

ESTTA Tracking number: **ESTTA363338**

Filing date: **08/16/2010**

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

Proceeding	92052770
Party	Plaintiff H-D Michigan, LLC and Harley-Davidson Motor Company, Inc.
Correspondence Address	WILLIAM M. BRYNER KILPATRICK STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-Salem, NC 27101 UNITED STATES bbryner@kilstock.com, svayner@kilstock.com, tadmin@kilstock.com, kteilhaber@kilstock.com
Submission	Other Motions/Papers
Filer's Name	Sabina A. Vayner
Filer's e-mail	svayner@kilstock.com, bbryner@kilstock.com, jpowell@kilstock.com, tadmin@kilstock.com, kteilhaber@kilstock.com
Signature	/Sabina A. Vayner/
Date	08/16/2010
Attachments	2010.08.16 Notice Regarding Failure of Service (Harley).pdf (3 pages)(33753 bytes)

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

H-D MICHIGAN, LLC and)	
HARLEY-DAVIDSON MOTOR)	
COMPANY, INC.,)	Cancellation No. 92052770
)	
Petitioners,)	Registration No. 3,663,798
)	(TM: HD & Wing Design)
v.)	
)	
QINGDAO HONGDA JIXIE; ZHIZAO)	
YOUXIANGONSI,)	
)	
<u>Respondent.</u>)	

NOTICE REGARDING FAILURE OF SERVICE

Pursuant to 37 C.F.R. §§ 2.111(b) and 2.119, Petitioners H-D Michigan, LLC and Harley-Davidson Motor Company, Inc. (collectively, “Petitioners”) hereby notify the Trademark Trial and Appeal Board that the service copy of Petitioners’ Petition for Cancellation in the above-referenced cancellation proceeding was mailed to Registrant Qingdao Hongda Jixie; Zhizao Youxiangonsi (“Registrant”) on July 16, 2010 via overnight courier (United Parcel Service Tracking No. 1Z3292740497768016), but that Petitioners have since been informed that the service copy has been marked “Returned to Shipper” and is being returned to Petitioners as undeliverable.

Petitioners transmitted the Petition for Cancellation to Registrant, a Chinese corporation with no appointed domestic representative, by overnight courier to the following address, as provided by the United States Patent and Trademark Office’s TARR system:

Qingdao Hongda Jixie
Zhizao Youxiangonsi
69 Xinqu Road

Huaqiao Kejiyuan
Qingdao
Shandong
China

Petitioners have not yet received the returned, undeliverable service copy of the Petition for Cancellation, but expect to receive the package in the near future, as the United Parcel Service's online shipment tracking system shows that the service copy has been marked as "Returned to Shipper."

Since Registrant is a Chinese corporation with no domestic representative, Petitioners are unaware of any other or more definitive address for Registrant. It is Petitioners' understanding that, pursuant to 37 C.F.R. § 2.111(b), Petitioners are under no further obligation to attempt to effect service of their Petition for Cancellation at this time.

This 16th day of August, 2010.

Respectfully submitted,



William M. Bryner
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101
Phone: 336-607-7300
Email: bbryner@kilpatrickstockton.com

Judith A. Powell
Sabina A. Vayner
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Phone: 404-815-6500
Email: jpowell@kilpatrickstockton.com
svayner@kilpatrickstockton.com

Attorneys for Petitioners

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

H-D MICHIGAN, LLC and)	
HARLEY-DAVIDSON MOTOR)	Cancellation No. 92052770
COMPANY, INC.,)	
)	Registration No. 3,663,798
Petitioners,)	(TM: HD & Wing Design)
)	
v.)	
)	
QINGDAO HONGDA JIXIE; ZHIZAO)	
YOUXIANGONSI,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the attached **Notice Regarding Failure of Service** was served on Respondent at the following address of record with the USPTO on August 16, 2010 via United Parcel Service mail addressed to:

Qingdao Hongda Jixie
Zhizao Youxiangongsi
69 Xinqu Road
Huaqiao Kejiyuan
Qingdao
Shandong
China



Sabina A. Vayner
Attorney for Petitioners

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true and correct copy of the foregoing **Notice Regarding Failure of Service** is being filed electronically with the TTAB via ESTTA on this day, August 16, 2010.



Sabina A. Vayner
Attorney for Petitioners