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

Proceeding	91177156
Party	Defendant Bryan Broehm Bryan Broehm 331 Gazetta Way West Palm Beach, FL 33413
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Submission	Answer
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Signature	/Bryan C. Broehm/
Date	07/17/2007
Attachments	Answer to Opposition No 91177156_revised.pdf (4 pages)(13876 bytes) Express Mail Receipt.pdf (1 page)(152930 bytes) Proof of Delivery - Signature.pdf (1 page)(11356 bytes) USPS Track and Confirm.pdf (1 page)(33599 bytes) USPS Track and Confirm p2.pdf (1 page)(34358 bytes)

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

ANSWER

In response to the Opposer's claims:

Paragraph 1: Admit

Paragraph 2: Admit

Paragraph 3: Admit

Paragraph 4: Admit

Paragraph 5: Admit

Paragraph 6: Admit

Paragraph 7: Admit

Paragraph 8: Admit

Paragraph 9: Admit

Paragraph 10: Admit

Paragraph 11: Admit

Paragraph 12: Admit

Paragraph 13: Admit

Paragraph 14: Admit

Paragraph 15: Deny

In response to the Opposer's claim that my wording of Holy-DivineSon is an infringement of their trademark because it imitates the sound and appearance of the Harley-Davidson wording on their mark, I ask then if all trademarks of any similar manner were presented for consideration, would they then be

opposed too? Holy-DivineSon is no more an infringement of the Opposer's trademark nor any more similar than if a person named Henry Dickinson wanted to trademark his name inside a logo that consisted of a rectangle positioned mid-way between the top and bottom of a square, or any polygonal shape, behind the rectangle. Noteworthy also is the Opposer's reference to the use of a similar font, which to best of my knowledge and understanding is not an element which can be trademarked. Furthermore, the positioning of the words Jesus and Christ above and below the banner shape in my logo is no different than hundreds of other similar trademarked logos, using different words. Additionally, the words Jesus and Christ are of no similarity in either meaning or connotation to the words Motor and Cycles, which would clearly lend to a reasonable person being able to distinguish between my proposed mark and logo, and that of the Opposer.

Paragraph 16: Deny

It is my position that under the defense of Parody, that while similar, my mark and logo are distinguishable from the Opposer's mark and logos to such a degree that any reasonable person observing my mark and logo would unmistakably recognize that it is not the Opposer's mark and logo. A case in point would be the number of comments made to me about my mark and logo design that I have affixed as a decal to my motorcycle helmet. Instead of being said to me that they thought it was the Opposer's mark and logo, many have recognized its unique character and commented as to my intent in displaying the mark and logo as a means of evangelizing to others of my belief in Jesus Christ as the holy, divine Son of God.

My proposed logo design is distinguishable and different from the Opposer's in that my design is clearly the shape of a Maltese Cross (which design is used in hundreds of other motorcycle and other related trademarks and designs) with a banner across the horizontal bar of the cross, and not a shield with a bar in front of it. The banner is representative of the banner that was place on the cross where Jesus was

crucified that in that it read "King of the Jews", and thereby He was the holy and divine Son of God: hence, Holy-DivineSon. My placement of the "Banner" is similar to the Opposer's placement of the "Bar" element on their logo, just as many other trademark logos resemble. Such placement and its similarity should not be grounds for legitimate opposition. Moreover, I have designed my proposed logo with rounded corners and edges which differs from the Opposer's sharp, pointed corners and edges. Such rounded corners actually make my logo a Maltese Cross, polygonal shape, with a rounded banner, which again differs from the Opposer's logo. All of these described elements of my proposed mark and design make the two designs clearly distinguishable from one another and eliminates any likelihood of confusion.

Paragraph 17: Admit to statements one through 14. Deny statements fifteen and sixteen.

Paragraph 18: Admit

Paragraph 19: Deny

My proposed trademark, design, and logo are meant to be a means of Christians displaying their faith. While they may well be displayed by motorcycle riders as well as others, the trademark will no more dilute the distinctive quality of the Opposer's marks than any other trademark design that has been parodied for the means of evangelizing in some manner or another.

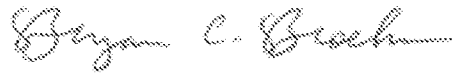
Paragraph 20: Deny

I highly contest that any meager financial gain I may have from the sale of any products utilizing my proposed trademark and logo will dilute the Opposer's multi-million dollar annual profits, and refute their claim that they are being and will be damaged by the registration of my proposed trademark and logo.

WHEREFORE, Applicant respectfully requests that the opposition be denied, and that the registration of the mark in Application Serial No. 78896325 be approved registration.

Dated: July 07, 2007

Respectfully Submitted,



Bryan C. Broehm

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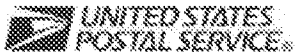

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