AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court NORTHERN DISTRICT OF GEORGIA on the following

☑ Trademarks or ☐ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
1:15-CV-1759-WSD	5/15/2015	NORTHERN DISTRICT OF GEORGIA

PLAINTIFF	DEFENDANT
BMW of North America, LLC and Bayerische Motoren Werke AG	R&I Motorsports LLC and John W. Borhman

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		SEE ATTACHMENT.
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
JAMES N. HATTEN	s/Amanda Querrard	May 18, 2015 Format m/d/yyyy

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

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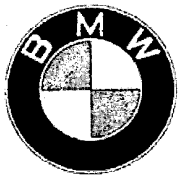
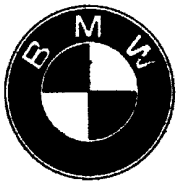
12. Since long prior to the acts of Defendants complained of herein, BMW has used its Roundel logo, M-Stripes logo, and THE ULTIMATE DRIVING MACHINE mark in connection with its business of designing, manufacturing, and distributing motor vehicles and a variety of other products in the State of Georgia.

13. BMW AG is the owner of the following U.S. Registrations for the Roundel logo, M-Stripes logo, and THE ULTIMATE DRIVING MACHINE mark:

Mark	**Reg. No.**	**Reg. Date**	**Class: Services/Goods**
	613,465	Oct. 4, 1955	Automobiles, motorcycles and parts thereof
	1,170,556	Sept. 22, 1981	Motor vehicle repair and maintenance services and dealership services
	1,450,212	Aug. 4, 1987	Automobiles, motorcycles, parts thereof, including wheels, wheel rims, and watches, clocks and various other goods and services

Mark	Reg. No.	Reg. Date	Class: Services/Goods
	2,752,258	Aug. 19, 2003	Cleaning preparations for use in the automotive field, engine oil and various other goods
	3,418,573	Apr. 29, 2008	Leasing and financing services for motor vehicles; online credit applications and online banking; loan services
	1,438,545	Aug. 5, 1987	Automobiles
	2,683,597	Feb. 4, 2003	License plate frames, gear shift knobs, valve stem caps, and floor mats
	3,526,899	Nov. 4, 2008	Automobiles and parts of automobiles, including but not limited to engines, wheels, steering wheels, gear shift knobs, headrests, seats, tire valve stem caps, license plate frames, and car badges, and scale model cars

Mark	Reg. No.	Reg. Date	Class: Services/Goods
	3,569,473	Feb. 3, 2009	Driver training services; education and instruction regarding vehicles and driving of vehicles
	3,767,662	Mar. 30, 2010	Adhesive paper badges and stickers of paper or plastic; engines for motor vehicles; vehicles and their parts, including but not limited to badges and trim, tire valve stem caps, gear shift knobs, headrests, tire valve stem caps, and license plate frames, and scale model vehicles and components thereof
	3,767,663	Mar. 30, 2010	Stickers and automobile parts, including but not limited to engines, wheels, steering wheels, headrests, license plate frames, seats, car badges, tire valve steam caps, and gear shift knobs, and scale model cars
THE ULTIMATE DRIVING MACHINE	1,240,182	May 31, 1983	Automobiles

14. These registrations were duly and legally issued, and are valid and subsisting. Registrations 613,465, 1,170,556, 1,450,212, 2,752,258; 3,418,573;

1,438,545; 2,683,597; 3,526,899; 3,569,473; and 1,240,182 are incontestable pursuant to 15 U.S.C. § 1065.

15. BMW AG has licensed the Roundel logo, M-Stripes logo, and THE ULTIMATE DRIVING MACHINE mark to BMW NA for use in connection with the distribution, sale, service, and repair of the aforementioned products in the United States.

16. BMW NA distributes BMW passenger cars and BMW light trucks and provides maintenance services for its customers through nationwide networks of authorized dealers and service providers. BMW NA authorizes BMW dealerships to use the Roundel logo, M-Stripes logo, and THE ULTIMATE DRIVING MACHINE mark in connection with the sale and/or service of BMW products.

17. To create and maintain goodwill among its customers, BMW NA has taken substantial steps to assure that all authorized BMW dealers and service providers using the Roundel logo, M-Stripes logo, and THE ULTIMATE DRIVING MACHINE mark are of the highest quality.

18. BMW has expended millions of dollars in advertising efforts across the country in connection with its Roundel logo, M-Stripes logo, and THE ULTIMATE DRIVING MACHINE mark and its authorized dealers. As a result of