

ESTTA Tracking number: **ESTTA759904**

Filing date: **07/22/2016**

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

Proceeding	91215997
Party	Plaintiff Duke University
Correspondence Address	SUSAN FREYA OLIVE OLIVE & OLIVE PA 500 MEMORIAL STREET DURHAM, NC 27701 UNITED STATES emailboxTTAB@oliveandolive.com
Submission	Other Motions/Papers
Filer's Name	Sofia M. Hernandez
Filer's e-mail	emailboxTTAB@oliveandolive.com, solive@oliveandolive.com
Signature	/smh/
Date	07/22/2016
Attachments	20160722 Stip Motion to Amend and Contigent WD.pdf(975702 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board

Duke University, Plaintiff-Opposer vs. Dainese S.p.A., Defendant-Applicant	Opposition No. 91215997
--	-------------------------

Attorney Reference: DUKU9292

JOINT MOTION TO AMEND AND FOR WITHDRAWAL OF OPPOSITION

The parties, by and through their counsel, hereby stipulate and move as follows:

1. With the consent of Opposer Duke University, Applicant, Dainese S.p.A., amends its application to register the mark that is the subject of this proceeding, U.S. Trademark Application Serial No. 79124573 (the "Application"), to add the below-underlined text and to delete the below-stricken text, as follows:

a. In International Class 009:

Protective clothing for life-preserving purposes for sports, namely, motoring, motorcycling, cycling, skiing and mountaineering, riding, in the nature of suits, jackets, trousers, helmets, gloves and boots containing air bags for prevention of injury; protective helmets; protective helmets for sports, namely, motoring, motorcycling, cycling, skiing and mountaineering, riding; protective footwear for the prevention of accidents and injury; protection devices for personal use against accident, namely, air bags; protective glasses; protective glasses for sports, namely, motoring, motorcycling, cycling, skiing and mountaineering, riding; protective gloves for protection from accidents; diving gloves; triggering software for inflatable protective devices; accelerometer sensors; impact sensors for measuring deceleration and accident impact severity; electronic control units for air bags; all protective gear in the foregoing, in the nature of garments, containing protective padding for the prevention of injury; none of the foregoing intended or marketed for everyday general purpose wear

b. In International Class 25:

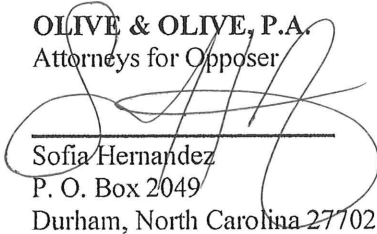
Clothing articles, namely, raincoats, ~~T-shirts~~, trousers, ~~shirts~~, jackets, gilets, jackets for use in outdoor sport, ~~sweaters~~, ~~sports jackets~~, coats, overalls; headwear; ~~belts~~; shoes; boots; gloves; ski gloves; motorcycle gloves; riding

gloves; all the foregoing containing protective padding for the prevention of injury and not intended or marketed for everyday general purpose wear


2. Subject to entry of the foregoing amendments and effective upon entry of the foregoing amendments to the Application, with the consent of Applicant, Opposer hereby withdraws Opposition No. 91215997.

Respectfully submitted, this 22nd day of July, 2016.

OLIVE & OLIVE, P.A.
Attorneys for Opposer


Sofia Hernandez
P. O. Box 2049
Durham, North Carolina 27702
Telephone: (919) 683-5514
emailboxTTAB@oliveandolive.com

LACKENBACH SIEGEL LLP
Attorneys for Applicant


Nancy Dwyer Chapman
1 Chase Rd.
Lackebach Siegel Building
Scarsdale, NY 10583-4156
Telephone: (914) 723-7930
Nchapman@LSLLP.com

CERTIFICATE OF SERVICE

Pursuant to an agreement between the parties calling for electronic service of documents, the undersigned certifies that a true copy of the foregoing document, together with any and all attachments thereto, is served upon Applicant by emailing a copy to Applicant's counsel of record at the email address provided for that purpose on July 22, 2016, to wit:

Nancy Dwyer Chapman
Lackebach Siegel LLP
NChapman@LSLLP.com

This the 22nd day of July, 2016.

Sofia M. Hernandez

Sofia M. Hernandez
Olive & Olive, P.A.
Attorneys for Opposer

P. O. Box 2049
Durham, North Carolina 27702
Telephone: (919) 683-5514
emailboxTTAB@oliveandolive.com