

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

In re the matter of:

Serial No. 86207713

Specialized Bicycle Components Inc

OBJECTION TO FURTHER GRANT  
OF EXTENSION OF TIME

Potential Opposer,

vs.

Stumpjumpers Motorcycle Club

Mark Applicant/Defendant.

Applicant: **Stumpjumpers Motorcycle Club**

Application Serial Number: **86207713**

Application Filing Date: **02/28/2014**

Mark: **STUMPJUMPERS MOTORCYCLE CLUB**

Date of Publication **09/30/2014**

**STRICT OBJECTION**

1. Pursuant to 37 C.F.R. Section 2.102, the above-named potential opposer has requested, and was granted a 30-day extension of time presumably to file an opposition. The undersigned attorney of record on behalf of mark applicant Stumpjumpers Motorcycle Club objects to ANY further grant of time for opposition purposes because there is no *first impression prima facie* case for opposition by the Opposer for the following reasons.
2. Opposer has a live trademark "Stump Jumper" (Reg. No. 1311013 commercially used on a bicycle frame. Please see opposer's Section 8 & 10 renewal of their mark. Potential Opposer is bicycle component manufacturer/seller out of

*Objection to further extension of time*



**11-06-2014**

1 California. The Opposer's mark is registered under IC class 012, US 019 as  
2 G & S: Bicycle [tire] and frames. First used 19801001.

3 3. The Applicant's mark is a service mark. IC 041. US 100 101 107. G & S:  
4 Entertainment services, namely, motorcycle recreational services in the  
5 nature of off-road motorcycle runs and races and long-distance motorcycle  
6 races in desert conditions. FIRST USE: 19670301. FIRST USE IN  
7 COMMERCE: 19670301.

8 4. Applicant respectfully submits that the two marks are like apples and oranges—  
9 they are so distinct and different that there cannot be a likelihood of confusion  
10 by any potential consumers of goods and services for either of the two marks.  
11 The applicants mark is for services exclusively targeted in the off-road  
12 MOTOR CYCLE racing arena. No person would conceivably associate that  
13 with bicycle tire or frame. No one has ever confused a bicycle tire or frame  
14 with motorcycle race. There is also no dilution of the registered mark "Stump  
15 Jumper" by using the applicant's mark "Stumpjumpers Motorcycle Club"  
16 because the two marks don't overlap in their entirety. The Applicant uses one  
17 word plural "Stumpjumpers" whereas the opposer uses the two words and  
18 singular "Stump Jumper". Additionally, the Applicant has "Motorcycle Club" in  
19 its mark. The disclaimer does not affect its use in entirety because the  
20 disclaimer is only for the generic term "motorcycle club". It is a well-settled  
21 law that trademarks must be considered in their entirety for purposes of the  
22 likelihood of confusion analysis. The target consumers for the two marks are  
23 highly unlikely to think or be confused that the two marks emanate from the  
24

1 same business source. People who ride off-road motorcycles are unlikely to  
2 believe that Stumpjumpers Motorcycle Club has anything to do with a bicycle  
3 tire or bicycle frame of the potential Opposer or vice versa—people who ride  
4 a bicycle with frame marked “Stump Jumper” are unlikely to think the bicycle  
5 frame has anything to do with a motorcycle club.

6 5. A search of the TESS system shows that there is another mark “Stump Jumper”  
7 Reg. No. 0731113, IC 028. US 022. G & S: Fishing Lures. FIRST USE:  
8 19530620. FIRST USE IN COMMERCE: 19530620. This mark owner has  
9 NOT filed for extension of time, nor Opposed the Applicant’s mark. This  
10 shows that there is no potential likelihood of confusion for the owner of this  
11 mark.

12 6. Thus even a cursory initial review of the salient *du Pont* factors as applied here  
13 shows that the potential opposer’s mark does not suffer dilution or there is not  
14 a likelihood of confusion. The first extension of time request is itself  
15 unwarranted, although Applicant understands that the first extension was  
16 granted as a matter of right. However, the Applicant submits under 37 CFR  
17 Section 2.102 (C)(2), if potential opposer makes a second request for a 60-  
18 day or a 90-day extension, the Board must deny this because the second  
19 extension of time request, if made, is unwarranted and without a showing of  
20 good cause based on the above analysis.

21 7. In sum, potential Opposer’s submission is without merit and any further extension  
22 (2<sup>nd</sup> extension) must be denied for lack of good cause. Since potential  
23 opposer’s goods are distinct and completely different from Applicant’s  
24

1 services, there is an insufficient ground for delaying the issue of Applicant's  
2 mark.

3 8. Applicant requests that the Board deny any further extension of time and direct  
4 the Trademark Office to issue Applicant's registration of said mark.

5  
6 Respectfully Submitted,

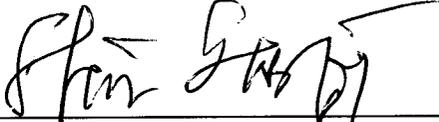
7  11/06/2014  
8

9 Stan S. Sastry  
10 Reg. No. 60237  
11 THE LAW OFFICE OF STAN SASTRY PLLC  
12 2615 136<sup>TH</sup> STREET SE  
13 MILL CREEK, WA 98012  
14 PHONE/FAX 425-357-6241  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CERTIFICATE OF MAILING

I, Stanley Sastry, certify that I deposited in the US Postal Service a copy of the following documents: OBJECTION TO FURTHER EXTENSION OF TIME, via postage prepaid EXPRESS MAIL. I deposited the same at United States Post Office Mill Creek, WA 98012, on 11/06/2014.



---

Stan S. Sastry, Registration No. 60237  
Attorney for the Applicant