

ESTTA Tracking number: **ESTTA458045**

Filing date: **02/22/2012**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Defiers MC of Pikeville		
Entity	Partnership	Citizenship	Kentucky
Composed Of:	Ben Fleming - USA, Jimmy Wright - USA, Seth Mullins - USA, Ronnie Moore - USA, Bobby Childers - USA, Don Newsome - USA, Colley Stevens - USA, Mike Hicks - USA, Chris Hicks - USA, William Iricks- USA, Stanley Little - USA		
Address	2920 Hwy 610 W Virgie, KY 41572 UNITED STATES		

Correspondence information	Ben Fleming President The Defiers MC of Pikeville 2920 Hwy 610 W Virgie, KY 41572 UNITED STATES WRIGHTJIMMY@KYMAIL.COM Phone:606-639-8769
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Applicant Information

Application No	85272160	Publication date	01/31/2012
Opposition Filing Date	02/22/2012	Opposition Period Ends	03/01/2012
Applicant	The Defiers Motorcycle Club 760 Pond Creek Road Stone, KY 41567 UNITED STATES		

Goods/Services Affected by Opposition

Class 200. First Use: 1975/01/01 First Use In Commerce: 1975/01/01 All goods and services in the class are opposed, namely: Indicating membership in The Defiers Motorcycle Club

Grounds for Opposition

Immoral or scandalous matter	Trademark Act section 2(a)
Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Other	The Defiers MC of Pikeville started in 1973 which stood alone until founding members started helping Clay City Chapter form IN 1986. The Stone Chapter was formed in 1989. Shortly thereafter Pikeville Chapter closed in 1990 to reopen in 2004. Johnny Fields filed for sole

	ownership that was abandoned 12/4/2008- US Trademark:serial # 77066025. When the US trademark was abandoned the three chapters held a meeting and agreed stop any further action on getting a trademark until all three chapters would be recognized. Ky Pike County Civil Action # 10-CI-1762 rule with a motion to cancel the mark in Kentucky Certificate # 016479. At this time Johnny Fields was asked to return any and all property involving The Defiers Motorcycle Club. The original chapter members are in agreement with the Pikeville and Clay City Chapters.
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Description of Mark: The mark consist of Red appears as the background color for each individual patch (i.e. Top Rocker, Bottom Rocker, Center Patch & MC Patch); as a bloodshot portion of the Viking's eyes BLACK appears as the border around all patches; as the color of all letters on all patches; as the color of the Viking's hair and beard; as an outline color for the wings, helmet, and facial features FLESH TONE appears as the color of the Viking's face BLUE appears as eye color GOLD appears as the color of the Viking's helmet SILVER appears as the color of the buttons on the Viking's helmet; as an outline color in the Viking's hair and beard ORANGE appears as the color of the wings behind the Viking's head.		
Goods/Services	Indicating membership in a(n) motorcycle club		

Related Proceedings	Pike County, Ky. Civil Action No. 10-CI-1762
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Attachments	THE DEFIERS MC.txt (1 page)(759 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ben Fleming/
Name	Ben FLeming
Date	02/22/2012

The Defiers MC

Pikeville, KY
Clay City , Ky

1. The Defiers of Clay City is the oldest operating Chapter of The Defiers MC started in 1986. Pikeville Chapter started in 1973 which stood alone until founding members help start The Clay City Chapter form. The Stone Chapter was formed in 1989. The Pikeville Chapter closed in 1990 and reopened in 2004.
2. Pike County, Kentucky Court ruled against Johnny Fields in sole ownership and made a motion to cancel the state trademark registered 3/15/2011 Action # 10-CI-01762.
3. If any chapter should own the Trademark "The Defiers MC" then it should be Clay City, Ky which is the oldest operating Chapter.

Sincerely,
The Defiers MC Pikeville
Ben Fleming
Jimmy Wright