



12-13-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

"EXPRESS MAIL" MAILING LABEL
NUMBER EL702050145US

DATE OF DEPOSIT December 13, 2002
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE
AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER OF
TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513.

Christina A. Nahmias
(TYPED OR PRINTED NAME OF PERSON MAILING
PAPER OR FEE)

Christina A. Nahmias
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

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

In the matter of:)	
)	Opposition No.:
Application Serial No. 76/201,759)	
)	
Applicant: Sturgis Area Chamber of Commerce)	Atty. Docket No. 6858-01
)	
Filed on: January 30, 2001)	
)	
Mark: STURGIS)	
)	
Published: October 15, 2002)	

Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Sturgis Motorcycles, Inc., d/b/a Black Hills Harley-Davidson, d/b/a Sturgis Harley-Davidson, (collectively Sturgis Motorcycles), a corporation of the State of South Dakota, having its principal place of business located at 3030 Lange Road, Rapid City, SD 57702, believes that it will be damaged by registration of the mark in the following application:

12/23/2002 TSMITH 00000136 76201759

01 FC:6402

6000.00 OP

Application Serial No. 76/201,759 (Application) filed January 30, 2001 by the Sturgis Area Chamber of Commerce (Applicant) and published for opposition in the Official Gazette on October 15, 2002 on Page TM 121, seeking registration of the mark STURGIS in non-stylized form for the goods and/or services listed in the following classifications:

International Class: 006

Metal key rings, metal license plates, metal boxes, non-luminous and non-mechanical metal signs, and metal die-cast piggy banks, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 008

Hand-operated hand tools, namely, hunting knives, fishing knives, pocket knives, sidearm knives, folding knives, sport knives, knives made of precious metal, wrenches, pliers, socket sets, namely, socket wrenches and sockets, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 009

Sunglasses, novelty telephones, pre-recorded videotapes featuring live music concerts, music videos, documentaries, and footage of vehicle rallies, exhibits and competitions, and footage of the Black Hills area of South Dakota and Wyoming, computer mouse pads, magnets, electronic video game software, protective or safety helmets, motorcycle helmets, bicycle helmets, screen saver computer software, and neon signs, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 011

Lamps, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 012

License plate holders and motorcycle handlebar grips, and motorcycle bags, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 013

Firearms, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 014

Jewelry, watch bands, belt buckles of precious metal, non-monetary coins, medallions, non-monetary tokens, clocks, and watches, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 016

Pencils; pens; and paper goods and printed matter, namely, posters; bumper stickers; trading cards; decals; iron-on and plastic transfers; window stickers; wall calendars; note pads; desk sets; lithographs; mounted photographs; unmounted photographs; prints, namely, art prints, cartoon prints, color prints, photographic prints, lithographic prints, and pictorial prints; brochures and books about motorcycles, automobiles and trucks; paper pennants; paper banners; temporary tattoos; paper and plastic bags for packaging; paper and plastic gift bags; postcards, and picture frame mat boards, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 018

Wallets, athletic bags, all purpose sport bags, beach bags, book bags, carry-on bags, duffel bags, gym bags, shoulder bags, tote bags, travel bags, overnight bags, dog collars, and leashes for animals, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 020

Non-metal key rings, plastic novelty license plates, and jewelry boxes not of metal, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 021

Glassware, namely, shot glasses, drinking glasses, drinking cups, and drinking mugs; insulating sleeve holders made of rubber, plastic or foam for beverage cans; insulating sleeve holders made of rubber, plastic or foam for beverage bottles; paper cups; grease and polish rags; portable coolers; coasters not of paper and not being table linen; bottle openers; water bottles sold empty; sports bottles sold empty; beer steins; and kitchen utensils, namely, spatulas, turners, tongs, pan scrappers, grill scrappers, and grill baskets, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 024

Afghans, towels, cloth flags, cloth pennants, cloth banners, and quilts, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 025

Clothing, namely, shirts, T-shirts, long sleeve T-shirts, sleeveless T-shirts, denim shirts, woven shirts, knit shirts, golf shirts, sport shirts, sweaters, jackets, anoraks, coats, tank tops, polo shirts, sweatshirts, pullovers, boxer shorts, sleepwear, women`s tops, chemises, cloth wraps, bikinis, beachwear, bathing suits, swim wear, head wear, bandannas, caps, cloth headwraps, berets, hats, scarves, head bands, belts, chaps, jeans, dungarees, boots, footwear, gloves, and sun visors, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 026

Cloth and embroidered patches for clothing, ornamental cloth patches, hat pins for securing hats, belt buckles not of precious metal, and novelty ornamental pins, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 027

Floor mats for vehicles, textile floor mats for use in the home, rubber floor mats for use as door mats, textile floor mats for use as door mats, and rugs, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 028

Miniature toy vehicles, electric miniature toy vehicles, radio controlled toy vehicles, toy model vehicles, miniature toy banks in the shape of vehicles, Christmas tree ornaments, fishing lures, balloons, gaming chips, sports balls, and toy and/or decorative wind socks; die-cast toy banks; and toy helmets, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 032

Bottled spring water and beer, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 033

Distilled liquor, all of the aforementioned goods relating to the STURGIS motorcycle rally.

International Class: 035

Promoting sports competitions of others, namely, motorcycle and vehicle rallies, exhibits, and competitions; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with the STURGIS motorcycle rally; promoting economic development in the City of Sturgis and the Black Hills area of South Dakota and Wyoming; and mail order, catalog, retail store, wholesale store, on-line retail store, and retail television store services featuring general merchandise and souvenirs relating to the STURGIS motorcycle rally.

International Class: 041

Entertainment services in the nature of organizing and conducting motorcycle and vehicle exhibitions and rallies; organizing and conducting the entertainment events of others, namely, motorcycle and vehicle exhibitions, rallies, and competitions; and entertainment services in the nature of live civic productions and live music concerts.

Accordingly, Sturgis Motorcycles opposes the Application in all classes identified in the Application, namely, the following twenty international classes (IC):

- 1) IC: 6, Metal Goods;
- 2) IC: 8, Hand Tools;
- 3) IC: 9, Electrical and scientific apparatus;
- 4) IC: 11, Environmental control apparatus;

- 5) IC: 12, Vehicles;
- 6) IC: 13, Firearms;
- 7) IC: 14, Jewelry;
- 8) IC: 16, Paper goods and printed matter;
- 9) IC: 18, Leather goods;
- 10) IC: 20, Furniture and articles not otherwise classified;
- 11) IC: 21, Housewares and glass;
- 12) IC: 24, Fabrics;
- 13) IC: 25, Clothing
- 14) IC: 26, Fancy goods;
- 15) IC: 27, Floor coverings;
- 16) IC: 28, Toys and sporting goods;
- 17) IC: 32, Light beverages;
- 18) IC: 33, Wines and spirits;
- 19) IC: 35, Advertising and business; and
- 20) IC: 41, Education and entertainment.

The grounds for the Opposition are as follows:

1. Sturgis Motorcycles and its predecessors have continuously used the name STURGIS in commerce on or in connection with the sale of "Rally Products" as defined in the Application, including, motorcycle parts and accessories, clothing, t-shirts, bandanas, jewelry, pins, patches, knives, money clips, videos, music CDs and tapes, key chains, tools, lighters, leather goods, toys, train sets, signs, license plates, grease and polish rags, calendars, posters, decals, bumper stickers, post cards, paper bags, plastic bags, drinking glasses, shot glasses, mugs, insulated cup holders, portable coolers, bottled water and beer at the Sturgis Motorcycle Rally (Rally), also as defined in the Application, held in and around Sturgis, including Rapid City, SD, in the Black Hills area of South Dakota each year since at least 1981.

2. Sturgis Motorcycles and its predecessors have continuously used the name STURGIS in commerce in connection with the promotion of the Rally including organizing and sponsoring events at the Rally since at least 1991.

3. Sturgis Motorcycles' use of the name STURGIS in its sales of Rally Products at the Rally has been through the same channels of trade and to the same class of customers as the Rally Products allegedly offered by the Applicant at the Rally and bearing the mark BLACK HILLS MOTOR CLASSIC STURGIS RALLY & RACES BLACK HILLS S.D. and Design of Applicant's Trademark Registration No. 1,948,097 (the '097 Registration).

4. Sturgis Motorcycles operates a retail store under the name "STURGIS HARLEY-DAVIDSON" located at 1040 Junction Avenue, Sturgis, SD 57785 wherein Rally Products are sold to the public during the Rally and throughout the year.

5. Sturgis Motorcycles operates a motorcycle dealership and retail store under the name "BLACK HILLS HARLEY-DAVIDSON" currently located at 3030 Lange Road, Rapid City, SD 57702 wherein Rally Products are sold to the public during the Rally and throughout the year, many of which Rally Products bear the name STURGIS.

6. Sturgis Motorcycles has owned and operated an on-line retail store for the sale of Rally Products and promoting the Rally available on the Internet through the web site www.sturgisHD.com since 1997.

7. Sturgis Motorcycles has owned and operated an on-line retail store for the sale of Rally Products and promoting the Rally available on the Internet through the web site www.blackhillsHD.com since 1997.

8. Sturgis Motorcycles has gross sales of Rally Products totaling approximately \$12.6 million sold in connection with the name STURGIS since the year 2000.

9. Sturgis Motorcycles has had gross sales of Rally Products bearing the name STURGIS totaling approximately \$9 million since 2000.

10. Sturgis Motorcycles has had gross sales of Rally Products bearing the name STURGIS totaling approximately \$3 million each year at the Rally since at least the year 2000.

11. Many of over 700 vendors use the name STURGIS in connection with the sale of Rally Products each year at the Rally.

12. Many of over 700 vendors use the name STURGIS in connection with the promotion of the Rally.

First Ground of Opposition

The name STURGIS is Primarily Geographically Descriptive

13. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

14. STURGIS is the name of a city in the State of South Dakota.

15. The name STURGIS is primarily recognized in the State of South Dakota as the identifier for the city of Sturgis, South Dakota.

16. The Rally has been held each year in and around the City of Sturgis, South Dakota since at least 1938.

17. The name STURGIS is primarily geographically descriptive when used on or in connection with Rally Products and related services.

18. Applicant admitted in the application for the mark in the '097 Registration that the name STURGIS is primarily geographically descriptive.

Second Ground of Opposition

The name STURGIS is Merely Descriptive

19. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

20. The name STURGIS is merely descriptive when used in connection with Rally Products and related services.

Third Ground of Opposition

The name STURGIS has not become distinctive of Applicant's goods or services as alleged by Applicant to establish its claim under Section 2(f), (15 U.S.C. § 1052(f))

a) Applicant and its licensees have not been the substantially exclusive user of the name STURGIS in connection with the sale of Rally Products or the Promotion of the Rally for at least five years preceding November 1, 2001

21. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

22. Sturgis Motorcycles and its predecessors, as well as others, have used the name STURGIS continuously since at least as early as 1981 in connection with the sale of Rally Products at the Rally and elsewhere.

23. Sturgis Motorcycles and its predecessors, as well as others, have used the name STURGIS continuously since at least as early as 1991 in connection with promoting the Rally.

24. Sturgis Motorcycles, as well as others, continue to use the name STURGIS in commerce in connection with the sale of Rally Products at the Rally and year-round.

25. Sturgis Motorcycles, as well as others, continue to use the name STURGIS in connection with promoting the Rally.

b) The name STURGIS is not the same as or similar to the mark in the '097 Registration

26. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

27. Applicant's claim of acquired distinctiveness under § 2(f) of the Lanham Act is based on Applicant's use of the mark BLACK HILLS MOTOR CLASSIC STURGIS RALLY & RACES BLACK HILLS S.D. and Design currently registered on the Principal Register under Registration No. 1,948,097 (the '097 Registration).

28. The mark in the '097 Registration is a combined word and design mark.

29. The name STURGIS is not the same as the mark of the '097 Registration.

30. The name STURGIS is not the legal equivalent of the mark of the '097 Registration.

31. Applicant admitted that the name STURGIS is not the same or similar to the mark of the '097 Registration as follows: "Applicant's mark, on the other hand, is not merely STURGIS, but is a composite design mark including ten stars, an eagle, a pair of motorcyclists, a procession of six bison and two groups of feathers, along with the words BLACK HILLS MOTOR CLASSIC and STURGIS RALLY & RACES". (See Amendment filed January 31, 1995 in Application No. 74/533,873 for the '097 Registration, p. 2, ll. 3 - 7).

32. Applicant admitted in the application for the '097 Registration that there is no likelihood of confusion between the name STURGIS and the mark of the '097 Registration.

33. The name STURGIS does not create the same continuing commercial impression as the BLACK HILLS MOTOR CLASSIC STURGIS RALLY & RACES BLACK HILLS S.D. and Design mark registered in the '097 Registration such that a consumer would consider them the same mark.

34. The name STURGIS is not a dominant part of the mark of the '097 Registration.

35. The name STURGIS is not a separable element of the mark of the '097 Registration.

c) Rally Products are not same as or similar or related to the services identified in the '097 Registration

36. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

37. Rally Products are unrelated to the services in International Class 35 for "promoting sports competitions and/or events of others, namely motorcycle rallies, exhibits and competitions and promoting economic development in the city of Sturgis and the Black Hills area of South Dakota and Wyoming."

38. The source of Rally Products sold at or in connection with the Rally is not likely to be perceived to be the same as the source of the promotional services identified in the '097 Registration.

d) Applicant's reliance on its prior trademark registration, the '097 Registration is improper and unavailing

39. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

40. Applicant admitted in the '097 Registration that the name STURGIS is geographically descriptive.

41. Due to Applicant's admission of the name STURGIS being geographically descriptive, Applicant's '097 Registration cannot be deemed prima facie evidence of distinctiveness or of any evidentiary value with respect to Applicant's claim of acquired distinctiveness for the name STURGIS.

e) Applicant's claim for distinctiveness is based on a defective Declaration

42. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

43. Applicant's Declaration of November 1, 2001 claims substantially exclusive and continuous use of STURGIS in connection with the marketing and promotion of the Rally.

44. Applicant's Declaration of November 1, 2001 claims distinctiveness of STURGIS on Rally Products by association with Applicant's marketing and promotional services.

45. Applicant's Declaration of November 1, 2001 fails to claim substantially exclusive and continuous use of STURGIS on Rally Products.

Fourth Ground of Opposition

The mark in U.S. Trademark Registration No. 1,948,097 is not distinctive because Applicant has failed to control the nature of the quality of goods and services of its licensees

46. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

47. Applicant has failed to control the use of the name STURGIS by its licensees.

48. Because Applicant has failed to control the use of the mark of the '097 Registration, the mark is not distinctive and cannot serve as prima facie evidence of distinctiveness of STURGIS.

Fifth Ground of Opposition

Applicant has attempted to procure registration of the name STURGIS by fraud and misrepresentation

49. Sturgis Motorcycles, repeats and realleges all of the above allegations as if fully restated herein.

50. Applicant knows it has not used the name STURGIS substantially exclusively in conjunction with the sale of Rally Products in the five years preceding November 1, 2001.

51. Applicant has knowledge of the substantial use of the name STURGIS by Sturgis Motorcycles and others in conjunction with the promotion of the Rally.

52. Applicant knows that many of over 700 vendors use the name STURGIS in connection selling Rally Products at the Rally.

53. Sturgis Motorcycles spends more than \$50,000 annually for advertising space on approximately 15 - 20 large billboards in the Black Hills Region of South Dakota for displaying signs for marketing Rally Products during the Rally and throughout the remainder of the year, including signs featuring the name STURGIS.

54. Sturgis Motorcycles owns and operates a retail store under the name Sturgis Harley-Davidson located at 1040 Junction Avenue, Sturgis, S.D. 57785 wherein it sells Rally Products to the public at the Rally and throughout the year.

55. Sturgis Motorcycles owns and operates a motorcycle dealership and retail store under the name Black Hills Harley-Davidson currently located at 3030 Lange Road, Rapid City, SD 57702 wherein it sells Rally Products to the public at the Rally and throughout the year, including Rally Products bearing the name STURGIS.

56. At least one large sign on the Sturgis Harley-Davidson building, currently located at 1040 Junction Avenue, Sturgis, S.D. 57785 has displayed the name of the store, as "STURGIS HARLEY-DAVIDSON" since at least the year 1987.

57. In early 2000, David Allen, of Champion Motor Sports, Inc. (Champion), a marketing agency under contract with the Applicant at the time, approached Jim Doyle, Al Rieman and Jim Burgess, owners of Sturgis Motorcycles, and solicited a royalty bearing license for Sturgis Motorcycles for the use of the name STURGIS in connection with Sturgis Motorcycles' sale of Rally Products.

58. In Spring 2000, Dean Kenny, then President of the Board of Directors of the Sturgis Area Chamber of Commerce, (Applicant) and David Allen of Champion, visited the Black Hills Harley-Davidson dealership in Rapid City, SD, spoke with Jim Doyle, and again solicited a royalty bearing license for the continuing use of the name STURGIS in connection with Sturgis Motorcycles' sale of Rally Products at the Rally and throughout the year.

59. In Spring 2000, Dean Kenny and Marlin Martin, then President and Vice President respectively, of the Board of Directors of the Sturgis Area Chamber of Commerce, (Applicant) met with Jim Doyle, Jim Burgess, Al Rieman and Clay Trulson, all co-owners of Sturgis Motorcycles, at Lynn's Inc., headquarters in Rapid City, SD wherein Kenny and Martin spoke with the above-identified co-owners of Sturgis Motorcycles and again solicited a royalty bearing license for the continuing use of the name STURGIS in connection with Sturgis Motorcycles' sale of Rally Products at the Rally and throughout the year.

60. In August 2000, Marlin Martin, then incoming President of the Board of Directors of the Sturgis Area Chamber of Commerce, (Applicant) and Declarant in the Application, invited Jim Burgess of Sturgis Motorcycles to dinner at his house, and, during the visit, Marlin Martin again suggested that Sturgis Motorcycles enter into a royalty bearing license agreement with the Applicant wherein Sturgis Motorcycles would pay a royalty to Applicant for the continuing use of the name STURGIS in connection with Sturgis Motorcycles' sale of Rally Products at the Rally and otherwise.

61. In the Spring 2000, Conrad Clemens, CEO of Featherlite Trailer Co. of Sanford, Florida, an associate of David Allen of Champion, and on behalf of Applicant, contacted Jim Burgess of Sturgis Motorcycles for the purpose of further discussing a license agreement wherein Sturgis Motorcycles would obtain a license for the continuing use of the name STURGIS in connection with Sturgis Motorcycles' sale of Rally Products in exchange for a royalty paid to the Applicant.

62. At each instance described in Paragraphs 58 - 62 above, the solicitation to take a license for the continuing use of the name STURGIS was refused by Opposer Sturgis Motorcycles.

63. Applicant's claim of acquired distinctiveness of the name STURGIS is fraudulent and contains false information because on November 1, 2001, Applicant knew of the substantial use of the name STURGIS by Sturgis Motorcycles and others, in commerce, in connection with the sale of Rally Products and the promotion of the Rally.

64. Applicant's claim of acquired distinctiveness of the name STURGIS is fraudulent and contains false information because on November 1, 2001, Marlin Martin, Declarant in the Application, knew of the substantial and continuing use of the name STURGIS by Sturgis Motorcycles and others, in commerce, in connection with the sale of Rally Products and the promotion of the Rally.

WHEREFORE Opposer requests that Trademark Application Serial No. 76/201,759 be denied and rejected on the following grounds:

1. STURGIS used on Rally Products is primarily geographically descriptive, 15 U.S.C. § 1052(e)(2);
2. STURGIS used on Rally Products is merely descriptive, 15 U.S.C. § 1052(e)(1);
3. STURGIS used on Rally Products has not become distinctive of Applicant's goods or services, 15 U.S.C. § 1052(f), because:
 - a) Applicant never claimed or established substantially exclusive use of the name STURGIS on Rally Products;
 - b) STURGIS is not the same as or similar to the mark in Trademark Registration No. 1,948,097, as alleged by Applicant;
 - c) Rally Products are not the same as or related to goods or services in Trademark Registration No. 1,948,097, as alleged by Applicant
 - d) Use of the STURGIS name on Rally Products by Applicant or its licensees has not been substantially exclusive for the five years prior to November 2001, or at any time since 1981.
 - e) Applicant's admission of the geographically descriptiveness of the name STURGIS in the application for Trademark Registration No. 1,948,097 precludes Applicant's ownership of the '097 Registration from being deemed prima facie evidence of distinctiveness or of any evidentiary value with respect to Applicant's claim of acquired distinctiveness for the name STURGIS.
4. Rally Products have been sold under mark in Trademark Registration 1,948,097 without proper supervision or control of the products by Applicant since 1986.

5. Rally Products bearing the name STURGIS have been sold by many vendors over the past five years and longer at the Rally and elsewhere without supervision or control by Applicant.

6. Applicant has attempted to procure a registration for the name STURGIS by fraud by submitting a declaration in support of its claim of acquired distinctiveness containing statements known to be false as to Applicant's substantially exclusive use.

7. Applicant has misrepresented to the Trademark Examiner that the name STURGIS is not descriptive by pointing out that the name STURGIS was not disclaimed in the application of the '097 Registration when in fact Applicant admitted to the geographic descriptiveness of the name STURGIS in the application of the '097 Registration.

POWER OF ATTORNEY

The undersigned hereby appoints John C. Linderman, Donald K. Huber, John C. Hilton, Frederick J. Haesche, J. Kevin Grogan, Arthur F. Dionne, Richard R. Michaud, Daniel G. Mackas, Marina F. Cunningham, Nicholas J. Tuccillo, Wm. Tucker Griffith, Susan C. Oygard, Stephen P. Scuderi, Richard D. Getz, William Gowanlock, Donald J. MacDonald, Timothy A. Johnson, all of the firm of McCORMICK, PAULDING & HUBER LLP, CityPlace II, 18th Floor, 185 Asylum Street, Hartford, CT 06103-4102, (860) 549-5290, its attorneys with full power of substitution and revocation to prosecute this Opposition, to make alterations and amendments therein and to transact all business in the U.S. Patent and Trademark Office and elsewhere in connection therewith.

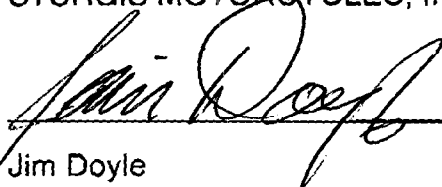
DECLARATION

The undersigned, declares that he is an officer of Sturgis Motorcycles, Inc. named in the foregoing NOTICE OF OPPOSITION and that he has been warned that willful false statements and the like so made herein are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code; he further declares that he is duly appointed and authorized to execute this instrument on behalf of said corporation; that he has read signed the foregoing NOTICE and knows the contents thereof; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

STURGIS MOTORCYCLES, INC.

12-11-02

Date



Jim Doyle

Vice President



McCormick, Paulding & Huber LLP
Intellectual Property Law

TTAB



12-13-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7^c

December 13, 2002

Offices in
Hartford, CT and
Springfield, MA

From the desk of
Donald J. MacDonald
MacDonald@ip-lawyers.com
Tel 860. 549.5290
Fax 860. 527.0464

CityPlace II
185 Asylum Street
Hartford, CT
06103-3402
www.ip-lawyers.com

John C. Linderman*
J. Kevin Grogan*
Arthur F. Dionne*
Richard R. Michaud*
Marina F. Cunningham*
Daniel G. Mackas*
Susan C. Oygard*
Nicholas J. Tuccillo*
Wm. Tucker Griffith*
Stephen P. Scuderi*
Richard D. Getz*
William B. Gowanlock*
Donald J. MacDonald*
Timothy A. Johnson*
*Admitted in CT
*Admitted in MA

Of Counsel
Donald K. Huber*
John C. Hilton*
Frederick J. Haesche*
Charles E. Sohl*
John J. Dempsey*

BOX TTAB - FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Notice of Opposition for U.S. Trademark
Application No. 76/201,759 for the mark STURGIS
(Our File No. 6858-01)

Dear Sirs:

Attached hereto, in duplicate in accordance with Rule 2.104, is a Notice of Opposition to be filed against U.S. Trademark Application Serial No. 76/201,759 for the mark STURGIS in the following International Classes (IC):

- 1) IC: 6, Metal Goods;
- 2) IC: 8, Hand Tools;
- 3) IC: 9, Electrical and scientific apparatus;
- 4) IC: 11, Environmental control apparatus;
- 5) IC: 12, Vehicles;
- 6) IC: 13, Firearms;
- 7) IC: 14, Jewelry;
- 8) IC: 16, Paper goods and printed matter;
- 9) IC: 18, Leather goods;
- 10) IC: 20, Furniture and articles not otherwise classified;
- 11) IC: 21, Housewares and glass;
- 12) IC: 24, Fabrics;
- 13) IC: 25, Clothing;
- 14) IC: 26, Fancy goods;
- 15) IC: 27, Floor coverings;
- 16) IC: 28, Toys and sporting goods;
- 17) IC: 32, Light beverages;
- 18) IC: 33, Wines and spirits;
- 19) IC: 35, Advertising and business; and
- 20) IC: 41, Education and entertainment.

RECEIVED
 U.S. PATENT & TRADEMARK OFFICE
 DECEMBER 13 2002

M.G.

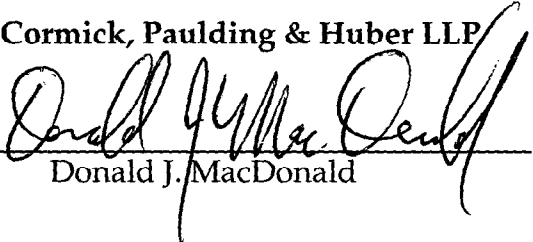
BOX TTAB - FEE
December 13, 2002
Page 2

A check in the amount of \$6,000.00 is enclosed in payment of the Notice of Opposition filing fee. Please chare any deficiency in this fee, and any additional fees which may be due to our Deposit Account No. 13-0235.

Very truly yours,

McCormick, Paulding & Huber LLP

By


Donald J. MacDonald

DJM/can
Enclosures