

ESTTA Tracking number: **ESTTA805919**

Filing date: **03/08/2017**

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	Duke University
Granted to Date of previous extension	03/08/2017
Address	Office of Counsel 310 Blackwell St., 4th Floor Durham, NC 27701 UNITED STATES
Attorney information	Susan Freya Olive Olive & Olive, P.A. 500 Memorial St. Durham, NC 27702 UNITED STATES emailboxTTAB@oliveandolive.com, solive@oliveandolive.com

Applicant Information

Application No	87076921	Publication date	11/08/2016
Opposition Filing Date	03/08/2017	Opposition Period Ends	03/08/2017
Applicant	R.F. DUKE & CO. LLC 18008 PINNACLE COURT TAMPA, FL 33647 UNITED STATES		


Goods/Services Affected by Opposition

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hat boxes of leather; Leather bags, suitcases and wallets; Leather briefcases; Leather cases; Leather cases for keys; Leather credit card cases; Leather creditcard holder; Leather credit card wallets; Leather pouches; Garment bags for travel made of leather
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1701827	Application Date	10/01/1991
Registration Date	07/21/1992	Foreign Priority Date	NONE
Word Mark	DUKE UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 pillows Class 021. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 cups Class 025. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 shirts		

U.S. Registration No.	1702350	Application Date	09/30/1991
Registration Date	07/21/1992	Foreign Priority Date	NONE
Word Mark	DUKE UNIVERSITY STORES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1940/00/00 First Use In Commerce: 1940/00/00 retail store and mail order services inthe field of clothing, furniture, toys,games, sports equipment, school and office supplies, educational materials, computers, books, photography, housewares, towels, floor coverings, jewelry, ornaments, stationery, prints, camping equipment, pennants, decals, memorabilia, items-bearing Duke University trademarks, anditems depicting Duke University or its students, faculty, or campus life		


U.S. Registration No.	1702830	Application Date	10/01/1991
Registration Date	07/28/1992	Foreign Priority Date	NONE


Word Mark	DUKE UNIVERSITY
Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 key rings made primarily of metal and metal license plates Class 016. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 business card holders, decals, postcards, notepaper, envelopes, stationery, notebooks, loose leaf binders, pens, pencils, pen and pencil sets and paper bags Class 018. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 trunks for traveling, travel bags, and toiletry cases sold empty Class 024. First use: First Use: 1925/00/00 First Use In Commerce: 1965/00/00 tablecloths not of paper, blankets, and cloth flags

U.S. Registration No.	1713473	Application Date	10/01/1991
Registration Date	09/08/1992	Foreign Priority Date	NONE


Word Mark	UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 jewelry; namely, class rings Class 041. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 educational services; namely, providing courses of study at the undergraduate

	and graduate level
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U.S. Registration No.	2026492	Application Date	06/27/1995
Registration Date	12/31/1996	Foreign Priority Date	NONE
Word Mark	DKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1995/02/17 First Use In Commerce: 1995/02/17 clothing, namely, T-shirts		


U.S. Registration No.	2082553	Application Date	06/28/1995
Registration Date	07/22/1997	Foreign Priority Date	NONE
Word Mark	DKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1996/11/12 First Use In Commerce: 1996/11/12 balloons		

U.S. Registration No.	2092314	Application Date	06/28/1995
Registration Date	08/26/1997	Foreign Priority Date	NONE
Word Mark	D KE		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1996/11/22 First Use In Commerce: 1996/11/22 pennants not of paper		

U.S. Registration No.	2122067	Application Date	06/28/1995
Registration Date	12/16/1997	Foreign Priority Date	NONE

Word Mark	DKE
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1996/11/05 First Use In Commerce: 1996/11/05 decals, stickers, stationery, and note pads Class 021. First use: First Use: 1996/11/06 First Use In Commerce: 1996/11/06 drinking glasses, cups, and mugs		

U.S. Registration No.	2203764	Application Date	07/01/1997
Registration Date	11/17/1998	Foreign Priority Date	NONE


Word Mark	DUKE CENTER FOR LIVING
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 1991/08/00 First Use In Commerce: 1991/08/00 educational services, namely, conducting classes, individualized programs, re-		
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	<p>treats, seminars, and workshops in the fields of health, medicine, nutrition, physical fitness, and stress and lifestyle management; and providing facilities for exercise</p> <p>Class 042. First use: First Use: 1991/08/00 First Use In Commerce: 1991/08/00 counseling in the fields of health care, nutrition, physical fitness, and stress and lifestyle management; medical services; restaurant services; and weight management diet planning and supervision</p>
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U.S. Registration No.	2317603	Application Date	08/26/1997
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 1935/01/00 First Use In Commerce: 1935/01/00 Educational services and teaching hospital services, namely, conducting classes, seminars, workshops, conferences and exhibitions, and distributing course materials therewith, in the field of medicine and health care, and conducting medical and health care training in the use of medical and health care devices, all provided via live sessions, interactive and/or on-line computer networks, television, and/or video-conferencing</p> <p>Class 042. First use: First Use: 1935/01/00 First Use In Commerce: 1935/01/00 providing hospital, medical, and healthcare services; providing medical services delivered by mobile unit; conducting clinical and experimental research in the fields of health care and medicine; and providing health-related support group services</p>		

U.S. Registration No.	2415817	Application Date	01/07/2000
Registration Date	12/26/2000	Foreign Priority Date	NONE
Word Mark	DUKECARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1985/08/00 First Use In Commerce: 1985/08/00 magnetically encoded debit cards, security access cards, admission cards, iden-		

	<p>tification cards and telephone calling cards for use in debit and stored-value transactions, library material rentals, purchase of goods and services from contracting vendors and for gaining access to facilities and events</p> <p>Class 036. First use: First Use: 1985/08/00 First Use In Commerce: 1985/08/00 financial services namely, providing and administering issuance, redemption and processing of transactions related to debit and stored value cards, and issuing statements of account and payment processing, and transactions related thereto</p>
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U.S. Registration No.	3157222	Application Date	07/20/2005
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	DUKIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2002/07/17 First Use In Commerce: 2002/07/17 Children's wear, namely, jackets, wind jackets, wind vests, undergarments, pants, shorts, sweaters, sweat pants, sweat shirts, sports jerseys, headwear, gloves, sleepwear, neckwear, uniforms, footwear, dresses; infants' wear, namely, jackets, wind jackets, wind vests, undergarments, shirts, pants, shorts, dresses, skirts, headwear, footwear, gloves, sleepwear, and infants' cloth and plastic bibs</p>		


U.S. Registration No.	3780204	Application Date	03/27/2009
Registration Date	04/27/2010	Foreign Priority Date	NONE
Word Mark	DUKEENGAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01		

	<p>charitable services, namely, organizing and conducting volunteer programs and community service projects; providing a website featuring information on social issues, namely, activities in the field of civic engagement and public service</p> <p>Class 036. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 charitable fundraising services</p> <p>Class 041. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 Educational services, namely, conducting workshops and programs and providing internships in the field of civic engagement and public service and distribution of training material in connection therewith; on-line journals, namely, blogs featuring information regarding cultural immersion for community service projects and other volunteer programs</p> <p>Class 042. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 Computer services, namely, creating an on-line community for users to participate in discussions and receive feedback</p>
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U.S. Registration No.	3878213	Application Date	08/03/2006
Registration Date	11/16/2010	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2010/02/01 First Use In Commerce: 2010/02/01 Decals, note pads, note cards, writing paper, and binders		

U.S. Registration No.	3936096	Application Date	10/08/1998
Registration Date	03/29/2011	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1926/00/00 First Use In Commerce: 1926/00/00 clothing for men, women and children, namely, cloth and plastic bibs, booties, cheerleading costumes, dresses, hats, jackets, jerseys, mittens, neckties, night-shirts, pajamas, pants, playsuits, shirts, shoes, shorts, slippers, socks, sun visors, sweatbands, sweatpants, sweatshirts, sweaters, T-shirts and vests, and headwear, namely, earbands		

U.S. Registration No.	3995015	Application Date	05/27/2010
Registration Date	07/12/2011	Foreign Priority Date	NONE

Word Mark	DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D		
Design Mark			
Description of Mark	<p>The mark consists of a medallion design that consists of two outer concentric rings and an inner circle. The outermost ring has a scalloped border and contains nine stars. The mid ring contains the words "DUKE UNIVERSITY ATHLETICS" in a circular presentation. The inner circle contains the words "LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY" stacked in the top half and "SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT" stacked in the bottom half. The word "EXCELLENCE" appears in an oblong banner that horizontally bisects the entire medallion. A stylized letter "D" appears at the bottom of the medallion in the scalloped outer ring.</p>		
Goods/Services	<p>Class 025. First use: First Use: 2006/09/11 First Use In Commerce: 2006/09/11 Clothing, namely, shirts</p> <p>Class 041. First use: First Use: 2006/09/11 First Use In Commerce: 2006/09/11 Entertainment services, namely, organizing and conducting an array of athletic events; Encouraging university athletic program by organizing and conducting educational programs and activities for athletes, alumni, supporters and fans; providing various facilities for an array of sporting events, sports and athletic competitions and awards programs</p>		
U.S. Registration No.	4108223	Application Date	06/27/2011
Registration Date	03/06/2012	Foreign Priority Date	NONE
Word Mark	IRON DUKES		

Design Mark	IRON DUKES
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Decals Class 021. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Drinking vessels Class 024. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Blankets for outdoor use Class 025. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Shirts and hats for non-industrial uses Class 028. First use: First Use: 2011/05/12 First Use In Commerce: 2011/05/12 Golf balls

U.S. Registration No.	4172132	Application Date	08/03/2006
Registration Date	07/10/2012	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	The mark consists of the stylized wording "DUKE". A design of the side of a devil's head appears between the letters "U" and "K" in "DUKE".		
Goods/Services	Class 025. First use: First Use: 2009/10/00 First Use In Commerce: 2009/10/00 Clothing for men and women, namely, tops and sweatshirts		

U.S. Registration No.	4323346	Application Date	06/21/2012
Registration Date	04/23/2013	Foreign Priority Date	NONE
Word Mark	DUKE CHILDREN'S		

Design Mark	DUKE CHILDREN'S
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2009/06/17 First Use In Commerce: 2009/06/17 Downloadable electronic publications in the nature of bulletins in the field of healthcare</p> <p>Class 016. First use: First Use: 2009/06/17 First Use In Commerce: 2009/06/17 Bulletins concerning healthcare</p> <p>Class 035. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 Retail pharmacy services; retail gift shop services</p> <p>Class 036. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 Charitable fundraising services</p> <p>Class 041. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Educational services, namely, conducting programs and training in the fields of medicine and healthcare; charitable services, namely, providing recreational activities for children suffering from illness in the nature of swimming, hiking, fishing, climbing, tennis, dance, photography, arts and crafts, and boating, and conducting field trips in the fields of arts, culture and science</p> <p>Class 042. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Scientific research</p> <p>Class 044. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 Healthcare; providing information in the field of healthcare</p>
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U.S. Registration No.	4342645	Application Date	10/17/2012
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Registration Date	05/28/2013	Foreign Priority Date	NONE
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Word Mark	WASHINGTON DUKE INN & GOLF CLUB
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Design Mark	WASHINGTON DUKE INN & GOLF CLUB
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1988/10/00 First Use In Commerce: 1988/10/00
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	<p>Retail gift shop; retail sporting goodsstore Class 041. First use: First Use: 1988/10/00 First Use In Commerce: 1988/10/00 Providing sports facilities</p> <p>Class 043. First use: First Use: 1988/10/00 First Use In Commerce: 1988/10/00 Hotel services; restaurant services; provision of banquet and social function facilities for special occasions; provision of conference, exhibition and meetingfacilities</p>
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U.S. Registration No.	4372828	Application Date	07/20/2006
Registration Date	07/23/2013	Foreign Priority Date	NONE


Word Mark	DUKE MEDICINE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 041. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Arranging and conducting educational conferences; medical and scientific training and teaching; arranging of exhibitions, seminars, conferences, professional workshops, training courses; organizationof seminars, working groups, research groups and conventions, in the fields of medicine and science; production of radio or television programs; children's entertainment and amusement centers, namely, interactive play areas; entertainment in the nature of golf or tennis tournaments; awards programs for major corporations and individuals who have made significant charitable contributions; publishing documents, books, journals and reports in the fields of science and medicine;providing fitness and exercise facilities; educational research; providing instruction in the field of health and wellness</p> <p>Class 042. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Clinical research; design of medical, optical, and scientific apparatus and instruments; design or development of information and databases; design and testingfor new product development; design or testing of new products for others; licensing of intellectual property; medical research; medical and optical laboratories; scientific research and development</p> <p>Class 044. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Blood bank; charitable services, namely, providing medical services, medical equipment, and medical supplies to those in need; charitable services, namely, patient assistance programs to provide drugs, drug counseling, and assistance in obtaining drugs for senior citizens and others in need; dentist services; emergency medical response services; health care; hospitals; hospices; medical, dental, optical, pharmaceutical, wellness and nursing care, consultation, and advice; medical information; nursing care; optician and optometry services; medical clinics; medical services; nutrition counseling; pharmaceutical dispensing; providing health information; providing medical information; rental of medical equipment; home health care and wellness counselingand psychotherapy with</p>
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	<p>individuals, families, and groups; providing information in the field of health and wellness; social work services, namely, assisting patients and their families to obtain appropriate support services in the nature of home health care and wellness counseling; providing medical equipment to individuals</p> <p>Class 045. First use: First Use: 2005/07/21 First Use In Commerce: 2005/07/21 Grief and bereavement counseling; ministerial services; providing personal support services for families of patients, namely, companionship, help with medical forms, counseling and emotional support</p>
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U.S. Registration No.	4397703	Application Date	09/25/2012
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	DUKE FORWARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2012/09/29 First Use In Commerce: 2012/09/29 Accepting and administering monetary charitable contributions; Charitable fundraising services		

U.S. Registration No.	4481331	Application Date	06/30/2009
Registration Date	02/11/2014	Foreign Priority Date	NONE
Word Mark	DUKE CONNECTED CARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2012/12/03 First Use In Commerce: 2012/12/03 health care		

U.S. Registration	4760204	Application Date	11/05/2014
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No.			
Registration Date	06/23/2015	Foreign Priority Date	NONE
Word Mark	IRON DUKES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1971/07/01 First Use In Commerce: 1971/07/01 Charitable services, namely, promoting public awareness of the need for supporting athletic activities, facilities and events; Club services, namely, promoting the interests of supporters of athletic activities, facilities and events</p> <p>Class 036. First use: First Use: 1971/07/01 First Use In Commerce: 1971/07/01 Charitable fundraising to support athletic activities, facilities and events</p>		


U.S. Registration No.	5071698	Application Date	01/12/2016
Registration Date	11/01/2016	Foreign Priority Date	NONE
Word Mark	DUKE TIP		
Design Mark			
Description of Mark	<p>The mark consists of Literal elements: "DUKE TIP". The word "Duke" written in-line with the "TIP" stylized mark. The "i" in "TIP" is lowercase and the dot on the "i" is inverse coloring. The letters in "TIP" are connected via the serifs.</p>		
Goods/Services	<p>Class 025. First use: First Use: 1980/12/31 First Use In Commerce: 1980/12/31 head wear, tops, gloves, scarves, hooded sweatshirts, jackets, mittens, ties, bottoms, ponchos, sashes, singlets, hosiery, sweaters, uniforms</p> <p>Class 041. First use: First Use: 1980/09/30 First Use In Commerce: 1980/09/30 Education services, namely, classroom, laboratory, correspondence and home study instruction, vocational instruction, mentoring, tutoring, classes, seminars and workshops for intellectually gifted students at the primary level and distribution of curricula course materials in connection therewith; Providing a website featuring information in the field of teaching academically gifted students; Research in the field of education; Education services, namely, training educators to teach academically gifted students and providing curricula in connection therewith</p> <p>Class 042. First use: First Use: 1980/09/30 First Use In Commerce: 1980/09/30 Scientific research in the field of intellectual giftedness; Scientific research and development for identifying academically gifted students</p>		

U.S. Registration No.	5053273	Application Date	01/12/2016
Registration Date	10/04/2016	Foreign Priority Date	NONE
Word Mark	DUKE TIP		
Design Mark	<h1>DUKE TIP</h1>		
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 1980/12/31 First Use In Commerce: 1980/12/31 head wear, tops, gloves, scarves, hooded sweatshirts, jackets, mittens, ties, bottoms, ponchos, sashes, singlets, hosiery, sweaters, uniforms</p> <p>Class 041. First use: First Use: 1980/09/30 First Use In Commerce: 1980/09/30 Education services, namely, classroom, laboratory, correspondence and home study instruction, vocational instruction, mentoring, tutoring, classes, seminars and workshops for intellectually gifted students at the primary level and distribution of curricula course materials in connection therewith; Providing a website featuring information in the field of teaching academically gifted students; Research in the field of education; Education services, namely, training educators to teach academically gifted students and providing curricula in connection therewith</p> <p>Class 042. First use: First Use: 1980/09/30 First Use In Commerce: 1980/09/30 Scientific research in the field of intellectual giftedness; Scientific research and development for identifying academically gifted students</p>		

U.S. Registration No.	5054186	Application Date	02/25/2016
Registration Date	10/04/2016	Foreign Priority Date	NONE
Word Mark	DUKE HEALTH		
Design Mark	<h1>DUKE HEALTH</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00		

	<p>Arranging and conducting educational conferences; medical and scientific training and teaching; education services, namely, providing exhibitions, seminars, and training in the fields of health and wellness, medicine and science; audio recording and production; video production services; children's entertainment and amusement centers, namely, interactive play areas; entertainment in the nature of golf and tennis tournaments; awards programs for corporations and individuals who have made significant charitable contributions; publication of documents, books, brochures, journals and reports in the fields of science and medicine; providing fitness and exercise facilities; research in the field of education</p> <p>Class 042. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 medical research; conducting clinical trials for others; database design and development; design and testing for new product development; medical and optical laboratories; scientific research and development</p> <p>Class 044. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Health care; Blood bank; Charitable services, namely, providing medical services, medical equipment, and medical supplies; Charitable services, namely, patient assistance programs to provide drugs and medical care free of charge to low-income patients without prescription drug or healthcare coverage; Dentist services; Emergency medical response services; Hospital services; Hospice services; Consulting services in the fields of medical, dental, optical, pharmaceutical, wellness and nursing care; Nursing care; Optician and optometry services; Medical services; Counseling in the fields of mental health, nutrition and wellness; Dispensing of pharmaceuticals; Providing health and medical information; Rental of medical equipment; Home health care services; Providing wellness services, namely, personal assessments, personalized routines, maintenance schedules, and counseling</p> <p>Class 045. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Grief and bereavement counseling; licensing of intellectual property; ministerial services; providing personal support services for families of patients, namely, companionship, help with medical forms, emotional counseling and emotional support</p>
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U.S. Registration No.	5054699	Application Date	03/09/2016
Registration Date	10/04/2016	Foreign Priority Date	NONE
Word Mark	DUKE TIP		

Design Mark	
Description of Mark	The mark consists of the word "Duke" written on top of the stylized "TiP" mark.
Goods/Services	<p>Class 025. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 Head wear, tops, gloves, scarves, hooded sweatshirts, jackets, mittens, ties, bottoms, ponchos, sashes, singlets, hosiery, sweaters, uniforms</p> <p>Class 041. First use: First Use: 1980/09/00 First Use In Commerce: 1980/09/00 Education services, namely, classroom, laboratory, correspondence and home study instruction, vocational instruction, mentoring, tutoring, classes, seminars and workshops for intellectually gifted students at the primary level and distribution of curricula course materials in connection therewith; Providing a website featuring information in the field of teaching academically gifted students; Research in the field of education; Education services, namely, training educators to teach academically gifted students and providing curricula in connection therewith</p> <p>Class 042. First use: First Use: 1980/09/00 First Use In Commerce: 1980/09/00 Scientific research in the field of intellectual giftedness; Scientific research and development for identifying academically gifted students</p>

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE		
Goods/Services	<p>Used as a house mark and as a trademark to identify a wide range of products sold and licensed by Duke University, in virtually all areas of endeavor, to men, women and children of all ages. For purposes of this proceeding, the products can generally be defined as consumer goods, and those asserted herein are the following: # Leather goods, including brief cases, luggage, key chains, satchels, and clutches; # Cosmetics, skin care products, personal bathing and grooming products, and toiletries (including, by way of example, body and nail art, decorative transfers, face paint, glitter, personal care packs comprising containers with toiletries therein, and toothbrushes); # Clothing of all types for babies, children, men and women (including, by way of example, belts and suspenders; bibs; bottoms including pants, shorts, and other bottoms, separately or in combination with tops; footwear;</p>		

hairwear; headwear and neckwear; loungewear, nightwear and sleepwear; outerwear including blazers, coats, foul weather gear, jackets, sweatshirts, and other outerwear; tops including shirts, blouses, and other tops; undergarments and other lingerie; and specialty wear including athletic apparel, bike shorts, exercise wear, performance wear, skiwear, swimwear, and uniforms); # Clothing accessories and hair accessories; # Fabric for sewing; # Personal accessories (including, by way of example, hair holders and hair ornaments, key holders, sunglasses, and wallets); # Eyeglasses, sunglasses, sports goggles, eyeglass accessories # Jewelry for men and women (including both costume jewelry and jewelry of precious metal); # Lighting and accessories therefor (including by way of example lamps, lampshades, and flashlights); # Lighting and accessories therefor (including by way of example lamps, lampshades, and flashlights); # Time-keeping instruments (including clocks and watches); # Electronic and computer accessories (including, by way of example, data storage devices, earphones, mouse pads, protective storage for computers and computer accessories, speakers); # Computer application software (including, by way of example, web-based information and applications for use on common mobile platforms; and educational programs) # Containers for personal and household items, and luggage (including, by way of example, backpacks; bags and cases adapted to hold electronic devices and computers; baskets; containers to hold personal care, skin care, grooming, and cosmetic items; coolers; duffels; piggy banks; sport bags; suitcases; totes); luggage tags # Beverageware, barware, insulating covers for beverage containers, coolers, decanters, flasks, drinkware; feeding wares for children; kitchenware; kitchen, cooking and grilling accessories; picnicware; tableware # Foods and beverages # Housewares and household furnishings (including by way of example candles, cushions, curtains, mats, picture frames, rugs, and trash cans); bedding and pillows; bathware (the latter including, by way of example, towels, washcloths, bath mats, shower curtains, toiletry holders, and bathing accessories); # Décor and ornaments; holiday ornaments and holiday décor; household ornaments; sports ornaments; decorative items for home, vehicle, business and garden adornment; banners, decals, flags and pennants; # Automobile and other vehicular decorative accessories (including by way of example banners bumper stickers, decals, flags, fins, key holders, license plate holders; mirror ornaments, ornamental license plates, pennants); # Writing instruments and paper goods (the latter including by way of example artworks of paper; books; cards; memo pads, paper napkins; paper plates; wrapping paper; collectibles) # Desk and office accessories (including by way of example business card holders, desk sets, memo pad holders, pencil holders, paper clip holders, paper weights, photo albums); # Furniture (including by way of example chairs, canopies, stools, and tables); # Games and toys (including, by way of example, action figures, dolls, stuffed and plush toys, board games, card games, electronic and video games, tabletop games, outdoor games and equipment for such games; toy sporting equipment); game tables; # Sports equipment and sports accessories (including by way of example balls, ball markers, bats, carabiners, golf bags, golf headcovers, helmets, sports bags, tees, sports towels, sports umbrellas); bicycles and bicycle accessories (the latter including by way of example bicycle clothing, gear, and bags); # Sports memorabilia; university memorabilia; fanware; gift items intended to remind recipients of Duke University or some aspect of the services and entertainment provided by Duke University and its affiliates # Pet accessories (including by way of example apparel, costumes, restraint devices, and toys); # Pre-recorded musical, audio, and audiovisual works; cell phone ringtones; stream-

	ing live musical performances; streaming live athletic performances; streaming live educational programs and performances # Publications in the nature of books, booklets, brochures, magazines, periodicals, and documents, and information provided via the Internet, such publications relating to Duke University, its programs, research, staff, students, fans, and alumni, and/or concerning subjects of general human interest and/or of interest to students, professors, alumni and/or fans, and/or concerning subjects of interest to professionals in fields of study taught at Duke University; # And, all products listed in the trademark registrations recited in the Notice of Opposition.
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE		
Goods/Services	<p>Used as a house mark and as a service mark to identify a wide range of services provided and licensed by Duke University, including all services typically provided by a major research university with an associated medical center, professional schools, top tier athletic teams, and trademark licensing program. For purposes of this proceeding, those asserted herein are the following: # Charitable and fundraising services; # Educational services for men, women and children (including the provision of classes, conferences, courses, seminars, tutoring, training, and workshops, both in traditional formats and via broadcast and online media, at the pre- university, university, graduate and post-graduate levels); # Educational and training services in the fields of art, business, economics, education, engineering, environmental studies, foreign languages, health and wellness, law, liberal arts, mathematics, medicine, military science, music, nursing, public policy, religion, science, social sciences, sports, technology, the performance arts, and auxiliary skills necessary to success in life and in a career; # Entertainment services, namely sponsoring athletic events, artistic performances, and cultural affairs; organizing and conducting collegiate and pre-collegiate sport competitions and athletic events; # Optometry services and ophthalmology services # Museums and museum services; # Musical and theatrical performances, training, and education; # Personal care services in the nature of spa, gym, salon and barber shop services; # Photography services; # Providing athletic performances, providing and/or sponsoring athletic teams and clubs, and engaging in athletic competitions in the fields of badminton, baseball, basketball, crew, cross country, cycling, dancing, diving, endurance events, equestrian, fencing, field hockey, football, golf, ice hockey, ice skating, lacrosse, martial arts, motor sports (including automobile racing), racing, racquetball, rowing, rugby, sailing, skiing, soccer, softball, snowboard, swimming, table tennis, tennis, track and field, ultimate Frisbee, volleyball, water polo, and wrestling, and in all sports regulated by the NCAA; # Providing counseling services, hospital services, medical and nursing services, diet and fitness services, mental and physical health and wellness services, psychological and psychiatric services, pharmaceutical services; # Providing, on-line and through live, broadcast and pre- recorded media, information relating to Duke University, its programs, research, employees, students, fans, and alumni, information concerning subjects of general human interest, information of interest to students, employees, alumni and/or fans, and information concerning subjects of interest to professionals in fields of study taught at Duke University; # Publishing services; # Religious instruction, teaching, counseling and services including divinity school services and church services; # Research in the fields of</p>		

	<p>art, business, economics, education, engineering, environmental studies, foreign languages, law, liberal arts, health and wellness, mathematics, medicine, music, nursing, public policy, religion, science, social sciences, sports, technology, the performance arts, and auxiliary skills necessary to success in a career, and in all fields in which Duke University provides educational services; # Restaurant services, hospitality services, bar services, provision of food and beverages, catering services; provision of food and drink; supervision of third party provision of food and beverages, including mobile truck food and beverage services; coordination and provision of facilities for service of food and beverages including food truck services; provision of food truck rodeos; provision of kitchen, serving, and vending facilities; agricultural, horticultural and sales services in the field of food # Sports camp, sports club, sports medicine, sports rehabilitation, and sports training services; # Retail store and retail sales services, from fixed premises and online and via catalog and telephone and mail-order, featuring a wide variety of consumer goods of others; retail store and retail sales services, from fixed premises and online and via catalog and telephone and mail-order, featuring a wide variety of goods bearing the marks of Duke University; retail store and retail sales services, from fixed premises and online and via catalog and telephone and mail-order, featuring those goods identified in the list of common law goods recited in this Notice of Opposition # Retail optical store services # And, all services listed in the service mark registrations recited in the Notice of Opposition.</p>
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DUKE UNIVERSITY		
Goods/Services	Substantially the same goods as provided herein with respect to DUKE; substantially the same services as provided herein with respect to DUKE		

Attachments	<p>74208935#TMSN.png(bytes) 74208934#TMSN.png(bytes) 74208924#TMSN.png(bytes) 74693793#TMSN.png(bytes) 75976141#TMSN.png(bytes) 75976140#TMSN.png(bytes) 74694684#TMSN.png(bytes) 75347293#TMSN.png(bytes) 75892149#TMSN.png(bytes) 78674480#TMSN.png(bytes) 77700792#TMSN.png(bytes) 78944344#TMSN.png(bytes) 85049335#TMSN.png(bytes) 85356737#TMSN.png(bytes) 78944306#TMSN.png(bytes) 85658564#TMSN.png(bytes) 85756810#TMSN.png(bytes) 78933450#TMSN.png(bytes) 85738029#TMSN.png(bytes) 77771298#TMSN.png(bytes) 86445421#TMSN.png(bytes) 86872488#TMSN.png(bytes) 86872484#TMSN.png(bytes)</p>
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	86919362#TMSN.png(bytes) 86934342#TMSN.png(bytes) 20170308 Notice of Opp DUKE.pdf(201013 bytes) 20170308 All combined exhibits 1-29.pdf(3469017 bytes)
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Signature	/SFO/
Name	Susan Freya Olive
Date	03/08/2017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Trademark Trial and Appeal Board

IN THE MATTER OF Trademark Application of R.F. Duke & Co. LLC
For Registration of R.F. DUKE & CO., Serial No. 87076921
Published for Opposition in the Official Gazette on November 8, 2016
Goods/Services Opposed: All

Duke University, Plaintiff-Opposer vs R.F. Duke & Co. LLC, Defendant-Applicant	OPPOSITION TO REGISTRATION OF MARK
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Attorney Reference: DUKU9506

Duke University, a corporation of the State of North Carolina, with a principal place of business in Durham, North Carolina and business address at Office of University Counsel, Duke University, Durham, North Carolina, believes that it will be damaged by registration of the mark shown in the above-identified application (hereafter referred to as “Applicant’s Application”), and hereby opposes same.

Opposer brings its claims pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d); Trademark Act Section 43(c), 15 U.S.C. § 1125(c); and Trademark Act Section 2(a), 15 U.S.C. § 1052(a). The grounds for opposition are more particularly set out as follows. Headings are interposed for convenience; all allegations are deemed incorporated into each ground for opposition, as though realleged for each.

GENERAL ALLEGATIONS

1. Opposer is a university known to the general public by its famous mark DUKE. Opposer provides, among other things, a first-class academic program, a world-renowned teaching hospital and

medical facilities, and a well-known Division 1 athletic program (including a famous basketball program) whose sports programs are followed by sports fans around the country, all under its mark DUKE. Opposer's mark DUKE and the goods and services provided under the mark DUKE are viewed by literally millions of fans each year.

2. In connection with its famous DUKE marks, Opposer provides, among other things, leather bags, suitcases, and wallets.
3. Opposer commenced use of its mark DUKE in commerce in or about 1924 and has continued and expanded that use in interstate and foreign commerce, both directly and through licensees, continuously since that time.
4. Opposer uses not only its mark DUKE but also formatives and variants thereof. The mark DUKE and those additional marks, all of which are more specifically identified below, are collectively referred to hereafter as "Opposer's Marks."
5. Opposer's Marks include each mark set out in the table below, which lists some of the United States Trademark Registrations and applications owned by Opposer covering marks that include the term DUKE or a variant or formative thereof that reminds viewers and customers of DUKE and reinforces the link between Opposer's Marks and Opposer. Each of the registrations listed below was lawfully issued, is valid and subsisting, and establishes Opposer's exclusive right to use the registered mark in commerce in accordance with the registration. Copies of the electronic records provided by the United States Trademark Office for each registration are attached hereto as Exhibits 1 through 29 and are incorporated herein by reference and for purpose of reliance.

Exh.	Registration or Serial No.	Issue Date (for Reg's)	Mark
1	1,701,827	07/21/92	DUKE UNIVERSITY
2	1,702,350	07/21/92	DUKE UNIVERSITY STORES
3	1,702,830	07/28/92	DUKE UNIVERSITY
4	1,713,473	09/08/92	UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO
5	2,026,492	12/31/96	D[U]KE with Stylized "U"
6	2,082,553	07/22/97	D[U]KE with Stylized "U"
7	2,092,314	08/26/97	D[U]KE with Stylized "U"
8	2,122,067	12/16/97	D[U]KE with Stylized "U"
9	2,203,764	11/17/98	DUKE CENTER FOR LIVING
10	2,317,603	02/15/00	DUKE
11	2,415,817	12/26/00	DUKECARD
12	3,157,222	10/17/06	DUKIE
13	3,780,204	04/27/10	DUKEENGAGE
14	3,878,213	11/16/10	DUKE and Design
15	3,936,096	03/29/11	DUKE
16	3,995,015	07/12/11	DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D
17	4,108,223	03/06/12	IRON DUKES
18	4,172,132	07/10/12	DUKE with Devil Head
19	4,323,346	04/23/13	DUKE CHILDREN'S
20	4,342,645	05/28/13	WASHINGTON DUKE INN & GOLF CLUB
21	4,372,828	07/23/13	DUKE MEDICINE
22	4,397,703	09/03/13	DUKE FORWARD
23	4,481,331	02/11/14	DUKE CONNECTED CARE
24	4,760,204	06/23/15	IRON DUKES
25	5,071,698	11/01/16	DUKE TIP
26	5,053,273	10/04/16	DUKE TIP
27	5,054,186	10/04/16	DUKE HEALTH
28	5,054,699	10/04/16	DUKE TIP

6. Opposer's Marks also include the common law marks listed on Exhibit 29 attached hereto and, to the extent not already fully set out in the foregoing table and in the referenced exhibit of common law marks, the registrations and common law marks listed in the ESTTA Cover Sheet for the filing of the Notice of Opposition, all of which are incorporated herein by reference.
7. Opposer's Marks are used in a wide variety of fonts and colors, and are not in general limited by appearance, although appearance may be an additional feature of certain marks.
8. As hereinafter set out in more detail, Opposer's mark DUKE has become and is famous and is entitled to the enhanced protection afforded famous marks.
9. Applicant seeks to register a mark whose prominent term is identical to Opposer's DUKE mark. The addition of the letters "R.F." at the beginning of the mark and "& CO." do not create any significantly different or distinct commercial impression.

**PRIORITY AND LIKELIHOOD OF CONFUSION
TRADEMARK ACT SECTION 2(d), 15 U.S.C. § 1052(d)**

10. Applicant seeks registration of a mark that contains as a prominent element the word DUKE, without further limitations, pursuant to Section 1(b) of the Trademark Act (15 U.S.C. §1051(b)) for use in connection with:

Hat boxes of leather, leather bags, suitcases and wallets; leather briefcases; leather cases; leather cases for keys; leather credit card cases; leather credit card holder; leather credit card wallets; leather pouches; garment bags for travel made of leather in International Class 018.

11. Opposer, directly and through licensees, has used Opposer's Marks in commerce on or in connection with identical and/or similar goods and services, including but not limited to the following:

Leather bags; suitcases; wallets; leather briefcases; leather cases; leather credit card holder; garment bags for travel; and leather key chains.

12. Applicant has not asserted any earlier priority than the filing date of its application, November 11, 2016, with respect to its goods in International Class 018.
13. Use of Opposer's Marks in commerce for such substantially similar and closely associated goods and services, including those set out in the exhibits hereto, precedes any priority date that Applicant can claim, and is continuing. Opposer is identified by Opposer's Marks in connection with these goods.
14. By reason of its longstanding use of Opposer's Marks, which commenced well prior to the date of Applicant's Application and any date of use on which Applicant is entitled to rely, and by reason of its pleaded registrations, Opposer has priority with respect to use of Opposer's Marks over Applicant and over Applicant's use and intended use of the mark that is the subject of Applicant's Application.
15. Applicant has not incorporated limitations as to the size of lettering of the words of its mark, as to coloration of the mark, or as to themes and images that will be used in association with its mark. For example, Applicant's mark could be used, as presumptively will be the case based on the nature of the application, with the letters DUKE capitalized and emphasized in size and other aspects of appearance; and if registered as currently proposed, Applicant's mark and goods bearing that mark could presumptively be depicted and/or advertised in connection with Opposer's school colors, used in association with themes associated with Opposer including collegiate teams and athletes, and/or with a devil or parts thereof reminiscent of Opposer's mascot.
16. Moreover, Applicant has not incorporated limitations on channels of trade or on markets or adopted other such limitations in an attempt to avoid perceptions of a connection or to minimize the likelihood of confusion. The absence of such limitations further enhances both

the likelihood of a presumed connection and the likelihood of confusion. Applicant's goods under the mark presumptively could be identified as "licensed" (without specification as to the licensor) and offered in commerce to the hundreds of thousands of persons who directly interact every year with Duke University, its publications, and its medical centers, and they could be targeted to Duke University alumni and to Duke University's fans. The mark sought to be registered, used in connection with goods closely related to goods provided under Opposer's Marks, presumptively would be targeted at, and marketed through channels of commerce directed to, Opposer's athletes and fans as well as Opposer's alumni, employees, patients, students, potential students, and parents of students past, present, or future. The goods further could be provided on or adjacent to Duke University's campuses and at or adjacent to Duke-branded medical facilities in North Carolina and in other states. It must be presumed that the market and the channels of trade through which Applicant will offer its goods in connection with the mark sought to be registered are identical and closely related to those that are currently used by Opposer and that have been used by Opposer since long prior to any priority date to which Applicant might be entitled.

17. Applicant's mark, used as identified in Applicant's Application, is likely to cause confusion and mistake with respect to Opposer's Marks and their use by Opposer.

DILUTION
TRADEMARK ACT SECTION 43(c), 15 U.S.C. § 1125(c)

18. Opposer, directly and through licensees, has used its mark DUKE and close variants thereof, for nearly a century. During that time, Opposer itself has become famous both for the quality of its education and for the associated goods and services that it provides, including its medical, health, and research goods and services, and its highly respected Division I athletic teams, which have repeatedly won regional and national championships. Opposer's mark DUKE has appeared in

lengthy broadcasts of sporting events to millions of consumers every year, and there has been extensive publicity and promotion of Opposer's mark DUKE by national publications and other sources throughout the years.

19. As a result of the above-described and other exposure of Opposer's mark DUKE to the public, Opposer's mark DUKE has become famous.
20. Opposer's mark DUKE became famous prior to the filing date of Applicant's Application, any date of first use of Applicant's mark that Applicant is entitled to assert, and any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought; and said fame continues at present.
21. Opposer's mark DUKE is so well-recognized that the public will associate DUKE with Opposer even when it encounters the term apart from Opposer's core educational services and medical and health services, or indeed any specific goods or services offered by Opposer. The fame of Opposer's mark DUKE is so widespread and pervasive that consumers will expect and assume that not only identical marks but also similar marks are associated with Opposer.
22. Applicant seeks to register and to use a mark that is highly similar to Opposer's famous mark DUKE and is likely to trigger consumers to conjure up Opposer's famous mark DUKE when consumers are confronted with Applicant's similar mark.
23. Opposer has established standards for the licensing of Opposer's Marks that protect the integrity and reputation of the institution, maintain and build upon the goodwill of the institution, and promote support for, and increase awareness of, the institution, its mission, and goals.
24. Applicant would be presumptively free to offer products for sale under the applied-for mark that are manufactured without appropriate supervision for the protection of the workers' rights and

fair labor standards, and that are of lower quality than those sold under Opposer's authentic marks. Publicity concerning such inappropriately manufactured products would be likely to harm Opposer's reputation and the goodwill associated with Opposer's Marks.

25. Despite Applicant's claim of right to use the mark it seeks to register, in connection with goods similar or identical to goods offered by Opposer, Applicant is not affiliated with, licensed by, or otherwise associated with Opposer. Opposer is not connected with the goods that Applicant provides, offers, or intends to offer under the mark sought to be registered. Applicant's goods would not be held to the licensing standards Opposer has established to protect the integrity and reputation of Opposer, yet Applicant's mark would be recognized as connected with Opposer, uniquely and unmistakably pointing to Opposer.
26. Applicant's use (including the intended uses when brought to fruition) of the applied-for mark will cause dilution of the distinctive quality of Opposer's famous mark DUKE. The use will diminish, dilute, and tarnish Opposer's rights in its famous DUKE mark and the distinctive quality thereof and the goodwill associated therewith which presently inures to the benefit of Opposer.

**FALSE SUGGESTION OF A CONNECTION
TRADEMARK ACT SECTION 2(a), 15 U.S.C. § 1052(a)**

27. As hereinabove set out, Applicant's mark is substantially identical to Opposer's famous mark DUKE, merely appending thereto "R.F." and "& CO.", and Applicant's Mark is a close approximation of Opposer's Marks, in general, containing the term DUKE.
28. Opposer's mark DUKE functions not only as a trademark and service mark, but also as a house mark of Opposer, is recognized as such by consumers, and has been so recognized since long prior to the earliest priority date on which Applicant can rely.

29. Opposer's Marks, including Opposer's mark DUKE, serve to identify, and as an identity of, Opposer, such identification beginning long prior to the filing date of Applicant's Application, prior to any first date of use of Applicant's mark that Applicant is entitled to assert, and prior to any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought, and continuing to the present time.
30. Opposer's provision and promotion of its services and products to the public under Opposer's Marks for over three-quarters of a century has caused the public to associate those marks and the goods and services provided thereunder with Opposer, such association beginning long prior to the filing date of Applicant's Application, prior to any first date of use of Applicant's mark that Applicant is entitled to assert, and prior to any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought, and continuing to the present time. Through those efforts Opposer now has built substantial goodwill in Opposer's Marks that inures to the benefit of Opposer.
31. Opposer uses Opposer's Marks as aforestated and as set out in the exhibits, and in particular for goods that are identical to or substantially similar to those for which Applicant seeks registration, as well as for closely associated goods and services. Use of Opposer's Marks in commerce for such substantially similar and closely associated goods and services long precedes any priority date that Applicant can claim, and is continuing.
32. Opposer's fame and excellent and well-known reputation, and the close and long-time association of Opposer's Marks with Opposer are such that a connection with Opposer and Opposer's goods and services is likely to be presumed when the mark Applicant seeks to register is used in connection with the goods identified in the application.

33. The presumption of a connection is particularly likely and is enhanced because Applicant seeks to register and use its mark in a substantially unrestricted manner, presumptively in the same channels of trade, presumptively targeted to the same markets, and presumptively colored and otherwise configured and advertised so as to maximize the likelihood that consumers will wrongly connect Applicant's mark, used in connection with Applicant's identified goods, with Opposer and Opposer's goods and services offered under Opposer's Marks, including its famous mark DUKE.
34. When used as Applicant would be entitled to use its mark if registration were granted—in a substantially unrestricted manner, presumptively in the same channels of trade, presumptively targeted to the same markets, and presumptively colored and otherwise configured to create a mistaken belief as to the affiliation of Applicant's goods and services—Applicant's mark would be recognized as the same or as a close approximation of Opposer's previously used name and identity.
35. Consumers seeking to obtain goods and services identified with Opposer are familiar with Opposer's Marks, associate those marks with Opposer, know that third parties are licensed to use Opposer's Marks, assume that products bearing Opposer's Marks are duly authorized for sale by Opposer or otherwise connected with Opposer, and rely on their presumption that a connection exists between Opposer and its licensees and other sources of goods and services branded with Opposer's Marks, to inform their purchasing decisions.
36. Applicant's mark, as sought to be registered, would lead consumers to draw false conclusions as to a connection of Applicant's goods with Opposer's goods and services, under circumstances where such a conclusion will be material to the consumer's deliberations regarding the purchase of the goods or services.

37. As alleged above, despite Applicant's claim of right to use the DUKE mark it seeks to register, in connection with goods similar or identical to goods and services offered by Opposer, Applicant is not affiliated with, licensed by, or otherwise associated with Opposer. Opposer is not connected with the goods that Applicant provides, offers, or intends to offer under the mark sought to be registered.
38. Nonetheless, Opposer's name, house mark, trademark, and service mark DUKE, and Opposer's Marks, are of sufficient fame or reputation that when Applicant's mark is used on or in connection with the goods identified in Applicant's Application, a connection with Opposer would be presumed and Applicant's mark would be recognized as connected with Opposer, uniquely and unmistakably pointing to Opposer.
39. Consumers are likely to be deceived as to the connection, which does not in fact exist, and to make purchasing decisions based on the false suggestion of a connection created by Applicant and its mark.
40. Registration and/or use of Applicant's mark as sought in Applicant's Application is likely to interfere with Opposer's use and exploitation of Opposer's Marks and to falsely suggest a connection with Opposer.

CONCLUSION

41. In view of the foregoing and the similarity of Opposer's prior-used and not abandoned Opposer's Marks to Applicant's applied-for mark, the similarities between the use made by Opposer and its licensees of Opposer's Marks and the use of Applicant's mark by Applicant as identified in Applicant's Application and shown through Applicant's use and actual and potential channels of commerce, it is alleged that Applicant's mark as currently applied for, identified and

described, so resembles Opposer's marks as to be likely to cause confusion and to cause mistake. Moreover, registration and/or use of Applicant's mark as sought in Applicant's Application is likely to interfere with Opposer's use and exploitation of Opposer's Marks, to deceptively and falsely suggest a connection with Opposer, and to diminish and dilute Opposer's rights in Opposer's Marks and the distinctive quality thereof and the goodwill associated therewith which presently inures to the benefit of Opposer.

WHEREFORE, Opposer requests that Applicant's Application be denied.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Office is authorized to charge any additional or otherwise unpaid fees associated with the filing of this Notice of Opposition to our deposit account 15-0490.

This 8th day of March 2017.

OLIVE & OLIVE, P.A.
Attorneys for Opposer

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Susan Freya Olive
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/Brian J. Crews/
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CERTIFICATE OF SERVICE

The undersigned certifies that, although service no longer is required, a true copy of the Notice of Opposition filed herein, together with any and all attachments thereto, has been served upon Applicant by transmitting a complete copy of the same, including all exhibits, via email addressed to Applicant's counsel of record at the following email address:

Stephen E. Kelly stephen.kelly@hwhlaw.com

on this the 8th day of March 2017.

(Brian J. Crews)

Brian J. Crews

NC Bar No. 45964

Olive & Olive, P.A.

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Duke University's Notice of Opposition

Exhibit 1:

TSDR website printout of Reg. No. 1,701,827

**Duke
University**

Generated on: This page was generated by TSDR on 2017-01-11 14:48:49 EST

Mark: DUKE UNIVERSITY



US Serial Number: 74208935

Application Filing Date: Oct. 01, 1991

US Registration Number: 1701827

Registration Date: Jul. 21, 1992

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 26, 2012

Publication Date: Apr. 28, 1992

Mark Information

Mark Literal Elements: DUKE UNIVERSITY

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) INSTYLIZED FORM

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: pillows

International Class(es): 020 - Primary Class

U.S Class(es): 032

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

For: cups

International Class(es): 021 - Primary Class

U.S Class(es): 002, 030

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

For: shirts

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

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: Duke University

Owner Address: 310 Blackwell Street, 4th Floor
Office of Counsel
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country NORTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Docket Number: DUKU0412

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial Street
Durham, NORTH CAROLINA 27701
UNITED STATES

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 26, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	73376
Jun. 26, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Jun. 25, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 30, 2008	CASE FILE IN TICRS	
Oct. 11, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Oct. 11, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 18, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 18, 2002	PAPER RECEIVED	
Oct. 08, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 21, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 21, 1992	REGISTERED-PRINCIPAL REGISTER	
Apr. 28, 1992	PUBLISHED FOR OPPOSITION	
Mar. 27, 1992	NOTICE OF PUBLICATION	
Dec. 10, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 21, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 26, 2012

Duke University's Notice of Opposition

Exhibit 2:

TSDR website printout of Reg. No. 1,702,350

DUKE UNIVERSITY STORES

Generated on: This page was generated by TSDR on 2017-01-11 14:49:12 EST

Mark: DUKE UNIVERSITY STORES

US Serial Number: 74208327

Application Filing Date: Sep. 30, 1991

US Registration Number: 1702350

Registration Date: Jul. 21, 1992

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jun. 26, 2012

Publication Date: Apr. 28, 1992

Mark Information

Mark Literal Elements: DUKE UNIVERSITY STORES

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "STORES"

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 and mail order services in the field of clothing, furniture, toys, games, sports equipment, school and office supplies, educational materials, computers, books, photography, housewares, towels, floor coverings, jewelry, ornaments, stationery, prints, camping equipment, pennants, decals, memorabilia, items bearing Duke University trademarks, and items depicting Duke University or its students, faculty, or campus life

International Class(es): 042 - Primary Class

U.S Class(es): 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1940

Use in Commerce: 1940

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0410

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA 27701
UNITED STATES

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 26, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Jun. 26, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Jun. 25, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 31, 2008	CASE FILE IN TICRS	
Jul. 05, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 05, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 29, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 29, 2002	PAPER RECEIVED	
Oct. 07, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 21, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 21, 1992	REGISTERED-PRINCIPAL REGISTER	
Apr. 28, 1992	PUBLISHED FOR OPPOSITION	
Mar. 27, 1992	NOTICE OF PUBLICATION	
Dec. 30, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 1991	EXAMINER'S AMENDMENT MAILED	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 21, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 26, 2012

Duke University's Notice of Opposition

Exhibit 3:

TSDR website printout of Reg. No. 1,702,830

Duke University

Generated on: This page was generated by TSDR on 2017-01-11 14:50:54 EST

Mark: DUKE UNIVERSITY

Duke University

US Serial Number: 74208934

Application Filing Date: Oct. 01, 1991

US Registration Number: 1702830

Registration Date: Jul. 28, 1992

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: May 02, 2012

Publication Date: May 05, 1992

Mark Information

Mark Literal Elements: DUKE UNIVERSITY

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

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: key rings made primarily of metal and metal license plates

International Class(es): 006 - Primary Class

U.S Class(es): 013, 025

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

For: business card holders, decals, postcards, notepaper, envelopes, stationery, notebooks, loose leaf binders, pens, pencils, pen and pencil sets and paper bags

International Class(es): 016 - Primary Class

U.S Class(es): 002, 037, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

For: trunks for traveling, travel bags, and toiletry cases sold empty

International Class(es): 018 - Primary Class

U.S Class(es): 002, 003

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

For: tablecloths not of paper, blankets, and cloth flags

International Class(es): 024 - Primary Class

U.S Class(es): 032, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: 1925

Use in Commerce: 1965

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: Duke University

Owner Address: 310 Blackwell Street
4th Floor
Durham, NORTH CAROLINA UNITED STATES 27701

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0408

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA UNITED STATES 27701

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 02, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 02, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70132
May 02, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70132
May 02, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Apr. 13, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 08, 2008	CASE FILE IN TICRS	
Oct. 17, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Oct. 17, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 25, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 25, 2002	PAPER RECEIVED	
Oct. 09, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 24, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 28, 1992	REGISTERED-PRINCIPAL REGISTER	
May 05, 1992	PUBLISHED FOR OPPOSITION	
Apr. 03, 1992	NOTICE OF PUBLICATION	

Dec. 30, 1991 APPROVED FOR PUB - PRINCIPAL REGISTER
Dec. 16, 1991 EXAMINER'S AMENDMENT MAILED
Dec. 09, 1991 ASSIGNED TO EXAMINER

67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 28, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: May 02, 2012

Duke University's Notice of Opposition

Exhibit 4:

TSDR website printout of Reg. No. 1,713,473

**UNIVERSITAS DUKIANA ERUDITIO ET
RELIGIO**



Generated on: This page was generated by TSDR on 2017-01-11 14:51:17 EST

Mark: UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO



US Serial Number: 74208924

Application Filing Date: Oct. 01, 1991

US Registration Number: 1713473

Registration Date: Sep. 08, 1992

Register: Principal

Mark Type: Trademark, Service Mark

Status: The registration has been renewed.

Status Date: Mar. 15, 2012

Publication Date: May 12, 1992

Mark Information

Mark Literal Elements: UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO

Standard Character Claim: No

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

Disclaimer: "UNIVERSITY"

Translation: The English translation of the words "UNIVERSITAS DUKIANA" and "ERUDITO ET RELIGIO" in the mark is "Duke University" and "education and religion" respectively.

Design Search Code(s): 05.15.02 - Laurel leaves or branches (borders or frames); Wreaths
24.05.01 - Circular or elliptical seals; Seals, circular or elliptical
24.13.01 - Cross, Latin (shorter horizontal lines); Latin cross (shorter horizontal lines)

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: jewelry; namely, class rings

International Class(es): 014 - Primary Class

U.S Class(es): 028

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

For: educational services; namely, providing courses of study at the undergraduate and graduate level

International Class(es): 041 - Primary Class

U.S Class(es): 107

Class Status: ACTIVE

Basis: 1(a)

First Use: 1965

Use in Commerce: 1965

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: Duke University
Owner Address: 310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: NONPROFIT CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU2101
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA 27701
UNITED STATES
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 15, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
Mar. 15, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Mar. 12, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 27, 2008	CASE FILE IN TICRS	
Jul. 07, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 07, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 29, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 29, 2002	PAPER RECEIVED	
Jun. 27, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 26, 1998	RESPONSE RECEIVED TO POST REG. ACTION	
Dec. 29, 1997	POST REGISTRATION ACTION MAILED - SEC. 15	
Dec. 02, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 08, 1992	REGISTERED-PRINCIPAL REGISTER	
May 12, 1992	PUBLISHED FOR OPPOSITION	
Apr. 10, 1992	NOTICE OF PUBLICATION	
Jan. 08, 1992	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 1991	EXAMINER'S AMENDMENT MAILED	
Dec. 09, 1991	ASSIGNED TO EXAMINER	67604

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 08, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 15, 2012

Duke University's Notice of Opposition

Exhibit 5:

TSDR website printout of Reg. No. 2,026,492

D[U]KE with Stylized "U"

D♥KE

Generated on: This page was generated by TSDR on 2017-01-11 14:51:39 EST

Mark: DKE



US Serial Number: 74693793

Application Filing Date: Jun. 27, 1995

US Registration Number: 2026492

Registration Date: Dec. 31, 1996

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 26, 2007

Publication Date: Oct. 08, 1996

Mark Information

Mark Literal Elements: DKE

Standard Character Claim: No

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

Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
27.03.02 - Humans forming punctuation; Humans forming letters or numerals

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: clothing, namely, T-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 17, 1995

Use in Commerce: Feb. 17, 1995

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: Duke University

Owner Address: Post Office Box 3024
Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country: NORTH CAROLINA

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0416
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Vedia Jones-Richardson
Olive & Olive, P.A.
500 Memorial Street
DURHAM, NORTH CAROLINA 27701
UNITED STATES
Phone: (919) 683-5514
Fax: (919) 688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 19, 2016	TEAS SECTION 8 & 9 RECEIVED	
Nov. 08, 2008	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Feb. 26, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Feb. 26, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 16, 2007	ASSIGNED TO PARALEGAL	68502
Dec. 19, 2006	TEAS SECTION 8 & 9 RECEIVED	
Sep. 14, 2006	CASE FILE IN TICRS	
Dec. 23, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 29, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 29, 2002	PAPER RECEIVED	
Dec. 31, 1996	REGISTERED-PRINCIPAL REGISTER	
Oct. 08, 1996	PUBLISHED FOR OPPOSITION	
Sep. 06, 1996	NOTICE OF PUBLICATION	
Jul. 22, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 1995	NON-FINAL ACTION MAILED	
Nov. 21, 1995	ASSIGNED TO EXAMINER	68788

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Dec. 31, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Feb. 26, 2007

Duke University's Notice of Opposition

Exhibit 6:

TSDR website printout of Reg. No. 2,082,553

D[U]KE with Stylized "U"

D♥KE

Generated on: This page was generated by TSDR on 2017-01-11 14:52:01 EST

Mark: DKE



US Serial Number: 75976141

Application Filing Date: Jun. 28, 1995

US Registration Number: 2082553

Registration Date: Jul. 22, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 11, 2007

Publication Date: Jun. 25, 1996

Notice of Allowance Date: Sep. 17, 1996

Mark Information

Mark Literal Elements: DKE

Standard Character Claim: No

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

Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards

Related Properties Information

Child Of: 74694684

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: balloons

International Class(es): 028 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 12, 1996

Use in Commerce: Nov. 12, 1996

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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: Duke University

Owner Address: Post Office Box 3024
Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country NORTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0427
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
POST OFFICE BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: (919) 683-5514
Fax: (919) 688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 22, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 11, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Jun. 11, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 08, 2007	ASSIGNED TO PARALEGAL	68502
May 15, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 15, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 15, 2007	CASE FILE IN TICRS	
Jul. 10, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 17, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 17, 2003	PAPER RECEIVED	
Jul. 22, 1997	REGISTERED-PRINCIPAL REGISTER	
Jun. 02, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 22, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 17, 1997	USE AMENDMENT FILED	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Sep. 17, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 11, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 28, 1995	NON-FINAL ACTION MAILED	
Dec. 15, 1995	ASSIGNED TO EXAMINER	68788
Dec. 07, 1995	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 22, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

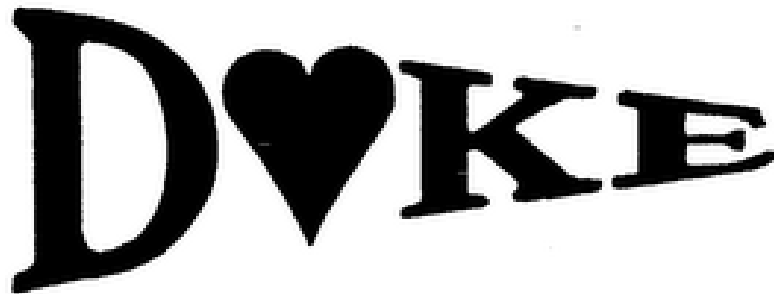
Date in Location: Jun. 11, 2007

Duke University's Notice of Opposition

Exhibit 7:

TSDR website printout of Reg. No. 2,092,314

D[U]KE with Stylized "U"



D♥KE

Generated on: This page was generated by TSDR on 2017-01-11 14:52:23 EST

Mark: D KE



US Serial Number: 75976140

Application Filing Date: Jun. 28, 1995

US Registration Number: 2092314

Registration Date: Aug. 26, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Oct. 31, 2007

Publication Date: Jun. 25, 1996

Notice of Allowance Date: Sep. 17, 1996

Mark Information

Mark Literal Elements: D KE

Standard Character Claim: No

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

Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
27.03.05 - Objects forming letters or numerals

Related Properties Information

Child Of: 74694684

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: pennants not of paper

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 22, 1996

Use in Commerce: Nov. 22, 1996

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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: Duke University

Owner Address: POST OFFICE BOX 3024
Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION

State or Country NORTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0426

Attorney Primary emailboxtm@oliveandolive.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent Susan Freya Olive
Name/Address: OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
POST OFFICE BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: 919-683-5514

Fax: 919-688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 26, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Oct. 10, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 31, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Oct. 31, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 31, 2007	ASSIGNED TO PARALEGAL	75461
May 31, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 31, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 02, 2007	CASE FILE IN TICRS	
Jul. 10, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 17, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 17, 2003	PAPER RECEIVED	
Aug. 26, 1997	REGISTERED-PRINCIPAL REGISTER	
Jun. 19, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 17, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 22, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 17, 1997	USE AMENDMENT FILED	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Sep. 17, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 11, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 28, 1995	NON-FINAL ACTION MAILED	
Dec. 15, 1995	ASSIGNED TO EXAMINER	68788
Dec. 07, 1995	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted

Continued Use:

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 26, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Oct. 31, 2007

Duke University's Notice of Opposition

Exhibit 8:

TSDR website printout of Reg. No. 2,122,067

D[U]KE with Stylized "U"

D♥KE

Generated on: This page was generated by TSDR on 2017-01-11 14:52:42 EST

Mark: DKE



US Serial Number: 74694684

Application Filing Date: Jun. 28, 1995

US Registration Number: 2122067

Registration Date: Dec. 16, 1997

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 23, 2007

Publication Date: Jun. 25, 1996

Notice of Allowance Date: Sep. 17, 1996

Mark Information

Mark Literal Elements: DKE

Standard Character Claim: No

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

Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
27.03.05 - Objects forming letters or numerals

Related Properties Information

Claimed Ownership of US Registrations: 2026492, 2082553, 2092314

Parent Of: 75976140, 75976141

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: decals, stickers, stationery, and note pads

International Class(es): 016 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 05, 1996

Use in Commerce: Nov. 05, 1996

For: drinking glasses, cups, and mugs

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 06, 1996

Use in Commerce: Nov. 06, 1996

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Duke University
Owner Address: Durham, NORTH CAROLINA 27706
UNITED STATES
Legal Entity Type: NONPROFIT CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0417
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 Memorial Street
P.O. Box 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: (919) 683-5514
Fax: (919) 688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 16, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Nov. 19, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 23, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Jun. 23, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 08, 2007	ASSIGNED TO PARALEGAL	73376
May 15, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 15, 2007	TEAS SECTION 8 & 9 RECEIVED	
Feb. 26, 2007	CASE FILE IN TICRS	
Sep. 27, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 14, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 14, 2003	PAPER RECEIVED	
Dec. 16, 1997	REGISTERED-PRINCIPAL REGISTER	
Oct. 16, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 12, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 16, 1997	USE AMENDMENT FILED	
May 22, 1997	EXTENSION 1 GRANTED	
Mar. 17, 1997	EXTENSION 1 FILED	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
May 30, 1997	DIVISIONAL PROCESSING COMPLETE	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	
Mar. 17, 1997	DIVISIONAL REQUEST RECEIVED	

Sep. 17, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 11, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 1996	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 28, 1995	NON-FINAL ACTION MAILED	
Dec. 15, 1995	ASSIGNED TO EXAMINER	68788
Dec. 07, 1995	ASSIGNED TO EXAMINER	69197

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 16, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jun. 23, 2007

Duke University's Notice of Opposition

Exhibit 9:

TSDR website printout of Reg. No. 2,203,764

DUKE CENTER FOR LIVING

Generated on: This page was generated by TSDR on 2017-01-11 14:53:03 EST

Mark: DUKE CENTER FOR LIVING

US Serial Number: 75321843

Application Filing Date: Jul. 01, 1997

US Registration Number: 2203764

Registration Date: Nov. 17, 1998

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: May 24, 2008

Publication Date: Aug. 25, 1998

Mark Information

Mark Literal Elements: DUKE CENTER FOR LIVING

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "CENTER"

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: educational services, namely, conducting classes, individualized programs, retreats, seminars, and workshops in the fields of health, medicine, nutrition, physical fitness, and stress and lifestyle management; and providing facilities for exercise

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1991

Use in Commerce: Aug. 1991

For: counseling in the fields of health care, nutrition, physical fitness, and stress and lifestyle management; medical services; restaurant services; and weight management diet planning and supervision

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1991

Use in Commerce: Aug. 1991

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: Duke University

Owner Address: PO BOX 3024
Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION **State or Country Where Organized:** NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive **Docket Number:** DUKU0429

Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
OLIVE & OLIVE PA
500 MEMORIAL ST.
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: 919-683-5514 **Fax:** 919-688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 24, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
May 24, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 21, 2008	ASSIGNED TO PARALEGAL	73376
May 09, 2008	TEAS SECTION 8 & 9 RECEIVED	
Jul. 27, 2007	CASE FILE IN TICRS	
Jun. 07, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 29, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 17, 1998	REGISTERED-PRINCIPAL REGISTER	
Aug. 25, 1998	PUBLISHED FOR OPPOSITION	
Jul. 24, 1998	NOTICE OF PUBLICATION	
Jun. 04, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 20, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 01, 1998	NON-FINAL ACTION MAILED	
Mar. 13, 1998	ASSIGNED TO EXAMINER	74301

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 17, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 24, 2008

Duke University's Notice of Opposition

Exhibit 10:

TSDR website printout of Reg. No. 2,317,603

DUKE

Generated on: This page was generated by TSDR on 2017-01-11 14:53:40 EST

Mark: DUKE

DUKE

US Serial Number: 75347293

Application Filing Date: Aug. 26, 1997

US Registration Number: 2317603

Registration Date: Feb. 15, 2000

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Aug. 12, 2009

Publication Date: Nov. 23, 1999

Mark Information

Mark Literal Elements: DUKE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 2203764

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: Educational services and teaching hospital services, namely, conducting classes, seminars, workshops, conferences and exhibitions, and distributing course materials therewith, in the field of medicine and health care, and conducting medical and health care training in the use of medical and health care devices, all provided via live sessions, interactive and/or on-line computer networks, television, and/or video-conferencing

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1935

Use in Commerce: Jan. 1935

For: providing hospital, medical, and health care services; providing medical services delivered by mobile unit; conducting clinical and experimental research in the fields of health care and medicine; and providing health-related support group services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1935

Use in Commerce: Jan. 1935

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: Duke University

Owner Address: 4th Floor
310 Blackwell Street
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NONPROFIT CORPORATION **State or Country Where Organized:** NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE **Docket Number:** DUKU0428

Attorney Primary Email Address: emailboxtm@oliveandolive.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 Memorial Street, P.O. Box 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: 919-683-5514 **Fax:** 919-688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 10, 2009	CASE FILE IN TICRS	96529
Aug. 12, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Aug. 12, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 10, 2009	ASSIGNED TO PARALEGAL	77315
Aug. 06, 2009	TEAS SECTION 8 & 9 RECEIVED	
Dec. 03, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70853
Dec. 03, 2005	ASSIGNED TO PARALEGAL	70853
Aug. 10, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 10, 2005	TEAS SECTION 8 & 15 RECEIVED	
Feb. 15, 2000	REGISTERED-PRINCIPAL REGISTER	
Nov. 23, 1999	PUBLISHED FOR OPPOSITION	
Oct. 22, 1999	NOTICE OF PUBLICATION	
Aug. 02, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 29, 1999	EXAMINER'S AMENDMENT MAILED	
Jan. 21, 1999	NON-FINAL ACTION MAILED	
Nov. 16, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 11, 1998	NON-FINAL ACTION MAILED	
May 08, 1998	ASSIGNED TO EXAMINER	74301
May 07, 1998	ASSIGNED TO EXAMINER	73699

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 15, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Sep. 14, 2009

Duke University's Notice of Opposition

Exhibit 11:

TSDR website printout of Reg. No. 2,415,817

DUKECARD

Generated on: This page was generated by TSDR on 2017-01-11 14:53:58 EST

Mark: DUKECARD

DUKECARD

US Serial Number: 75892149

Application Filing Date: Jan. 07, 2000

US Registration Number: 2415817

Registration Date: Dec. 26, 2000

Register: Principal

Mark Type: Trademark, Service Mark

Status: The registration has been renewed.

Status Date: Nov. 03, 2010

Publication Date: Oct. 03, 2000

Mark Information

Mark Literal Elements: DUKECARD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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: magnetically encoded debit cards, security access cards, admission cards, identification cards and telephone calling cards for use in debit and stored-value transactions, library material rentals, purchase of goods and services from contracting vendors and for gaining access to facilities and events

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1985

Use in Commerce: Aug. 1985

For: financial services namely, providing and administering issuance, redemption and processing of transactions related to debit and stored value cards, and issuing statements of account and payment processing, and transactions related thereto

International Class(es): 036 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1985

Use in Commerce: Aug. 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: 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: Duke University

Owner Address: Office of University Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0435

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial Street
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919) 683-5514

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 03, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Nov. 03, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 01, 2010	TEAS SECTION 8 & 9 RECEIVED	
Jan. 06, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Jan. 06, 2007	ASSIGNED TO PARALEGAL	76533
Oct. 30, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 30, 2006	TEAS SECTION 8 & 15 RECEIVED	
Jul. 19, 2006	CASE FILE IN TICRS	
Dec. 26, 2000	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2000	PUBLISHED FOR OPPOSITION	
Sep. 01, 2000	NOTICE OF PUBLICATION	
Jul. 17, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 13, 2000	EXAMINER'S AMENDMENT MAILED	
Jun. 28, 2000	ASSIGNED TO EXAMINER	76145
Jun. 22, 2000	ASSIGNED TO EXAMINER	77770

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 26, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 03, 2010

Duke University's Notice of Opposition

Exhibit 12:

TSDR website printout of Reg. No. 3,157,222

DUKIE

Generated on: This page was generated by TSDR on 2017-01-11 14:54:18 EST

Mark: DUKIE

DUKIE

US Serial Number: 78674480

Application Filing Date: Jul. 20, 2005

US Registration Number: 3157222

Registration Date: Oct. 17, 2006

Register: Principal

Mark Type: Trademark

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

Status Date: Apr. 30, 2012

Publication Date: Jul. 25, 2006

Mark Information

Mark Literal Elements: DUKIE

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

Claimed Ownership of US Registrations: 1701827, 2026492 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: Children's wear, namely, jackets, wind jackets, wind vests, undergarments, pants, shorts, sweaters, sweat pants, sweat shirts, sports jerseys, headwear, gloves, sleepwear, neckwear, uniforms, footwear, dresses; infants' wear, namely, jackets, wind jackets, wind vests, undergarments, shirts, pants, shorts, dresses, skirts, headwear, footwear, gloves, sleepwear, and infants' cloth and plastic bibs

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 17, 2002

Use in Commerce: Jul. 17, 2002

Basis Information (Case Level)

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

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

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

Current Owner(s) Information

Owner Name: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country NORTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0439

Attorney Primary emailboxtm@oliveandolive.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Susan Freya Olive
Name/Address: OLIVE & OLIVE, P.A.
500 Memorial Street
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Phone: (919) 683-5514

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Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 17, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 30, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 30, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Apr. 30, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Apr. 13, 2012	TEAS SECTION 8 & 15 RECEIVED	
Oct. 17, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2006	PUBLISHED FOR OPPOSITION	
Jul. 05, 2006	NOTICE OF PUBLICATION	
Jun. 03, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77975
May 31, 2006	ASSIGNED TO LIE	77975
May 31, 2006	ASSIGNED TO LIE	74189
May 25, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 27, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 25, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 25, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 17, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 17, 2006	NON-FINAL ACTION WRITTEN	76137
Feb. 17, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 17, 2006	NON-FINAL ACTION WRITTEN	76137
Feb. 08, 2006	ASSIGNED TO EXAMINER	76137
Jul. 26, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted
Continued Use:

Affidavit of Section 15 - Accepted
Incontestability:

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 112

Date in Location: Apr. 30, 2012

Duke University's Notice of Opposition

Exhibit 13:

TSDR website printout of Reg. No. 3,780,204

DUKEENGAGE

Generated on: This page was generated by TSDR on 2017-01-11 14:54:50 EST

Mark: DUKEENGAGE

DUKEENGAGE

US Serial Number: 77700792

Application Filing Date: Mar. 27, 2009

US Registration Number: 3780204

Registration Date: Apr. 27, 2010

Register: Principal

Mark Type: Service Mark

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

Status Date: Jun. 23, 2016

Publication Date: Feb. 09, 2010

Mark Information

Mark Literal Elements: DUKEENGAGE

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

Claimed Ownership of US Registrations: 2203764, 2317603, 2415817 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: charitable services, namely, organizing and conducting volunteer programs and community service projects; providing a website featuring information on social issues, namely, activities in the field of civic engagement and public service

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2007

Use in Commerce: Feb. 01, 2007

For: charitable fundraising services

International Class(es): 036 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2007

Use in Commerce: Feb. 01, 2007

For: Educational services, namely, conducting workshops and programs and providing internships in the field of civic engagement and public service and distribution of training material in connection therewith; on-line journals, namely, blogs featuring information regarding cultural immersion for community service projects and other volunteer programs

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2007

Use in Commerce: Feb. 01, 2007

For: Computer services, namely, creating an on-line community for users to participate in discussions and receive feedback

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2007

Use in Commerce: Feb. 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: Duke University

Owner Address: 310 Blackwell Street
4th floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson

Docket Number: DUKU0457

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Vedia Jones-Richardson
Olive and Olive, P.A.
500 Memorial Street
DURHAM, NORTH CAROLINA 27701
UNITED STATES

Phone: 919-683-5514

Fax: 919-688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 23, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 23, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	82094
Jun. 23, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	82094
Apr. 19, 2016	TEAS SECTION 8 & 15 RECEIVED	
Apr. 27, 2010	REGISTERED-PRINCIPAL REGISTER	
Feb. 09, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 09, 2010	PUBLISHED FOR OPPOSITION	
Jan. 07, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Jan. 07, 2010	ASSIGNED TO LIE	74221

Dec. 17, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 16, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 16, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 17, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 17, 2009	NON-FINAL ACTION E-MAILED	6325
Jun. 17, 2009	NON-FINAL ACTION WRITTEN	81097
Jun. 17, 2009	ASSIGNED TO EXAMINER	81097
Apr. 01, 2009	NOTICE OF PSEUDO MARK MAILED	
Mar. 31, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 31, 2009	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 102

Date in Location: Jun. 23, 2016

Duke University's Notice of Opposition

Exhibit 14:

TSDR website printout of Reg. No. 3,878,213

DUKE with Devil Design



Generated on: This page was generated by TSDR on 2017-01-11 14:55:46 EST

Mark: DUKE



US Serial Number: 78944344

Application Filing Date: Aug. 03, 2006

US Registration Number: 3878213

Registration Date: Nov. 16, 2010

Register: Principal

Mark Type: Trademark

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: Nov. 16, 2010

Publication Date: Oct. 20, 2009

Notice of Allowance Date: Apr. 20, 2010

Mark Information

Mark Literal Elements: DUKE

Standard Character Claim: No

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

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

Design Search Code(s): 04.01.05 - Heads with horns (persons); Heads of devils or horned personages, with or without wings, and devil's tail

Related Properties Information

Claimed Ownership of US Registrations: 1703446, 1737968, 1742734 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: Decals, note pads, note cards, writing paper, and binders

International Class(es): 016 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2010

Use in Commerce: Feb. 01, 2010

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

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

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

Amended 44E: No

Current Owner(s) Information

Owner Name: Duke University
Owner Address: 310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA UNITED STATES 27701
Legal Entity Type: NON-PROFIT CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0444
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Vedia Jones-Richardson
Olive & Olive, P.A.
500 Memorial Street
DURHAM, NORTH CAROLINA UNITED STATES 27701
Phone: (919) 683-5514
Fax: (919) 688-3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 14, 2016	TEAS SECTION 8 & 15 RECEIVED	
Dec. 17, 2010	CERTIFICATE OF CORRECTION ISSUED	76293
Dec. 17, 2010	ASSIGNED TO PARALEGAL	76293
Nov. 16, 2010	REGISTERED-PRINCIPAL REGISTER	
Oct. 14, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 13, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884
Oct. 13, 2010	ASSIGNED TO LIE	70884
Sep. 30, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 28, 2010	STATEMENT OF USE PROCESSING COMPLETE	76874
Aug. 30, 2010	USE AMENDMENT FILED	76874
Sep. 27, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Aug. 30, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 20, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 05, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Nov. 18, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 20, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 20, 2009	PUBLISHED FOR OPPOSITION	
Sep. 16, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Sep. 15, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Feb. 21, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 29, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Jul. 24, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76243
Jan. 23, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jul. 23, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 23, 2007	LETTER OF SUSPENSION E-MAILED	6332

Jul. 23, 2007	SUSPENSION LETTER WRITTEN	76635
Jun. 30, 2007	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Jun. 30, 2007	ASSIGNED TO LIE	76243
Dec. 28, 2006	LETTER OF SUSPENSION E-MAILED	6332
Dec. 28, 2006	SUSPENSION LETTER WRITTEN	76635
Dec. 17, 2006	ASSIGNED TO EXAMINER	76635
Aug. 09, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 08, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: The drawing is corrected to appear as follows: Publish cut

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Feb. 17, 2011

Duke University's Notice of Opposition

Exhibit 15:

TSDR website printout of Reg. No. 3,936,096

DUKE

Generated on: This page was generated by TSDR on 2017-01-11 14:56:07 EST

Mark: DUKE

US Serial Number: 75567914

Application Filing Date: Oct. 08, 1998

US Registration Number: 3936096

Registration Date: Mar. 29, 2011

Register: Principal

Mark Type: Trademark

Status: The Trademark Trial and Appeal Board has terminated a cancellation proceeding. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Dec. 01, 2016

Publication Date: Jul. 07, 2009

Mark Information

Mark Literal Elements: DUKE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 1702830, 1707827, 2026492

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: clothing for men, women and children, namely, cloth and plastic bibs, booties, cheerleading costumes, dresses, hats, jackets, jerseys, mittens, neckties, nightshirts, pajamas, pants, playsuits, shirts, shoes, shorts, slippers, socks, sun visors, sweatbands, sweatpants, sweatshirts, sweaters, T-shirts and vests, and headwear, namely, earbands

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 1926

Use in Commerce: 1926

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: Duke University

Owner Address: Office of Counsel
Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson

Docket Number: DUKU0433

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Vedia Jones-Richardson
Olive & Olive, P.A.
500 Memorial Street
DURHAM, NORTH CAROLINA 27701
UNITED STATES

Phone: 9196835514

Fax: 9196883781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 06, 2016	TEAS SECTION 15 RECEIVED	
Dec. 01, 2016	TTAB RELEASE CASE TO TRADEMARKS	63474
Dec. 01, 2016	CANCELLATION TERMINATED NO. 999999	63474
Nov. 30, 2016	CANCELLATION DISMISSED NO. 999999	63474
Apr. 07, 2016	CANCELLATION INSTITUTED NO. 999999	63474
Mar. 29, 2016	TEAS SECTION 8 & 15 RECEIVED	
Mar. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 18, 2011	TTAB RELEASE CASE TO TRADEMARKS	193267
Feb. 18, 2011	OPPOSITION TERMINATED NO. 999999	193267
Feb. 18, 2011	OPPOSITION DISMISSED NO. 999999	193267
Jan. 05, 2010	OPPOSITION INSTITUTED NO. 999999	193267
Jul. 27, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 07, 2009	PUBLISHED FOR OPPOSITION	
Jun. 17, 2009	NOTICE OF PUBLICATION	
Jun. 04, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jun. 03, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 02, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 02, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 08, 2008	FINAL REFUSAL MAILED	
Dec. 08, 2008	FINAL REFUSAL WRITTEN	76145
Nov. 17, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
May 14, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 14, 2008	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
Nov. 13, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171

May 09, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Apr. 26, 2007	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
Apr. 26, 2007	ASSIGNED TO LIE	68171
Oct. 10, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Apr. 05, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145
Oct. 04, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Mar. 29, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76532
Sep. 20, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 12, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70138
May 29, 2003	CASE FILE IN TICRS	
Apr. 26, 2000	LETTER OF SUSPENSION MAILED	
Apr. 25, 2000	ASSIGNED TO EXAMINER	76145
Dec. 27, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 21, 1999	NON-FINAL ACTION MAILED	
Jun. 04, 1999	ASSIGNED TO EXAMINER	74301
May 14, 1999	ASSIGNED TO EXAMINER	69817
May 11, 1999	ASSIGNED TO EXAMINER	74301
May 06, 1999	ASSIGNED TO EXAMINER	73712

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2011

Apr. 05, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145
Oct. 04, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Mar. 29, 2005	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76532
Sep. 20, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 12, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70138
May 29, 2003	CASE FILE IN TICRS	
Apr. 26, 2000	LETTER OF SUSPENSION MAILED	
Apr. 25, 2000	ASSIGNED TO EXAMINER	76145
Dec. 27, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 21, 1999	NON-FINAL ACTION MAILED	
Jun. 04, 1999	ASSIGNED TO EXAMINER	74301
May 14, 1999	ASSIGNED TO EXAMINER	69817
May 11, 1999	ASSIGNED TO EXAMINER	74301
May 06, 1999	ASSIGNED TO EXAMINER	73712

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2011

Duke University's Notice of Opposition

Exhibit 16:

TSDR website printout of Reg. No. 3,995,015

DUKE UNIVERSITY ATHLETICS EXCELLENCE
LOYALTY DIVERSITY EDUCATION
ACCOUNTABILITY SPORTSMANSHIP
COMMITMENT INTEGRITY RESPECT D



Generated on: This page was generated by TSDR on 2017-01-11 14:56:26 EST

Mark: DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY
EDUCATION ACCOUNTABILITY SPORTSMANSHIP COMMITMENT
INTEGRITY RESPECT D



US Serial Number: 85049335

Application Filing Date: May 27, 2010

US Registration Number: 3995015

Registration Date: Jul. 12, 2011

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: Jul. 12, 2011

Publication Date: Nov. 16, 2010

Notice of Allowance Date: Jan. 11, 2011

Mark Information

Mark Literal Elements: DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D

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 medallion design that consists of two outer concentric rings and an inner circle. The outermost ring has a scalloped border and contains nine stars. The mid ring contains the words "DUKE UNIVERSITY ATHLETICS" in a circular presentation. The inner circle contains the words "LOYALTY DIVERSITY EDUCATION ACCOUNTABILITY" stacked in the top half and "SPORTSMANSHIP COMMITMENT INTEGRITY RESPECT" stacked in the bottom half. The word "EXCELLENCE" appears in an oblong banner that horizontally bisects the entire medallion. A stylized letter "D" appears at the bottom of the medallion in the scalloped outer ring.

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

Disclaimer: "UNIVERSITY", "ATHLETICS", "EXCELLENCE", "LOYALTY", "DIVERSITY", "EDUCATION", "ACCOUNTABILITY", "SPORTSMANSHIP", "COMMITMENT", "INTEGRITY" AND "RESPECT"

Design Search Code(s): 24.07.04 - Medals

24.09.07 - Advertising, banners; Banners

26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

Related Properties Information

Claimed Ownership of US Registrations: 2203764, 2317603, 2415817 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: Clothing, namely, shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 11, 2006

Use in Commerce: Sep. 11, 2006

For: Entertainment services, namely, organizing and conducting an array of athletic events; Encouraging university athletic program by organizing and conducting educational programs and activities for athletes, alumni, supporters and fans; providing various facilities for an array of sporting events, sports and athletic competitions and awards programs

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 11, 2006

Use in Commerce: Sep. 11, 2006

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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: Duke University

Owner Address: 310 Blackwell Street, 4th Floor
Office of Counsel
Durham, NORTH CAROLINA 27710
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0455

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: 919-683-5514

Fax: 919-688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 13, 2011	REPRINTING REGISTRATION CERTIFICATE	
Sep. 13, 2011	CERTIFICATE OF CORRECTION ISSUED	70132
Aug. 28, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132

Aug. 25, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 12, 2011	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 06, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
May 24, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 24, 2011	STATEMENT OF USE PROCESSING COMPLETE	61813
May 19, 2011	USE AMENDMENT FILED	61813
May 24, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 19, 2011	TEAS STATEMENT OF USE RECEIVED	
Jan. 11, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 16, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 16, 2010	PUBLISHED FOR OPPOSITION	
Oct. 08, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Oct. 08, 2010	ASSIGNED TO LIE	69712
Sep. 24, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 24, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 24, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 24, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 24, 2010	EXAMINERS AMENDMENT -WRITTEN	73363
Sep. 14, 2010	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Sep. 14, 2010	PRIORITY ACTION E-MAILED	6326
Sep. 14, 2010	PRIORITY ACTION WRITTEN	73363
Sep. 09, 2010	ASSIGNED TO EXAMINER	73363
Jun. 02, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 01, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 31, 2010	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the statement of goods , class 41Entertainment services, namely, organizing and conducting an array of athletic events; Encouraging university athletic program by organizing and conducting educational programs and activities for athletes, alumni, supporters and fans; providing various facilities for an array of sporting events, sports and athletic competitions and awards programs should be inserted. First use dates anywhere and in commerce 9-11-2006 should be inserted.

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: Not Found

Date in Location: Oct. 28, 2011

Duke University's Notice of Opposition

Exhibit 17:

TSDR website printout of Reg. No. 4,108,223

IRON DUKES

Generated on: This page was generated by TSDR on 2017-01-11 14:56:48 EST

Mark: IRON DUKES

IRON DUKES

US Serial Number: 85356737

Application Filing Date: Jun. 27, 2011

US Registration Number: 4108223

Registration Date: Mar. 06, 2012

Register: Principal

Mark Type: Trademark

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

Status Date: Mar. 06, 2012

Publication Date: Dec. 20, 2011

Mark Information

Mark Literal Elements: IRON DUKES

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

Claimed Ownership of US Registrations: 1003662

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: Decals

International Class(es): 016 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Drinking vessels

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Blankets for outdoor use

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Shirts and hats for non-industrial uses

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 2011

For: Golf balls

International Class(es): 028 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2011

Use in Commerce: May 12, 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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0492

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
500 Memorial Street
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 06, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 20, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 20, 2011	PUBLISHED FOR OPPOSITION	
Nov. 30, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Nov. 16, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Nov. 09, 2011	ASSIGNED TO LIE	70633
Oct. 19, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 19, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 19, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 19, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 19, 2011	EXAMINERS AMENDMENT -WRITTEN	82436
Oct. 12, 2011	ASSIGNED TO EXAMINER	82436
Jul. 01, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 30, 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: Mar. 06, 2012

Duke University's Notice of Opposition

Exhibit 18:

TSDR website printout of Reg. No. 4,172,132

DUKE with Devil Head Design



Generated on: This page was generated by TSDR on 2017-01-11 14:58:49 EST

Mark: DUKE



US Serial Number: 78944306

Application Filing Date: Aug. 03, 2006

US Registration Number: 4172132

Registration Date: Jul. 10, 2012

Register: Principal

Mark Type: Trademark

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

Status Date: Jul. 10, 2012

Publication Date: Feb. 21, 2012

Notice of Allowance Date: Apr. 17, 2012

Mark Information

Mark Literal Elements: DUKE

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 stylized wording "DUKE". A design of the side of a devil's head appears between the letters "U" and "K" in "DUKE".

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

Design Search Code(s): 04.01.05 - Heads with horns (persons); Heads of devils or horned personages, with or without wings, and devil's tail

Related Properties Information

Claimed Ownership of US Registrations: 1703446, 1737968, 1742734 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: Clothing for men and women, namely, tops and sweatshirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 2009

Use in Commerce: Oct. 2009

Basis Information (Case Level)

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

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

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: Duke University

Owner Address: 310 Blackwell Street, 4th Floor
Office of Counsel
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country NORTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0445

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919) 683-5514

Fax: (919) 688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 10, 2012	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 06, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Jun. 06, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 04, 2012	STATEMENT OF USE PROCESSING COMPLETE	76538
May 09, 2012	USE AMENDMENT FILED	76538
Jun. 01, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 09, 2012	TEAS STATEMENT OF USE RECEIVED	
Apr. 17, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 21, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 21, 2012	PUBLISHED FOR OPPOSITION	
Feb. 01, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 19, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Jan. 19, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 19, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 19, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 19, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 19, 2012	EXAMINERS AMENDMENT -WRITTEN	76635
Dec. 27, 2011	LIE CHECKED SUSP - TO ATTY FOR ACTION	74221
Jun. 24, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	74221
Dec. 23, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Dec. 03, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 03, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 03, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 29, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	74221
Sep. 29, 2010	ASSIGNED TO LIE	74221

Mar. 26, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Mar. 16, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Sep. 15, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 26, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Feb. 21, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 29, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	76243
Jul. 18, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jan. 18, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Jun. 30, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76243
Jun. 30, 2007	ASSIGNED TO LIE	76243
Dec. 28, 2006	LETTER OF SUSPENSION E-MAILED	6332
Dec. 28, 2006	SUSPENSION LETTER WRITTEN	76635
Dec. 17, 2006	ASSIGNED TO EXAMINER	76635
Aug. 09, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 08, 2006	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. 06, 2012

Duke University's Notice of Opposition

Exhibit 19:

TSDR website printout of Reg. No. 4,323,346

DUKE CHILDREN'S

Generated on: This page was generated by TSDR on 2017-01-11 14:59:14 EST

Mark: DUKE CHILDREN'S

DUKE CHILDREN'S

US Serial Number: 85658564

Application Filing Date: Jun. 21, 2012

US Registration Number: 4323346

Registration Date: Apr. 23, 2013

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: Apr. 23, 2013

Publication Date: Feb. 05, 2013

Mark Information

Mark Literal Elements: DUKE CHILDREN'S

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: "CHILDREN'S"

Related Properties Information

Claimed Ownership of US Registrations: 2317603

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: Downloadable electronic publications in the nature of bulletins in the field of healthcare

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 2009

Use in Commerce: Jun. 17, 2009

For: Bulletins concerning healthcare

International Class(es): 016 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 2009

Use in Commerce: Jun. 17, 2009

For: Retail pharmacy services; retail gift shop services

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 1974

Use in Commerce: 1974

For: Charitable fundraising services

International Class(es): 036 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 1974

Use in Commerce: 1974

For: Educational services, namely, conducting programs and training in the fields of medicine and healthcare; charitable services, namely, providing recreational activities for children suffering from illness in the nature of swimming, hiking, fishing, climbing, tennis, dance, photography, arts and crafts, and boating, and conducting field trips in the fields of arts, culture and science

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 1996

Use in Commerce: 1996

For: Scientific research

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1996

Use in Commerce: 1996

For: Healthcare; providing information in the field of healthcare

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1990

Use in Commerce: 1990

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0484

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 05, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 05, 2013	PUBLISHED FOR OPPOSITION	
Jan. 16, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 28, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Dec. 28, 2012	ASSIGNED TO LIE	68552
Dec. 11, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 10, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 10, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 15, 2012	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Oct. 15, 2012	PRIORITY ACTION E-MAILED	6326
Oct. 15, 2012	PRIORITY ACTION WRITTEN	81089
Oct. 08, 2012	ASSIGNED TO EXAMINER	81089
Jul. 06, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 25, 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: Apr. 23, 2013

Duke University's Notice of Opposition

Exhibit 20:

TSDR website printout of Reg. No. 4,342,645

**WASHINGTON DUKE INN &
GOLF CLUB**

Generated on: This page was generated by TSDR on 2017-01-11 14:59:37 EST

Mark: WASHINGTON DUKE INN & GOLF CLUB

WASHINGTON DUKE INN & GOLF CLUB

US Serial Number: 85756810

Application Filing Date: Oct. 17, 2012

US Registration Number: 4342645

Registration Date: May 28, 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: May 28, 2013

Publication Date: Mar. 12, 2013

Mark Information

Mark Literal Elements: WASHINGTON DUKE INN & GOLF CLUB

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: "INN & GOLF CLUB"

Name Portrait Consent: The name "WASHINGTON DUKE" does not identify a living individual.

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 gift shop; retail sporting goods store

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 1988

Use in Commerce: Oct. 1988

For: Providing sports facilities

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 1988

Use in Commerce: Oct. 1988

For: Hotel services; restaurant services; provision of banquet and social function facilities for special occasions; provision of conference, exhibition and meeting facilities

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 1988

Use in Commerce: Oct. 1988

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: Duke University
Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU2309
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: 919 683 5514
Fax: 919 688 3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 28, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 12, 2013	PUBLISHED FOR OPPOSITION	
Feb. 20, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Feb. 05, 2013	ASSIGNED TO LIE	77312
Jan. 23, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 23, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT -WRITTEN	83698
Jan. 23, 2013	ASSIGNED TO EXAMINER	83698
Oct. 23, 2012	NOTICE OF PSEUDO MARK MAILED	
Oct. 22, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 20, 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: May 28, 2013

Duke University's Notice of Opposition

Exhibit 21:

TSDR website printout of Reg. No. 4,372,828

DUKE MEDICINE

Generated on: This page was generated by TSDR on 2017-01-11 14:59:57 EST

Mark: DUKE MEDICINE

DUKE MEDICINE

US Serial Number: 78933450

Application Filing Date: Jul. 20, 2006

US Registration Number: 4372828

Registration Date: Jul. 23, 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: Jul. 23, 2013

Publication Date: Sep. 18, 2007

Notice of Allowance Date: Mar. 12, 2013

Mark Information

Mark Literal Elements: DUKE MEDICINE

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: "MEDICINE"

Related Properties Information

Claimed Ownership of US Registrations: 2203764, 2317603

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: Arranging and conducting educational conferences; medical and scientific training and teaching; arranging of exhibitions, seminars, conferences, professional workshops, training courses; organization of seminars, working groups, research groups and conventions, in the fields of medicine and science; production of radio or television programs; children's entertainment and amusement centers, namely, interactive play areas; entertainment in the nature of golf or tennis tournaments; awards programs for major corporations and individuals who have made significant charitable contributions; publishing documents, books, journals and reports in the fields of science and medicine; providing fitness and exercise facilities; educational research; providing instruction in the field of health and wellness

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

For: Clinical research; design of medical, optical, and scientific apparatus and instruments; design or development of information and databases; design and testing for new product development; design or testing of new products for others; licensing of intellectual property; medical research; medical and optical laboratories; scientific research and development

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

For: Blood bank; charitable services, namely, providing medical services, medical equipment, and medical supplies to those in need; charitable services, namely, patient assistance programs to provide drugs, drug counseling, and assistance in obtaining drugs for senior citizens and others in need; dentist services; emergency medical response services; health care; hospitals; hospices; medical, dental, optical, pharmaceutical, wellness and nursing care, consultation, and advice; medical information; nursing care; optician and optometry services; medical clinics; medical services; nutrition counseling; pharmaceutical dispensing; providing health information; providing medical information; rental of medical equipment; home health care and wellness counseling and psychotherapy with individuals, families, and groups; providing information in the field of health and wellness; social work services, namely, assisting patients and their families to obtain appropriate support services in the nature of home health care and wellness counseling; providing medical equipment to individuals

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

For: Grief and bereavement counseling; ministerial services; providing personal support services for families of patients, namely, companionship, help with medical forms, counseling and emotional support

International Class(es): 045 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2005

Use in Commerce: Jul. 21, 2005

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0446

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
P. O. Box 2049
500 Memorial Street
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919) 683-5514

Fax: (919) 688-3781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
Jun. 21, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 20, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Jun. 19, 2013	ASSIGNED TO LIE	67287
Jun. 05, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 04, 2013	STATEMENT OF USE PROCESSING COMPLETE	65362
May 07, 2013	USE AMENDMENT FILED	65362
Jun. 04, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
May 07, 2013	TEAS STATEMENT OF USE RECEIVED	
May 01, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 12, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 02, 2013	TTAB RELEASE CASE TO TRADEMARKS	183030
Jan. 02, 2013	OPPOSITION TERMINATED NO. 999999	183030
Jan. 02, 2013	OPPOSITION DISMISSED NO. 999999	183030
Mar. 18, 2008	OPPOSITION INSTITUTED NO. 999999	183030
Oct. 18, 2007	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 18, 2007	PUBLISHED FOR OPPOSITION	
Aug. 29, 2007	NOTICE OF PUBLICATION	
Aug. 13, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Aug. 13, 2007	ASSIGNED TO LIE	78289
Jun. 27, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 26, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 26, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 26, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 28, 2006	NON-FINAL ACTION E-MAILED	6325
Dec. 28, 2006	NON-FINAL ACTION WRITTEN	76635
Dec. 17, 2006	ASSIGNED TO EXAMINER	76635
Jul. 25, 2006	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. 20, 2013

Duke University's Notice of Opposition

Exhibit 22:

TSDR website printout of Reg. No. 4,397,703

DUKE FORWARD

Generated on: This page was generated by TSDR on 2017-01-11 15:00:20 EST

Mark: DUKE FORWARD

DUKE FORWARD

US Serial Number: 85738029

Application Filing Date: Sep. 25, 2012

US Registration Number: 4397703

Registration Date: Sep. 03, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

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

Status Date: Sep. 03, 2013

Publication Date: Mar. 12, 2013

Notice of Allowance Date: May 07, 2013

Mark Information

Mark Literal Elements: DUKE FORWARD

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

Claimed Ownership of US Registrations: 2317603, 3780204, 3995015 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: Accepting and administering monetary charitable contributions; Charitable fundraising services

International Class(es): 036 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 29, 2012

Use in Commerce: Sep. 29, 2012

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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: Duke University

Owner Address: Office of University Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU 0494

Attorney Primary Email Address: emailboxTM@oliveandolive.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
P. O. Box 2049
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DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES

Phone: (919)683-5514

Fax: (919)688-3781

Correspondent e-mail: emailboxTM@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 03, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 29, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Jul. 26, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 26, 2013	STATEMENT OF USE PROCESSING COMPLETE	66530
Jul. 01, 2013	USE AMENDMENT FILED	66530
Jul. 26, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Jul. 01, 2013	TEAS STATEMENT OF USE RECEIVED	
Jun. 25, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 07, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 12, 2013	PUBLISHED FOR OPPOSITION	
Feb. 20, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Feb. 05, 2013	ASSIGNED TO LIE	66213
Jan. 23, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 23, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 23, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 23, 2013	EXAMINERS AMENDMENT -WRITTEN	83698
Jan. 23, 2013	ASSIGNED TO EXAMINER	83698
Sep. 28, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 28, 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. 29, 2013

Duke University's Notice of Opposition

Exhibit 23:

TSDR website printout of Reg. No. 4,481,331

DUKE CONNECTED CARE

Generated on: This page was generated by TSDR on 2017-01-11 15:00:48 EST

Mark: DUKE CONNECTED CARE

DUKE CONNECTED CARE

US Serial Number: 77771298

Application Filing Date: Jun. 30, 2009

US Registration Number: 4481331

Registration Date: Feb. 11, 2014

Register: Principal

Mark Type: Service Mark

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

Status Date: Feb. 11, 2014

Publication Date: Nov. 17, 2009

Notice of Allowance Date: May 18, 2010

Mark Information

Mark Literal Elements: DUKE CONNECTED CARE

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: "CONNECTED CARE"

Related Properties Information

Claimed Ownership of US Registrations: 2203764, 2317603, 2415817

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: health care

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2012

Use in Commerce: Dec. 03, 2012

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country NORTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive

Docket Number: DUKU0482

Attorney Primary emailboxtm@oliveandolive.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent SUSAN FREYA OLIVE
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P. O. Box 2049
500 Memorial Street
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UNITED STATES

Phone: 919-683-5514

Fax: 919-688-3781

Correspondent e- emailboxtm@oliveandolive.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 11, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 08, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 07, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	73296
Jan. 03, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 31, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 30, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 30, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 20, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 20, 2013	FINAL REFUSAL E-MAILED	
Dec. 20, 2013	SU - FINAL REFUSAL - WRITTEN	82429
Dec. 03, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Dec. 03, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Nov. 25, 2013	ASSIGNED TO LIE	73296
Nov. 20, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 28, 2013	NON-FINAL ACTION E-MAILED	
May 28, 2013	SU - NON-FINAL ACTION - WRITTEN	82429
May 20, 2013	STATEMENT OF USE PROCESSING COMPLETE	76538
May 16, 2013	USE AMENDMENT FILED	76538
May 16, 2013	TEAS STATEMENT OF USE RECEIVED	
May 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 17, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 16, 2012	EXTENSION 5 GRANTED	76538
Nov. 13, 2012	EXTENSION 5 FILED	76538
Nov. 13, 2012	TEAS EXTENSION RECEIVED	
Nov. 12, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 03, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 02, 2012	EXTENSION 4 GRANTED	76538

Apr. 30, 2012	EXTENSION 4 FILED	76538
Apr. 30, 2012	TEAS EXTENSION RECEIVED	
Nov. 23, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 22, 2011	EXTENSION 3 GRANTED	76538
Nov. 17, 2011	EXTENSION 3 FILED	76538
Nov. 17, 2011	TEAS EXTENSION RECEIVED	
May 17, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 16, 2011	EXTENSION 2 GRANTED	76538
May 13, 2011	EXTENSION 2 FILED	76538
May 13, 2011	TEAS EXTENSION RECEIVED	
Nov. 11, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 10, 2010	EXTENSION 1 GRANTED	76538
Nov. 01, 2010	EXTENSION 1 FILED	76538
Nov. 10, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Nov. 01, 2010	TEAS EXTENSION RECEIVED	
May 18, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 02, 2010	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Dec. 16, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 17, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 17, 2009	PUBLISHED FOR OPPOSITION	
Oct. 14, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Oct. 14, 2009	ASSIGNED TO LIE	77075
Sep. 28, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 28, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 28, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 28, 2009	EXAMINERS AMENDMENT -WRITTEN	82429
Sep. 26, 2009	ASSIGNED TO EXAMINER	82429
Jul. 06, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 03, 2009	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: Jan. 07, 2014

Duke University's Notice of Opposition

Exhibit 24:

TSDR website printout of Reg. No. 4,760,204

IRON DUKES

Generated on: This page was generated by TSDR on 2017-01-11 15:01:07 EST

Mark: IRON DUKES

IRON DUKES

US Serial Number: 86445421

Application Filing Date: Nov. 05, 2014

US Registration Number: 4760204

Registration Date: Jun. 23, 2015

Register: Principal

Mark Type: Service Mark

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

Status Date: Jun. 23, 2015

Publication Date: Apr. 07, 2015

Mark Information

Mark Literal Elements: IRON DUKES

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

Claimed Ownership of US Registrations: 1003662, 2317603, 4108223 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: Charitable services, namely, promoting public awareness of the need for supporting athletic activities, facilities and events; Club services, namely, promoting the interests of supporters of athletic activities, facilities and events

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 1971

Use in Commerce: Jul. 01, 1971

For: Charitable fundraising to support athletic activities, facilities and events

International Class(es): 036 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 1971

Use in Commerce: Jul. 01, 1971

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

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

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name: Duke University
Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Freya Olive
Attorney Primary Email Address: emailboxtm@oliveandolive.com
Docket Number: DUKU0904
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE
OLIVE & OLIVE, P.A.
PO BOX 2049
DURHAM, NORTH CAROLINA 27702-2049
UNITED STATES
Phone: 919 683 5514
Fax: 919 688 3781
Correspondent e-mail: emailboxtm@oliveandolive.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 23, 2015	REGISTERED-PRINCIPAL REGISTER	
Apr. 07, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 07, 2015	PUBLISHED FOR OPPOSITION	
Mar. 18, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 26, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 25, 2015	ASSIGNED TO EXAMINER	89013
Nov. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 08, 2014	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. 23, 2015

Duke University's Notice of Opposition

Exhibit 25:

TSDR website printout of Reg. No. 5071698

Duke **TIP**

Generated on: This page was generated by TSDR on 2017-01-11 14:46:01 EST

Mark: DUKE TIP

Duke TIP

US Serial Number: 86872488

Application Filing Date: Jan. 12, 2016

US Registration Number: 5071698

Registration Date: Nov. 01, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Nov. 01, 2016

Publication Date: Aug. 16, 2016

Mark Information

Mark Literal Elements: DUKE TIP

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of Literal elements: "DUKE TIP". The word "Duke" written in-line with the "TIP" stylized mark. The "i" in "TIP" is lowercase and the dot on the "i" is inverse coloring. The letters in "TIP" are connected via the serifs.

Color(s) Claimed: Color is not claimed as a feature of the 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: head wear, tops, gloves, scarves, hooded sweatshirts, jackets, mittens, ties, bottoms, ponchos, sashes, singlets, hosiery, sweaters, uniforms

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1980

Use in Commerce: Dec. 31, 1980

For: Education services, namely, classroom, laboratory, correspondence and home study instruction, vocational instruction, mentoring, tutoring, classes, seminars and workshops for intellectually gifted students at the primary level and distribution of curricula course materials in connection therewith; Providing a website featuring information in the field of teaching academically gifted students; Research in the field of education; Education services, namely, training educators to teach academically gifted students and providing curricula in connection therewith

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 30, 1980

Use in Commerce: Sep. 30, 1980

For: Scientific research in the field of intellectual giftedness; Scientific research and development for identifying academically gifted students

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 30, 1980

Use in Commerce: Sep. 30, 1980

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA UNITED STATES 27701

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson

Docket Number: DUKU0499-005

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: VEDIA JONES-RICHARDSON
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
P.O. BOX 2049
DURHAM, NORTH CAROLINA UNITED STATES 27701

Phone: 9196835514

Fax: 9196883781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 01, 2016	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 16, 2016	PUBLISHED FOR OPPOSITION	
Jul. 27, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 11, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Jul. 01, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 09, 2016	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	88889
Jun. 09, 2016	TEAS VOLUNTARY AMENDMENT RECEIVED	
May 17, 2016	EXAMINER'S AMENDMENT ENTERED	70997
May 17, 2016	ASSIGNED TO LIE	70997
May 16, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 16, 2016	EXAMINERS AMENDMENT E-MAILED	6328
May 16, 2016	EXAMINERS AMENDMENT -WRITTEN	76508

May 12, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION WRITTEN	76508
Apr. 27, 2016	ASSIGNED TO EXAMINER	76508
Jan. 19, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 15, 2016	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: Nov. 01, 2016

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91226605](#)

Filing Date: Feb 29, 2016

Status: Pending

Status Date: Feb 29, 2016

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Duke's Brewhouse, Inc.

Correspondent Address: MINDI M RICHTER
SHUMAKER LOOP & KENDRICK LLP
101 E KENNEDY BLVD STE 2800
TAMPA FL UNITED STATES , 33602

Correspondent e-mail: mrichter@slk-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUKE'S BREWHOUSE	Opposition Pending	86590454	
DUKE'S BREWHOUSE WINGS SPORTS SPIRITS	Registered	86590453	5107417

Plaintiff(s)

Name: Duke University

Correspondent Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM NC UNITED STATES , 27702

Correspondent e-mail: emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com , dmckenzie@oliveandolive.com , dauid@mckenzielaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764

DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE MEDICINE	Registered	78933450	4372828
DUKE FORWARD	Registered	85738029	4397703
DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273
DUKES AND DUCHESSSES	Publication/Issue Review Complete	86888034	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 29, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 29, 2016	Apr 09, 2016
3	PENDING, INSTITUTED	Feb 29, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 05, 2016	
5	SUSPENDED	Apr 05, 2016	
6	ANSWER	Jun 08, 2016	
7	D MOT TO COMPEL DISCOVERY	Nov 02, 2016	
8	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 14, 2016	
9	P APPEARANCE / POWER OF ATTORNEY	Nov 17, 2016	
10	P OPP/RESP TO MOTION	Nov 17, 2016	
11	P OPP/RESP TO MOTION	Nov 18, 2016	
12	D REPLY IN SUPPORT OF MOTION	Nov 30, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91226330](#)

Filing Date: Feb 16, 2016

Status: Pending

Status Date: Feb 16, 2016

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: R&L Brands, LLC

Correspondent Address: SIMOR L. MOSKOWITZ
Westerman Hattori Daniels & Adrian Llp
1250 Connecticut Ave NW Ste 700
Washington DC , 20036-2657

Correspondent e-mail: trademarkmail@WHDA.com, smoskowitz@whda.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUKESA	Opposition Pending	86583201	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial Street
Durham NC UNITED STATES , 27701

Correspondent e-mail: emailboxTTAB@oliveandolive.com , solve@oliveandolive.com , shernandez@oliveandolive.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE MEDICINE	Registered	78933450	4372828
DUKE FORWARD	Registered	85738029	4397703
DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 16, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 16, 2016	Mar 27, 2016
3	PENDING, INSTITUTED	Feb 16, 2016	
4	STIP FOR EXT	Mar 18, 2016	
5	EXTENSION OF TIME GRANTED	Mar 18, 2016	
6	STIP FOR EXT	May 26, 2016	
7	EXTENSION OF TIME GRANTED	May 26, 2016	
8	STIP FOR EXT	Jul 22, 2016	
9	EXTENSION OF TIME GRANTED	Jul 22, 2016	
10	STIP FOR EXT	Sep 23, 2016	
11	EXTENSION OF TIME GRANTED	Sep 23, 2016	
12	STIP TO SUSP PEND SETTL NEGOTIATIONS	Nov 22, 2016	
13	SUSPENDED	Nov 22, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91226343](#)

Filing Date: Feb 16, 2016

Status: Terminated

Status Date: Jul 06, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: John Wayne Enterprises, LLC

Correspondent LINDSAY J HULLEY
Address: RUTAN & TUCKER LLP
611 ANTON BLVD FL 14
COSTA MESA CA UNITED STATES , 92626-7681

Correspondent e-mail: lhulley@rutan.com , kgalligan@rutan.com , trademarks@rutan.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
DINING WITH DUKE	Abandoned - After Inter-Partes Decision	86570740	
Plaintiff(s)			

Name: Duke University

Correspondent SUSAN FREYA OLIVE
Address: OLIVE & OLIVE PA
500 MEMORIAL STREET
DURHAM NC UNITED STATES , 27701

Correspondent e-mail: emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE FORWARD	Registered	85738029	4397703
DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 16, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	D MOT FOR EXT W/ CONSENT	Mar 14, 2016	
5	EXTENSION OF TIME GRANTED	Mar 14, 2016	
6	D MOT FOR EXT W/ CONSENT	May 26, 2016	

7	EXTENSION OF TIME GRANTED	May 26, 2016
8	W/DRAW OF APPLICATION	Jun 27, 2016
9	BD DECISION: DISMISSED W/O PREJ	Jul 06, 2016
10	TERMINATED	Jul 06, 2016

Type of Proceeding: Opposition

Proceeding Number: [91226416](#) **Filing Date:** Jan 27, 2016
Status: Terminated **Status Date:** Apr 25, 2016
Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: LE DUC
Correspondent Address: JULIA C ARCHER
ENNS & ARCHER LLP
939 BURKE STREET
WINSTON-SALEM NC UNITED STATES , 27101
Correspondent e-mail: jarcher@ennsandarcher.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LE DUC	Registered	79158780	4966772

Plaintiff(s)

Name: Duke University
Correspondent Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM NC UNITED STATES , 27702
Correspondent e-mail: emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com , jcortina@oliveandolive.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE MEDICINE	Registered	78933450	4372828

DUKE FORWARD	Registered	85738029	4397703
DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 27, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 19, 2016	Mar 30, 2016
3	PENDING, INSTITUTED	Feb 19, 2016	
4	STIP FOR EXT	Mar 29, 2016	
5	EXTENSION OF TIME GRANTED	Mar 29, 2016	
6	W/DRAW OF OPPOSITION	Apr 14, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Apr 25, 2016	
8	TERMINATED	Apr 25, 2016	

Duke University's Notice of Opposition

Exhibit 26:

TSDR website printout of Reg. No. 5053273

DUKE TIP

Generated on: This page was generated by TSDR on 2017-01-11 14:45:35 EST

Mark: DUKE TIP

DUKE TIP

US Serial Number: 86872484

Application Filing Date: Jan. 12, 2016

US Registration Number: 5053273

Registration Date: Oct. 04, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Oct. 04, 2016

Publication Date: Jul. 19, 2016

Mark Information

Mark Literal Elements: DUKE TIP

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: head wear, tops, gloves, scarves, hooded sweatshirts, jackets, mittens, ties, bottoms, ponchos, sashes, singlets, hosiery, sweaters, uniforms

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1980

Use in Commerce: Dec. 31, 1980

For: Education services, namely, classroom, laboratory, correspondence and home study instruction, vocational instruction, mentoring, tutoring, classes, seminars and workshops for intellectually gifted students at the primary level and distribution of curricula course materials in connection therewith; Providing a website featuring information in the field of teaching academically gifted students; Research in the field of education; Education services, namely, training educators to teach academically gifted students and providing curricula in connection therewith

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 30, 1980

Use in Commerce: Sep. 30, 1980

For: Scientific research in the field of intellectual giftedness; Scientific research and development for identifying academically gifted students

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 30, 1980

Use in Commerce: Sep. 30, 1980

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA 27701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Docket Number: DUKU0499-002

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: VEDIA JONES-RICHARDSON
OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
P.O. BOX 2049
DURHAM, NORTH CAROLINA 27701
UNITED STATES

Phone: 9196835514

Fax: 9196883781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 04, 2016	REGISTERED-PRINCIPAL REGISTER	
Jul. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2016	PUBLISHED FOR OPPOSITION	
Jun. 29, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Jun. 06, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2016	EXAMINER'S AMENDMENT ENTERED	70997
May 17, 2016	ASSIGNED TO LIE	70997
May 16, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 16, 2016	EXAMINERS AMENDMENT E-MAILED	6328
May 16, 2016	EXAMINERS AMENDMENT -WRITTEN	76508
May 12, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION WRITTEN	76508
Apr. 27, 2016	ASSIGNED TO EXAMINER	76508
Jan. 19, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 15, 2016	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: Oct. 04, 2016

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91226605](#)

Filing Date: Feb 29, 2016

Status: Pending

Status Date: Feb 29, 2016

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Duke's Brewhouse, Inc.

Correspondent Address: MINDI M RICHTER
SHUMAKER LOOP & KENDRICK LLP
101 E KENNEDY BLVD STE 2800
TAMPA FL , 33602
UNITED STATES

Correspondent e-mail: mrichter@slk-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUKE'S BREWHOUSE	Opposition Pending	86590454	
DUKE'S BREWHOUSE WINGS SPORTS SPIRITS	Registered	86590453	5107417

Plaintiff(s)

Name: Duke University

Correspondent Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM NC , 27702
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com , dmckenzie@oliveandolive.com , dauid@mckenzielaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204

DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE MEDICINE	Registered	78933450	4372828
DUKE FORWARD	Registered	85738029	4397703
DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273
DUKES AND DUCHESSES	Publication/Issue Review Complete	86888034	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 29, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 29, 2016	Apr 09, 2016
3	PENDING, INSTITUTED	Feb 29, 2016	
4	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 05, 2016	
5	SUSPENDED	Apr 05, 2016	
6	ANSWER	Jun 08, 2016	
7	D MOT TO COMPEL DISCOVERY	Nov 02, 2016	
8	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 14, 2016	
9	P APPEARANCE / POWER OF ATTORNEY	Nov 17, 2016	
10	P OPP/RESP TO MOTION	Nov 17, 2016	
11	P OPP/RESP TO MOTION	Nov 18, 2016	
12	D REPLY IN SUPPORT OF MOTION	Nov 30, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91226330](#)

Filing Date: Feb 16, 2016

Status: Pending

Status Date: Feb 16, 2016

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: R&L Brands, LLC

Correspondent Address: SIMOR L. MOSKOWITZ
Westerman Hattori Daniels & Adrian Llp
1250 Connecticut Ave NW Ste 700
Washington DC , 20036-2657

Correspondent e-mail: trademarkmail@WHDA.com, smoskowitz@whda.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUKESA	Opposition Pending	86583201	

Plaintiff(s)

Name: Duke University

Correspondent Address: Susan Freya Olive
Olive & Olive, P.A.
500 Memorial Street
Durham NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com

Associated marks

Serial	Registration
--------	--------------

Mark	Application Status	Number	Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
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DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
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WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
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DUKE CONNECTED CARE	Registered	77771298	4481331
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DUKE TIP	Registered	86872484	5053273

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 16, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 16, 2016	Mar 27, 2016
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4	STIP FOR EXT	Mar 18, 2016	
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6	STIP FOR EXT	May 26, 2016	
7	EXTENSION OF TIME GRANTED	May 26, 2016	
8	STIP FOR EXT	Jul 22, 2016	
9	EXTENSION OF TIME GRANTED	Jul 22, 2016	
10	STIP FOR EXT	Sep 23, 2016	
11	EXTENSION OF TIME GRANTED	Sep 23, 2016	
12	STIP TO SUSP PEND SETTLE NEGOTIATIONS	Nov 22, 2016	
13	SUSPENDED	Nov 22, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91226343](#)

Filing Date: Feb 16, 2016

Status: Terminated

Status Date: Jul 06, 2016

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: John Wayne Enterprises, LLC

Correspondent Address: LINDSAY J HULLEY
RUTAN & TUCKER LLP
611 ANTON BLVD FL 14

COSTA MESA CA , 92626-7681
UNITED STATES

Correspondent e-mail: lhulley@rutan.com , kgalligan@rutan.com , trademarks@rutan.com

Mark	Application Status	Serial Number	Registration Number
DINING WITH DUKE	Abandoned - After Inter-Partes Decision	86570740	

Plaintiff(s)

Name: Duke University

Correspondent Address: SUSAN FREYA OLIVE
OLIVE & OLIVE PA
500 MEMORIAL STREET
DURHAM NC , 27701
UNITED STATES

Correspondent e-mail: emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
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DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
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DKE	Renewed	74694684	2122067
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DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE FORWARD	Registered	85738029	4397703
DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 16, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 17, 2016	Mar 28, 2016
3	PENDING, INSTITUTED	Feb 17, 2016	
4	D MOT FOR EXT W/ CONSENT	Mar 14, 2016	
5	EXTENSION OF TIME GRANTED	Mar 14, 2016	
6	D MOT FOR EXT W/ CONSENT	May 26, 2016	
7	EXTENSION OF TIME GRANTED	May 26, 2016	
8	W/DRAW OF APPLICATION	Jun 27, 2016	

Type of Proceeding: Opposition**Proceeding Number:** [91226416](#)**Filing Date:** Jan 27, 2016**Status:** Terminated**Status Date:** Apr 25, 2016**Interlocutory Attorney:** CHRISTEN M ENGLISH**Defendant****Name:** LE DUC**Correspondent Address:** JULIA C ARCHER
ENNS & ARCHER LLP
939 BURKE STREET
WINSTON-SALEM NC , 27101
UNITED STATES**Correspondent e-mail:** jarcher@ennsandarcher.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LE DUC	Registered	79158780	4966772

Plaintiff(s)**Name:** Duke University**Correspondent Address:** SUSAN FREYA OLIVE
OLIVE & OLIVE PA
PO BOX 2049
DURHAM NC , 27702
UNITED STATES**Correspondent e-mail:** emailboxTTAB@oliveandolive.com , solive@oliveandolive.com , shernandez@oliveandolive.com , icortina@oliveandolive.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
IRON DUKES ID	Renewed	73002136	1003662
DUKE UNIVERSITY	Renewed	74208935	1701827
DUKE UNIVERSITY STORES	Renewed	74208327	1702350
DUKE UNIVERSITY	Renewed	74208934	1702830
UNIVERSITAS DUKIANA ERUDITIO ET RELIGIO	Renewed	74208924	1713473
DKE	Renewed	74693793	2026492
DKE	Renewed	75976141	2082553
D KE	Renewed	75976140	2092314
DKE	Renewed	74694684	2122067
DUKE CENTER FOR LIVING	Renewed	75321843	2203764
DUKE	Renewed	75347293	2317603
DUKECARD	Renewed	75892149	2415817
DUKIE	Section 8 and 15 - Accepted and Acknowledged	78674480	3157222
DUKEENGAGE	Section 8 and 15 - Accepted and Acknowledged	77700792	3780204
DUKE	Registered	78944344	3878213
DUKE	Cancellation Terminated - See TTAB Records	75567914	3936096
DUKE UNIVERSITY ATHLETICS EXCELLENCE LOYALTY DIVERSITY EDUCATION ACCOUNTABILITYSPORTSMANSHIP COMMITMENT INTEGRITY RESPECT D	Registered	85049335	3995015
IRON DUKES	Registered	85356737	4108223
DUKE	Registered	78944306	4172132
DUKE CHILDREN'S	Registered	85658564	4323346
WASHINGTON DUKE INN & GOLF CLUB	Registered	85756810	4342645
DUKE MEDICINE	Registered	78933450	4372828
DUKE FORWARD	Registered	85738029	4397703

DUKE CONNECTED CARE	Registered	77771298	4481331
DUKE TIP	Registered	86872488	5071698
DUKE TIP	Registered	86872484	5053273

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 27, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 19, 2016	Mar 30, 2016
3	PENDING, INSTITUTED	Feb 19, 2016	
4	STIP FOR EXT	Mar 29, 2016	
5	EXTENSION OF TIME GRANTED	Mar 29, 2016	
6	W/DRAW OF OPPOSITION	Apr 14, 2016	
7	BD DECISION: DISMISSED W/O PREJ	Apr 25, 2016	
8	TERMINATED	Apr 25, 2016	

Duke University's Notice of Opposition

Exhibit 27:

TSDR website printout of Reg. No. 5054186

DUKE HEALTH

Generated on: This page was generated by TSDR on 2017-01-11 14:46:40 EST

Mark: DUKE HEALTH

DUKE HEALTH

US Serial Number: 86919362

Application Filing Date: Feb. 25, 2016

US Registration Number: 5054186

Registration Date: Oct. 04, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Oct. 04, 2016

Publication Date: Jul. 19, 2016

Mark Information

Mark Literal Elements: DUKE HEALTH

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: "HEALTH"

Related Properties Information

Claimed Ownership of US Registrations: 4372828 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: Arranging and conducting educational conferences; medical and scientific training and teaching; education services, namely, providing exhibitions, seminars, and training in the fields of health and wellness, medicine and science; audio recording and production; video production services; children's entertainment and amusement centers, namely, interactive play areas; entertainment in the nature of golf and tennis tournaments; awards programs for corporations and individuals who have made significant charitable contributions; publication of documents, books, brochures, journals and reports in the fields of science and medicine; providing fitness and exercise facilities; research in the field of education

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: 1996

Use in Commerce: 1996

For: medical research; conducting clinical trials for others; database design and development; design and testing for new product development; medical and optical laboratories; scientific research and development

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class(es):**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** 1996**Use in Commerce:** 1996

For: Health care; Blood bank; Charitable services, namely, providing medical services, medical equipment, and medical supplies; Charitable services, namely, patient assistance programs to provide drugs and medical care free of charge to low-income patients without prescription drug or healthcare coverage; Dentist services; Emergency medical response services; Hospital services; Hospice services; Consulting services in the fields of medical, dental, optical, pharmaceutical, wellness and nursing care; Nursing care; Optician and optometry services; Medical services; Counseling in the fields of mental health, nutrition and wellness; Dispensing of pharmaceuticals; Providing health and medical information; Rental of medical equipment; Home health care services; Providing wellness services, namely, personal assessments, personalized routines, maintenance schedules, and counseling

International Class(es): 044 - Primary Class**U.S Class(es):** 100, 101**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** 1996**Use in Commerce:** 1996

For: Grief and bereavement counseling; licensing of intellectual property; ministerial services; providing personal support services for families of patients, namely, companionship, help with medical forms, emotional counseling and emotional support

International Class(es): 045 - Primary Class**U.S Class(es):** 100, 101**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** 1996**Use in Commerce:** 1996

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA UNITED STATES 27701

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson**Docket Number:** DUKU0423

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: VEDIA JONES-RICHARDSON
OLIVE & OLIVE, P.A.
500 MEMORIAL ST.
PO BOX 2049
DURHAM, NORTH CAROLINA UNITED STATES 27702-2049

Phone: 9196835514

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 04, 2016	REGISTERED-PRINCIPAL REGISTER	
Jul. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2016	PUBLISHED FOR OPPOSITION	
Jun. 29, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jun. 06, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2016	EXAMINER'S AMENDMENT ENTERED	68171
May 17, 2016	ASSIGNED TO LIE	68171
May 16, 2016	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 16, 2016	EXAMINERS AMENDMENT E-MAILED	6328
May 16, 2016	EXAMINERS AMENDMENT -WRITTEN	76508
May 12, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION WRITTEN	76508
Apr. 27, 2016	ASSIGNED TO EXAMINER	76508
Mar. 04, 2016	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Mar. 04, 2016	TEAS VOLUNTARY AMENDMENT RECEIVED	
Mar. 01, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 29, 2016	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: Oct. 04, 2016

Duke University's Notice of Opposition

Exhibit 28:

TSDR website printout of Reg. No. 5054699

**Duke
TIP**

Generated on: This page was generated by TSDR on 2017-01-11 14:48:06 EST

Mark: DUKE TIP



US Serial Number: 86934342

Application Filing Date: Mar. 09, 2016

US Registration Number: 5054699

Registration Date: Oct. 04, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Oct. 04, 2016

Publication Date: Jul. 19, 2016

Mark Information

Mark Literal Elements: DUKE TIP

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the word "Duke" written on top of the stylized "TIP" mark.

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

Related Properties Information

Claimed Ownership of US Registrations: 1636391

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: Head wear, tops, gloves, scarves, hooded sweatshirts, jackets, mittens, ties, bottoms, ponchos, sashes, singlets, hosiery, sweaters, uniforms

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: 1980

Use in Commerce: 1980

For: Education services, namely, classroom, laboratory, correspondence and home study instruction, vocational instruction, mentoring,

tutoring, classes, seminars and workshops for intellectually gifted students at the primary level and distribution of curricula course materials in connection therewith; Providing a website featuring information in the field of teaching academically gifted students; Research in the field of education; Education services, namely, training educators to teach academically gifted students and providing curricula in connection therewith

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1980

Use in Commerce: Sep. 1980

For: Scientific research in the field of intellectual giftedness; Scientific research and development for identifying academically gifted students

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1980

Use in Commerce: Sep. 1980

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: Duke University

Owner Address: Office of Counsel
310 Blackwell Street, 4th Floor
Durham, NORTH CAROLINA UNITED STATES 27701

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Vedia Jones-Richardson

Docket Number: DUKU0499-006

Attorney Primary Email Address: emailboxtm@oliveandolive.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: VEDIA JONES-RICHARDSON
OLIVE AND OLIVE, P.A.
500 MEMORIAL STREET
DURHAM, NORTH CAROLINA UNITED STATES 27701

Phone: 9196835514

Fax: 9196883781

Correspondent e-mail: emailboxtm@oliveandolive.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 04, 2016	REGISTERED-PRINCIPAL REGISTER	
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Jun. 29, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Jun. 13, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jun. 08, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2016	EXAMINER'S AMENDMENT ENTERED	68171
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May 16, 2016	EXAMINERS AMENDMENT -WRITTEN	76508
May 12, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION E-MAILED	6325
May 12, 2016	NON-FINAL ACTION WRITTEN	76508
Apr. 27, 2016	ASSIGNED TO EXAMINER	76508
Mar. 14, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 12, 2016	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: Oct. 04, 2016

Duke University's Notice of Opposition

Exhibit 29:

COMMON LAW MARKS

DUKE

Used as a house mark and as a trademark to identify a wide range of products sold and licensed by Duke University, in virtually all areas of endeavor, to men, women and children of all ages. For purposes of this proceeding, the products can generally be defined as consumer goods, and those asserted herein are the following:

- Leather goods, including brief cases, luggage, key chains, satchels, and clutches;
- Cosmetics, skin care products, personal bathing and grooming products, and toiletries (including, by way of example, body and nail art, decorative transfers, face paint, glitter, personal care packs comprising containers with toiletries therein, and toothbrushes);
- Clothing of all types for babies, children, men and women (including, by way of example, belts and suspenders; bibs; bottoms including pants, shorts, and other bottoms, separately or in combination with tops; footwear; hairwear; headwear and neckwear; loungewear, nightwear and sleepwear; outerwear including blazers, coats, foul weather gear, jackets, sweatshirts, and other outerwear; tops including shirts, blouses, and other tops; undergarments and other lingerie; and specialty wear including athletic apparel, bike shorts, exercise wear, performance wear, skiwear, swimwear, and uniforms);
- Clothing accessories and hair accessories;
- Fabric for sewing;
- Personal accessories (including, by way of example, hair holders and hair ornaments, key holders, sunglasses, and wallets);
- Eyeglasses, sunglasses, sports goggles, eyeglass accessories
- Jewelry for men and women (including both costume jewelry and jewelry of precious metal);
- Lighting and accessories therefor (including by way of example lamps, lampshades, and flashlights);
- Lighting and accessories therefor (including by way of example lamps, lampshades, and flashlights);
- Time-keeping instruments (including clocks and watches);
- Electronic and computer accessories (including, by way of example, data storage devices, earphones, mouse pads, protective storage for computers and computer accessories, speakers);
- Computer application software (including, by way of example, web-based information and applications for use on common mobile platforms; and educational programs)
- Containers for personal and household items, and luggage (including, by way of example, backpacks; bags and cases adapted to hold electronic devices and computers; baskets; containers to hold personal care, skin care, grooming, and cosmetic items; coolers; duffels; piggy banks; sport bags; suitcases; totes); luggage tags
- Beverageware, barware, insulating covers for beverage containers, coolers, decanters, flasks, drinkware; feeding wares for children; kitchenware; kitchen, cooking and grilling accessories; picnicware; tableware
- Foods and beverages
- Housewares and household furnishings (including by way of example candles, cushions, curtains, mats, picture frames, rugs, and trash cans); bedding and pillows; bathware (the latter including, by way of example, towels, washcloths, bath mats, shower curtains, toiletry holders, and bathing accessories);

- Décor and ornaments; holiday ornaments and holiday décor; household ornaments; sports ornaments; decorative items for home, vehicle, business and garden adornment; banners, decals, flags and pennants;
- Automobile and other vehicular decorative accessories (including by way of example banners bumper stickers, decals, flags, fins, key holders, license plate holders; mirror ornaments, ornamental license plates, pennants);
- Writing instruments and paper goods (the latter including by way of example artworks of paper; books; cards; memo pads, paper napkins; paper plates; wrapping paper; collectibles)
- Desk and office accessories (including by way of example business card holders, desk sets, memo pad holders, pencil holders, paper clip holders, paper weights, photo albums);
- Furniture (including by way of example chairs, canopies, stools, and tables);
- Games and toys (including, by way of example, action figures, dolls, stuffed and plush toys, board games, card games, electronic and video games, tabletop games, outdoor games and equipment for such games; toy sporting equipment); game tables;
- Sports equipment and sports accessories (including by way of example balls, ball markers, bats, carabiners, golf bags, golf headcovers, helmets, sports bags, tees, sports towels, sports umbrellas); bicycles and bicycle accessories (the latter including by way of example bicycle clothing, gear, and bags);
- Sports memorabilia; university memorabilia; fanware; gift items intended to remind recipients of Duke University or some aspect of the services and entertainment provided by Duke University and its affiliates
- Pet accessories (including by way of example apparel, costumes, restraint devices, and toys);
- Pre-recorded musical, audio, and audiovisual works; cell phone ringtones; streaming live musical performances; streaming live athletic performances; streaming live educational programs and performances
- Publications in the nature of books, booklets, brochures, magazines, periodicals, and documents, and information provided via the Internet, such publications relating to Duke University, its programs, research, staff, students, fans, and alumni, and/or concerning subjects of general human interest and/or of interest to students, professors, alumni and/or fans, and/or concerning subjects of interest to professionals in fields of study taught at Duke University;
- And, all products listed in the trademark registrations recited in the Notice of Opposition.

DUKE

Used as a house mark and as a service mark to identify a wide range of services provided and licensed by Duke University, including all services typically provided by a major research university with an associated medical center, professional schools, top tier athletic teams, and trademark licensing program. For purposes of this proceeding, those asserted herein are the following:

- Charitable and fundraising services;
- Educational services for men, women and children (including the provision of classes, conferences, courses, seminars, tutoring, training, and workshops, both in traditional formats and via broadcast and online media, at the pre-university, university, graduate and post-graduate levels);
- Educational and training services in the fields of art, business, economics, education, engineering, environmental studies, foreign languages, health and wellness, law, liberal arts, mathematics, medicine, military science, music, nursing, public policy, religion, science, social

sciences, sports, technology, the performance arts, and auxiliary skills necessary to success in life and in a career;

- Entertainment services, namely sponsoring athletic events, artistic performances, and cultural affairs; organizing and conducting collegiate and pre-collegiate sport competitions and athletic events;
- Optometry services and ophthalmology services
- Museums and museum services;
- Musical and theatrical performances, training, and education;
- Personal care services in the nature of spa, gym, salon and barber shop services;
- Photography services;
- Providing athletic performances, providing and/or sponsoring athletic teams and clubs, and engaging in athletic competitions in the fields of badminton, baseball, basketball, crew, cross country, cycling, dancing, diving, endurance events, equestrian, fencing, field hockey, football, golf, ice hockey, ice skating, lacrosse, martial arts, motor sports (including automobile racing), racing, racquetball, rowing, rugby, sailing, skiing, soccer, softball, snowboard, swimming, table tennis, tennis, track and field, ultimate Frisbee, volleyball, water polo, and wrestling, and in all sports regulated by the NCAA;
- Providing counseling services, hospital services, medical and nursing services, diet and fitness services, mental and physical health and wellness services, psychological and psychiatric services, pharmaceutical services;
- Providing, on-line and through live, broadcast and pre-recorded media, information relating to Duke University, its programs, research, employees, students, fans, and alumni, information concerning subjects of general human interest, information of interest to students, employees, alumni and/or fans, and information concerning subjects of interest to professionals in fields of study taught at Duke University;
- Publishing services;
- Religious instruction, teaching, counseling and services including divinity school services and church services;
- Research in the fields of art, business, economics, education, engineering, environmental studies, foreign languages, law, liberal arts, health and wellness, mathematics, medicine, music, nursing, public policy, religion, science, social sciences, sports, technology, the performance arts, and auxiliary skills necessary to success in a career, and in all fields in which Duke University provides educational services;
- Restaurant services, hospitality services, bar services, provision of food and beverages, catering services; provision of food and drink; supervision of third party provision of food and beverages, including mobile truck food and beverage services; coordination and provision of facilities for service of food and beverages including food truck services; provision of food truck rodeos; provision of kitchen, serving, and vending facilities; agricultural, horticultural and sales services in the field of food
- Sports camp, sports club, sports medicine, sports rehabilitation, and sports training services;
- Retail store and retail sales services, from fixed premises and online and via catalog and telephone and mail-order, featuring a wide variety of consumer goods of others; retail store and retail sales services, from fixed premises and online and via catalog and telephone and mail-order, featuring a wide variety of goods bearing the marks of Duke University; retail store and retail sales services, from fixed premises and online and via catalog and telephone and mail-

order, featuring those goods identified in the list of common law goods recited in this Notice of Opposition

- Retail optical store services
- And, all services listed in the service mark registrations recited in the Notice of Opposition.

DUKE UNIVERSITY

Substantially the same goods as provided herein with respect to DUKE; substantially the same services as provided herein with respect to DUKE