobiles; engines for land motor vehicles</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services featuring vehicles, vehicle parts and accessories</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 Repair and maintenance of vehicles</p>

U.S. Registration No.	4729767	Application Date	08/04/2010
Registration Date	05/05/2015	Foreign Priority Date	NONE


Word Mark	M POWER
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Automobiles</p> <p>Class 014. First use: First Use: 2010/07/01 First Use In Commerce: 2010/07/01 Watches</p> <p>Class 025. First use: First Use: 2010/07/01 First Use In Commerce: 2010/07/01 Clothing, namely, polo-shirts, t-shirts, tank tops, oxford shirts, blouses, vests, jackets, caps, gloves</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Scale miniatures of automobiles; toy automobiles</p> <p>Class 035. First use: First Use: 2010/07/01 First Use In Commerce: 2010/07/01 Dealership services in the field of automobiles; providing an Internet website to promote automobiles and events for automobile enthusiasts</p> <p>Class 041. First use: First Use: 2010/07/01 First Use In Commerce: 2010/07/01 Organization of and participation in automobile races; organization of automobile owner and enthusiast clubs; organization of tours for promoting automobiles; or-</p>
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	ganizing test drive events; driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction, education and instruction regarding vehicles and driving of vehicles
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U.S. Registration No.	4352294	Application Date	03/04/2011
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	MDRIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Electronic control system for automobiles sold as an integral component of automobiles, comprised of a manually-operated button and virtual displays for activating individually-configured driver settings for the automobile, namely, engine output and responsiveness, transmission modes, gear shifting modes, stability controls, steering systems, vehicle information displays, and seat positions		

U.S. Registration No.	4382372	Application Date	06/18/2012
Registration Date	08/13/2013	Foreign Priority Date	NONE
Word Mark	M CERTIFIED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2011/09/21 First Use In Commerce: 2011/09/21 Retail services in the field of automobiles, namely, automobile dealership services Class 041. First use: First Use: 2011/09/21 First Use In Commerce: 2011/09/21 Education and instruction services, namely, providing classes, seminars, conferences, workshops of automobile dealers regarding sale, display, repair, perform-		

	ance and technology of vehicles
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U.S. Registration No.	4159719	Application Date	07/11/2011
Registration Date	06/19/2012	Foreign Priority Date	02/07/2011
Word Mark	M PERFORMANCE		
Design Mark	M Performance		
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 0 First Use In Commerce: 0 Engine exhaust systems comprised of pipes, collectors, mufflers Class 012. First use: First Use: 0 First Use In Commerce: 0 Automobiles and parts therefor, namely, bumpers, door sills, steering wheels, spoilers, seats, engines, chassis, wheels, badges		

U.S. Registration No.	3586501	Application Date	07/30/2008
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	M THE MOST POWERFUL LETTER IN THE WORLD		
Design Mark	<p style="text-align: center;">M The most powerful letter in the world</p>		
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 Automobiles Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services featuring automobiles		

Attachments	73474699#TMSN.png(bytes) 76410758#TMSN.png(bytes) 77395469#TMSN.png(bytes) 79067918#TMSN.png(bytes) 85654032#TMSN.png(bytes) 77486870#TMSN.png(bytes) 79067950#TMSN.png(bytes) 79140840#TMSN.png(bytes) 85099591#TMSN.png(bytes) 85257756#TMSN.png(bytes)
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Signature	/JESSICA D. BRADLEY/
Name	JESSICA D. BRADLEY
Date	09/19/2017

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

Bayerische Motoren Werke Aktiengesellschaft,	§	
	§	Opposition No. _____
Opposer,	§	
	§	Application Nos. 87/258,137 and
v.	§	87/258,151
	§	
Shenzhen Yisi Technology Co., Ltd,	§	Filed: December 6, 2016
	§	
Applicant.	§	Published: May 23, 2017
	§	

NOTICE OF OPPOSITION

Opposer, Bayerische Motoren Werke Aktiengesellschaft (hereinafter “Opposer” or “BMW”), a German corporation with its principal place of business at Petuelring 130, 80809 Munich, Federal Republic of Germany, believes that it will be damaged by the registration of the marks shown in Application Serial Nos. 87/258,137 and 87/258,151, and therefore opposes registration of the same under Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

The grounds for opposition are as follows:

1. Shenzhen Yisi Technology Co., Ltd (hereinafter “Applicant”) seeks registration of the marks M MOFANER & Design in Application Serial No. 87/258,137 for “anti-theft devices for vehicles; bicycle stands; clutches for land vehicles; engines for land vehicles; gearing for land vehicles; jet engines for land vehicles; motor scooters; motorcycle frames; motorcycle saddles; motorcycle tires; panniers adapted for motorcycles; rearview mirrors; saddles for bicycles; saddles for motorcycles; side cars; vehicle chassis; wheel hubs; windscreens for motor cars; motorcycle chains; motorcycle engines; motorcycle handlebars; vehicle windscreens” in International Class 12 and Application Serial No. 87/258,151 for “boots for sport; cyclists' jerseys; drawers; gloves; hats; kerchiefs; mittens; rain wear; raincoats; scarfs; singlets; ski

gloves; spats; suits; sweat-absorbent socks; trousers; veils; waterproof footwear; waterproof jackets and pants; wet suits for water-skiing; wind coats” in International Class 25 (hereinafter, the “opposed applications”).



2. The opposed applications were filed on December 6, 2016 based on Applicant’s use in commerce.



3. The opposed applications were published for opposition in the *Trademark Official Gazette* on May 23, 2017. BMW timely filed extensions of the opposition periods to September 20, 2017.



4. Opposer BMW is engaged in the business of designing, manufacturing, distributing, selling, repairing, and maintaining automobiles and parts for automobiles, as well as selling promotional products including clothing under various marks, including the M Logo, and the word marks M CERTIFIED, M THE MOST POWERFUL LETTER IN THE WORLD, M PERFORMANCE, MDRIVE, M POWER, and BMW M (collectively, the “BMW M Marks”).


5. BMW has used its M Logo in commerce in the United States continuously since at least as early as 1985, and long prior to the filing of the opposed application, in connection with automobiles. BMW has also used the BMW M Marks in connection with automobile parts, as well as promotional products including clothing, and related goods and services.

6. BMW is the owner of numerous U.S. registrations for the BMW M Marks including the following (TSDR print-outs attached as Exhibit A):

Mark	Reg. No. / App. No.	Reg. Date / Filing Date	Goods and Services	First Use Date
	1,438,545	05-MAY-1987 15-MAY-1986	12: Automobiles	01-JAN-1985
	2,683,597	04-FEB-2003 16-MAY-2002	12: Valve stem caps; license plate frames,	1994

Mark	Reg. No. / App. No.	Reg. Date / Filing Date	Goods and Services	First Use Date
			gear shift knobs 25: headwear 27: floor mats; trunk mats	
	3,526,899	04-NOV-2008 13-FEB-2008	12: Automobiles and their structural parts; parts of automobiles' automotive body kits comprising external structural parts of automobiles 14: Lapel pins, watches 18: Backpacks, sports bags, travel bags, suitcases, umbrellas 25: Jackets, caps, shirts, gloves Various goods in Classes 6 and 28	01-JAN-2000 Various
	3,767,662	30-MAR-2010 10-FEB-2009	7: Oil, gas, and air filter for motors; compressors; fan belts; ignition devices; motor starters; oil pumps; radiators; water pumps 12: Motor vehicles; automotive body kits; engines for motor vehicles 14: Jewellery, in particular key rings of precious metal; horological and chronometric instruments 18: Goods made of leather and imitations of leather, namely, bags, trunks and travelling	Section 66(a)

Mark	Reg. No. / App. No.	Reg. Date / Filing Date	Goods and Services	First Use Date
			<p>bags and small items of leather, namely, leather purses, leather wallets and leather key bags; umbrellas</p> <p>25: Clothing, namely, jackets, shirts, gloves; headgear, namely, caps</p> <p>37: Repair and maintenance of motor vehicles and parts thereof and of engines for motor vehicles and parts thereof; maintenance in the nature of tuning of motor vehicles and engines</p> <p>Various goods and services in Classes 16, 28 and 41</p>	
	4,370,967	23-JUL-2013 18-JUN-2012	<p>35: Retail store services in the field of automobiles</p> <p>41: Education and instruction services, namely, providing classes, seminars, conferences, workshops of automobile dealers regarding sale, display, repair, performance and technology of vehicles</p>	21-SEP-2011
	3,569,473	03-FEB-2009 30-MAY-2008	41: Driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction,	01-JAN-2000

Mark	Reg. No. / App. No.	Reg. Date / Filing Date	Goods and Services	First Use Date
			education and instruction regarding vehicles and driving of vehicles	
	3,767,663	30-MAR-2010 10-FEB-2009	<p>7: Mufflers</p> <p>12: Automobiles and their structural parts; parts of automobiles, namely, engines, wheels, steering wheels, door sills, gear shift knobs, headrests, seat, tire valve steam caps, license plate frames, car badges; automotive body kits comprising external structural parts of automobiles</p> <p>14: Jewellery, namely, watches; key rings of precious metal</p> <p>18: All purpose carrying bags, trunks, and traveling bags, purses, pocket wallets; umbrellas</p> <p>25: Jackets, caps, shirts, gloves</p> <p>37: Repair, installation, maintenance of automobiles</p> <p>Various goods and services in Classes 9, 16, 28 and 41</p>	Section 66(a)
BMW M	4,541,350	03-JUN-2014 31-OCT-2013	<p>12: Automobiles and their parts; engines for land motor vehicles</p> <p>35: Retail store services</p>	66(a)

Mark	Reg. No. / App. No.	Reg. Date / Filing Date	Goods and Services	First Use Date
			featuring vehicles, vehicle parts and accessories 37: Repair and maintenance of vehicles	
M POWER	4,729,767	05-MAY-2015 04-AUG-2010	12: Automobiles 14: Watches 25: Clothing, namely, polo-shirts, t-shirts, tank tops, oxford shirts, blouses, vests, jackets, caps, gloves 28: Scale miniatures of automobiles; toy automobiles 35: Dealership services in the field of automobiles; providing an Internet website to promote automobiles and events for automobile enthusiasts 41: Organization of and participation in automobile races; organization of automobile owner and enthusiast clubs; organization of tours for promoting automobiles; organizing test drive events; driver training services	1(a) 44(e) (Classes 12, 28) 01-JUL-2010 (Classes 14, 25, 28, 35, 41)

Mark	Reg. No. / App. No.	Reg. Date / Filing Date	Goods and Services	First Use Date
MDRIVE	4,352,294	18-JUN-2013 04-MAR-2011	12: Electronic control system for automobiles sold as an integral component of automobiles	01-JAN-2007
M CERTIFIED	4,382,372	13-AUG-2013 18-JUN-2012	35: Retail services in the field of automobiles, namely, automobile dealership services 41: Education and instruction services, namely, providing classes, seminars, conferences, workshops of automobile dealers regarding sale, display, repair, performance and technology of vehicles	21-SEP-2011
M PERFORMANCE	4,159,719	19-JUN-2012 11-JUL-2011	7: Engine exhaust systems comprised of pipes, collectors, mufflers 12: Automobiles and parts therefor, namely, bumpers, door sills, steering wheels, spoilers, seats, engines, chassis, wheels, badges	66(a)
M THE MOST POWERFUL LETTER IN THE WORLD	3,586,501	10-MAR-2009 30-JUL-2008	12: Automobiles 35: Retail store services featuring automobiles	44(e)

All of BMW's registrations identified in the chart above are valid and subsisting and *prima facie* evidence of the validity thereof and of BMW's ownership and exclusive right to use the BMW M Marks in commerce, and are constructive notice of BMW's ownership thereof, all as provided by

§§ 7(b) and 22 of the Federal Trademark Act of 1946, as amended. Additionally, Reg. Nos. 1,438,545, 2,683,597, 3,526,899, 3,767,662, 3,569,473, 3,767,663, and 3,586,501 are incontestable under 15 U.S.C. § 1065, and are therefore conclusive evidence of the validity of the registered marks, of BMW's ownership of the marks and of BMW's exclusive right to use the mark with the covered goods and services.

7. BMW has prominently and extensively used, promoted and advertised the BMW M Marks for products and services through varied promotional and advertising media, expending millions of dollars in connection with such advertising efforts.

8. As a result of BMW's long and continuous use of the BMW M Marks and its substantial investment in advertising and promotion, consumers have come to recognize the BMW M Marks as uniquely associated with BMW and an indication of origin in BMW. As a consequence, BMW has established valuable goodwill and exclusive rights in the BMW M Marks.

9. Upon information and belief, Applicant is engaged in the business of selling vehicle parts and clothing.

10. Applicant is not affiliated with or sponsored by BMW, and has never been authorized by BMW or any of its subsidiaries, affiliates or authorized agents to use the BMW M Marks or any of BMW's other marks in any form.

11. Applicant's use of its M MOFANER & Design marks in the United States is intended to commercialize and trade off the distinctiveness of the BMW M Marks, which have acquired renown in connection with automobiles, automobile parts, promotional products including clothing, and related goods and services.

12. Applicant's M MOFANER & Design marks are similar in appearance and commercial impression to Opposer's BMW M Marks, and as such are likely to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

13. Applicant's vehicle parts and clothing are identical and/or closely related to the goods and services covered by BMW's registrations for the BMW M Marks. Therefore, consumers are likely to be confused, mistaken or deceived into the belief, contrary to fact, that the goods offered by Applicant under the M MOFANER & Design marks emanate from and/or are in some way sponsored or approved by BMW, and/or that Applicant is somehow affiliated with BMW, thereby damaging BMW.

14. If Applicant's marks are registered, Applicant will receive a *prima facie* nationwide exclusive right to use marks that are likely to cause confusion as to source, sponsorship and affiliation with Opposer's BMW M Marks in commerce and, as such, would be inconsistent with Opposer's rights.

WHEREFORE, for the foregoing reasons, Opposer respectfully requests that the present opposition be sustained in favor of BMW and Application Serial Nos. 87/258,137 and 87/258,151 be refused registration.

Respectfully submitted,

Date: September 19, 2017

By: /s/ Jessica D. Bradley

John G. Froemming

Jessica D. Bradley

Jones Day

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Washington, DC 20001

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Attorneys for Opposer

Bayerische Motoren Werke Aktiengesellschaft

Exhibit A

Generated on: This page was generated by TSDR on 2017-09-13 13:49:46 EDT

Mark: M



US Serial Number: 73474699

Application Filing Date: May 15, 1986

US Registration Number: 1438545

Registration Date: May 05, 1987

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 22, 2017

Publication Date: Feb. 10, 1987

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Lining and Stippling Statement: THE DRAWING IS LINED TO INDICATE THE COLORS BLUE, VIOLET AND RED.

Design Search Code(s): 26.13.12 - Quadrilaterals with bars, bands and lines
26.13.21 - Quadrilaterals that are completely or partially shaded

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: AUTOMOBILES

International Class(es): 012 - Primary Class

U.S Class(es): 019

Class Status: ACTIVE

Basis: 1(a) 44(d)

First Use: 1982

Use in Commerce: Jan. 01, 1985

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: Yes

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT

Owner Address: PETUELRING 130
80809 Muenchen
GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55 (Trademarks)
80809 Muenchen
GERMANY

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 22, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 22, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293
Mar. 22, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
Mar. 20, 2017	TEAS SECTION 8 & 9 RECEIVED	
Feb. 10, 2017	NOTICE OF SUIT	
Feb. 10, 2017	NOTICE OF SUIT	
Feb. 07, 2017	NOTICE OF SUIT	
Feb. 07, 2017	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
May 05, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Aug. 18, 2015	NOTICE OF SUIT	
Apr. 08, 2015	NOTICE OF SUIT	
Mar. 25, 2015	NOTICE OF SUIT	
Jan. 23, 2015	NOTICE OF SUIT	
Nov. 03, 2014	NOTICE OF SUIT	
Aug. 04, 2014	NOTICE OF SUIT	
Aug. 01, 2014	NOTICE OF SUIT	
Jul. 18, 2014	NOTICE OF SUIT	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2014	NOTICE OF SUIT	
Apr. 24, 2014	NOTICE OF SUIT	
Apr. 18, 2014	NOTICE OF SUIT	
Feb. 06, 2014	NOTICE OF SUIT	

Feb. 05, 2014	NOTICE OF SUIT	
Jan. 24, 2014	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Aug. 26, 2013	NOTICE OF SUIT	
Mar. 27, 2013	NOTICE OF SUIT	
Mar. 26, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
May 02, 2012	NOTICE OF SUIT	
Jun. 14, 2010	NOTICE OF SUIT	
Mar. 01, 2010	NOTICE OF SUIT	
Mar. 03, 2009	NOTICE OF SUIT	
Jan. 09, 2009	NOTICE OF SUIT	
Sep. 22, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 22, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 13, 2008	NOTICE OF SUIT	
Aug. 13, 2008	NOTICE OF SUIT	
Jun. 20, 2008	NOTICE OF SUIT	
Jun. 13, 2008	NOTICE OF SUIT	
Apr. 03, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Apr. 03, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 03, 2007	ASSIGNED TO PARALEGAL	76293
Dec. 12, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 12, 2006	PAPER RECEIVED	
Nov. 06, 2006	CASE FILE IN TICRS	
Feb. 19, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 29, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 31, 1993	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 05, 1987	REGISTERED-PRINCIPAL REGISTER	
Feb. 10, 1987	PUBLISHED FOR OPPOSITION	
Jan. 11, 1987	NOTICE OF PUBLICATION	
Nov. 06, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 1986	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 03, 1986	FINAL REFUSAL MAILED	
Aug. 28, 1986	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 27, 1986	NON-FINAL ACTION MAILED	
May 15, 1986	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 07, 1986	INQUIRY AS TO SUSPENSION MAILED	
Mar. 07, 1986	ASSIGNED TO EXAMINER	65191
Dec. 04, 1985	LETTER OF SUSPENSION MAILED	
Nov. 15, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 04, 1985	INQUIRY AS TO SUSPENSION MAILED	
May 15, 1985	LETTER OF SUSPENSION MAILED	
Apr. 16, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 16, 1984	NON-FINAL ACTION MAILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 05, 2017

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 22, 2017

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaired@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	

5 BD DECISION: DISMISSED Jan 13, 2017
 6 TERMINATED Jan 13, 2017
 7 BD DECISION: DISMISSED Jan 13, 2017

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#) **Filing Date:** Dec 18, 2015
Status: Terminated **Status Date:** Mar 09, 2017
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC
Correspondent Address: NANCY R FRANSEN
 BAKER & HOSTETLER LLP
 2929 ARCH STREET, GIRA CENTRE 12TH FLOOR
 PHILADELPHIA PA , 19104-2891
 UNITED STATES
Correspondent e-mail: nfrandsen@bakerlaw.com , grossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft
Correspondent Address: JOHN G FROEMMING
 JONES DAY
 51 LOUISIANA AVE NW
 WASHINGTON DC , 20001-2113
 UNITED STATES
Correspondent e-mail: bradley@jonesday.com , jfroemming@jonesday.com , kbaird@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	

12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017
15	COMMR ORDER CANCELLING REG	Mar 09, 2017
16	TERMINATED	Mar 09, 2017

Type of Proceeding: Opposition

Proceeding Number: [91112799](#)

Filing Date: Jan 11, 1999

Status: Terminated

Status Date: Dec 22, 1999

Interlocutory Attorney:

Defendant

Name: H.G. MAKELIM COMPANY

Correspondent Address: ALLAN I. ZACKLER
ZACKLER & ASSOCIATES
3824 GRAND AVENUE SUITE 100
OAKLAND CA , 94610
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 8	75418079	2315371

Plaintiff(s)

Name: BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT

Correspondent Address: JAMES F. MCKEOWN
EVENSON, MCKEOWN, EDWARDS & LENAHAN, PLLC
1200 G STREET, N.W. SUITE 700
WASHINGTON DC , 20005
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 11, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Feb 05, 1999	Mar 17, 1999
3	PENDING, INSTITUTED	Feb 05, 1999	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 12, 1999	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 1999	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 09, 1999	
7	DF AMENDMENT OF APPLICATION	Aug 31, 1999	
8	WITHDRAWAL OF OPPOSITION	Sep 15, 1999	
9	DF PROPOSED AMENDMENT GRANTED	Dec 21, 1999	
10	BD'S DECISION: DISMISSED W/O PREJUDICE	Dec 21, 1999	
11	TERMINATED	Dec 22, 1999	
12	DF RESPONSE TO BOARD'S ORDER DATED DECEMBER 21, 1999	Jan 18, 2000	

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Mark: M



US Serial Number: 76410758

Application Filing Date: May 16, 2002

US Registration Number: 2683597

Registration Date: Feb. 04, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 05, 2013

Publication Date: Nov. 12, 2002

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Lining and Stippling Statement: The mark is lined to indicate the colors blue, violet and red.

Design Search Code(s): 26.13.12 - Quadrilaterals with bars, bands and lines

Related Properties Information

Claimed Ownership of US Registrations: 1438545, 2381292

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Valve stem caps; license plate frames, gear shift knobs

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: 1994

Use in Commerce: 1994

For: headwear; [pullovers; sweaters; shorts; turtlenecks]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 1994

Use in Commerce: 1994

For: floor mats; trunk mats

International Class(es): 027 - Primary Class

U.S Class(es): 019, 020, 037, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 1994

Use in Commerce: 1994

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: Petuelring 130
80809 Muenchen
GERMANY

Legal Entity Type: CORPORATION

State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Attorney Primary Email Address: tm-d@bmw.de

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55 (Trademarks)
80809 Muenchen
GERMANY

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 10, 2017	NOTICE OF SUIT	
Feb. 10, 2017	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Aug. 18, 2015	NOTICE OF SUIT	

Apr. 08, 2015	NOTICE OF SUIT	
Jan. 23, 2015	NOTICE OF SUIT	
Nov. 03, 2014	NOTICE OF SUIT	
Aug. 04, 2014	NOTICE OF SUIT	
Aug. 01, 2014	NOTICE OF SUIT	
Jul. 18, 2014	NOTICE OF SUIT	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2014	NOTICE OF SUIT	
Apr. 24, 2014	NOTICE OF SUIT	
Apr. 18, 2014	NOTICE OF SUIT	
Feb. 06, 2014	NOTICE OF SUIT	
Feb. 05, 2014	NOTICE OF SUIT	
Jan. 24, 2014	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Aug. 26, 2013	NOTICE OF SUIT	
Mar. 27, 2013	NOTICE OF SUIT	
Mar. 26, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 05, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 05, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Feb. 05, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Feb. 01, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 14, 2010	NOTICE OF SUIT	
Mar. 01, 2010	NOTICE OF SUIT	
Mar. 03, 2009	NOTICE OF SUIT	
Jan. 29, 2009	CASE FILE IN TICRS	
Jan. 09, 2009	NOTICE OF SUIT	
Sep. 23, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Sep. 23, 2008	ASSIGNED TO PARALEGAL	75461
Sep. 22, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 22, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 19, 2008	TEAS SECTION 8 & 15 RECEIVED	
Aug. 13, 2008	NOTICE OF SUIT	
Aug. 13, 2008	NOTICE OF SUIT	
Jun. 20, 2008	NOTICE OF SUIT	
Jun. 13, 2008	NOTICE OF SUIT	
Aug. 19, 2006	REVIEW OF CORRESPONDENCE COMPLETE	67149
Feb. 26, 2003	PAPER RECEIVED	
Feb. 04, 2003	REGISTERED-PRINCIPAL REGISTER	
Nov. 12, 2002	PUBLISHED FOR OPPOSITION	
Oct. 23, 2002	NOTICE OF PUBLICATION	
Sep. 09, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 06, 2002	ASSIGNED TO EXAMINER	76737
Sep. 04, 2002	ASSIGNED TO EXAMINER	60997

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 04, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 05, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaired@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	

4	MOT TO AMEND APPLICATION	Dec 06, 2016
5	BD DECISION: DISMISSED	Jan 13, 2017
6	TERMINATED	Jan 13, 2017
7	BD DECISION: DISMISSED	Jan 13, 2017

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Mark: M



US Serial Number: 77395469

Application Filing Date: Feb. 13, 2008

US Registration Number: 3526899

Registration Date: Nov. 04, 2008

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Oct. 03, 2014

Publication Date: Jul. 15, 2008

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of 3 stripes and the letter M.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.13.02 - Plain single or multiple line quadrilaterals; Quadrilaterals (single line or multiple line)
26.13.14 - Quadrilateral (three or more quadrilaterals); Three or more quadrilaterals
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Related Properties Information

Claimed Ownership of US Registrations: 1438545, 2683597

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Metal key chains

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2000

Use in Commerce: Jan. 01, 2000

For: Automobiles and their structural parts; parts of automobiles, namely, engines, wheels, steering wheels, door sills, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, car badges; automotive body kits comprising external structural parts of automobiles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2000

Use in Commerce: Jan. 01, 2000

For: Lapel pins, watches

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2007

Use in Commerce: Jan. 01, 2007

For: Backpacks, sports bags, travel bags, suitcases, umbrellas

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2008

Use in Commerce: Jan. 01, 2008

For: Jackets, caps, shirts, gloves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2007

Use in Commerce: Jan. 01, 2007

For: Scale model cars, children's ride-on toys

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2006

Use in Commerce: Jan. 01, 2006

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke AG

Owner Address: AJ-55
Petuelring 130
Munich 80809
GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Docket Number: M/2008-24107

Attorney Primary Email Address: tm-d@bmw.de

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130

AJ-55
80809 Munich
GERMANY

Phone: 0049 89 382 30465

Fax: 0049 89 382 33050

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 10, 2017	NOTICE OF SUIT	
Feb. 10, 2017	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Apr. 08, 2015	NOTICE OF SUIT	
Mar. 25, 2015	NOTICE OF SUIT	
Jan. 23, 2015	NOTICE OF SUIT	
Nov. 03, 2014	NOTICE OF SUIT	
Oct. 03, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 03, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Oct. 03, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Sep. 26, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 04, 2014	NOTICE OF SUIT	
Aug. 01, 2014	NOTICE OF SUIT	
Jul. 18, 2014	NOTICE OF SUIT	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2014	NOTICE OF SUIT	
Apr. 24, 2014	NOTICE OF SUIT	
Apr. 18, 2014	NOTICE OF SUIT	
Feb. 06, 2014	NOTICE OF SUIT	
Feb. 05, 2014	NOTICE OF SUIT	
Jan. 24, 2014	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Aug. 26, 2013	NOTICE OF SUIT	
Mar. 27, 2013	NOTICE OF SUIT	
Mar. 26, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
May 02, 2012	NOTICE OF SUIT	
Jun. 14, 2010	NOTICE OF SUIT	
Mar. 01, 2010	NOTICE OF SUIT	
Nov. 04, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 29, 2008	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	

Sep. 22, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 22, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 14, 2008	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 15, 2008	PUBLISHED FOR OPPOSITION	
Jun. 25, 2008	NOTICE OF PUBLICATION	
Jun. 11, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Jun. 11, 2008	ASSIGNED TO LIE	73797
Jun. 11, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 30, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 30, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 30, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 14, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 14, 2008	NON-FINAL ACTION E-MAILED	6325
May 14, 2008	NON-FINAL ACTION WRITTEN	74782
May 12, 2008	ASSIGNED TO EXAMINER	74782
Mar. 12, 2008	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Mar. 12, 2008	TEAS VOLUNTARY AMENDMENT RECEIVED	
Feb. 20, 2008	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Feb. 19, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 116

Date in Location: Oct. 03, 2014

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91231498](#) **Filing Date:** Nov 30, 2016

Status: Terminated **Status Date:** Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#)

Filing Date: Dec 18, 2015

Status: Terminated

Status Date: Mar 09, 2017

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC

Correspondent Address: NANCY R FRANSDEN
BAKER & HOSTETLER LLP
2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
PHILADELPHIA PA , 19104-2891
UNITED STATES

Correspondent e-mail: nfrandsen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JOHN G FROEMMING
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaird@jonesday.com , nytef@jonesday.com

mail:

Associated marks			
Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017	
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017	
15	COMMR ORDER CANCELLING REG	Mar 09, 2017	
16	TERMINATED	Mar 09, 2017	

Type of Proceeding: Extension of Time

Proceeding Number: [77395469](#)

Filing Date: Aug 14, 2008

Status: Terminated

Status Date: Oct 10, 2008

Interlocutory Attorney:

Defendant

Name: Bayerische Motoren Werke AG

Correspondent Address: AIMEE GESSNER; BMW AG
PETUELRING 130, DEPT. AJ-35
MUNICH , 80788
GERMANY

Associated marks			
Mark	Application Status	Serial Number	Registration Number
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899

Potential Opposer(s)

Name: Wolverine Outdoors, Inc.

Correspondent Address: Jeffrey A. Nelson
Warner Norcross & Judd LLP
111 Lyon Street NW900 Fifth Third Center
Grand Rapids MI , 49503
UNITED STATES

Correspondent e-mail: trademarks@wnj.com , inelson@wnj.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 14, 2008	
2	EXTENSION OF TIME GRANTED	Aug 21, 2008	
3	TERMINATED	Oct 10, 2008	

Generated on: This page was generated by TSDR on 2017-09-13 13:51:39 EDT

Mark: M



US Serial Number: 79067918

Application Filing Date: Feb. 10, 2009

US Registration Number: 3767662

Registration Date: Mar. 30, 2010

Register: Principal

Mark Type: Trademark, Service Mark

Status: A Section 71 and 15 declaration has been accepted and acknowledged.

Status Date: May 05, 2016

Publication Date: Jan. 12, 2010

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a stylized letter "M" and a series of three slanted quadrilaterals.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.13.02 - Plain single or multiple line quadrilaterals; Quadrilaterals (single line or multiple line)
26.13.14 - Quadrilateral (three or more quadrilaterals); Three or more quadrilaterals

Related Properties Information

International Registration Number: 1000390

International Registration Date: Feb. 10, 2009

Claimed Ownership of US Registrations: 1438545, 2683597, 3526899 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [Oil, gas and air filter for motors; catalytic converters for motors; compressors as parts of motors; crankcases as parts of motors;] motor mufflers [; fan belts as parts of motors; ignition devices for motors of land vehicles; motor starters; oil pumps for use in motors; radiators for motors; water pumps for use in motors]

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 66(a)

For: Motor vehicles being land vehicles and their parts, namely, wheels, steering wheels, door sills being strips of metal affixed to the automobile sill, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, badges for motor vehicles being trim; automotive body kits comprising external structural parts of automobiles; engines for motor vehicles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 66(a)

For: Jewellery, in particular key rings of precious metal; horological and chronometric instruments

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 66(a)

For: Paper, cardboard and goods made from these materials, namely, printed matter in particular catalogues in the field of automotive, brochures about automobiles, manuals in the field of automotive, prospectuses in the nature of booklets in the field of automotive, posters; adhesive paper badges and stickers of paper or plastic; photographs; graphic art representations; stationery; pens, writing instruments

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: Goods made of leather and imitations of leather, namely, bags, trunks and travelling bags and small items of leather, namely, leather purses, leather wallets and leather key bags; umbrellas [, parasols]

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 66(a)

For: Clothing, namely, jackets, shirts, gloves; headgear, namely, caps

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: Games and playthings, namely, scale model vehicles and component parts thereof [, children's ride on toy vehicles]

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: Repair and maintenance of motor vehicles and parts thereof and of engines for motor vehicles and parts thereof; maintenance in the nature of tuning of motor vehicles and engines

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 66(a)

For: Organization of and conducting of entertainment in the nature of automobile rallies and automobile races; organization of and conducting of driver safety training

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No
Filed ITU: No
Filed 44D: No
Filed 44E: No
Filed 66A: Yes

Currently Use: No
Currently ITU: No
Currently 44D: No
Currently 44E: No
Currently 66A: Yes

Amended Use: No
Amended ITU: No
Amended 44D: No
Amended 44E: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: Dept. AJ-55
Petuelring 130
80809 Munich
GERMANY

Legal Entity Type: Aktiengesellschaft

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Docket Number: M/2008-24182

Attorney Primary Email Address: tm-d@bmw.de

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55
80809 Munich
GERMANY

Phone: 0049 89 382 30465

Fax: 0049 89 382 33050

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 10, 2017	NOTICE OF SUIT	
Feb. 10, 2017	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
May 05, 2016	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - E-MAILED	
May 05, 2016	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	85321
May 05, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	85321
Mar. 22, 2016	TEAS SECTION 71 & 15 RECEIVED	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Apr. 08, 2015	NOTICE OF SUIT	
Mar. 30, 2015	COURTESY REMINDER - SEC. 71 (6-YR) E-MAILED	
Mar. 25, 2015	NOTICE OF SUIT	
Jan. 23, 2015	NOTICE OF SUIT	
Nov. 03, 2014	NOTICE OF SUIT	
Aug. 04, 2014	NOTICE OF SUIT	
Aug. 01, 2014	NOTICE OF SUIT	

Jul. 18, 2014	NOTICE OF SUIT	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2014	NOTICE OF SUIT	
Apr. 24, 2014	NOTICE OF SUIT	
Apr. 18, 2014	NOTICE OF SUIT	
Feb. 06, 2014	NOTICE OF SUIT	
Feb. 05, 2014	NOTICE OF SUIT	
Jan. 24, 2014	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Aug. 26, 2013	NOTICE OF SUIT	
Mar. 27, 2013	NOTICE OF SUIT	
Mar. 26, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 07, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
May 02, 2012	NOTICE OF SUIT	
Jul. 21, 2010	FINAL DISPOSITION NOTICE SENT TO IB	
Jul. 21, 2010	FINAL DISPOSITION PROCESSED	67445
Jul. 01, 2010	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Mar. 30, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 2010	PUBLISHED FOR OPPOSITION	
Dec. 23, 2009	NOTICE OF PUBLICATION	
Dec. 08, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 08, 2009	ASSIGNED TO LIE	73797
Nov. 19, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 18, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 16, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 16, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Oct. 23, 2009	CONTINUATION OF FINAL REFUSAL MAILED	
Oct. 22, 2009	ACTION CONTINUING A FINAL - COMPLETED	81091
Oct. 02, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 01, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 01, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 02, 2009	FINAL REFUSAL MAILED	
Sep. 02, 2009	FINAL REFUSAL WRITTEN	81091
Aug. 05, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 04, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 04, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 03, 2009	REFUSAL PROCESSED BY IB	
May 29, 2009	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
May 29, 2009	REFUSAL PROCESSED BY MPU	74217
May 29, 2009	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 28, 2009	NON-FINAL ACTION WRITTEN	81091
May 26, 2009	APPLICATION FILING RECEIPT MAILED	
May 22, 2009	ASSIGNED TO EXAMINER	81091
May 22, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 21, 2009	LIMITATION OF GOODS/SERVICES FROM IB ENTERED	72589
May 21, 2009	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1000390

Priority Claimed Yes

International Registration Date: Feb. 10, 2009

Date of Section 67 Aug. 11, 2008

Flag:
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Priority Claim:
Date of International Registration Status: May 21, 2009

Notification of Designation Date: May 21, 2009

Date of Automatic Protection: Nov. 21, 2010

International Registration Renewal Date: Feb. 10, 2019

First Refusal Flag: Yes

Maintenance Filings or Post Registration Information

Affidavit of Incontestability: Section 15 - Accepted

Affidavit of Continued Use: Section 71 - Accepted

TM Staff and Location Information

TM Staff Information

TM Attorney: HAMMEL, LAURA A

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: May 05, 2016

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#)

Filing Date: Dec 18, 2015

Status: Terminated

Status Date: Mar 09, 2017

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC

Correspondent Address: NANCY R FRANSEN
BAKER & HOSTETLER LLP
2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
PHILADELPHIA PA , 19104-2891
UNITED STATES

Correspondent e-mail: nfransen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JOHN G FROEMMING
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: bradley@jonesday.com , jfroemming@jonesday.com , kbaired@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501

M PERFORMANCE	Registered	79103606	4159719
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
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M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017	
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017	
15	COMMR ORDER CANCELLING REG	Mar 09, 2017	
16	TERMINATED	Mar 09, 2017	

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Mark: M



US Serial Number: 85654032

Application Filing Date: Jun. 18, 2012

US Registration Number: 4370967

Registration Date: Jul. 23, 2013

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 23, 2013

Publication Date: May 07, 2013

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of The mark consists of the capital letter "M" with series of three slanted quadrilateral stripes to the left.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Related Properties Information

Claimed Ownership of US Registrations: 3569743, 3767662, 3767663 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Retail store services in the field of automobiles

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 21, 2011

Use in Commerce: Sep. 21, 2011

For: Education and instruction services, namely, providing classes, seminars, conferences, workshops of automobile dealers regarding sale, display, repair, performance and technology of vehicles

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 21, 2011

Use in Commerce: Sep. 21, 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: AJ-35
Petuelring 130
80809 Munich GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Attorney Primary Email Address: tm-d@bmw.de

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55 (Trademarks)
80809 Munich GERMANY

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
May 07, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 07, 2013	PUBLISHED FOR OPPOSITION	
Apr. 17, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 01, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Mar. 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 28, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 28, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 28, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 28, 2013	EXAMINERS AMENDMENT -WRITTEN	85327
Mar. 21, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Mar. 21, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Mar. 20, 2013	ASSIGNED TO LIE	73797
Mar. 19, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 30, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 30, 2012	NON-FINAL ACTION E-MAILED	6325

Sep. 30, 2012	NON-FINAL ACTION WRITTEN	85327
Sep. 29, 2012	ASSIGNED TO EXAMINER	85327
Jun. 27, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 26, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 21, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Jul. 23, 2013

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91231498](#) **Filing Date:** Nov 30, 2016
Status: Terminated **Status Date:** Nov 30, 2016
Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.
Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI UNITED STATES , 53202
Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft
Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC UNITED STATES , 20001
Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaired@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#)

Filing Date: Dec 18, 2015

Status: Terminated

Status Date: Mar 09, 2017

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC

Correspondent Address: NANCY R FRANSEN
BAKER & HOSTETLER LLP
2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
PHILADELPHIA PA UNITED STATES , 19104-2891

Correspondent e-mail: nfrandsen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JOHN G FROEMMING
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON DC UNITED STATES , 20001-2113

Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaired@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	

7	SUSPENDED	Apr 07, 2016
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016
9	SUSPENDED	Jun 03, 2016
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016
11	SUSPENDED	Aug 01, 2016
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017
15	COMMR ORDER CANCELLING REG	Mar 09, 2017
16	TERMINATED	Mar 09, 2017

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Mark: M



US Serial Number: 77486870

Application Filing Date: May 30, 2008

US Registration Number: 3569473

Registration Date: Feb. 03, 2009

Register: Principal

Mark Type: Service Mark

Amended to Principal Register: Yes

Date Amended to Current Register: Aug. 29, 2008

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 30, 2015

Publication Date: Nov. 18, 2008

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of 3 stripes and the letter M.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.13.02 - Quadrilaterals (single line or multiple line); Plain single or multiple line quadrilaterals
26.17.01 - Bars, straight; Bands, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction, education and instruction regarding vehicles and driving of vehicles

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2000

Use in Commerce: Jan. 01, 2000

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke AG

Owner Address: Dept. AJ-35
Petuelring 130
Munich 80788
GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Docket Number: M/2008-24189

Attorney Primary tm-d@bmw.de
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Aimee Gessner
Name/Address: Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55
80809 Munich
GERMANY

Phone: 0049 89 382 30465

Fax: 0049 89 382 33050

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Apr. 08, 2015	NOTICE OF SUIT	
Jan. 30, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 30, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Jan. 30, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jan. 15, 2015	TEAS SECTION 8 & 15 RECEIVED	
Nov. 03, 2014	NOTICE OF SUIT	
Aug. 04, 2014	NOTICE OF SUIT	
Aug. 01, 2014	NOTICE OF SUIT	
Jul. 18, 2014	NOTICE OF SUIT	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2014	NOTICE OF SUIT	
Apr. 24, 2014	NOTICE OF SUIT	
Apr. 18, 2014	NOTICE OF SUIT	
Feb. 06, 2014	NOTICE OF SUIT	
Feb. 05, 2014	NOTICE OF SUIT	
Jan. 24, 2014	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	

Aug. 26, 2013	NOTICE OF SUIT	
Mar. 27, 2013	NOTICE OF SUIT	
Mar. 26, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
May 02, 2012	NOTICE OF SUIT	
Jun. 14, 2010	NOTICE OF SUIT	
Feb. 03, 2009	REGISTERED-PRINCIPAL REGISTER	
Nov. 18, 2008	PUBLISHED FOR OPPOSITION	
Oct. 29, 2008	NOTICE OF PUBLICATION	
Oct. 16, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Oct. 15, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 15, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 15, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 15, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 15, 2008	EXAMINERS AMENDMENT -WRITTEN	82088
Oct. 07, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 26, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Sep. 22, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 22, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 12, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Sep. 12, 2008	ASSIGNED TO LIE	71441
Sep. 04, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 29, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 29, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 29, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 29, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 29, 2008	EXAMINERS AMENDMENT -WRITTEN	82088
Aug. 27, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 27, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 27, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 25, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 25, 2008	NON-FINAL ACTION E-MAILED	6325
Aug. 25, 2008	NON-FINAL ACTION WRITTEN	82088
Aug. 21, 2008	ASSIGNED TO EXAMINER	82088
Jun. 04, 2008	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Jun. 03, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 103

Date in Location: Jan. 30, 2015

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Mark: M



US Serial Number: 79067950

Application Filing Date: Feb. 10, 2009

US Registration Number: 3767663

Registration Date: Mar. 30, 2010

Register: Principal

Mark Type: Trademark, Service Mark

Status: A Section 71 and 15 declaration has been accepted and acknowledged.

Status Date: Oct. 27, 2016

Publication Date: Jan. 12, 2010

Mark Information

Mark Literal Elements: M

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a stylized letter "M" with horizontal shading. A series of three shaded diagonal vertical bars appear to the left of the letter "M".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.13.12 - Quadrilaterals with bars, bands and lines
26.13.21 - Quadrilaterals that are completely or partially shaded
26.17.01 - Bars, straight; Bands, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Related Properties Information

International Registration Number: 1000463

International Registration Date: Feb. 10, 2009

Claimed Ownership of US Registrations: 1438545, 2683597, 3526899 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: [Oil, gas and air filters for motors; catalytic converters; parts for motors and generators, namely, compressors, crankcases,] mufflers [, fan belts, ignition devices, motor starters, oil pumps, radiators, and water pumps]

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 66(a)

For: [Clothing for protection against fire and accident, namely, shoes, boots, protective helmets, protective glasses; spectacles] ; sunglasses

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: Automobiles and their structural parts; parts of automobiles, namely, engines, wheels, steering wheels, door sills, gear shift knobs, headrests, seat, tire valve steam caps, license plate frames, car badges; automotive body kits comprising external structural parts of automobiles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 66(a)

For: Jewellery, namely, [lapel pins; clocks and] watches; key rings of precious metal

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 66(a)

For: [Photographs; printed matter, namely, brochures in the field of automobiles, posters, catalogues, automotive service and repair manuals, cards,] stickers; [stationery;] office requisites, namely, pens, writing instruments

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: All purpose carrying bags, trunks, and traveling bags, purses, pocket wallets; umbrellas

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 66(a)

For: Jackets, caps, shirts, gloves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

For: Scale model cars [, children's ride-on toy vehicles]

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: Repair, installation, maintenance of automobiles

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 66(a)

For: Driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction, education and instruction regarding vehicles and driving of vehicles

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: Yes
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: Yes
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: Dept. AJ-55
Petuelring 130
80809 Munich
GERMANY

Legal Entity Type: Aktiengesellschaft (joint stock company)

State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Docket Number: M/2008-24182

Attorney Primary Email Address: tm-d@bmw.de

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55
80809 Munich
GERMANY

Phone: 0049 89 382 30465

Fax: 0049 89 382 33050

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 10, 2017	NOTICE OF SUIT	
Feb. 10, 2017	NOTICE OF SUIT	
Oct. 27, 2016	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - E-MAILED	
Oct. 27, 2016	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	67110
Oct. 24, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Oct. 21, 2016	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
Jul. 21, 2016	NOTICE OF SUIT	
May 09, 2016	POST REGISTRATION ACTION MAILED - SEC. 71 & 15	85321
May 05, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	85321
Mar. 22, 2016	TEAS SECTION 71 & 15 RECEIVED	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Dec. 02, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 30, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	
Sep. 10, 2015	NOTICE OF SUIT	

Apr. 08, 2015	NOTICE OF SUIT	
Mar. 30, 2015	COURTESY REMINDER - SEC. 71 (6-YR) E-MAILED	
Mar. 25, 2015	NOTICE OF SUIT	
Jan. 23, 2015	NOTICE OF SUIT	
Nov. 03, 2014	NOTICE OF SUIT	
Aug. 04, 2014	NOTICE OF SUIT	
Aug. 01, 2014	NOTICE OF SUIT	
Jul. 18, 2014	NOTICE OF SUIT	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2014	NOTICE OF SUIT	
Apr. 24, 2014	NOTICE OF SUIT	
Apr. 18, 2014	NOTICE OF SUIT	
Feb. 25, 2014	NOTICE OF SUIT	
Feb. 06, 2014	NOTICE OF SUIT	
Feb. 05, 2014	NOTICE OF SUIT	
Jan. 24, 2014	NOTICE OF SUIT	
Sep. 03, 2013	NOTICE OF SUIT	
Aug. 26, 2013	NOTICE OF SUIT	
Mar. 27, 2013	NOTICE OF SUIT	
Mar. 26, 2013	NOTICE OF SUIT	
Mar. 07, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 07, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
May 02, 2012	NOTICE OF SUIT	
Jul. 21, 2010	FINAL DISPOSITION NOTICE SENT TO IB	
Jul. 21, 2010	FINAL DISPOSITION PROCESSED	67445
Jul. 01, 2010	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Mar. 30, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 2010	PUBLISHED FOR OPPOSITION	
Dec. 23, 2009	NOTICE OF PUBLICATION	
Dec. 04, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Dec. 04, 2009	ASSIGNED TO LIE	70884
Nov. 17, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 16, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 16, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 16, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Oct. 22, 2009	CONTINUATION OF FINAL REFUSAL MAILED	
Oct. 22, 2009	ACTION CONTINUING A FINAL - COMPLETED	83216
Oct. 02, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 01, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 01, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Aug. 27, 2009	FINAL REFUSAL MAILED	
Aug. 26, 2009	FINAL REFUSAL WRITTEN	83216
Aug. 05, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 04, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 04, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 10, 2009	REFUSAL PROCESSED BY IB	
Jun. 01, 2009	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 01, 2009	REFUSAL PROCESSED BY MPU	68359
May 30, 2009	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 30, 2009	APPLICATION FILING RECEIPT MAILED	
May 29, 2009	NON-FINAL ACTION WRITTEN	83216
May 26, 2009	ASSIGNED TO EXAMINER	83216
May 26, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 22, 2009	LIMITATION OF GOODS/SERVICES FROM IB ENTERED	67445

International Registration Information (Section 66a)

<p>International Registration Number: 1000463</p> <p>Priority Claimed Flag: Yes</p> <p>Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED</p> <p>Notification of Designation Date: May 21, 2009</p> <p>International Registration Renewal Date: Feb. 10, 2019</p> <p>First Refusal Flag: Yes</p>	<p>International Registration Date: Feb. 10, 2009</p> <p>Date of Section 67 Priority Claim: Aug. 11, 2008</p> <p>Date of International Registration Status: May 21, 2009</p> <p>Date of Automatic Protection: Nov. 21, 2010</p>
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Maintenance Filings or Post Registration Information

Affidavit of Incontestability: Section 15 - Accepted

Affidavit of Continued Use: Section 71 - Accepted

TM Staff and Location Information

TM Staff Information

TM Attorney: SEVERSON, KAREN PATRIC

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 27, 2016

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent JESSICA D BRADLEY
Address: JONES DAY
 51 LOUISIANA AVENUE NW
 WASHINGTON DC , 20001
 UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

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Mark: BMW M

BMW M

US Serial Number: 79140840

Application Filing Date: Oct. 31, 2013

US Registration Number: 4541350

Registration Date: Jun. 03, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 03, 2014

Publication Date: Mar. 18, 2014

Mark Information

Mark Literal Elements: BMW M

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1187776

International Registration Date: Oct. 31, 2013

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Automobiles and their parts, namely, structural parts, wheels, steering wheels, door sills, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, badges for motor vehicles being trim; automotive body kits comprising external structural parts of automobiles; engines for land motor vehicles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 66(a)

For: Retail store services featuring vehicles, vehicle parts and accessories

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

For: Repair and maintenance of vehicles

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft
Owner Address: Petuelring 130
80809 Munich
GERMANY
Legal Entity Type: Aktiengesellschaft Joint Stock Company
State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55 (Trademarks)
80809 Munich
GERMANY

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 08, 2014	FINAL DECISION TRANSACTION PROCESSED BY IB	
Oct. 22, 2014	FINAL DISPOSITION NOTICE SENT TO IB	
Oct. 22, 2014	FINAL DISPOSITION PROCESSED	68359
Sep. 03, 2014	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 03, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 18, 2014	PUBLISHED FOR OPPOSITION	
Mar. 14, 2014	NOTIFICATION PROCESSED BY IB	
Feb. 26, 2014	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Feb. 26, 2014	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Feb. 26, 2014	NOTICE OF PUBLICATION	
Feb. 08, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Feb. 08, 2014	ASSIGNED TO LIE	77312
Jan. 26, 2014	REFUSAL PROCESSED BY IB	
Jan. 21, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 16, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 16, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 16, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 11, 2014	APPLICATION FILING RECEIPT MAILED	
Jan. 09, 2014	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jan. 09, 2014	REFUSAL PROCESSED BY MPU	72629
Jan. 09, 2014	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	

Jan. 08, 2014	NON-FINAL ACTION WRITTEN	81097
Jan. 08, 2014	ASSIGNED TO EXAMINER	81097
Jan. 07, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 03, 2014	LIMITATION FROM ORIGINAL APPLICATION ENTERED	67445
Jan. 02, 2014	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1187776	International Registration Date: Oct. 31, 2013
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: May 03, 2013
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Jan. 02, 2014
Notification of Designation Date: Jan. 02, 2014	Date of Automatic Protection: Jul. 02, 2015
International Registration Renewal Date: Oct. 31, 2023	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Jun. 03, 2014

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91231498	Filing Date: Nov 30, 2016
Status: Terminated	Status Date: Nov 30, 2016
Interlocutory Attorney: ELIZABETH A DUNN	

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#)

Filing Date: Dec 18, 2015

Status: Terminated

Status Date: Mar 09, 2017

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC

Correspondent Address: NANCY R FRANSEN
BAKER & HOSTETLER LLP
2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
PHILADELPHIA PA , 19104-2891
UNITED STATES

Correspondent e-mail: nfransen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JOHN G FROEMMING
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaird@jonesday.com , nytef@jonesday.com

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545

M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017	
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017	
15	COMMR ORDER CANCELLING REG	Mar 09, 2017	
16	TERMINATED	Mar 09, 2017	

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Mark: M POWER

M Power

US Serial Number: 85099591

Application Filing Date: Aug. 04, 2010

US Registration Number: 4729767

Registration Date: May 05, 2015

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 05, 2015

Publication Date: Feb. 17, 2015

Mark Information

Mark Literal Elements: M POWER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 39704005

Foreign Registration Date: Apr. 02, 1997

Foreign Application/Registration Country: GERMANY

Foreign Expiration Date: Jan. 31, 2017

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Automobiles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a) 44(e)

For: Watches

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jul. 01, 2010

Use in Commerce: Jul. 01, 2010

For: Clothing, namely, polo-shirts, t-shirts, tank tops, oxford shirts, blouses, vests, jackets, caps, gloves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jul. 01, 2010

Use in Commerce: Jul. 01, 2010

For: Scale miniatures of automobiles; toy automobiles

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a) 44(e)

For: Dealership services in the field of automobiles; providing an Internet website to promote automobiles and events for automobile enthusiasts

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jul. 01, 2010

Use in Commerce: Jul. 01, 2010

For: Organization of and participation in automobile races; organization of automobile owner and enthusiast clubs; organization of tours for promoting automobiles; organizing test drive events; driver training services, namely, high performance driver training, advanced automobile driver training, vehicle handling instruction, education and instruction regarding vehicles and driving of vehicles

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jul. 01, 2010

Use in Commerce: Jul. 01, 2010

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: AJ-35
Petuelring 130
80809 Munich GERMANY

Legal Entity Type: CORPORATION

State or Country Where Organized: GERMANY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: John G. Froemming

Docket Number: tbd

Attorney Primary Email Address: NYTEF@jonesday.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOHN G FROEMMING
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55
80809 Munich GERMANY

Phone: 0049 89 382 30465

Fax: 0049 89 382 33050

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 05, 2015	REGISTERED-PRINCIPAL REGISTER	
Feb. 17, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 17, 2015	PUBLISHED FOR OPPOSITION	
Feb. 11, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 28, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 14, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jan. 14, 2015	ASSIGNED TO LIE	68171
Jan. 12, 2015	ASSIGNED TO LIE	78756
Jan. 07, 2015	EXPARTE APPEAL TERMINATED	99591
Jan. 07, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 17, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Dec. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Dec. 17, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 17, 2014	EX PARTE APPEAL-INSTITUTED	99591
Dec. 17, 2014	JURISDICTION RESTORED TO EXAMINING ATTORNEY	99591
Dec. 17, 2014	EXPARTE APPEAL RECEIVED AT TTAB	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 19, 2014	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jun. 19, 2014	FINAL REFUSAL E-MAILED	
Jun. 19, 2014	FINAL REFUSAL WRITTEN	83178
May 29, 2014	ASSIGNED TO EXAMINER	83178
May 14, 2014	LIE CHECKED SUSP - TO ATTY FOR ACTION	70629
Nov. 13, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
May 08, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Nov. 06, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
May 03, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Apr. 25, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 24, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 24, 2012	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Oct. 31, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Oct. 31, 2011	ASSIGNED TO LIE	70629
Apr. 30, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 30, 2011	LETTER OF SUSPENSION E-MAILED	6332
Apr. 30, 2011	SUSPENSION LETTER WRITTEN	78553
Apr. 04, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 04, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 05, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 05, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 05, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 05, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2010	NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2010	NON-FINAL ACTION WRITTEN	78553
Sep. 26, 2010	ASSIGNED TO EXAMINER	78553
Aug. 09, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 07, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 05, 2015

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI UNITED STATES , 53202

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC UNITED STATES , 20001

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	

6 TERMINATED Jan 13, 2017
 7 BD DECISION: DISMISSED Jan 13, 2017

Type of Proceeding: Opposition

Proceeding Number: [91230821](#) **Filing Date:** Oct 26, 2016
Status: Terminated **Status Date:** Jul 11, 2017
Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Enterprise Financial Group, Inc.
Correspondent Address: KEVIN G SMITH
 SUGHRUE MION PLLC
 2100 PENNSYLVANIA AVE NW, SUITE 800
 WASHINGTON DC UNITED STATES , 20037
Correspondent e-mail: tm@sughrue.com , vmullineaux@sughrue.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MPOWER	Abandoned - After Inter-Partes Decision	85303970	

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft
Correspondent Address: JESSICA D BRADLEY
 JONES DAY
 51 LOUISIANA AVENUE NW
 WASHINGTON DC UNITED STATES , 20001
Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
M POWER	Registered	85099591	4729767

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 26, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 26, 2016	Dec 05, 2016
3	PENDING, INSTITUTED	Oct 26, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 02, 2016	
5	SUSPENDED	Dec 02, 2016	
6	ANSWER	Feb 01, 2017	
7	CHANGE OF CORRESP ADDRESS	Feb 01, 2017	
8	P MOT TO AMEND PLEADING/AMENDED PLEADING	Feb 22, 2017	
9	AMENDED NOTICE OF OPPOSITION ACCEPTED; ANSWER DUE 30 DAYS	Mar 03, 2017	
10	ANSWER	Apr 03, 2017	
11	ANSWER	Apr 03, 2017	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 31, 2017	
13	SUSPENDED	Jun 05, 2017	
14	W/DRAW OF APPLICATION	Jul 07, 2017	
15	BD DECISION: SUSTAINED	Jul 11, 2017	
16	TERMINATED	Jul 11, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#) **Filing Date:** Dec 18, 2015
Status: Terminated **Status Date:** Mar 09, 2017
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC

Correspondent Address: NANCY R FRANSEN
BAKER & HOSTETLER LLP
2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
PHILADELPHIA PA UNITED STATES , 19104-2891

Correspondent e-mail: nfransen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063
Plaintiff(s)			

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JOHN G FROEMMING
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON DC UNITED STATES , 20001-2113

Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaired@jonesday.com , nytef@jonesday.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017	
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017	
15	COMMR ORDER CANCELLING REG	Mar 09, 2017	
16	TERMINATED	Mar 09, 2017	

Type of Proceeding: Exparte Appeal

Proceeding Number: [85099591](#)

Filing Date: Dec 17, 2014

Status: Terminated

Status Date: Jan 07, 2015

Interlocutory Attorney:

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellsch

Correspondent JOHN G FROEMMING AND JESSICA D BRADLEY

Address: JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC UNITED STATES , 20001

Correspondent e-mail: tm-d@bmw.de , jbradley@jonesday.com , jfroemming@jonesday.com , nytfe@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M POWER	Registered	85099591	4729767

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Dec 17, 2014	
2	Appeal Acknowledged; Case Remanded	Dec 17, 2014	
3	INSTITUTED	Dec 17, 2014	
4	REQ FOR RECON	Dec 17, 2014	
5	TERMINATED	Jan 07, 2015	

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Mark: MDRIVE

MDrive

US Serial Number: 85257756

Application Filing Date: Mar. 04, 2011

US Registration Number: 4352294

Registration Date: Jun. 18, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 18, 2013

Publication Date: Apr. 02, 2013

Mark Information

Mark Literal Elements: MDRIVE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Electronic control system for automobiles sold as an integral component of automobiles, comprised of a manually-operated button and virtual displays for activating individually-configured driver settings for the automobile, namely, engine output and responsiveness, transmission modes, gear shifting modes, stability controls, steering systems, vehicle information displays, and seat positions

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2007

Use in Commerce: Jan. 01, 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: AJ-35
Petuelring 130
80809 Munich
GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Attorney Primary Email Address: tm-d@bmw.de

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55 (Trademarks)
80809 Munich
GERMANY

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 18, 2013	REGISTERED-PRINCIPAL REGISTER	
Apr. 02, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 02, 2013	PUBLISHED FOR OPPOSITION	
Mar. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 26, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Feb. 24, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 28, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 28, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 28, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 26, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 26, 2012	NON-FINAL ACTION E-MAILED	6325
Jul. 26, 2012	NON-FINAL ACTION WRITTEN	78353
Jun. 19, 2012	LIE CHECKED SUSP - TO ATTY FOR ACTION	73797
Nov. 22, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Nov. 22, 2011	LETTER OF SUSPENSION E-MAILED	6332
Nov. 22, 2011	SUSPENSION LETTER WRITTEN	78353
Oct. 25, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Oct. 25, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Oct. 24, 2011	ASSIGNED TO LIE	73797
Oct. 13, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 22, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 22, 2011	NON-FINAL ACTION E-MAILED	6325
Apr. 22, 2011	NON-FINAL ACTION WRITTEN	78353
Apr. 22, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 22, 2011	NON-FINAL ACTION E-MAILED	6325
Apr. 22, 2011	NON-FINAL ACTION WRITTEN	78353
Apr. 18, 2011	ASSIGNED TO EXAMINER	78353
Mar. 10, 2011	NOTICE OF PSEUDO MARK MAILED	
Mar. 09, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 08, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location**Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Jun. 18, 2013

Proceedings

Summary**Number of Proceedings:** 2**Type of Proceeding: Opposition****Proceeding Number:** [91231498](#)**Filing Date:** Nov 30, 2016**Status:** Terminated**Status Date:** Nov 30, 2016**Interlocutory Attorney:** ELIZABETH A DUNN**Defendant****Name:** Marion Body Works, Inc.**Correspondent Address:** RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES**Correspondent e-mail:** ipdocketing@foley.com , dfrenkel@foley.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)**Name:** Bayerische Motoren Werke Aktiengesellschaft**Correspondent Address:** JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES**Correspondent e-mail:** jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	

6 TERMINATED Jan 13, 2017
 7 BD DECISION: DISMISSED Jan 13, 2017

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#) **Filing Date:** Dec 18, 2015
Status: Terminated **Status Date:** Mar 09, 2017
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC
Correspondent Address: NANCY R FRANSEN
 BAKER & HOSTETLER LLP
 2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
 PHILADELPHIA PA , 19104-2891
 UNITED STATES
Correspondent e-mail: nfrandsen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft
Correspondent Address: JOHN G FROEMMING
 JONES DAY
 51 LOUISIANA AVE NW
 WASHINGTON DC , 20001-2113
 UNITED STATES
Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaired@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	

13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017
15	COMMR ORDER CANCELLING REG	Mar 09, 2017
16	TERMINATED	Mar 09, 2017

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Mark: M CERTIFIED

M Certified

US Serial Number: 85654030

Application Filing Date: Jun. 18, 2012

US Registration Number: 4382372

Registration Date: Aug. 13, 2013

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 13, 2013

Publication Date: May 28, 2013

Mark Information

Mark Literal Elements: M CERTIFIED

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CERTIFIED"

Related Properties Information

Claimed Ownership of US Registrations: 1438545, 3569473, 3767662 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Retail services in the field of automobiles, namely, automobile dealership services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 21, 2011

Use in Commerce: Sep. 21, 2011

For: Education and instruction services, namely, providing classes, seminars, conferences, workshops of automobile dealers regarding sale, display, repair, performance and technology of vehicles

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 21, 2011

Use in Commerce: Sep. 21, 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: ifroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597
M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

Type of Proceeding: Cancellation**Proceeding Number:** [92062909](#)**Filing Date:** Dec 18, 2015**Status:** Terminated**Status Date:** Mar 09, 2017**Interlocutory Attorney:** ROBERT COGGINS**Defendant****Name:** TBC Trademarks, LLC**Correspondent Address:** NANCY R FRANZSEN
BAKER & HOSTETLER LLP
2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
PHILADELPHIA PA , 19104-2891
UNITED STATES**Correspondent e-mail:** nfrandsen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)**Name:** Bayerische Motoren Werke Aktiengesellschaft**Correspondent Address:** JOHN G FROEMMING
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON DC , 20001-2113
UNITED STATES**Correspondent e-mail:** jbradley@jonesday.com , jfroemming@jonesday.com , kbaired@jonesday.com , nytef@jonesday.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
M DRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017	
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017	

15

COMMR ORDER CANCELLING REG

Mar 09, 2017

16

TERMINATED

Mar 09, 2017

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Mark: M PERFORMANCE

M Performance

US Serial Number: 79103606

Application Filing Date: Jul. 11, 2011

US Registration Number: 4159719

Registration Date: Jun. 19, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 19, 2012

Publication Date: Apr. 03, 2012

Mark Information

Mark Literal Elements: M PERFORMANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "PERFORMANCE"

Related Properties Information

International Registration Number: 1093414

International Registration Date: Jul. 11, 2011

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Engine exhaust systems comprised of pipes, collectors, mufflers

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 66(a)

For: Automobiles and parts therefor, namely, bumpers, door sills, steering wheels, spoilers, seats, engines, chassis, wheels, badges

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke Aktiengesellschaft

Owner Address: Petuelring 130
80809 München
GERMANY

Legal Entity Type: Aktiengesellschaft (Joint Stock Company)

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: Aimee Gessner
Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55 (Trademarks)
80809 Munich
GERMANY

Correspondent e-mail: tm-d@bmw.de

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 19, 2017	COURTESY REMINDER - SEC. 71 (6-YR) E-MAILED	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 15, 2012	FINAL DECISION TRANSACTION PROCESSED BY IB	
Sep. 25, 2012	FINAL DISPOSITION NOTICE SENT TO IB	
Sep. 25, 2012	FINAL DISPOSITION PROCESSED	67445
Sep. 19, 2012	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Jun. 19, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 03, 2012	PUBLISHED FOR OPPOSITION	
Mar. 14, 2012	NOTICE OF PUBLICATION	
Feb. 28, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 28, 2012	ASSIGNED TO LIE	68171
Feb. 10, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 09, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 09, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 09, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 09, 2012	REFUSAL PROCESSED BY IB	
Dec. 15, 2011	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Dec. 15, 2011	REFUSAL PROCESSED BY MPU	67445
Dec. 15, 2011	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Dec. 14, 2011	NON-FINAL ACTION WRITTEN	73370
Nov. 22, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 14, 2011	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Nov. 04, 2011	APPLICATION FILING RECEIPT MAILED	
Oct. 31, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 31, 2011	ASSIGNED TO EXAMINER	73370
Oct. 31, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 28, 2011	LIMITATION FROM ORIGINAL APPLICATION ENTERED	67442
Oct. 27, 2011	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1093414
Priority Claimed Flag: Yes
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Notification of Designation Date: Oct. 27, 2011
International Registration Renewal Date: Jul. 11, 2021
First Refusal Flag: Yes

International Registration Date: Jul. 11, 2011
Date of Section 67 Priority Claim: Feb. 07, 2011
Date of International Registration Status: Oct. 27, 2011
Date of Automatic Protection: Apr. 27, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 19, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
 FOLEY & LARDNER LLP
 777 E WISCONSIN AVE
 MILWAUKEE WI , 53202
 UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
 JONES DAY
 51 LOUISIANA AVENUE NW
 WASHINGTON DC , 20001
 UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaird@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M	Renewed	76410758	2683597

M PERFORMANCE	Registered	79103606	4159719
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M CERTIFIED	Registered	85654030	4382372
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662
M	739	79067950	3767663
M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 30, 2016	Jan 09, 2017
3	PENDING, INSTITUTED	Nov 30, 2016	
4	MOT TO AMEND APPLICATION	Dec 06, 2016	
5	BD DECISION: DISMISSED	Jan 13, 2017	
6	TERMINATED	Jan 13, 2017	
7	BD DECISION: DISMISSED	Jan 13, 2017	

Type of Proceeding: Cancellation

Proceeding Number: [92062909](#) **Filing Date:** Dec 18, 2015
Status: Terminated **Status Date:** Mar 09, 2017
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC
Correspondent Address: NANCY R FRANSDEN
 BAKER & HOSTETLER LLP
 2929 ARCH STREET, CIRA CENTRE 12TH FLOOR
 PHILADELPHIA PA , 19104-2891
 UNITED STATES
Correspondent e-mail: nfrandsen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Cancelled - Section 7(D)	86522438	4808063

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft
Correspondent Address: JOHN G FROEMMING
 JONES DAY
 51 LOUISIANA AVE NW
 WASHINGTON DC , 20001-2113
 UNITED STATES
Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaired@jonesday.com , nytef@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Renewed	73474699	1438545
M CERTIFIED	Registered	85654030	4382372
M THE MOST POWERFUL LETTER IN THE WORLD	Section 8 and 15 - Accepted and Acknowledged	77534380	3586501
M PERFORMANCE	Registered	79103606	4159719
MDRIVE	Registered	85257756	4352294
M POWER	Registered	85099591	4729767
M	739	79067918	3767662

M	Section 8 and 15 - Accepted and Acknowledged	77395469	3526899
M	Registered	85654032	4370967
BMW M	Registered	79140840	4541350

Prosecution History

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1	FILED AND FEE	Dec 18, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2016	Feb 16, 2016
3	PENDING, INSTITUTED	Jan 07, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 16, 2016	
5	ANSWER	Feb 16, 2016	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 07, 2016	
7	SUSPENDED	Apr 07, 2016	
8	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 03, 2016	
9	SUSPENDED	Jun 03, 2016	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 01, 2016	
11	SUSPENDED	Aug 01, 2016	
12	VOLUNTARY SURRENDER OF REGISTRATION	Jan 20, 2017	
13	W/DRAW OF PET FOR CANCELLATION	Jan 26, 2017	
14	BD DECISION: DISMISSED W/O PREJ	Feb 02, 2017	
15	COMMR ORDER CANCELLING REG	Mar 09, 2017	
16	TERMINATED	Mar 09, 2017	

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Mark: M THE MOST POWERFUL LETTER IN THE WORLD

M The most powerful letter
in the world

US Serial Number: 77534380

Application Filing Date: Jul. 30, 2008

US Registration Number: 3586501

Registration Date: Mar. 10, 2009

Register: Principal

Mark Type: Trademark, Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 06, 2015

Publication Date: Dec. 23, 2008

Mark Information

Mark Literal Elements: M THE MOST POWERFUL LETTER IN THE WORLD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 004945317

Foreign Registration Date: Apr. 11, 2007

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Foreign Expiration Date: Mar. 06, 2016

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Automobiles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 44(e)

For: Retail store services featuring automobiles

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Bayerische Motoren Werke AG

Owner Address: Dept. AJ-35
Petuelring 130
80809 Munich
GERMANY

Legal Entity Type: CORPORATION

State or Country GERMANY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aimee Gessner

Docket Number: M/2008-24179

Attorney Primary tm-d@bmw.de
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Aimee Gessner
Name/Address: Bayerische Motoren Werke Aktiengesellschaft
Petuelring 130
Dept. AJ-55
80809 Munich
GERMANY

Phone: 0049 89 382 30465

Fax: 0049 89 382 33050

Correspondent e- tm-d@bmw.de
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 06, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Mar. 06, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Feb. 23, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jun. 24, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 10, 2009	REGISTERED-PRINCIPAL REGISTER	
Dec. 23, 2008	PUBLISHED FOR OPPOSITION	
Dec. 03, 2008	NOTICE OF PUBLICATION	
Nov. 20, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Nov. 20, 2008	ASSIGNED TO LIE	71441
Nov. 17, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 14, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 14, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 14, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 29, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 29, 2008	NON-FINAL ACTION E-MAILED	6325
Oct. 29, 2008	NON-FINAL ACTION WRITTEN	78426
Oct. 28, 2008	ASSIGNED TO EXAMINER	78426
Sep. 22, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 22, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 04, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Mar. 06, 2015

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91231498](#)

Filing Date: Nov 30, 2016

Status: Terminated

Status Date: Nov 30, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Marion Body Works, Inc.

Correspondent Address: RICHARD J MCKENNA
FOLEY & LARDNER LLP
777 E WISCONSIN AVE
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: ipdocketing@foley.com , dfrenkel@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
M	Registered	86936819	5192594

Plaintiff(s)

Name: Bayerische Motoren Werke Aktiengesellschaft

Correspondent Address: JESSICA D BRADLEY
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001
UNITED STATES

Correspondent e-mail: jfroemming@jonesday.com , jbradley@jonesday.com , kbaired@jonesday.com , agaransi@jonesday.com , nytef@jonesday.com

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Type of Proceeding: Cancellation

Proceeding Number: [92062909](#) **Filing Date:** Dec 18, 2015
Status: Terminated **Status Date:** Mar 09, 2017
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: TBC Trademarks, LLC
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Correspondent e-mail: nfrandsen@bakerlaw.com , lgrossberg@bakerlaw.com , bhipdocket@bakerlaw.com

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Correspondent e-mail: jbradley@jonesday.com , jfroemming@jonesday.com , kbaird@jonesday.com , nytef@jonesday.com

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