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Filing date: **06/26/2008**

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

Proceeding	91177156
Party	Plaintiff H-D Michigan, Inc.
Correspondence Address	LINDA K. MCLEOD FINNEGAN, HENDERSON, FARABOW GARRETT & DUNNER LLP, 901 NEW YORK AVENUE NW WASHINGTON, DC 20001-4413 UNITED STATES
Submission	Plaintiff's Notice of Reliance
Filer's Name	Linda K. McLeod
Filer's e-mail	docketing@finnegan.com, linda.mcleod@finnegan.com, susannah.klank@finnegan.com
Signature	/Linda K. McLeod/
Date	06/26/2008
Attachments	Signed Not of Rel. No. 5 with Exhibits (public version).pdf (17 pages)(213099 bytes)

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

<p>H-D MICHIGAN, INC., Opposer v. BRYAN BROEHM, Applicant.</p>	<p>Opposition No.: 91177156  Mark: Serial No.: 78896325 Filed: May 30, 2006</p>
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**OPPOSER'S NOTICE OF RELIANCE NO. 5
UNDER 37 CFR §§ 2.120(j)(3)(i) & (j)(8)**

H-D Michigan, Inc. ("Opposer") submits of record in connection with this opposition proceeding a copy of certain of Bryan Broehm's ("Applicant's") Responses to Opposer's First Set of Requests for Admission and Responses to Opposer's First Set of Requests for the Production of Documents. Specifically, Opposer submits and relies on Applicant's Responses to Opposer's Request for Admission No. 1 (attached as Exhibit A), and Requests for the Production of Documents and Things Nos. 14, 30, and 31, and Mr. Broehm's signature after each of the responses (attached as Exhibit B).

In addition, Opposer submits of record in connection with this opposition proceeding a copy of certain documents produced by Applicant (without Bates numbers) in response to Opposer's First Set of Requests for the Production of Documents. A copy of these documents is attached as Exhibits C-F. In response to Opposer's First Set of Requests for Admissions, Applicant has admitted that the

above documents are authentic for purposes of admission into evidence in this opposition proceeding.

This evidence is relevant to the Board's likelihood-of-confusion and likelihood-of-dilution analyses. Among other things, it shows the manner in which Applicant has used or intends to use his mark in connection with clothing and motorcycle products; Applicant's goods offered or intended to be offered under his mark; Applicant's familiarity with motorcycles, retail sales of motorcycles, and motorcycle organizations, including but not limited to Opposer's HARLEY-DAVIDSON motorcycles and Harley Owner's Group (H.O.G.); Applicant's knowledge of Opposer (by and through its related companies); and Applicant's knowledge of Opposer's products and services.

Dated: June 26, 2008

Respectfully submitted,



David M. Kelly
Linda K. McLeod
Jonathan M. Gelchinsky

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4000

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing OPPOSER'S NOTICE OF RELIANCE NO. 5 UNDER 37 CFR §§ 2.120(j)(3)(i) & (j)(8) was served by first class mail, postage prepaid, on this 26th day of June 2008, upon Bryan Broehm at the following address:

Bryan Broehm
331 Gazetta Way
West Palm Beach, FL 33413-1053

Susanah Klamb

U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit A

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

**H-D MICHIGAN, INC., OPPOSER, V. BRYAN BROEHM, APPLICANT
OPPOSITION NO. 91177156**

RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

1. Each document Applicant has produced in response to Opposer's First Set of Requests for the Production of Documents and Things and Opposer's First Set of Interrogatories is authentic for purposes of admission into evidence during the testimony in this opposition proceeding.

RESPONSE:

Admit

REDACTED

Respectfully Submitted,

Bryan C. Broehm

Bryan C. Broehm

U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit B

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

<p>H-D MICHIGAN, INC., Opposer</p> <p>v.</p> <p>BRYAN BROEHM, Applicant.</p>	<p>Opposition No.: 91177156</p> <p align="center"></p> <p>Mark: Serial No.: 78896325 Filed: May 30, 2006</p>
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**OPPOSER'S FIRST SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer H-D Michigan Inc. ("Opposer") serves this First Set of Requests for the Product of Documents on Applicant Bryan Broehm ("Applicant"), and requests that Applicant produce the requested documents at the offices of Opposer's counsel, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. located at 901 New York Avenue, NW, Washington, DC 20001-4413, within thirty (30) days of service.

DEFINITIONS AND INSTRUCTIONS

Opposer incorporates by reference the definitions and instructions set forth in Opposer's First Set of Interrogatories to Applicant.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS

REDACTED

14. Documents sufficient to show all forms in which Applicant has depicted, displayed, or used each of Applicant's names and marks identified in response to Interrogatory No. 1, including but not limited to all designs, stylizations, and/or logos. *SEE DOCUMENT 'C'*

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

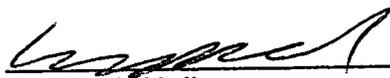
30. Documents referring or relating to all Harley Owners Groups ("H.O.G.") of which Applicant is now or has ever been a member. *ALL I HAVE IS MY MEMBERSHIP CARD No. U.S. 3267315, Exp. 03/2008*

31. Documents referring or relating to all Harley-Davidson motorcycles owned by Applicant, and the dealer(s) from whom Applicant purchased such motorcycle(s).

REDACTED

Dated: October 11, 2007

Respectfully submitted,


David M. Kelly
Linda K. McLeod
Jonathan M. Gelchinsky
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue N.W.
Washington, DC 20001
(202) 408-4000

I have done my best to provide what you have requested. I will gladly comply and/or assist with any necessary additional items or information that are actually needed.

Deya C. Beech

November 11, 2007

U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit C



By & Seal
11.11.07

U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit D



U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit E
Filed Under Seal

U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit F
Filed Under Seal

U.S. Trademark Opposition No. 91177156
H-D Michigan, Inc. v. Bryan Broehm
Serial No. 78896325

Mark: 

Exhibit G
Filed Under Seal