

DATE: November 24, 2014

From
Stan S. Sastry
Attorney of Record for Mark Applicant
THE LAW OFFICE OF STAN SASTRY PLLC
2615 136TH STREET SE
MILL CREEK, WA 98012

To
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Attention Ms. Lalita Greene/Grier-Paralegal

Subject:

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 TO GRANT OF FURTHER EXTENSION OF TIME AND
OBJECTION TO INSTITUTION OF OPPOSITION PROCEEDINGS

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 potential Opposer for the following reasons. Furthermore,



the Applicant respectfully submits because there is no Reasonable Grounds for Success in Opposition to this mark, Opposition Proceedings should not be instituted.

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 California. The Opposer's mark is registered under IC class 012, US 019 as G & S: Bicycle [tire] and frames. First used 19801001.
3. The Applicant's mark is a service mark. IC 041. US 100 101 107. G & S: Entertainment services, namely, motorcycle recreational services in the nature of off-road motorcycle runs and races and long-distance motorcycle races in desert conditions. FIRST USE: 19670301. FIRST USE IN COMMERCE: 19670301.
4. Applicant respectfully submits that the two marks are like apples and oranges—they are so distinct and different that there cannot be a likelihood of confusion by any potential consumers of goods and services for either of the two marks. The applicants mark is for services exclusively targeted in the off-road MOTOR CYCLE racing arena. No person would conceivably associate that with bicycle tire or frame. No one has ever confused a bicycle tire or frame with motorcycle race. There is also no dilution of the registered mark "Stump Jumper" by using the applicant's mark "Stumpjumpers Motorcycle Club" because the two marks don't overlap in their entirety. The Applicant

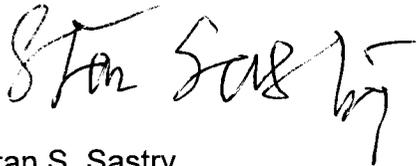
uses one word plural “Stumpjumpers” whereas the opposer uses the two words and singular “Stump Jumper”. Additionally, the Applicant has “Motorcycle Club” in its mark. The disclaimer does not affect its use in entirety because the disclaimer is only for the generic term “motorcycle club”. It is a well-settled law that trademarks must be considered in their entirety for purposes of the likelihood of confusion analysis. The target consumers for the two marks are highly unlikely to think or be confused that the two marks emanate from the same business source. People who ride off-road motorcycles are unlikely to believe that Stumpjumpers Motorcycle Club has anything to do with a bicycle tire or bicycle frame of the potential Opposer or vice versa—people who ride a bicycle with frame marked “Stump Jumper” are unlikely to think the bicycle frame has anything to do with a motorcycle club.

5. A search of the TESS system shows that there is another mark “Stump Jumper” Reg. No. 0731113, IC 028. US 022. G & S: Fishing Lures. FIRST USE: 19530620. FIRST USE IN COMMERCE: 19530620. This mark owner has NOT filed for extension of time, nor Opposed the Applicant’s mark. This shows that there is no potential likelihood of confusion for the owner of this mark.
6. Thus even a cursory initial review of the salient *du Pont* factors as applied here shows that the potential opposer’s mark does not suffer dilution or there is not a likelihood of confusion. The first extension of time request is itself unwarranted, although Applicant respectfully states that the first extension was granted under a low threshold legal standard and may be as a matter of

right. However, the Applicant submits under 37 CFR Section 2.102 (C)(2), if potential opposer makes a second request for a 60-day or a 90-day extension, the Board must deny this because the second extension of time request, if made, is unwarranted and without a showing of good cause or merit or because there is no reasonable chance of opposer's success, based on the above analysis.

7. In sum, potential Opposer's submission is without merit and any further extension (2nd extension) must be denied for lack of good cause. Since potential opposer's goods are distinct and completely different from Applicant's services, there is an insufficient ground for delaying the issue of Applicant's mark.
8. Applicant requests that the Board deny any further extension of time and direct the Trademark Office to issue Applicant's registration of said mark.

Respectfully Submitted,

 11/23/2014

Stan S. Sastry

Attorney for Applicant
USPTO Reg. No. 60237
THE LAW OFFICE OF STAN SASTRY PLLC
2615 136TH STREET SE
MILL CREEK, WA 98012
PHONE/FAX 425-357-6241

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 11/24/2014.

Handwritten signature of Stan Sastry and the date 11/24/2014, written in black ink. The signature is written over a horizontal line.

Stan S. Sastry, Registration No. 60237

Attorney for the Applicant