

ESTTA Tracking number: **ESTTA1336124**  
Filing date: **01/25/2024**

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	Audi AG		
Entity	aktiengesellschaft	Incorporated or registered in	Germany
Address	AUTO-UNION STR. 1 INGOLSTADT, 85057 GERMANY		
Attorney information	WILLIAM C. WRIGHT EPSTEIN DRANGEL LLP 60 EAST 42ND STREET, SUITE 1250 NEW YORK, NY 10165 UNITED STATES Primary email: mail@ipcounselors.com No phone number provided		
Docket no.			

### Applicant information

Application no.	97832922	Publication date	12/26/2023
Opposition filing date	01/25/2024	Opposition period ends	01/25/2024
Applicant	NIO Co. Ltd. SUITE 115, 569 ANCHI ROAD ANTING TOWN, JIADING DISTRICT SHANGHAI, 201805 CHINA		

### Goods/services affected by opposition

Class 012. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Sports cars; cars; engines for land vehicles; bicycles; tyres for vehicle wheels; water vehicles, namely, boats, submarines, catamarans; steering wheels for vehicles; electrically-powered motor vehicles; tram cars; motorcycles; apparatus for locomotion on land, air or water, namely, motor vehicles, boats, airplanes; vehicles, namely, armored vehicles, all-terrain vehicles (ATVs), hot air balloons being vehicles; two-wheeled, four-wheeled, concept motor vehicles; land vehicles; motors, electric, for land vehicles; vehicle axles; bodies for electric vehicles; brake shoes and brake linings for vehicles; structural components for land vehicles, namely, brake calipers, brake systems, bumpers, couplings, differentials, drive wheels, drive shafts, engines, shift selectors, gearboxes, transmission shafts, hydraulic cylinders and engines, couplings, bearings; chassis for vehicles; structural components for vehicles, namely, manual and power steering, safety belts, seats, sliding roofs, steering columns; hubs for vehicle wheels; vehicle wheels; structural components for vehicles, namely, deflectors, direction indicators, doors, hatches, upholstery, door handles, horns, mirrors, luggage racks, ski racks, wheel mudguards, snow chains or anti-skid chains, headrests, safety belts, child safety seats, mud flaps, roof racks, shock absorbers, springs, stabilizer, starters, steering wheels, steering linkages, wheel suspensions, torsion bars, bars,

windows, window winders, wipers; arm rests for vehicles; lead weight being structural components for balancing vehicle wheels; protective covers, radiator grills, fluid reservoirs, storage boxes and boxes, spare wheel holders, all being structural parts of vehicles; moldings being structural parts for vehicle bodywork; structural and replacement parts and accessories for vehicles, in particular motor vehicles and electric vehicles

Class 028. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Toy cars; toy vehicles; scale model vehicles; scale model kits for crafting; toy bicycles; toy scooters; jigsaw puzzles; toy drones; smart plush toys; smart robot toys; playing cards; sports equipment, namely, basketballs, skis, hockey sticks; skateboards; fairground amusement park ride apparatus; arcade video game machines; electric amusement park rides in the nature of bumper cars; in-line roller skates; golf ball carriers in the nature of golf ball sleeves; body-building apparatus; machines for physical exercises

## Grounds for opposition

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

## Marks cited by opposer as basis for opposition

U.S. registration no.	1917829	Application date	09/21/1994
Register	Principal		
Registration date	09/12/1995	Foreign priority date	NONE
Word mark	S6		
Design mark			
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: Oct 1994 First Use In Commerce: Oct 1994 automobiles and structural parts therefor		

U.S. registration no.	2499526	Application date	09/07/1999
Register	Principal		
Registration date	10/23/2001	Foreign priority date	NONE
Word mark	S4		
Design mark			
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: Jul 1999 First Use In Commerce: Jul 1999 Automobiles and structural parts therefor		

U.S. registration no.	2534302	Application date	05/18/2000
Register	Principal		
Registration date	01/29/2002	Foreign priority date	NONE
Word mark	S8		
Design mark			
Description of	NONE		

mark	
Goods/services	Class 012. First use: First Use: Nov 30, 2000 First Use In Commerce: Nov 30, 2000 automobiles [ and structural parts therefore ]

U.S. registration no.	2889135	Application date	07/03/2003
Register	Principal		
Registration date	09/28/2004	Foreign priority date	02/26/2003
Word mark	RS4		
Design mark			
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: None First Use In Commerce: None AUTOMOBILES AND STRUCTURAL PARTS THEREOF Class 018. First use: First Use: None First Use In Commerce: None LEATHER AND IMITATIONS OF LEATHER SOLD IN BULK; GOODS MADE OF LEATHER AND IMITATION LEATHER, NAMELY KEY CHAINS, PURSES, WALLETS, BRIEF CASES; ANIMAL SKINS, HIDES; TRAVELING TRUNKS AND TRAVELING BAGS; UMBRELLAS, PARASOLS AND WALKING STICKS; WHIPS, HARNESSSES AND SADDLES		

U.S. registration no.	3324676	Application date	09/05/2006
Register	Principal		
Registration date	10/30/2007	Foreign priority date	05/03/2006
Word mark	S5		
Design mark			
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: None First Use In Commerce: None Vehicles, namely, apparatus for locomotion by land, [ air or water, ], namely, automobiles Class 025. First use: First Use: None First Use In Commerce: None [ Clothing, namely, t-shirts, polo shirts, footwear and ] headgear, namely, hats and caps Class 028. First use: First Use: None First Use In Commerce: None [ Games and playthings, namely, toy model cars ]		

U.S. registration no.	3421582	Application date	03/14/2007
Register	Principal		
Registration date	05/06/2008	Foreign priority date	NONE
Word mark	S7		
Design mark			
Description of mark	NONE		

Goods/services	Class 012. First use: First Use: None First Use In Commerce: None land vehicles, namely, automobiles and structural parts therefore, other than mini two-seater vehicles and their structurally defined parts		
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U.S. registration no.	3835128	Application date	09/05/2006
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Register	Principal		
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Registration date	08/17/2010	Foreign priority date	NONE
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Word mark	S3		
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Design mark			
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Description of mark	NONE		
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Goods/services	Class 012. First use: First Use: None First Use In Commerce: None Vehicles, namely, automobiles, [ sport utility vehicles, ] sports cars, [ vans, pick-ups, estate cars, ] racing cars; engines for land vehicles Class 025. First use: First Use: None First Use In Commerce: None [ Clothing, namely, T-shirts, polo shirts, jackets [, sweaters ] ; headgear, namely, caps ]		
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U.S. registration no.	3860770	Application date	09/05/2006
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Register	Principal		
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Registration date	10/12/2010	Foreign priority date	NONE
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Word mark	RS5		
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Design mark			
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Description of mark	NONE		
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Goods/services	Class 012. First use: First Use: None First Use In Commerce: None Vehicles, namely, automobiles, sport utility vehicles, sports cars, [ vans, pick-up trucks, estate cars, ] racing cars; engines for land vehicles		
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U.S. registration no.	3966469	Application date	11/23/2010
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Register	Principal		
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Registration date	05/24/2011	Foreign priority date	NONE
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Word mark	RS 3		
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Design mark			
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Description of mark	NONE		
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Goods/services	Class 012. First use: First Use: None First Use In Commerce: None Vehicles, namely, automobiles and structural parts therefor Class 025. First use: First Use: None First Use In Commerce: None [ Clothing, namely, t-shirts, jackets and caps ] Class 028. First use: First Use: None First Use In Commerce: None [ Games and playthings, namely, model cars, children's pedal cars and playing cards ]		
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U.S. registration no.	4405143	Application date	03/13/2012
Register	Principal		
Registration date	09/24/2013	Foreign priority date	11/22/2011
Word mark	S		
Design mark			
Description of mark	The mark consists of a stylized "S" which partially overlaps with a slanted rectangle on the left. Both the "S" and the border of the rectangle are shaded to indicate a metallic sheen.		
Goods/services	<p>Class 004. First use: First Use: None First Use In Commerce: None [ Industrial oils and greases; industrial lubricants; dust absorbing, wetting, and binding compositions; fuels, namely, motor spirit; illuminants; candles and wicks for lighting ]</p> <p>Class 009. First use: First Use: None First Use In Commerce: None [ Interactive, computerized automotive control system for integrating, managing and providing driver access to functions of automobile navigation system, entertainment features, namely, CD players, DVD players, MP3 players, tape players and radio, communications equipment, namely, telephones, vehicle environmental information and controls regarding heating and cooling and automobile control systems, all incorporated into a motor vehicle; keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; digital switching systems comprised of interconnected electromechanical and solid-state power management enclosures with standard and custom keypads for user remote control, the foregoing for use on automotive vehicle dashboards; dashboard cruise controls and tachometers for motor vehicles ]</p> <p>Class 012. First use: First Use: None First Use In Commerce: None Motor vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor</p> <p>Class 014. First use: First Use: None First Use In Commerce: None [ Watches, wristwatches, mechanical watches, chronometers ]</p> <p>Class 016. First use: First Use: None First Use In Commerce: None [ Wall calendars and printed instructional and teaching material in the field of automotive maintenance, repair and servicing and vehicle operation ]</p> <p>Class 018. First use: First Use: None First Use In Commerce: None [ Leather and imitations of leather, and goods made of these materials, namely, key chains, key cases, garment bags, sports bags, general purpose trolley bags; animal skins and hides; trunks and travelling bags; umbrellas; parasols and walking sticks; whips; harnesses and saddlery ]</p> <p>Class 025. First use: First Use: None First Use In Commerce: None [ Clothing, namely, t-shirts, shirts, polo shirts, jackets, caps and hats and footwear ]</p> <p>Class 027. First use: First Use: None First Use In Commerce: None [ automobile floor mats ]</p> <p>Class 028. First use: First Use: None First Use In Commerce: None [ model cars and toy cars ]</p>		

U.S. registration no.	4440628	Application date	05/23/2011
Register	Principal		

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