

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

Application Ser. No. 78/267,362

Published in the Official Gazette on March 16, 2004

REINSMAN EQUESTRIAN PRODUCTS, INC., )

Opposer, )

v. )

DENNIS MARKLE, )

Applicant. )

Opposition No. \_\_\_\_\_

SUBMISSION OF NOTICE OF OPPOSITION

Box TTAB – FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514



05-17-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Dear Sir:

Enclosed in duplicate is the Notice of Opposition to registration of the above-identified trademark and a \$300 check in payment of the filing fee for the Notice of Opposition.

It is respectfully requested that the above-identified Opposition proceeding be instituted.

Respectfully submitted,

MILLER & MARTIN  
Attorneys for Opposer  
Reinsman Equestrian Products, Inc.



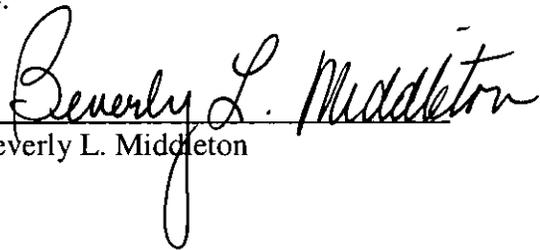
Stephen J. Stark  
Reg. No. 43,152  
Suite 1000 Volunteer Building  
832 Georgia Avenue  
Chattanooga, TN 37402-2289  
(423) 756-6600

**CERTIFICATE OF MAILING**

I hereby certify that the preceding Submission of Notice of Opposition is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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

on this 14th day of May, 2004.

  
Beverly L. Middleton

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Opposition No. \_\_\_\_\_



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U.S. Patent & TMOfr/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

In the matter of the Application for the trademark LIFTER for bits for animals in International Class 18, Serial No. 78/267,362, filed on June 26, 2003 by Dennis Markle, an individual having an address in Gunthrie, Oklahoma, which application was published in the *Official Gazette* of March 16, 2004, Reinsman Equestrian Products, Inc., a corporation of Tennessee located and doing business at 304 20<sup>th</sup> Street, S.E., Cleveland, Tennessee 37311, believes that it would be damaged by such registration and hereby opposes the registration of said trademark. An Extension of Time to Oppose for thirty (30) days was filed April 15, 2004.

The grounds for Opposition are as follows:

(1) That the Opposer is a corporation organized and existing by virtue of the laws of Tennessee, having a principal office at 304 20<sup>th</sup> Street, S.E., Cleveland, Tennessee 37311.

(2) That commencing long prior to Applicant's filing date of June 26, 2003, and well before the alleged date of first use till July, 2001, the consuming public in the barrel racing community has consistently utilized the term "lifter" to describe a bit

05/20/2004 KGIBBONS 00000023 78267362

01 FC:6402

300.00 0P

that keeps the inside shoulder up in a turn. This is evidenced by the 1986 catalog of the Trammel Bit Company provided as Exhibit A.

(3) That [www.barrelhorses.com](http://www.barrelhorses.com) website shows that the term “lifter bit” is a common way to prevent a horse from shouldering a barrel as it passes by it as shown by Exhibit B. The date of this exchange was October 2000, well before the filing date of the applicant’s mark and before the date of first use alleged by the applicant. See Exhibit B.

(4) The MR bits website at [www.mrbits.com](http://www.mrbits.com) shows an “Elevator gag bit with two piece snaffle mouth. Often referred to as a lifter bit.” See Exhibit C.

(5) Trammel is still believed to be selling a “lifter bit as evidenced by the [www.iowatackshack.com](http://www.iowatackshack.com) website showing part number 6011CC for a Connie Combs barrel racing “lifter bit.” See Exhibit D.

(6) That applicant is aggressively asserting rights to the term “lifter” as evidenced by the letter from attorney for DM Products, presumably a d/b/a for Dennis Markle, Applicant. See Exhibit E.

(7) Other companies sell other “LIFTER” bits, and are believed to have sold such well before the first date of use by Applicant. See Exhibit F.

(8) That applicant’s mark of the word LIFTER will deceive the public and create fraud on the public by attempting to register a generic name for a function of a bit product widely utilized in the barrel racing community.

(9) That because of the foregoing allegation, Opposer, along with the consuming public, is or would be damaged by the issuance of issuance of a registration to Applicant for the alleged trademark LIFTER for bits for animals.

(10) That by virtue of third party’s prior use, and for the other reasons specified above, Applicant is not entitled to registration of the Application, Serial No. 78/267,362 under the law, specifically 15 U.S.C. §1052(d).

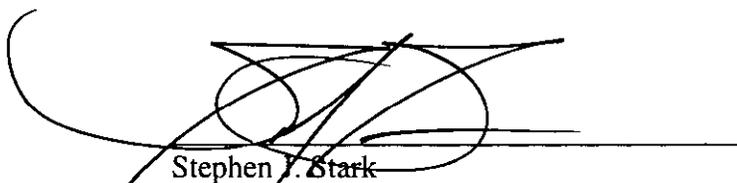
(11) That by virtue of Opposer's belief that Opposer will be damaged by the registration of the mark shown in Application, Serial No. 78/267,362 said Application is hereby opposed pursuant to the provisions of 15 U.S.C. §1063.

WHEREFORE, Opposer prays that Application Serial No. 78/267,362 be rejected and stricken, that no registration be issued thereon to Applicant for goods in Class 18, especially as it relates to bits for horses and this Opposition be sustained in favor of Opposer.

Submitted with the Notice of Opposition is the required fee, set pursuant to 37 C.F.R. §2.6(a)(17) at \$300.00 for one class.

Respectfully submitted,

MILLER & MARTIN  
Attorneys for Opposer  
Reinsman Equestrian Products, Inc.



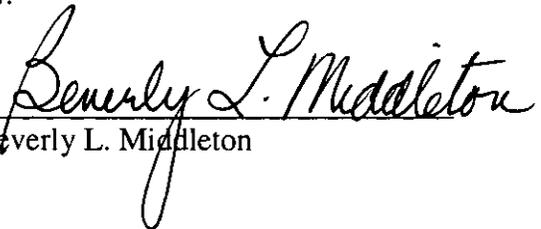
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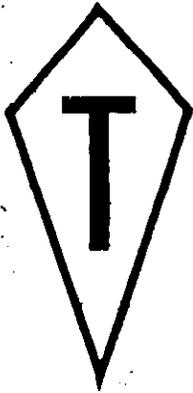
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on this 14<sup>th</sup> day of May, 2004.

  
Beverly L. Middleton



# Trammell Bit Co.

P.O. BOX 787 HASKELL, TEXAS 79521

Action 13<sup>00</sup> 95

## 1986 CATALOG



PH, 817-864-3745 • HWY 380 WEST  
HASKELL, TEXAS 79521

**TRAMMELL  
SPRINGSTEEN SNAFFLE**  
Sweet Iron Hinged Mouth

20  
235



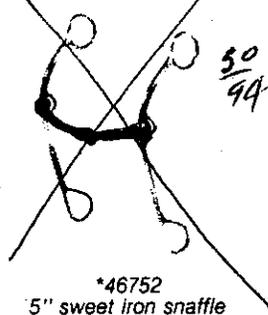
97650. MOUTH 5"

A corrective bit designed to be ridden on horses that lug, lay on, or run through the bit. The headstall is attached to the small loose ring, reins fasten to the large rings. When pressure is applied to reins the spoon collapses into the horse's jaw with a hackamore action with little pressure in the mouth. This bit should be used by advanced horsemen only.

**LYNN MCKENZIE LIFTER BIT**

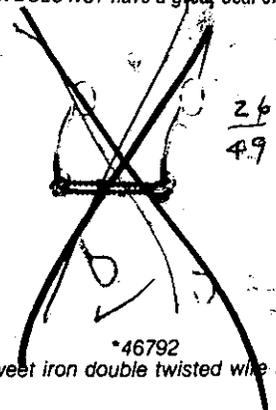
The 'lifter' works on leverage to keep the inside shoulder up in the turn. Notice the purchase (the length of the shank above the mouthpiece) is almost as long as the shank. The bit DOES NOT have a great deal of "WHOA". Offered in two different mouthpieces, to fit a variety of horses.

\*The double-twisted wire snaffle should be used with bit guards.



50  
94

\*46752  
5" sweet iron snaffle



26  
49

\*46792  
5" sweet iron double twisted wire snaffle

**CONNIE COMBS  
BARREL RACING GAG**

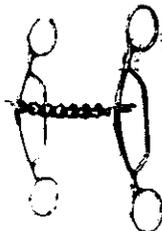


125  
274

A great bit for colts and seasoned horses. The light control of this bit keeps a horse running free, while teaching flexing and bending. It is a natural follow up bit to the Connie Combs Wonder Bit. This bit is made with two curb chain slots, so curb may be moved up or down for a new feel to you and your horse. The bit may be ridden with two curbs properly adjusted.

\*68890 - 5" sweet iron chain link snaffle

**LM MATTIE GAG BIT**  
Sweet Iron Chain  
By Trammell



38  
104

This simply made bit is for the horse who has a lot of natural rate and only needs help tucking his nose to the inside. It works well in small arenas to free your horse up to run harder.

\*70862 MOUTH 5"

**TRAMMELL  
BUCKEYE GAG**



25  
10

A good short shank gag for young horses. This bit works well on horses that want to overflex, or drop too low into the bit when stopping, or drop one or both shoulders when turning. The position of the snaffle reinring on the cheek allows this bit to be ridden as a combination gag/snaffle with four reins. MOUTH CHEEK

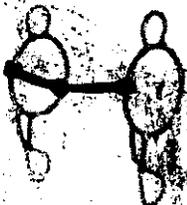
98750 5" 6"

**THE LM WONDER BIT** BY TRAMMELL

THIS BIT IS PERFECT FOR STARTING A GREEN HORSE ON BARRELS OR THE SEASONED HORSE WHO NEEDS A LEAST AMOUNT OF CONTROL. YOUR HORSE SHOULD FIND ONE OF THESE MOUTHPIECES COMFORTABLE.

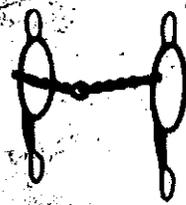
THE GAG ACTION OF THIS BIT HELPS TO LIFT THE INSIDE SHOULDER AND DISTRIBUTE THE HORSE'S BODY WEIGHT PROPERLY FOR THE TURN.

**SWEET-IRON  
SNAFFLE**



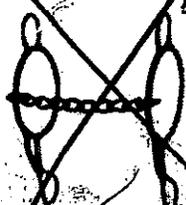
NO. \*74754 5" MOUTH

**TWISTED SWEET IRON  
SNAFFLE**



NO. \*74784 5" MOUTH

**SWEET IRON  
CHAIN**



NO. \*74864 5" MOUTH

**CONNIE COMBS WONDER BIT**

A nice bit for starting colts. It works well for flexing and bending colts at a slower speed, and on older horses that have natural rate and only need their nose tucked inside. This bit offers light control and should be ridden with a curb chain. It is offered in a chain link, sweet iron snaffle mouthpiece, which is not severe and shapes well to a horse's mouth.



\*73894  
5" sweet iron chain link snaffle

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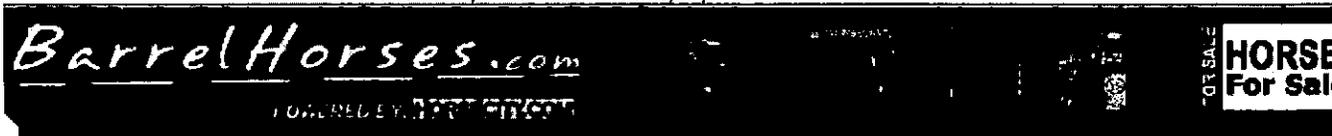
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**Hot Topic - October 2000**

This is the Barrelhorses.com "Training and Learning Arena".

On this page you will find answers to visitor questions about barrel racing and a hot link to the Vet Clinic, brought you by AAEP. Remember the more you know the better you will be. Questions are answered by **Marlene Eddleman McR** a World Champion Barrel Racer from Colorado.

\*\*Marlene has been answering questions on Barrelhorses.com for over 10 years.

Many of your questions may have already been asked. Be sure to view the archives of the Hot Topic listed at the bottom of this page. Enjoy

**Hi Marlene!**

I have a question regarding bits. My gelding is an ex-reiner and was shown in a spoon bit. I just started barrels with him and I am currently riding him in a tom thumb, and occasionally an o ring snaffle. I notice many barrel racers use gag bits, or a combination gag/hack. My question is, exactly does a gag work, and are they severe?? (some of them look kinda scary!) I'm considering switching to possibly a wonder bit, but I don't feel comfortable using a bit that I am unclear on how it works for the horse. Maybe you can clear some of this up for me! Thanks!!  
Tiffany

**Marlene Responded:** Dear Tiffany

The key to a gag bit is it allows for progressive contact with your horse. When pressure is applied to the reins connected to a gag bit there is a delay in the time it takes for the bit to go into maximum effect. This delay warns the horse of a request from the rider prior to contact and allows them to work without complete contact.

I personally like a gag with approx. one to two inches of movement. Any more than that feels "mushy" and "too late" in my hands.

â€œwhoaâ€œ

he does it.

Working this type of horse on a fence seems to work well where you spend a half an hour each day, or more, walking, trotting and loping to a fence then sitting down and saying whoa as his nose approaches the fence. This will

help Andrea with her timing and positioning. It is important that Andrea learns to position his body with her legs so he does not duck off in any direction and stays straight to the fence at a 90 degree angle. As time progresses you will need to do this exercise every other day at a run. It will show you how well you are progressing.

If you have access to cattle, I have found it very beneficial to work one at a time up and down the fence turning him back with your horse. This method

allows the horse to learn rate by themselves while having fun. I have seen some terrific results with this method and it is fun for the rider too.

It is so important that our horses are broke to the point of a reining horse so we can maintain control when we need it. Otherwise we are at the mercy of the horse and the runaway begins.

Let me know how Andrea does,

Marlene

---

**I have a mare that** shoulders the barrels really bad. You can't push her past a barrel, she has too much rate if that's possible. I been advised to try a lifter bit with drive. Exactly what type of bit am I looking for and could you send me a brochure if you sell one of these. Thanks Tony

---

**How do you keep a horse from** shouldering or diving into the first barrel  
Do

you have any other suggestions?

Thanks,

Kelly

**Marlene Responded:** Dear Tony & Kelly

The shouldering a barrel problem can be very frustrating. I train and practice my method of keeping a horse's nose tipped towards the barrel while

applying inside leg pressure. This allows me to control my horse's shoulder from dropping. Holding your inside hand (closest to the barrel) tight while allowing slack in the outside rein is the proper technique. A lifting of the inside rein while using your inside foot hold your horse up and off the barrel while positioning him for a proper and faster turn.

I do not like to send my horses past a barrel simply because this practice does not solve the problem and it is time consuming. I have seen many people

use this method only to have a horse that is deceiving to watch because

ENTER SHOP

# Go to Conchos

[Home >](#)



## Gag and Elevator Bits

This selection of bits includes gag bits and elevator gags. While gag bits are used by a wide range of horsemen (and horsewomen), they are particularly popular with barrel horse trainers. If you see a bit you like, just add it to your favorites and it will be easy to return to by clicking on the favorites link on the left.

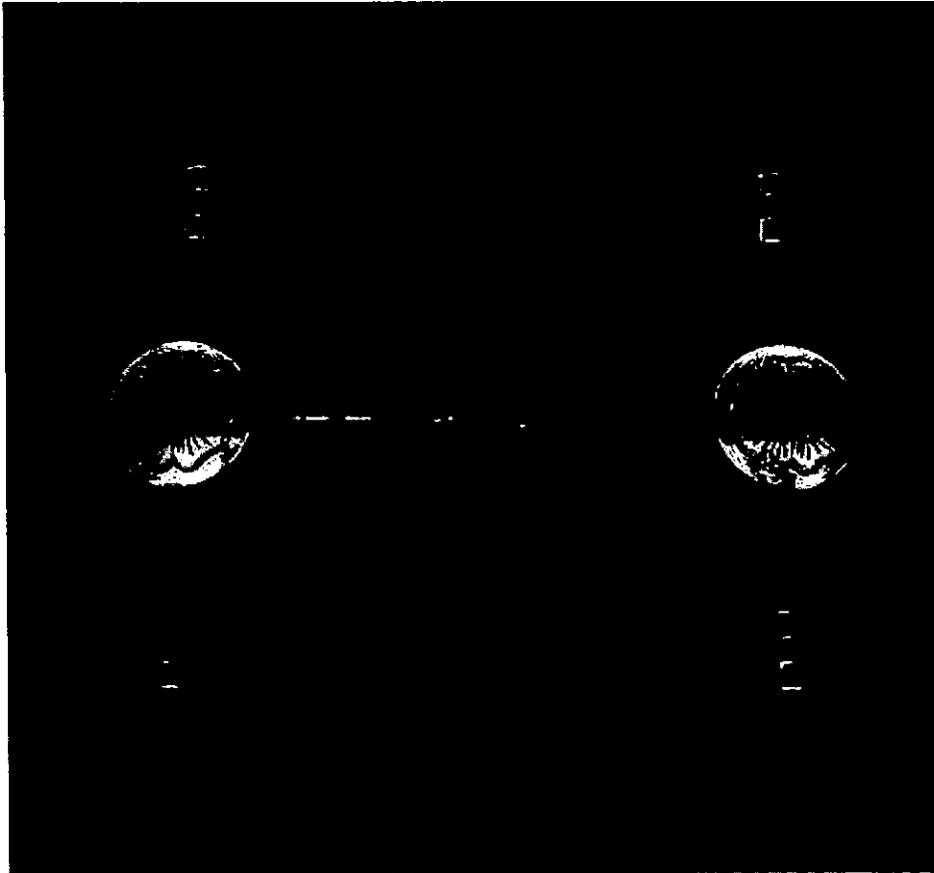
26

\$US90.00 1

Select finish:  Brown finish (as shown)  Blue finish  
Select mouth width



Sliding gag bit. Twisted wire dog bone snaffle mouth. Copper rings in center. 6 1/2" shanks, 5 1/4" mou



Elevator gag bit with two piece snaffle mouth. Often referred to as a lifter bit. 8" shanks, 5 1/4" mouth is standard. Copper inlaid in bars. Shown with concho K. Price includes your choice of any standard concho.

118

\$US90.00 1



Select concho style 

Initials (concho O or P only):

Enter initials here

Select mouth width 

Select finish:  Brown Finish (as shown)  Blue Finish

**#118 Bit**

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# LARRY'S TACK SHACK

## Bits - Sheets - Horse Care

Summer Sheets (see photos at <a href="http://www.congressleather.com">www.congressleather.com</a> )			
Item #	Description	Price	Select size
7015	RIPSTOP SHEET - Pre-shrunk; cotton shoulder gussets; stainless steel hardware; 2-buckle front closure; leg straps; criss-cross surcingle; blue with tan trim.	\$42.50	<input type="checkbox"/>
7018	TURNOUT SHEET - Breathable; leg straps; stainless steel hardware; 2-buckle front closure; wither protector; tartan plaid with navy	\$43.50	<input type="checkbox"/>
7016	SCRIM FLY SHEET - Polyester knit; breathable; 1-buckle front closure; tail cord; offers sun and fly protection; white only.	\$18.95	<input type="checkbox"/>
6650	SMALL HOLE FLY SHEET - crossed surcingle with leg straps; hunter green with burgundy trim	\$39.95	<input type="checkbox"/>

[View Selected Summer Sheets](#)

### Fiebing's Flyspray-44



Especially for horses. Provides protection against pests. Contains lanolin to give high sheen to hair after brushing. Active ingredients: pyrethrins and oil of citronella.

32-oz spray \$16.22    gallon \$55.00

[-select size-](#)  [Buy Now](#)

### Greg Darnall Bit #1640C

Buster Welch aluminum shank allows natural movement of horse's head. 8" cheeks, 5" mouth, sweet iron, short spoon US port with copper inlay.

Reg. Price \$145.00    Now \$120.00

[Buy Now](#)

### Connie Combs Barrel Racing Bits

- #6010CC - Wonder Bit                      Reg. Price \$39.90                      Now \$32.50
- #6011CC - Lifter bit, black steel cheeks, sweet iron copper inlaid low port correction mouth  
Reg. Price \$29.95                      Now \$23.00



---

**Trammell Snaffle #TR63750**

Sweet iron, no-pinch mouth, offset dee's

Reg. Price \$35.00

Now \$22.50



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Prices effective July 2003, subject to change. All products offered subject to availability.

---

LARRY'S TACK SHACK — 611 Hwy 6 East — Iowa City, Iowa 52240  
800-242-0873 or 319-338-7548 — [tackshack@prodigy.net](mailto:tackshack@prodigy.net)  
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Rec'd 3/6/04



February 26, 2004

The Tack Stop  
RR 1  
Box 6990  
191 Burnham Rd.  
Pittsfield, ME. 04967

Re: Unauthorized Use of Trademark Property

Dear Tack Stop:

This letter is at the request of my client, DM Products, owner of the trademark "LIFTER", Application No. 78267362. It has come to my client's attention that you have been selling goods using my client's trademark. You do not have a license from my client to do so and are in violation of my client's federal trademark rights.

In order to remedy this problem, my client requests that you, your company, any related companies, and their officers and agents, immediately cease and desist from further use or reference to the trademark "LIFTER" in the sales of your products. This must include the removal of the trademark from your domain names, websites, advertisements, catalogs, boxes, labels, and any other trade publications or literature.

Your reply to this letter acknowledging that you will immediately cease and desist is respectfully requested within ten business days from the date of this letter. Should such a response not be received, our client will have no choice but to take action necessary to protect its interests.

If you have any questions or would like to discuss the above, please do not hesitate to call.

Respectfully,

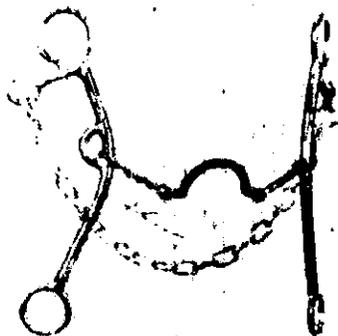
Robert W. Jones

**Robert W.  
Jones**  
Attorney at Law

22 S. St. Clair St.  
Canton, Ohio 45402  
Tel: 937 451 5998  
Fax: 937 461 5922

Writer's e-mail  
bob@patentlawyercorp.com

# Gag & Lifter Bits!!!



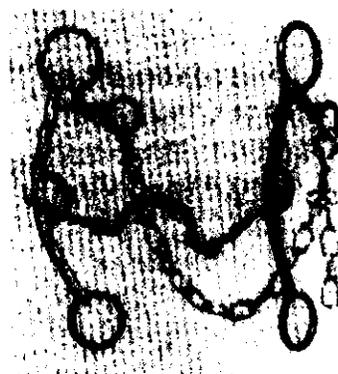
**BEST SELLING Chain Mouthpiece !!!**

**Item # SC-75**

**SUPER PORT \$60.00 + Shipping**

**All Other Mouthpieces \$55.00 + Shipping**

This bit with Shallow Creek's 3 piece port mouth offers a new feel to your horse, which makes competition or schooling a much less exhausting process. The turned back top gives the bit balance and also gets the curb chain out of the way, so it doesn't pinch. Quick response with extra lift and more collection in the turn makes this bit a winner.

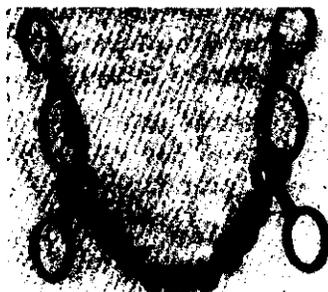


**Item # SC-75J**

**Super Port \$60.00 + Shipping**

**All Other Mouthpieces \$55.00 + Shipping**

Less movement of the mouthpiece gives quicker response. Same as SC-75 except a 5" model.



**Item # SC-5**

**3-1/2" BW Gag \$45.00 + Shipping**

**All Other Mouthpieces \$40.00 + Shipping**

This bit comes with a lip getter mouthpiece very effective and versatile. Can be turned either way or hook reins in the middle to soften the horse's mouth, or smooth side works like a snaffle.

**LIP GETTER SHOULD BE USED WITH A LIGHT TOUCH.**



**Item # SC-10**

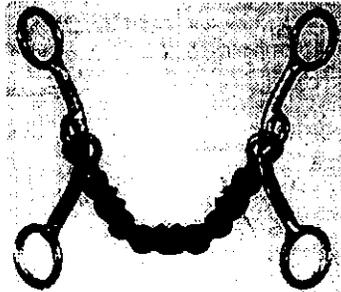
**5" BW Gag Lip Getter Mouth**

**\$45.00 + Shipping**

**All Other Mouthpieces**

**\$40.00 + Shipping**

All the qualities of the SC-5, but being the larger size this bit will give the rider more control.



**Item # SC-7**  
**4" No Gag, \$45.00 + Shipping**  
**All Other mouthpieces, \$40.00 + Shipping**

**Good balance and shorter length gives this bit good lift with great fit and less movement on the horse.**

Good balance and shorter

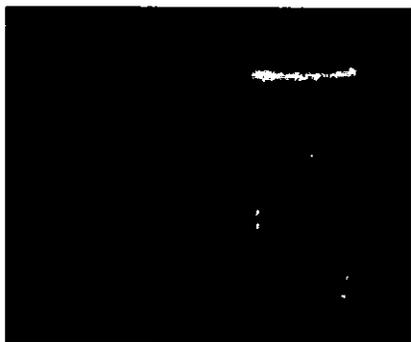


**Item # SC-42**  
**6" Lifter Bit**  
**\$40.00 + Shipping**

**No gag or movement of the mouthpiece and the space between the mouthpiece and the top of the bit give maximum lift.**



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**Beval Center Bar Lifter Bit**  
Center Bar Lifter.

**Price:** \$97.00

**Quantity:** 1

**Bits** 5"