

III. THE PARTIES

Plaintiff

4. Plaintiff Nissan North America, Inc. is a corporation of the State of Delaware, having its principal place of business at One Nissan Way, Franklin, Tennessee 37067. Under agreement with Nissan Jidosha Kabushiki Kaisha, Plaintiff polices and enforces Nissan trademarks in the United States. Plaintiff Nissan North America, Inc. and Nissan Jidosha Kabushiki Kaisha are referred to herein together or individually as “Nissan.”

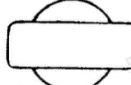
5. Since its inception in 1933, Nissan has been passionate about creating innovative technologies and products based on the spirit of “Do what others don’t dare to do.” Nissan has an impressive track record of innovations, one that has greatly impacted the auto industry and the lives of drivers worldwide. For decades, Nissan has been one of the largest automakers in the world with millions of vehicles sold to consumers yearly.

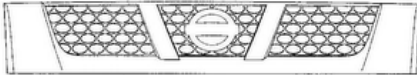
6. Propelled by its reputation and recognizable trademarks, which are carefully curated and monitored, consumers recognize Nissan and its Nissan brand as a source of reliable and quality vehicles, vehicle parts and accessories, miniature vehicles and toys, and various other lifestyle products (collectively, the “Nissan Products”).

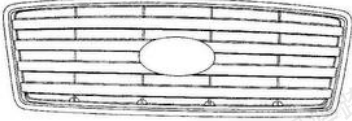
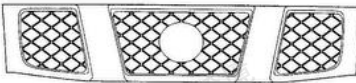
7. Nissan has registered many of its trademarks with the United States Patent and Trademark Office. Nissan Products typically include at least one of Nissan’s registered trademarks. Nissan uses its trademarks in connection with the marketing of its Nissan Products, including the following marks which are collectively referred to as the “NISSAN Trademarks.”

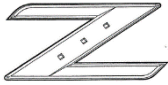
Registration No.	Trademark
2,043,780	NISSAN
4,283,161	
686,587	
2,964,579	
2,047,839	

2,055,094 2,083,517 3,791,528 2,050,895	
2,057,276 3,882,158 3,991,033 4,498,134	NISSAN
2,063,104 2,043,779	
2,047,840 1,421,618	 NISSAN
689,796	
1,914,770	
2,203,744	
2,697,209	
2,073,651 2,128,205 4,450,298 4,450,299 2,047,843	
6,375,184	
3,667,812 2,160,715 1,478,618 5,061,324	INFINITI

5,043,563 5,230,120 5,047,596 4,445,871 5,677,420 4,673,647	INFINITI
1,621,098	 INFINITI
1,632,276	 INFINITI
3,634,033	 INFINITI
1,546,304 7,756,490	
7,236,841	
4,363,069 5,047,595 4,508,218 5,043,564 4,948,860 4,297,134 4,363,072 6,259,109 4,270,664	
5,448,902	INFINITI RADIANT
1,768,025	ALTIMA
2,887,113	ARMADA
689,797	
686,586	DATSUN
689,798	
3,412,089	DIVIDE-N-HIDE
3,543,938	DUAL FLOW PATH

7,347,114	e-4ORCE
2,938,560	ENDURANCE
2,930,254	FRONTIER
2,162,397	
3,591,234	
3,715,755	GT
3,868,735	R
3,901,269	JUKE
5,546,161	KICKS
2,819,466	KING CAB
4,119,976	LEAF
5,511,513	MAINTENANCE ADVANTAGE
2,939,258	MAXIMA
1,432,854	
5,348,997	MIDNIGHT EDITION
2,845,463	MURANO
3,046,496	NEVADA
3,811,462	NISMO
3,086,057	
2,993,066	
2,918,308	
2,996,105	
1,536,313	
3,313,368	
5,489,179	nismo
2,247,920	NISSAN FRONTIER
3,318,892	NISSAN GTR
3,505,975	NISSAN GT-R
4,115,498	
3,366,736	NISSAN VERSA
7,305,907	NISSAN Z
4,012,778	NV1500
5,829,288	OMNIPARTS AUTOMOTIVE
5,840,012	OMNIPARTS AUTOMOTIVE
3,612,436	
1,442,001	PATHFINDER

7,409,390	PROTO SPEC
6,590,854	PRO-X
3,445,037	PRO-4X
4,077,529	
4,660,078	Q50
4,700,278	Q50S
5,015,377	Q60
5,015,378	Q70
5,100,548	QX30
4,660,079	QX50
6,420,578	QX55
5,311,506	QX60
5,098,056	QX70
4,815,531	QX80
3,572,621	
4,373,049	RESERVE
5,758,472	ROCK CREEK
3,728,806	ROGUE
3,522,579	
1,509,170	SENTRA
3,607,523	SKYVIEW
5,008,780	
3,007,624	TITAN
3,695,980	
4,905,500	TITAN XD
2,988,556	UTILI-TRACK
4,425,795	VALUE ADVANTAGE
5,271,416	
4,035,765	
4,881,968	
3,308,748	VERSA
2,581,529	XTERRA
1,595,222	Z
6,043,648	

2,965,712	
7,334,292	
5,525,049	
1,547,275	300ZX
6,833,760	SKYLINE
3,846,602	

8. The above U.S. registrations for the NISSAN Trademarks are valid, subsisting, in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the NISSAN Trademarks constitute *prima facie* evidence of their validity and of Nissan's exclusive right to use the NISSAN Trademarks pursuant to 15 U.S.C. § 1057(b). Incontestable status under 15 U.S.C. § 1065 provides that the registrations for the NISSAN Trademarks are conclusive evidence of the validity of the NISSAN Trademarks and of the registrations of the NISSAN Trademarks, of Nissan's ownership of the NISSAN Trademarks, and of Nissan's exclusive right to use the NISSAN Trademarks in commerce. 15 U.S.C. §§ 1115(b), 1065. True and correct copies of the United States Registration Certificates for the above-listed NISSAN Trademarks are attached hereto as **Exhibit 1**.

9. The NISSAN Trademarks are distinctive when applied to the Nissan Products, signifying to the purchaser that the products come from Nissan and are manufactured to Nissan's quality standards. Whether Nissan manufactures the products itself or contracts with others to do so, Nissan has ensured that products bearing the NISSAN Trademarks are manufactured to the highest quality standards.

10. The NISSAN Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been used by Nissan for many years. The innovative marketing and product designs of the Nissan Products have enabled the Nissan brand to achieve widespread recognition