

Knobbe Martens Olson & Bear LLP
Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

June 9, 2003

VIA FACSIMILE
1-(703)-746-7107

ATTN: Ms. Latricia Harrison
Trademark Trial and Appeal Board

Re: Request to Withdraw U.S. Certificate of Registration No. 2,715,102
Subject Mark: Misc. Design
Applicant: Carroll Hall Shelby Trust
Application Serial No.: 76/278,840
Our Reference No.: SUPERF.017TIS

Dear Latricia:

Pursuant to our telephone conversation this morning, the above-referenced Certificate of Registration was issued in error as our firm timely filed three (3) Extensions of Time to Oppose in connection with this application. Accordingly, as requested please find attached copies of the following:

1. First Request for an Extension of Time to Oppose, filed 3/18/03 and the return postcard received and processed in the TTAB on 3/20/03;
2. Second Request for an Extension of Time to Oppose, filed April 21, 2003 and the return postcard received and processed in the TTAB on April 24, 2003;
3. Third Request for an Extension of Time to Oppose, filed May 16, 2003 and a copy of the return postcard when originally mailed; and
4. Notice of Opposition, a copy of the return postcard as mailed and a copy of our firm's check number 59146 for the required fee of \$300.

Please confirm receipt of this information at your earliest convenience via return facsimile at (949)760-9502, or via email to nbergant@kmob.com.

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
909-781-9231

San Luis Obispo
805-547-5580

Knobbe Martens Olson & Bear LLP

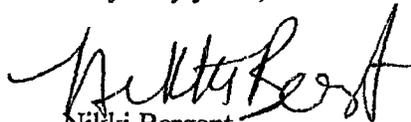
ATTN: Ms. Latricia Harrison

June 9, 2003

Page -2-

If you have any questions, or require additional information in connection with this matter please do not hesitate to contact us. Thank you for your assistance with this matter.

Very truly yours,



Nikki Bergant
Trademark Paralegal

cc: Jeffrey L. Van Hoosear, Esq.

US Docketing

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060903

SUPERF.017TIS

TRADEMARK

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

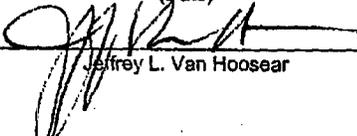
In Re Trademark Application

Applicant : Carroll Hall Shelby Trust
Serial No. : 76/278-840
Filed : June 28, 2001
Trademark : 
Published : February 18, 2003

) I hereby certify that this correspondence and
) all marked attachments are being deposited
) with the United States Postal Service as
) first-class mail in an envelope addressed to:
) Assistant Commissioner for Trademarks,
) 2900 Crystal Drive, Arlington, VA 22202-
) 3513, on

March 18, 2003

(Date)


Jeffrey L. Van Hoosear

REQUEST FOR EXTENSION OF TIME TO OPPOSE

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

ATT: TTAB NO FEE

Dear Sir:

Superformance International, Inc., a corporation of the State of Ohio, by its attorneys, KNOBBE, MARTENS, OLSON & BEAR, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, hereby petitions the Commissioner of Patents and Trademarks to extend the time to file a Notice of Opposition to the above-identified trademark for a period of thirty (30) days from March 20, 2003 to April 19, 2003.

The Opposer requests the additional time to review the published mark more thoroughly to determine whether a formal Opposition is necessary.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 18, 2003

By: 
Jeffrey L. Van Hoosear
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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INCOMING
U.S. TRADEMARK DOCKETING CHECKLIST
RETURN POSTCARD FOR LITIGATION TM/SM FILING

CLIENT CODE: SUPERF. 017 TIS

DOCKETING AGENT: NHUNG
Staple the postcard in the blank space provided below.

DATE: APR 08 2003

TRADEMARK/SERVICE MARK

Date: 3-18-03

(litigation)

Rec'd in the U.S.T.T.A.B. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # SUPERF. 017 TIS Opp./Can. #: _____

Reg./Serial #: 712678, 840 Reg. Date/Filed: 6-28-01

Petitioner/Opposer: Superformance Int'l, Inc.

Registrant/Applicant: Carroll Hall Shelby Trust

Mark: Laurel Coupe Car Cont. Atty: JWH TIS

VERIFIED BY: Asst: DITWELL Quality Control: D3

Request for 30 Days Ext. To Oppose in Trin. pgs. in Trip

Unopposed Motion to Ext. Discovery

Notice of Opposition in _____

Petition for Cancellation in _____

Check for \$ _____ for _____

Certificate of Service

Return Prepaid Postcard

03-20-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #77

7/96

CHECKLIST INDICATORS: Y = Yes N = No

✓ = Not Applicable

In the Trademark Management System:

Click on the "Trademark Data" tab. At "Application No.:" type in the application number, then click on the "Start Search" tab. Verify the number of records.

Click on the "List of Actions" tab and locate an action such as "Postcard Recvd?/Opposition (or Cancellation)." In the "Taken" field of the "Postcard Recvd?/Opposition (or Cancellation)" action, type the date the postcard was received at KMOB. Click on the "Save" tab.

Print the Face Sheet:

Double check your work.

Place the documents on your shelf for audit trail check.

Blue/Docketing Envelope:

Correctly fill out the envelope by writing the working attorney's assistant's name, floor or Branch office. Make sure all other names have been crossed off of the envelope.

Place the documents and the envelope on your shelf for audit trail check.

Audit Trail Checked By: MUS
Date: APR 11 2003

USE THE FOLLOWING INDICATORS WHEN MARKING THE CHECKLIST:

Y = Yes N = No ✓ = Not Applicable

NOTE: Do not use an indicator if there are errors, rather use the indicator once the errors have been corrected.

Verify the correct postcard action has been closed with the date the postcard was received at KMOB.

Place the Documents Inside the Blue Envelope:

Verify the Envelope has been correctly filled out.

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SUPERF.017TIS

TRADEMARK

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

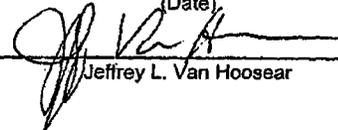
In Re Trademark Application

Applicant : Carroll Hall Shelby Trust
Serial No. : 76/278-840
Filed : June 28, 2001
Trademark : 
Published : February 18, 2003

) I hereby certify that this correspondence and
) all marked attachments are being deposited
) with the United States Postal Service as
) first-class mail in an envelope addressed to:
) Assistant Commissioner for Trademarks,
) 2900 Crystal Drive, Arlington, VA 22202-
) 3513, on

April 21, 2003

(Date)


Jeffrey L. Van Hoosear

REQUEST FOR EXTENSION OF TIME TO OPPOSE

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

ATT: TTAB NO FEE

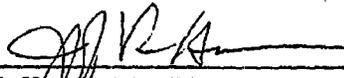
Dear Sir:

Superformance International, Inc., a corporation of the State of Ohio, by its attorneys, KNOBBE, MARTENS, OLSON & BEAR, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, hereby petitions the Commissioner of Patents and Trademarks to extend the time to file a Notice of Opposition to the above-identified trademark for a period of thirty (30) days from April 19, 2003 to May 19, 2003.

The Opposer requests the additional time to review the published mark more thoroughly to determine whether a formal Opposition is necessary.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 21, 2003

By: 
Jeffrey L. Van Hoosear
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

H:\DOCS\VVHV\VVH-4120.DOC:lb:042103

INCOMING
U.S. TRADEMARK DOCKETING CHECKLIST
RETURN POSTCARD FOR LITIGATION TM/SM FILING

CLIENT CODE: SUPERF. OITTS

DOCKETING AGENT: L. LAW

DATE: 05/29/03

Staple the postcard in the blank space provided below.

TRADEMARK/SERVICE MARK

Date: 4/21/03

(litigation)

Rec'd in the U.S.T.T.A.B. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # SUPERF. OITTS Opp./Can. #:

Reg./Serial #: 76/278,840 Reg. Date/Filed: 6/28/01

Petitioner/Opposer: Superformance Int'l Inc.

Registrant/Applicant: Carroll Hall Shelby Trust

Mark: Racing CAR Atty: JUH

VERIFIED BY: Asst: L Braun Quality Control: [Signature]

Request for 30 Days Ext. To Oppose in Trip

Unopposed Motion to Ext. Discovery/Testimony Period _____ pgs. in Trip

Notice of Opposition in _____

Petition for Cancellation in _____

Check for \$ _____ for _____

Certificate of Service

Return Prepaid Postcard



04-24-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #58

7/96

CHECKLIST INDICATORS: Y = Yes N = No ✓ = Not Applicable

In the Trademark Management System:

Y Click on the "Trademark Data" tab. At "Application No." type in the application number, then click on the "Start Search" tab. Verify the number of records.

Y Click on the "List of Actions" tab and locate an action such as "Postcard Recvd?/Opposition (or Cancellation)." In the "Taken" field of the "Postcard Recvd?/Opposition (or Cancellation)" action, type the date the postcard was received at KMOB. Click on the "Save" tab.

Print the Face Sheet:

Y Double check your work.
Y Place the documents on your shelf for audit trail check.

Blue Docketing Envelope:

Y Correctly fill out the envelope by writing the working attorney's assistant's name, floor or Branch office. Make sure all other names have been crossed off of the envelope.

Place the documents and the envelope on your shelf for audit trail check.

Audit Trail Checked By: R. Samuel
Date: May 20, 2003

USE THE FOLLOWING INDICATORS WHEN MARKING THE CHECKLIST:

Y = Yes N = No ✓ = Not Applicable

NOTE: Do not use an indicator if there are errors, rather use the indicator once the errors have been corrected.

Y Verify the correct postcard action has been closed with the date the postcard was received at KMOB.

Place the Documents Inside the Blue Envelope:

Y Verify the Envelope has been correctly filled out.

F:\DOCS\CAD\CAD-1243.DOC

TRADEMARK/SERVICE MARK

Date: 5/16/03

(litigation)

Rec'd in the U.S.T.T.A.B. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # SUPERLEO/FTLS Opp./Can.#:

Reg./Serial #: Fl. 278,840 Reg. Date/Filed: 6/28/01

Petitioner/Opposer: Superformance International, Inc.

Registrant/Applicant: Carroll Hall Shellen Trust

Mark: Car Design Atty: JVF

VERIFIED BY: Asst. NBH Quality Control: DS

Request for 30 Days Ext. To OPPOSE in Trip

Unopposed Motion to Ext. Discovery/Testimony Period _____ pgs. in Trip

Notice of Opposition in _____ pgs. in dupl.

Petition for Cancellation in _____ pgs. in dupl.

Check for \$ _____ for _____

Certificate of Service _____ Exhibits

Return Prepaid Postcard

SUPERF.017TIS

TRADEMARK

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

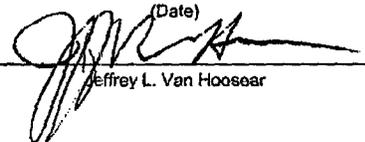
In Re Trademark Application

Applicant : Carroll Hall Shelby Trust
Serial No. : 76/278,840
Filed : June 28, 2001
Trademark : 
Published : February 18, 2003

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on

May 16, 2003

(Date)


Jeffrey L. Van Hoosear

REQUEST FOR EXTENSION OF TIME TO OPPOSE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

ATT: TTAB NO FEE

Dear Sir:

Superformance International, Inc., a corporation of the State of Ohio, by its attorneys, KNOBBE, MARTENS, OLSON & BEAR, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, hereby petitions the Commissioner of Patents and Trademarks to extend the time to file a Notice of Opposition to the above-identified trademark for a period of thirty (30) days from May 19, 2003 to June 18, 2003.

The Opposer requests the additional time to review the published mark more thoroughly to determine whether a formal Opposition is necessary.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 16, 2003

By: 
Jeffrey L. Van Hoosear
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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051603

TRADEMARK/SERVICE MARK Date: 6-9-03
 (litigation)
 Rec'd in the U.S.T.A.B. on the date stamped hereon via Certificate of Mail:
 Any. Dkt. # SUPERE 0174 Opp. /Can. #:
 Reg./Serial #: 161378840 Reg. Date/Filed: 6-28-01
 Petitioner/Opposer: Superformance International, Inc
 Registrant/Applicant: Walter Hill
 Mark: Superformance Atty: K. Stewart
 VERIFIED BY: Asst: R. Smith Quality Control:
 Request for _____ Days Ext. To _____ in Trip
 Unopposed Motion to Ext. Discovery/Testimony Period _____ pgs. in Trip
 Notice of Opposition in 3 pgs. in dupl.
 Petition for Cancellation in _____ pgs. in dupl.
 Check for \$ 300 for Opposition
 Certificate of Service _____ Exhibits
 Return Prepaid Postcard

7/96

KNOBBE MARTENS OLSON & BEAR
 PATENT ACCOUNT
 2040 MAIN STREET, 14TH FL.
 IRVINE, CA 92614

DATE 6-6-03 11-24-147
 1230

PAY TO THE ORDER OF COMMISSIONER OF PATENTS
Three hundred and no/100
 DOLLARS

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 Wells Fargo Bank, N.A.
 www.wellsfargo.com

FOR SUPERE 0174 761278840
 "059146" "1210002484" "159338110"

59146

John A. Butwell

Serial No.: 76/278,840

Filed: June 28, 2001

Published: February 18, 2003

Alleged First Use: January 15, 1964

Goods: Automobile, namely a racing car

International Class: 12

As grounds for Opposition, it is alleged that:

I. APPLICANT DOES NOT HAVE TRADEMARK RIGHTS IN THE VEHICLE SHAPE

1. Applicant has never manufactured for sale in commerce any automobile with the vehicle shape shown in the application.
2. Applicant is currently not selling in commerce any automobiles with the shape vehicle shown in the application.

**II. APPLICANT HAS NOT ACQUIRED DISTINCTIVENESS IN THE VEHICLE
SHAPE**

3. Applicant produced approximately six automobiles in 1964-5 with the vehicle shape shown in the application but these vehicles were not produced for sale in commerce.
4. Applicant has not established, and cannot establish, that the shape which is the subject of Application Serial No. 76/278,840 has become distinctive of Applicant's automobiles.
5. Applicant has not established, and cannot establish, that the vehicle shape has acquired secondary meaning as a source of origin of Applicant's automobiles.

**III. APPLICANT IS BARRED FROM OBTAINING A REGISTRATION BY VIRTUE
OF FRAUDULENT REPRESENTATIONS MADE IN ITS APPLICATION**

6. At the time of filing the subject application, Applicant was aware that the vehicle shape sought to be registered was not in use in commerce. Accordingly, any statements in the subject application to the effect that the mark has been used in commerce is knowingly false.

6. At the time of filing the subject application, Applicant was aware that there was no current use of the vehicle shape by Applicant in commerce. Accordingly, any statements in the subject application as to the current or present use of the mark in commerce were false.

7. Applicant had knowledge of the falsity of such statements, and made such false statements with the intent to induce the Examiner to rely on such false statements by allowing publication and eventually registration of the purported trademark.

IV. IF APPLICANT HAD ANY TRADEMARK RIGHTS, SUCH RIGHTS HAVE BEEN ABANDONED

8. If Applicant had any trademark rights in the vehicle shape shown in the application, such rights have been abandoned as no use of the mark in commerce has been made for thirty (30) years.

Opposer alleges that it would be damaged by Applicant's registration of the alleged trademark as it would interfere with use by Opposer and others in the field of replica car manufacture in the exercise of their right to use the vehicle shape sought to be registered.

Wherefore, Opposer prays that said application, Serial No. 76/278,840, be rejected, that no registration be issued thereon to Applicant and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 9, 2003

By: [Signature]
Jeffrey L. Van Hoosear
2040 Main Street
Fourteenth Floor
Irvine, California 92614
(949) 760-0404
Attorneys for Opposer

H:\DOCS\NBH\NBH-8389.DOC:ldh
060603