

ESTTA Tracking number: **ESTTA618169**

Filing date: **07/28/2014**

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

Proceeding	91204404
Party	Defendant Vincent Motors LLC
Correspondence Address	ANTHONY V LUPO ARENT FOX LLP 1050 CONNECTICUT AVENUE NW WASHINGTON, DC 20036 UNITED STATES luna.samman@arentfox.com, tmdocket@arentfox.com, randall.brater@arentfox.com
Submission	Opposition/Response to Motion
Filer's Name	Randall A. Brater
Filer's e-mail	randall.brater@arentfox.com, gneff@verizon.net, lydsung@verizon.net, luna.samman@arentfox.com, tmdocket@arentfox.com, michael.dearington@arentfox.com
Signature	/Randall A. Brater/
Date	07/28/2014
Attachments	Applicant's Opposition to Mot. for Summ. J. - final.pdf(220329 bytes ) App. Opposition Ex. 1.pdf(4188171 bytes ) App. Opposition Ex. 2.pdf(1235335 bytes ) App. Opposition Ex. 3 - public version.pdf(6098 bytes ) App. Opposition Ex. 4.pdf(5287389 bytes ) App. Opposition Ex. 5.pdf(3117407 bytes ) App. Opposition Ex. 6 - public version.pdf(35809 bytes )

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

DAVID M. HOLDER,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91204404
	)	
VINCENT MOTORS LLC/	)	
EICHER MOTORS LTD.	)	
	)	
Applicant.	)	

**APPLICANT VINCENT MOTORS LLC'S (AND EICHER MOTORS LTD.'S)<sup>1</sup>  
BRIEF IN OPPOSITION TO OPPOSER DAVID M. HOLDER'S  
MOTION FOR SUMMARY JUDGMENT**

---

<sup>1</sup> On June 25, 2014, Eicher Motors Ltd. filed a motion to substitute party because on May 21, 2014, Vincent Motors LLC assigned to Eicher all rights, title, and interest in and to U.S. Trademark Application No. 85397317 for the mark VINCENT and Registration Nos. 4128589 and 4128588 for the marks VINCENT and VINCENT HRD, which are the subject of the instant proceeding. ECF 29. The assignment, which was recorded with the U.S. Patent and Trademark Office at Reel/Frame 5307/0871 transferred all federal and common law rights in these marks, together with the goodwill and business inherent therein to Eicher. Nonetheless, Opposer opposed that motion, and it is fully briefed pending resolution by the Board. As a result, this opposition is filed by the currently named party, Vincent Motors LLC, on behalf of its successor-in-interest, Eicher Motors Ltd., who is the current applicant and proper party to this proceeding.

## TABLE OF CONTENTS

	<u>Page</u>
I. Statement of Facts.....	2
A. THE MARKS AT ISSUE.....	2
B. APPLICANT AND ITS PREDECESSORS-IN-INTEREST’S USE OF VINCENT.....	4
ARGUMENT.....	7
I. Holder’s Evidence Provides an Insufficient Basis Upon Which to Grant Summary Judgment Because Holder has Failed to Show that, Viewing the Evidence in a Light Most Favorable to Applicant, Priority is Not in Dispute.....	7
A. Legal Standard for Summary Judgment.....	7
B. Holder Must Show His Use of VINCENT as a Mark in the U.S. Prior to Applicant’s First Use.....	8
1. Applicant Has Used the VINCENT Mark in the U.S. Since 1994.....	9
C. Holder Has Failed to Produce Conclusive Evidence That He Had Any Rights in the Marks, Let Alone Rights Prior to Applicant.....	11
1. Applicant Disputes Whether Holder Is a Successor in Interest to the Original Vincent HRD Company and Whether the Original Company Maintained Rights in the United States After 1955.....	11
2. Holder’s Evidence of Velocette’s Use of Vincent on Motorcycles, Motorcycle Parts, and Clothing Is Unpersuasive.....	12
a. Motorcycles.....	13
b. Motorcycle Parts.....	13
c. Clothing.....	15
d. Any Alleged Use Is By Third Parties, Not Holder.....	17
e. Advertising.....	17
D. Holder’s Reliance on Foreign Registrations Is Misplaced Because Foreign Registrations Alone Do Not Create Trademark Rights in the United States, Even if the Marks Are “Well-Known” or “Famous,” Which They Are Not.....	19
1. The Board Does Not Recognize the “Well-Known” or “Famous” Foreign-Marks Doctrine.....	19
2. Even if the Board Recognized the “Well-Known” or “Famous” Foreign-Marks Doctrine, Holder Has Failed to Demonstrate That It Applies to the Marks at Issue.....	22
a. Holder Failed to Conclusively Establish His Foreign Marks Have Secondary Meaning in the United States.....	22
b. Holder Failed to Conclusively Establish That “A Substantial Percentage of Consumers” in the United States Is Familiar with His Foreign Marks.....	24
CONCLUSION.....	25

## TABLE OF AUTHORITIES

	<u>Page(s)</u>
<b>CASES</b>	
<i>Bayer Consumer Care AG v. Belmora LLC</i> , 90 U.S.P.Q.2d 1587 (TTAB 2009) .....	21
<i>Celotex Corp. v. Catrett</i> , 477 U.S. 317 (1986).....	8
<i>Fram Trak Indus., Inc.</i> , 77 U.S.P.Q.2d 2000 (T.T.A.B. 2006) .....	8
<i>Grupo Gigante S.A. de CV v. Dallo &amp; Co.</i> , 391 F.3d 1088 (9th Cir. 2004) .....	passim
<i>Hershey Chocolate &amp; Confectionary Corp. v. Wiesen</i> , No. 91200575, 2013 WL 6858022 (TTAB Dec. 27, 2013).....	8, 9
<i>In re Boston Beer Co.</i> , 198 F.3d 1370, 53 U.S.P.Q. 2d 1056 (Fed. Cir. 1999) .....	22, 23
<i>In re Chamber of Commerce of the United States</i> , 675 F.3d 1297 (Fed. Cir. 2012).....	22, 23
<i>In re Raven Marine, Inc.</i> , 217 U.S.P.Q. 68 (TTAB 1983) .....	16
<i>Institut Nat’l Des Appellations d’Origine v. Brown-Forman Corp.</i> , 47 U.S.P.Q.2d 1875 (TTAB 1998) .....	8
<i>ITC Ltd. v. Punchgini Inc.</i> , 482 F.3d 135, 82 U.S.P.Q. 2d 1414 (2d Cir. 2007) .....	12, 19, 20, 21
<i>La Societe Anonyme des Parfums le Galion v. Jean Patou, Inc.</i> , 495 F.2d 1265, 181 U.S.P.Q. 2d 545 (2d Cir. 1974) .....	19
<i>Olde Tyme Foods, Inc. v. Roundy’s, Inc.</i> , 961 F.2d 200, 22 U.S.P.Q. 2d 1542 (Fed. Cir. 1992) .....	8
<i>Opryland USA Inc. v. Great Am. Music Show, Inc.</i> , 970 F.2d 847 (Fed. Cir. 1992).....	8
<i>Petroleos Mexicanos v. Intermix S.A.</i> , 97 U.S.P.Q.2d 1403 (TTAB 2010) .....	17, 21

<i>Robin Singh Educ. Servs., Inc. v. Test Masters Educ. Servs., Inc.</i> , Nos. 91163136, 91164627 .....	9
<i>Sengoku Works Ltd. v. RMC Int'l, Ltd.</i> , 96 F.3d 1217, 40 U.S.P.Q. 2d 1149 (9th Cir. 1996) .....	9, 11
<i>Wallpaper Mfrs., Ltd. v. Crown Wallcovering Corp.</i> , 680 F.2d 755, 214 U.S.P.Q. 2d 327 (CCPA 1982) .....	18
<b>STATUTES, RULES, AND REGULATIONS</b>	
15 U.S.C. § 1051(b) .....	3
15 U.S.C. § 1057(b), (c) .....	15
15 U.S.C. § 1125(c) .....	19
15 U.S.C. § 1127 .....	12
Fed. R. Civ. P. 56(a) .....	7
37 C.F.R. § 2.116(a) .....	7
Trademark Rule 2.116(a) .....	7
<b>OTHER AUTHORITIES</b>	
2 <i>McCarthy on Trademarks and Unfair Competition</i> § 16:4 (4th ed.) .....	11
J. Thomas McCarthy, 2 <i>McCarthy on Trademarks and Unfair Competition</i> § 16:4 (4th ed.) .....	9
Paris Convention for the Protection of Industrial Property, July 14, 1967, art. 6, 21 U.S.T. 1583, 1643-44 .....	20
<a href="http://www.custom-images.co.uk">www.custom-images.co.uk</a> .....	16
<a href="http://www.ebay.co.uk">www.ebay.co.uk</a> .....	16

David M. Holder (“Holder”) seeks summary judgment on his opposition to the application for registration of the marks VINCENT and VINCENT HRD by Applicant Vincent Motors LLC (“Vincent Motors”) and successor-in-interest Eicher Motors Ltd. (“Eicher”)<sup>2</sup> because he alleges that there are no genuine issues of material fact regarding the priority of use of VINCENT and VINCENT HRD. In support, Holder contends that (1) Holder and his predecessors in interest have used the marks in the United States prior to Applicant, and (2) Holder’s foreign-registered marks are “well-known” and “famous” and therefore entitled to rights even if Holder has not used them in the United States.<sup>3</sup> Holder’s arguments fail because he has not presented any evidence of any use of the mark VINCENT in the United States that can be attributed to him in the minds of consumers, let alone priority over Applicant. Therefore, Holder cannot establish common law rights in the mark VINCENT with priority over the rights of Applicant. Moreover, Holder relies on the “well-known” or “famous” foreign-marks doctrine, but that doctrine has not been adopted by the Board. Regardless, Holder has not presented undisputed facts to show that his foreign marks actually are “well-known” or “famous” in the United States.

Holder’s motion is premised on his contention that he can allegedly trace his use of VINCENT on products in the United States “since well prior to 1994.” Mot. for Summ. J., at 5. But there is no evidence to support Holder’s claim of actual use of VINCENT. Instead, there are

---

<sup>2</sup> Together, Vincent and Eicher are collectively referred to herein as Applicant.

<sup>3</sup> Holder also contends that summary judgment is appropriate because (a) Applicant has not responded to Opposer’s interrogatories and (b) the two witnesses for Opposer live in the United Kingdom. This is curious because (a) Applicant *did* respond to Opposer’s interrogatories in a timely fashion and no motion to compel was ever filed, and (b) Opposer initiated this proceeding, so any prejudice associated with having to travel to the U.S. to give testimony is nullified, and, regardless, the location of witnesses is certainly not a valid basis for summary judgment.

documents that purport to show use, albeit nominal, by third parties that Holder tries to attribute to himself. But Holder has not produced or provided any license agreements, specific sales, or advertising in the United States with or by alleged licensed dealers/distributors that show use by third parties *on behalf of* Holder. Instead, there is an absolute dearth of evidence, other than inconclusive, uncorroborated surmise, that he has any rights in the VINCENT name at all in the United States, let alone any use in the United States prior to Applicant that is attributed to Holder in the minds of consumers.

Similarly, putting aside that Holder misstates the applicability of the foreign-marks doctrine at the Board, there also is a paucity of evidence that the VINCENT mark is “well-known” or “famous” *as associated with Holder*. Although Holder may believe that he has rights to the VINCENT name worldwide, his own conviction is not a “fact” that can support summary judgment.

Put simply, Holder cannot establish that he has priority over Applicant for the VINCENT or VINCENT HRD mark, nor can Holder establish that his association with the mark is “well-known” anywhere in the world. At a minimum, there is a genuine dispute of material fact as to these assertions – especially when construed in the light most favorable to Applicant. As such, Holder’s motion for summary judgment should be denied.

## **I. STATEMENT OF FACTS**

### **A. THE MARKS AT ISSUE.**

Two marks for goods and services are at issue in this proceeding: VINCENT and VINCENT HRD. In August 2011, Vincent Motors, a Washington limited liability company owned by David Green, applied for registration of the marks at issue for use in connection with caps, jackets, shirts, and t-shirts (IC 025). The United States Patent and Trademark Office

registered the marks in April 2012.<sup>4</sup> In August 2011, Vincent Motors also filed an intent-to-use application for the mark VINCENT in connection with motorcycles and structural parts and helmets (IC 009 and IC 012), which Holder currently opposes.<sup>5</sup> Holder now also seeks cancellation of Vincent Motors's registrations for the VINCENT and VINCENT HRD marks for use in connection with caps, jackets, shirts, and t-shirts,<sup>6</sup> which the Board has consolidated into the present Opposition proceeding. Holder alleges he owns common-law rights to the marks in the United States and will be damaged by Vincent Motors's use of the marks, which he argues are likely to cause confusion with, and dilute, marks allegedly owned by Holder.<sup>7</sup> Holder has also applied for his own registration of VINCENT for use in connection with motorcycles and parts, printed materials, and clothing (IC 012, IC 016, and IC 025).<sup>8</sup> During the pendency of the litigation, Vincent Motors assigned to Eicher all rights, title, and interest in the above registrations and application, and Eicher moved to substitute itself for Vincent Motors in the present action.<sup>9</sup>

---

<sup>4</sup> Vincent Motors filed Application Serial No. 85396580 for the mark VINCENT HRD, Registration No. 4128588, on August 12, 2011, and Application Serial No. 85396591 for the mark VINCENT, Registration No. 4128589, both published for opposition on January 31, 2012, and registered April 17, 2012.

<sup>5</sup> Vincent Motors filed an intent-to-use application, Application Serial No. 85397317, for the mark VINCENT, on August 13, 2011, pursuant to 15 U.S.C. § 1051(b), published for opposition on January 31, 2012.

<sup>6</sup> Cancellation No. 92055541 (consolidated with the instant proceeding).

<sup>7</sup> Notice of Opposition, ECF 1, at 3-4.

<sup>8</sup> Holder filed Application Serial No. 85577232 for the mark VINCENT, on March 22, 2012.

<sup>9</sup> Motion to Substitute Party, June 25, 2014, ECF 29.

**B. APPLICANT AND ITS PREDECESSORS-IN-INTEREST'S USE OF VINCENT.**

In 1994, Bernard Li set out to resurrect the long-defunct brand of motorcycles originally manufactured by Vincent HRD Co., Ltd., a British motorcycle manufacturer that ceased manufacturing motorcycles and went into receivership in or around 1955. Ex. 1 (Holder Dep., 17-20); Ex. 4, VM 00001-5, VM 00121-26, VM 00169-71.<sup>10</sup> Li also wanted to sell related merchandise and clothing using the brand. Ex. 2 (Green Dep., 40-48). To that end, he began registering trademarks in 1994—the year Applicant contends it first acquired rights to, and priority in, the marks at issue—and in 1998 formed California-based Vincent Motors USA. Ex. 1 (Holder Dep., 99; Holder Ex. 11, DH 0242-43; Holder Ex. 12, VM 00006); Ex. 3 (Green Dep., 55; Green Ex. 1, VM 00135-36) (filed under seal); Ex. 4, VM 00172-73. Li and Vincent Motors USA registered several marks, including H-R-D THE VINCENT H-R-D- CO LTD. STEVENAGEHERTS, Registration No. 2,281,568, BLACK SHADOW, Registration No. 2,121,683, VINCENT MOTORCYCLES BLACKEAGLE, Registration No. 2,136,929, VINCENT MOTORCYCLES H R D, Registration No. 1,950,910, and BLACK LIGHTNING, Registration No. 1,984,516. Ex. 3 (Green Dep., 55; Green Ex. 1, VM 00135-36); Mot. for Summ. J., Ex. F. Vincent Motors USA designed and manufactured prototypes of motorcycles and sold, and licensed for sale, clothing bearing its Vincent HRD-related marks. Ex. 2 (Green Dep., 40-48); Ex. 4, VM 00001-5, VM 00018-22, VM 00172-73. Holder did not and has not opposed the registration of these marks.

---

<sup>10</sup> Exhibits 1 through 3, and 6, are excerpts of deposition transcripts and accompanying authenticated deposition exhibits, submitted pursuant to TBMP § 528.05(c). Exhibits 4 and 5 consist of copies of printed periodicals in general circulation among members of the public or motorcycle enthusiasts (and include titles as well as dates); and consist of images from websites that are dated and show URLs. These exhibits are therefore self-authenticating pursuant to TBMP §528.05(e).

Although Vincent HRD Co. Ltd. ceased manufacturing motorcycles and parts in 1955, Ex. 1 (Holder Dep., 17), and went into receivership, several smaller manufacturers continued thereafter to produce parts to meet the demands of preexisting Vincent-motorcycle owners and for inclusion in new Vincent-inspired motorcycles. Ex. 1 (Holder Dep., 73, 119; Holder Exs., 2, 3, 13). Holder, a citizen of the United Kingdom, appears to be the co-owner of one of these companies, Velocette Vincent HRD Company Ltd. (“Velocette”), which Holder incorporated in the UK around 2011. Ex. 1 (Holder Dep., 6). Although documentation is scarce—Holder is unable to produce a purchase agreement or evidence thereof—Holder maintains that his father purchased the trademark and branding rights of Vincent HRD, and that Holder ultimately inherited those rights through his mother. *Id.* (Holder Dep., 6-25). According to Holder, Holder and Velocette hold UK and CTM trademark registrations for VINCENT and related marks and have allegedly sold “Vincent” parts, clothing, and merchandise through dealers and distributors in the United States “dating back to at least as early as 1946 to 1979, depending on the goods.” Mot. for Summ. J., Ex. A, ¶ 4.

In the mid-1990s, around the time Vincent Motors USA began designing Vincent HRD-inspired motorcycle prototypes and selling related clothing and merchandise under the registered Vincent marks, Holder’s intellectual property attorney contacted Li to discuss Li’s use and registration of the marks. Ex. 1 (Holder Dep., 106-29). In or around 1996, Holder told members of the trade press, “I have had no direct discussion with Li. I know he has approached the trademark office, so he knows it is me who owns the name. If he did use the Vincent name, I would protect it. He would be spending a lot of time with American lawyers[.]” *Id.* (Holder Dep., 99, 114; Holder Ex. 11). Holder also told members of the trade press, “As far as I know my objection to Li’s use of the name is still pending in America.” *Id.* (Holder Dep., 99, 115;

Holder Ex. 12). In reality, during discussions with Li, Holder may have objected orally to Vincent Motors USA's use of the marks, but took no legal action either at the Board or in federal court to protect his alleged right to the mark VINCENT in the United States. *Id.* (Holder Dep., 106-29). Instead, Holder was apparently "monitoring" the situation and hoping that the use by Applicant's predecessor-in-interest would fail. *Id.*

Vincent Motors USA continued designing and advertising for sale Vincent HRD-inspired motorcycles and related clothing and merchandise throughout the 1990s and 2000s. Ex. 2 (Green Dep., 19-48); Ex. 3 (Green Dep., 56; Green Ex. 2); Ex. 4, VM 00172-73, VM 00169-71; Ex. 5, VM 00023, VM 00039-40, VM 00048-63, VM 00071, VM 00127. Vincent Motors USA also licensed its marks to several distributors to sell clothing affixed with its Vincent marks. Ex. 3 (Green Dep., 70; Green Ex. 4). And Vincent Motors USA policed the mark, at one point objecting to a motorcycle company's use of the VINCENT mark, whereupon the company agreed to stop using the VINCENT mark. Ex. 3 (Green Dep., 55; Green Ex. 1, VM 132).

In June 2011, Vincent Motors, a company owned by David Green, purchased the assets of Vincent Motors USA, including the company's trademarks, from the Li family.<sup>11</sup> *Id.* Under Green's stewardship, Vincent Motors continued to advertise and sell Vincent-related clothing in the United States and continued planning the widespread manufacture and sale of Vincent-inspired motorcycles in the United States under the marks acquired by the company in 1994. Ex.

---

<sup>11</sup> Holder seems to suggest that Vincent Motors and Mr. Green did not conduct adequate due diligence in purchasing the VINCENT rights from Vincent Motors USA. Although the due diligence was adequate – because there has been no use of VINCENT by Holder or associated with Holder in the U.S. – it is a red herring. The only relevant issue on this motion is whether Holder can conclusively establish priority of use in the U.S. prior to Applicant. As stated herein, Holder cannot show that there is no genuine issue of material fact that he has priority over Applicant. Instead, the facts are inconclusive and disputed at best. As such, summary judgment is not appropriate.

2 (Green Dep., 19-48); Ex. 3 (Green Dep., 56; Green Ex. 2); Ex. 4, VM 00172-73, VM 00169-71; Ex. 5, VM 00023, VM 00039-40, VM 00048-63, VM 00071, VM 00127. In 2012, Vincent Motors registered marks VINCENT and VINCENT HRD for use in connection with caps, jackets, shirts, and t-shirts, and, in 2011, Vincent Motors filed an intent-to-use application for VINCENT for use in connection with motorcycles and structural parts and helmets. Holder now opposes, and seeks to cancel, these registrations.

## **ARGUMENT**

### **I. HOLDER’S EVIDENCE PROVIDES AN INSUFFICIENT BASIS UPON WHICH TO GRANT SUMMARY JUDGMENT BECAUSE HOLDER HAS FAILED TO SHOW THAT, VIEWING THE EVIDENCE IN A LIGHT MOST FAVORABLE TO APPLICANT, PRIORITY IS NOT IN DISPUTE.**

The evidence relied upon by Holder is scant and provides an insufficient legal basis for summary judgment. Holder strives to show that he and/or Velocette have continuously owned and preserved marks—marks that were abandoned by Vincent HRD in the United States in the 1950s—through his own self-serving Declaration and a hodgepodge of miscellaneous evidence that is inconclusive, undated, and/or does not show use by Holder, but by third parties without any tie to Holder. Holder’s showing is woefully short of meeting the standard for summary judgment, which demands that, viewing all of the evidence in a light most favorable to Applicant and drawing all reasonable inferences in favor of Applicant, Holder has demonstrated there is no genuine issue of material fact in dispute regarding priority. Summary judgment thus should be denied.

#### **A. Legal Standard for Summary Judgment.**

Summary judgment is appropriate only where the moving party demonstrates that there are no genuine issues of material fact in dispute, and that it is therefore entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a) (made applicable by Trademark Rule 2.116(a), 37 C.F.R. §

2.116(a)); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *Hershey Chocolate & Confectionary Corp. v. Wiesen*, No. 91200575, 2013 WL 6858022, at \*1 (TTAB Dec. 27, 2013).

The Board must view the evidence in a light most favorable to the nonmoving party and draw all reasonable inferences in its favor. *See, e.g., Opryland USA Inc. v. Great Am. Music Show, Inc.*, 970 F.2d 847, 850 (Fed. Cir. 1992) (“The evidence submitted by the non-movant, in opposition to a motion for summary judgment, ‘is to be believed, and all justifiable inferences are to be drawn in [its] favor.’” (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986))).<sup>12</sup>

Only once the moving party has sufficiently established that there is no genuine issue of material fact must the nonmoving party then demonstrate disputed facts that must be resolved at trial. *See Fram Trak Indus., Inc.*, 77 U.S.P.Q.2d 2000, 2004 (TTAB. 2006).<sup>13</sup>

**B. Holder Must Show His Use of VINCENT as a Mark in the U.S. Prior to Applicant’s First Use.**

Ownership of trademarks in the United States is governed by priority of use of the marks in commerce in the United States. *See, e.g., J. Thomas McCarthy, 2 McCarthy on Trademarks*

---

<sup>12</sup> *See also Olde Tyme Foods, Inc. v. Roundy’s, Inc.*, 961 F.2d 200, 202, 22 U.S.P.Q. 2d 1542, 1544 (Fed. Cir. 1992) (“[T]he Board must view the evidence in the light most favorable to the nonmovant. Since opposing factual inferences may arise from the same set of undisputed subsidiary facts, the Board must draw all reasonable inferences in favor of the nonmovant.” (citing *United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962))).

<sup>13</sup> “In order to establish that a factual dispute is genuine, the nonmoving party ‘need only present evidence from which a jury might return a verdict in [its] favor.’” *Olde Tyme Foods, Inc.*, 961 F.2d at 202 (quoting *Anderson*, 477 U.S. at 257); *Institut Nat’l Des Appellations d’Origine v. Brown-Forman Corp.*, 47 U.S.P.Q.2d 1875, 1879 (TTAB 1998). Indeed, “[t]he Board does not resolve disputes of material fact but rather only ascertains whether disputes of material fact exist.” *Hershey Chocolate*, 2013 WL 6858022 at \*1 (citing *Lloyd’s Food Prods., Inc. v. Eli’s, Inc.*, 987 F.2d 766, 25 U.S.P.Q. 2d 2027, 2029 (Fed. Cir. 1993)); *Robin Singh Educ. Servs., Inc. v. Test Masters Educ. Servs., Inc.*, Nos. 91163136, 91164627, 91171241, 2011 WL 1495459, at \*6 (T.T.A.B. Mar. 31, 2011) (“The Board may not resolve issues of material fact; it may only ascertain whether a genuine dispute regarding a material fact exists.”).

*and Unfair Competition* § 16:4 (4th ed.) (collecting cases); *Sengoku Works Ltd. v. RMC Int'l, Ltd.*, 96 F.3d 1217, 1219, 40 U.S.P.Q. 2d 1149, 1151 (9th Cir. 1996) (“It is axiomatic in trademark law that the standard test of ownership is priority of use.”). Applicant’s use registrations claim priority since 2003, and its predecessors in interest acquired trademark rights in the VINCENT and VINCENT HRD marks in 1994. Applicant has continuously used the marks and has continuously policed and licensed the marks since that date. Applicant’s priority for the intent-to-use application dates back to 2011. *See* 15 U.S.C. § 1057(c) (providing that filing of application to register mark is considered constructive use conferring right of priority). As a result, to establish priority for purposes of summary judgment, Holder must show that there is no genuine issue of material fact that he used the mark VINCENT in commerce in the United States prior to Applicant. Holder has not met this burden.

**1. Applicant Has Used the VINCENT Mark in the U.S. Since 1994.**

In 1994, Bernard Li received substantial publicity among motorcycle enthusiasts for his mission to resurrect the long-defunct Vincent HRD motorcycles through his own Vincent HRD–inspired prototypes. *See, e.g.*, Ex. 1 (Holder Dep., 17-20, 99; Holder Exs. 11, 12); Ex. 4, VM 00001-5, VM 00121-26, VM 00169-71. As reported in the trade press, in 1994, Li registered various Vincent HRD–related marks, “convinced Honda to supply motors, spent about \$2 million to build four ‘proof of concept’ prototypes, raised enough investment dollars to fund the next stage of development,” and prepared for production in 2005. Ex. 4, VM 00001-5. One article explained that, through Bernard Li, “[t]he classic Vincent Lightning is being reborn a world away from its English roots. Trust the Yanks to take the initiative.” *Id.*, VM 00018-22. And indeed, Li and his company, Vincent Motors USA, pioneered the design and manufacture of prototypes of Vincent HRD–inspired motorcycles.

In 1995, Li announced the design of the Vincent Black Eagle in “The Vincent Motorcycle Bulletin,” explaining his motivation for resurrecting the “Vincent” brand in the United States after so many decades: “Your response to my appearance on cable TV from Daytona, plus other publicity given to our project in *Cycle World*, *Motorcyclist*, *Rider*, *VQ*, *Cycle News* and others, only confirms my belief that the Vincent, gone since 1955, will find a place in the hearts of lovers of pure motorcycle beauty and mechanical refinement for the new Vincent Black Eagle.” *Id.*, VM 00169-71. Li continued to generate publicity thereafter for his resurrection of the abandoned brand. In 2002, Vincent Motors USA unveiled to media and investors five prototypes of Vincent HRD–inspired motorcycles, garnering significant attention from motorcycle enthusiasts. *Id.*, VM 00172-73.

Not only did Li and Vincent Motors USA resurrect the defunct brand by designing Vincent HRD–inspired motorcycles, Vincent Motors USA sold jackets, shirts, caps and other clothing and merchandise bearing its VINCENT and Vincent-related marks. Vincent Motors USA and its successors have continued to advertise and sell clothing and merchandise under the VINCENT and VINCENT HRD marks since 1994, and have licensed the marks to several distributors as well. Ex. 2 (Green Dep., 40-48); Ex. 3 (Green Dep., 70; Green Ex. 4); Ex. 4, VM 00001-5, VM 00018-22, VM 00172-73; Ex. 5, VM 00023, VM 00039-40, VM 00048-63, VM 00071, VM 00127. Moreover, when Vincent Motors USA learned of potential infringement of its marks, it actively policed the marks. Ex. 3 (Green Dep., 55; Green Ex. 1, VM 00132). Finally, Applicant is accorded priority on its intent-to-use application from the date it was filed in August 2011.

**C. Holder Has Failed to Produce Conclusive Evidence That He Had Any Rights in the Marks, Let Alone Rights Prior to Applicant.**

Holder has the burden of conclusively establishing that there is no genuine issue of material fact as to his acquisition and maintenance of the VINCENT and VINCENT HRD marks prior to Applicant's first use or intent-to-use application. *See, e.g., 2 McCarthy on Trademarks and Unfair Competition* § 16:4 (4th ed.); *Sengoku Works*, 96 F.3d at 1219, 40 U.S.P.Q. 2d at 1151. Holder has failed to meet this burden.

Holder contends that Velocette and its predecessors have sold previously owned and reconditioned Vincent motorcycles and parts and Vincent clothing in the United States, either directly or through licensed dealers and distributors, "since 1987 and before," and have advertised and received publicity in the United States prior to 1994. Mot. for Summ. J., 5-6. But Holder's supporting evidence is scarce, unpersuasive, and insufficient to support his motion for summary judgment.

**1. Applicant Disputes Whether Holder Is a Successor in Interest to the Original Vincent HRD Company and Whether the Original Company Maintained Rights in the United States After 1955.**

Holder contends that he inherited the trademark rights "from his father, through his mother, in or about 1983." Mot. for Summ. J., Ex. A, ¶ 1. To the extent Holder argues he is a successor in interest of the original Vincent HRD company, Holder has produced no convincing evidence to support his assertion. Holder has been unable to show any purchase agreements evidencing a chain of sale of intellectual property—or any sale—from Vincent HRD Co., Ltd., either directly or through intermediary companies, to Holder's father or Velocette.<sup>14</sup> Ex. 1

---

<sup>14</sup> Holder appears to refer to his rights and the rights of Velocette interchangeably. This, in and of itself, creates a genuine issue of material fact as to the proper party with any alleged rights. But the distinction does not make a difference because there is no undisputed issue of material fact to support that either Holder or Velocette had trademark rights in the U.S. prior to Applicant.

(Holder Dep., 6-25). Holder has even failed to produce any meaningful evidence that his mother inherited the purported rights from his father, or that Holder inherited the rights from his mother. *Id.* Indeed, Holder cites to no documents or other evidence whatsoever to support his claim that he inherited rights to VINCENT.

Even if Holder could establish that he is a successor in interest of Vincent HRD Co., Ltd.'s trademark rights in the United States—which he cannot—Holder has presented no facts to support the assertion that he possessed any rights in the VINCENT or VINCENT HRD marks in the United States in 1994, 2003, or even today. Indeed, Vincent HRD abandoned its rights in VINCENT and VINCENT HRD in the years after it ceased selling motorcycles and other products in the United States in the 1950s. “The abandonment doctrine derives from the well-established principle that trademark rights are acquired and maintained through *use* of a particular mark.” *ITC Ltd. v. Punchgini Inc.*, 482 F.3d 135, 146, 82 U.S.P.Q. 2d 1414, 1419 (2d Cir. 2007). When “an owner ceases to use a mark without an intent to resume use in the reasonably foreseeable future, the mark is said to have been ‘abandoned.’” *Id.* at 147, 82 U.S.P.Q. 2d at 1420. The Lanham Act expressly provides that nonuse of a mark for three consecutive years is prima facie evidence of abandonment. 15 U.S.C. § 1127.

In sum, due to the lack of evidence produced by Holder, a genuine issue of material fact remains as to whether Holder ever actually inherited any rights in VINCENT in or outside the United States, or, even if he did, whether those trademark rights were ever exercised or maintained at any time after the 1950s.

**2. Holder’s Evidence of Velocette’s Use of Vincent on Motorcycles, Motorcycle Parts, and Clothing Is Unpersuasive.**

Holder claims that Velocette sold a substantial number of motorcycles, motorcycle parts, and clothing, and engaged in extensive advertising in the United States, all prior to Applicant. In

support, Holder cites only to his own Declaration, and further alleges that Coventry Spares, Ltd. (“Coventry”) of Massachusetts is “just one of” Velocette’s parts and clothing distributors in the United States. *See* Mot. for Summ. J., at 5 (citing Ex. A-7). There is no corroborating evidence to support any such use, however, and the assertions are contradicted by Holder’s own deposition testimony and the documents produced by Holder.

**a. Motorcycles.**

The notion that either Holder or Velocette sold a “substantial number of motorcycles” in the United States is belied by the fact that Holder testified during his deposition that he does not sell fully assembled motorcycles, and instead sells only parts that are assembled by others. Ex. 1 (Holder Dep., 41 (“The sales to the U.S., none of them have been by me or the Vincent HRD company.”); *see also* Holder Dep., 45-51). Holder thus cannot establish priority to challenge the intent-to-use application.<sup>15</sup>

**b. Motorcycle Parts.**

Holder fails to produce conclusive evidence that he sold Vincent HRD *parts* in the United States. The following evidence cited by Holder is inconclusive and disputed:

- Holder contends that “Exhibit 2... comprises samples showing the manner in which the VINCENT and VINCENT HRD marks are used on such products in the U.S. and elsewhere.” Mot. for Summ. J., Ex. A-2. Exhibit A-2 to Holder’s Declaration contains

---

<sup>15</sup> Holder also points to a motorcycle purchased by Jay Leno as evidence of a sale in the United States. Mot. for Summ. J., at 5. But there is no evidence that the VINCENT purchased by Leno was built by, or associated with, Holder. Indeed, none of the cited documents mention Holder. *See id.*, Ex. B Part 2, DH 51. Holder also refers to replica motorcycles built by Dunhill. *Id.*, Ex. A, ¶ 14. Holder alleges, “they were made by one of our dealers using our Vincent parts,” but there are no documents to support that assertion, and Holder cites none. *Id.* Moreover, there is no claim and no evidence that the Dunhill motorcycles were ever associated with Holder or that his right to the marks in the United States was ever acknowledged or recognized. *See* Ex. 1 (Holder Dep., 78-79).

images that purport to be a label for a VINCENT spare part, some type of labels for a “Genuine Vincent Spare Part,” and a Vincent HRD inspection cap. The label does not identify either Holder or Velocette as the manufacturer or seller of the part. There is also no evidence that any such part was sold in the United States either by or for Holder.

- The second page of Exhibit A-2 purports to be an undated “Spare Parts List” for “The Vincent Motor Cycle Co.” This document is unauthenticated, is not dated, shows no evidence it is related in any way to Holder or Velocette, and contains no indication that it was circulated in the U.S.
- Exhibit A-3 purports to contain “Direct Sales in U.S.” for non-clothing products. The exhibit, however, contains only numbers. Holder cites no invoices to support these numbers and provides no examples of any products containing the mark VINCENT that were actually sold in the U.S. by Holder or for Holder.
- Exhibit A-5 cites images of the Coventry webpage *from 2013*—images that do not even clearly show any parts manufactured by Holder or Velocette. Moreover, a webpage from 2013 cannot establish use prior to 1994, 2003, or even the 2011 intent-to-use application.
- Exhibit D purportedly contains “excerpts from typical parts catalogs and parts lists that have been issued by the distributors” of Velocette motorcycle parts. Mot. for Summ. J., at 6 (citing Exhibit D). The handbook is unauthenticated, undated, does not identify Holder or Velocette, and contains no indication that it was ever circulated in the U.S.

In sum, Holder presents no evidence that he or Velocette ever actually sold any motorcycle parts in the United States under the name VINCENT or that anyone sold such parts in a manner that indicated Holder was the source. At best, the facts presented by Holder are inconclusive and disputed. As such, summary judgment is not appropriate.

**c. Clothing.**

Holder's evidence that he has sold Vincent-related clothing is likewise dubious:

- Holder contends that there are sales of clothing through Coventry, with whom he allegedly has a license agreement. But he lacks a licensing agreement or any evidence of specific past sales with or through Coventry—and does not receive royalties for most sales of clothing. Ex. 1 (Holder Dep., 67-78); Mot. for Summ. J., Ex. A, ¶¶ 8-11.

Moreover, there is no evidence that such a license agreement or any clothing sales in the U.S. existed prior to 1994 or 2003.

- Exhibit A-3 purports to contain clothing sales by Holder in the U.S., but there are no invoices, no examples of clothing for sale in the U.S., and no evidence of any license agreement with Coventry for any such sales. Further, the fact that no royalties are collected for clothes casts doubt upon the sales figures Holder somehow produced in Exhibit A-3. *Id.* The list—which is hearsay that Holder prepared to use in the present litigation, *see* Ex. 6 (Holder Dep., 87-91) (filed under seal)—also notably fails to suggest whether its sales figures are even for Vincent-related products, as opposed to other products manufactured by Velocette—a questionable omission.
- Exhibit A-2 purports to contain images of VINCENT clothing for sale by Holder. *See* Mot. for Summ. J., Ex. A-2, DH 205, 209-210. These images are all dated 2012 or later and thus lack probative value entirely, given that they post-date Applicant's application and registration dates. *See* 15 U.S.C. § 1057(b) (providing that certificate of registration of mark is prima facie evidence of validity, ownership, and exclusive rights); 15 U.S.C. § 1057(c) (filing of application to register mark is considered constructive use conferring right of priority). Moreover, these documents on their face show that they do not relate to

sales in the United States because they are from [www.custom-images.co.uk](http://www.custom-images.co.uk) and [www.ebay.co.uk](http://www.ebay.co.uk), which are websites offering products for sale in the United Kingdom, not the United States. Further, the websites give no indication that they are associated with Holder or Velocette. Indeed, Holder himself suggests they are not. Ex. 1 (Holder Dep., 100-02).

- Holder contends that “in the 1990’s” Dunhill, a well-known luxury goods seller, “paid us to be able to use the VINCENT trademark in an advertising and publicity campaign that it waged in the U.S.” Mot. for Summ. J., Ex. A, ¶ 4. Holder then attempts to attribute Dunhill’s advertising in Exhibit 4 to himself. But Holder has not provided any evidence that Dunhill actually entered into a license agreement, actually paid Holder or Velocette to use the VINCENT name, or that there were any terms between Dunhill and Holder that could be deemed a valid license agreement. This evidence is not sufficient for purposes of this motion. *See In re Raven Marine, Inc.*, 217 U.S.P.Q. 68, 69-70 (TTAB 1983) (finding that applicant cannot claim benefits of third party use of mark when evidence of oral license does not “reveal adequate licensing agreement”). Moreover, Exhibit A-4 contains printouts of the Dunhill website from 2012 that show that, in 2005, Dunhill created a VINCENT motorcycle that may be exhibited in the United States. *See* DH 0147. There is no mention of Holder’s alleged right to the VINCENT mark, and it is in 2005, years after Applicant’s predecessor in interest began using VINCENT in the U.S. in 1994 and/or 2003.

There thus is no conclusive evidence showing that Holder used the mark VINCENT on clothing in the United States prior to 1994, 2003, or even today. As a result, summary judgment is not appropriate.

**d. Any Alleged Use Is By Third Parties, Not Holder.**

Even if Holder sold products to Coventry for resale in the United States—a claim for which there is no supporting evidence—the absence of evidence showing Coventry, or anyone else, sold the products *on Holder’s behalf* is fatal to Holder’s claim of priority. Holder claims that “Coventry sells our Vincent spare parts and also sells certain quantities of wearing apparel such as caps, t-shirts, and other clothing.” Mot. for Summ. J., Ex. A, ¶ 8. But Holder himself admits that Coventry sells its own VINCENT clothing. Ex. 1 (Holder Dep., 67-68). The evidence merely suggests, however, that Holder and Velocette may have distributors in the United States. Sales by such distributors, in the absence of a valid license agreement, do not show trademark use. *See Petroleos Mexicanos v. Intermix S.A.*, 97 U.S.P.Q.2d 1403, 1406 n.3 (TTAB 2010). In *Petroleos*, the Board explained:

The Board [in *Bayer*] noted that a third party’s importation and resale of goods does not by itself constitute “use” without some allegation that the third party was licensed or authorized by petitioner to “use” petitioner’s alleged mark *on petitioner’s behalf*. Accordingly, the *Bayer* case clarifies that, for Section 2(d) purposes, allegations of use in the United States by an entity merely selling goods “authorized by” a petitioner, without more, do not sufficiently allege prior use of a mark by the petitioner in the United States.

*Id.* (citing *Bayer Consumer Care AG v. Belmora LLC*, 90 U.S.P.Q.2d 1587, 1591 (TTAB 2009)). Holder cites no evidence that Coventry, a third-party importer, is a licensee or otherwise uses Holder’s foreign marks on Holder’s behalf. Indeed, the evidence provided by Holder belies his assertions because Coventry advertises sales of VINCENT parts by a third-party, Maughan & Sons, not Holder. Ex. 1 (Holder Dep., 73, 119; Holder Exs., 2, 3, 13). As such, any use by Coventry of VINCENT cannot be attributed to Holder for purposes of this proceeding.

**e. Advertising.**

Holder cites a list of “Worldwide Advertising Expenditures for ‘VINCENT’ Products,” in Exhibit A-6, and claims advertising in publications in the United States. Mot. for Summ. J., Ex.

A., ¶¶ 15-16; Ex. A-6. Holder lacks any supporting documentation, including any examples of any such advertisements in any publication with circulation in the United States, casting doubt upon the accuracy of the alleged expenditures, which purportedly date back to 1988. And like the “Direct Sales in U.S.” report, the “Worldwide Advertising Expenditures” includes figures through 2012, meaning it was generated after Applicant’s applications and registrations.

There thus is a paucity of evidence suggesting that Holder himself used the marks prior even to Applicant’s 2011 registrations, let alone 1994. In any event, Holder’s inaction toward Applicant’s predecessors in interest—and even toward Holder’s sole supplier, Coventry, which advertises “Vincent” spare parts made by other manufacturers—suggests Holder has lost any rights he claims he had. *See* Mot. for Summ. J., Ex. A-5 (2013 screenshot of Coventry’s webpage, advertising Coventry as “Your Source for Vincent Parts,” and advertising “Vincent” spare parts manufactured by Maughan & Sons); *see also, e.g., Wallpaper Mfrs., Ltd. v. Crown Wallcovering Corp.*, 680 F.2d 755, 766, 214 U.S.P.Q. 2d 327, 336 (CCPA 1982) (“Without question, distinctiveness can be lost by failing to take action against infringers. If there are numerous products in the marketplace bearing the alleged mark, purchasers may learn to ignore the ‘mark’ as a source [of] identification. When that occurs, the conduct of the former owner, by failing to police its mark, can be said to have caused the mark to lose its significance as a mark.”).

In sum, viewing the evidence in a light most favorable to Applicant, and drawing all reasonable inferences in Applicant’s favor, Holder failed to demonstrate there are no genuine issues of material fact regarding whether Holder owned rights in the marks VINCENT or VINCENT HRD prior to Applicant and his predecessors in interest. Indeed, Applicant has

demonstrated a litany of disputed facts to be resolved at trial. As such, summary judgment is not appropriate.

**D. Holder’s Reliance on Foreign Registrations Is Misplaced Because Foreign Registrations Alone Do Not Create Trademark Rights in the United States, Even if the Marks Are “Well-Known” or “Famous,” Which They Are Not.**

Holder argues that he has rights in the United States because the VINCENT marks are “well known” or “famous,” and he holds foreign (UK and CTM) registrations of the marks. Mot. for Summ. J., at 3-4, 13-14. But the Board does not recognize the “well-known” or “famous” foreign-marks doctrine, and, even if it did, Holder has failed to conclusively demonstrate that his foreign marks are in fact “well-known” or “famous” in the United States.

**1. The Board Does Not Recognize the “Well-Known” or “Famous” Foreign-Marks Doctrine.**

Under the territoriality principle, a party must show that its prior use was in the United States in order to show priority. *ITC*, 482 F.3d at 155, 82 U.S.P.Q. 2d at 1426-27; *Grupo Gigante S.A. de CV v. Dallo & Co.*, 391 F.3d 1088, 1093 (9th Cir. 2004) (“Priority of trademark rights in the United States depends solely upon priority of use in the United States, not on priority of use anywhere in the world.” (quoting 5 *McCarthy on Trademarks and Unfair Competition* § 29:2 (4th ed. 2002))); *La Societe Anonyme des Parfums le Galion v. Jean Patou, Inc.*, 495 F.2d 1265, 1270 n.4, 181 U.S.P.Q. 2d 545, 547 (2d Cir. 1974) (“It is well settled that foreign use is ineffectual to create trademark rights in the United States.”). Although it is less than clear, Holder seems to argue that the Paris Convention provides an exception to the territoriality principle for marks that are “well-known” or “famous,” and that, because the marks at issue are allegedly well-known or famous, he was entitled to trademark rights in the United

States even if he did not use the marks.<sup>16</sup> But the “well-known” or “famous” foreign-marks doctrine represents a minority view that the Board has recently rejected and therefore should reject here.

Article 6*bis* of the Paris Convention, “Marks: Well-Known Marks,” provides in pertinent part that,

(1) The countries of the Union undertake, *ex officio* if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods.

Paris Convention for the Protection of Industrial Property, July 14, 1967, art. 6, 21 U.S.T. 1583, 1643-44. The Ninth Circuit is the one court of appeals to have recognized the doctrine. In *Grupo Gigante*, the court held that “there is a famous mark exception to the territoriality principle,” but “the mark [must] satisf[y] the secondary meaning test,” and the Board “must be satisfied . . . that a *substantial* percentage of consumers in the relevant American market is familiar with the foreign mark.” 391 F.3d at 1094, 1098, 73 U.S.P.Q. 2d at 1262, 1265.

A few years after *Grupo Gigante*, however, the Second Circuit in *ITC Ltd. v. Punchgini* disagreed with the Ninth Circuit, holding that the doctrine has no basis in the Lanham Act and therefore is not an exception to the territoriality principle. 482 F.3d at 163-64, 82 U.S.P.Q. 2d at 1432-33. The court explained, “[w]e do not ourselves discern in the plain language of sections 44(b) and (h) a clear congressional intent to incorporate a famous marks exception into federal unfair competition law. . . . Before we construe the Lanham Act to include such a significant

---

<sup>16</sup> The “well-known” or “famous” foreign-marks doctrine has often been confused with the protections provided by the federal anti-dilution law, 15 U.S.C. § 1125(c), which also requires “fame.” Holder does not raise an anti-dilution argument and instead confines his argument to the “well-known” or “famous” foreign-marks doctrine embodied in the Paris Convention.

departure from the principle of territoriality, we will wait for Congress to express its intent more clearly.” *Id.*

The Board has agreed with the Second Circuit and has continuously refused to recognize the “well-known” or “famous” foreign-marks doctrine in *inter partes* proceedings. Indeed, as Holder abruptly concedes, the Board in *Bayer* explained that “Section 44[] does not ‘provide the user of an assertedly famous foreign trademark with an independent basis for cancellation in a Board proceeding, *absent use of the mark in the United States.*” Mot. for Summ. J., at 14 (quoting *Bayer*, 90 U.S.P.Q. 2d at 1591). In reaching its conclusion, the Board in *Bayer* cited the Second Circuit’s *ITC* decision and explained that neither the Board’s past decisions nor the Ninth Circuit’s *Grupo Gigante* decision “found the exception to arise in the context of an Article 6bis claim,” and therefore that the petitioner’s argument, which was based on Article 6bis, fails.<sup>17</sup> *Bayer*, 90 U.S.P.Q. 2d at 1591.

Additionally, Holder’s appeal to public policy has no basis in the law. Holder argues that, “[a]t the very least, Article 6bis should be accepted as a statement of public policy that the Board should take heed of.” Mot. for Summ. J., at 15. But policy arguments should not trump established law. As the Second Circuit pointed out in *ITC*,

In light of the comprehensive and frequently modified federal statutory scheme for trademark protection set forth in the Lanham Act, . . . any policy arguments in favor of the famous marks doctrine must be submitted to Congress for it to determine whether and under what circumstances to accord federal recognition to

---

<sup>17</sup> Holder cites also to *Petroleos (Pemex)* to suggest that the “well-known” or “famous” foreign-marks doctrine applies “[e]ven without reference to Article 6bis.” Mot. for Summ. J., at 15. Contrary to Holder’s suggestion, however, the Board in *Petroleos* required use of the mark in the United States to claim priority, and denied a motion to dismiss the petition to cancel because “[p]etitioner alleges that it has ‘extensive business activities’ in the United States,” and “[w]hether such activities constitute use, or use analogous to trademark use, of petitioner’s mark sufficient to prove priority, *is a matter for trial.*” *Petroleos*, 97 U.S.P.Q.2d at 1406 (emphasis added).

such an exception to the basic principle of territoriality. Absent such Congressional recognition, we must decline ITC’s invitation to grant judicial recognition to the famous marks doctrine simply as a matter of sound policy.

482 F.3d at 165, 82 U.S.P.Q. 2d at 1434 (citations omitted).

In sum, because Board precedent rejects the view that Article *6bis* of the Paris Convention grants an owner of a “well-known” or “famous” foreign mark protections without using the mark in the United States, Holder must conclusively demonstrate priority based on use to obtain summary judgment.

**2. Even if the Board Recognized the “Well-Known” or “Famous” Foreign-Marks Doctrine, Holder Has Failed to Demonstrate That It Applies to the Marks at Issue.**

Even if the Board were to decide that an owner of a “well-known” or “famous” foreign mark is entitled to rights in the United States—which would contravene Board-established precedent—Holder has nonetheless failed to demonstrate that there is no genuine issue as to whether the marks are in fact “well-known” or “famous” in the United States.

In the one appellate decision to recognize the “well-known” or “famous” marks exception to the territoriality principle, *Grupo Gigante*, the Ninth Circuit held that a mark is entitled to the exception only if the mark satisfies two tests. 391 F.3d at 1094, 1098, 73 U.S.P.Q. 2d at 1262, 1265. First, the mark must satisfy the secondary-meaning test. *Id.* Second, the Board “must be satisfied . . . that a *substantial* percentage of consumers in the relevant American market is familiar with the foreign mark.” *Id.* Holder failed to conclusively satisfy either test.

**a. Holder Failed to Conclusively Establish His Foreign Marks Have Secondary Meaning in the United States.**

A mark has secondary meaning if it has become “distinctive of [the alleged owner’s] goods.” *In re Boston Beer Co.*, 198 F.3d 1370, 1373, 53 U.S.P.Q. 2d 1056, 1058 (Fed. Cir. 1999). To establish secondary meaning, the alleged owner must show that, “in the minds of the

public, the primary significance of a product feature or term is to identify the source of the product rather than the product itself.” *In re Chamber of Commerce of the United States*, 675 F.3d 1297, 1300 (Fed. Cir. 2012) (quoting *Inwood Labs., Inc. v. Ives Labs.*, 456 U.S. 844, 851 n.11 (1982)).

Holder has failed to demonstrate that the foreign marks are distinctive of his products in the United States and that, “in the minds of the public, the primary significance of [the] product feature or term is to identify the source of the product rather than the product itself.” *See Boston Beer Co.*, 198 F.3d at 1373, 53 U.S.P.Q. 2d at 1058; *Chamber of Commerce*, 675 F.3d at 1300. To the contrary, rather than showing that the American public associates “Vincent” parts with Velocette or Holder, Holder cites evidence that the single United States distributor allegedly selling Velocette’s “Vincent” parts advertises a number of “Vincent” parts made by various different manufacturers. *See* Mot. for Summ. J., Ex. A-5 (2013 screenshot of Coventry’s webpage, advertising Coventry as “Your Source for Vincent Parts,” and stating that Coventry has “the largest inventory of Vincent parts on this side of the Pond”). One manufacturer whose parts are advertised on the Coventry “Vincent” spare-parts webpage is Maughan & Sons, a UK company that has apparently manufactured “Vincent” spare parts since 1971. Ex. 1 (Holder Dep., 119; Holder Ex. 13). Thus, when a customer visits the webpage of what is apparently the only United States distributor of Velocette’s parts—Coventry—the visitor can buy “Vincent” parts made by several different manufacturers, demonstrating that Holder’s primary market of American consumers associates “Vincent” parts with several manufacturers—if anyone—and not solely Holder.

Further evidence of the absence of secondary meaning in Holder’s foreign marks is that the trade press has pointed to a connection between the resurrected Vincent HRD brand and

Applicant's predecessors in interest—Li and Vincent Motors USA—not Holder or Velocette.

Ex. 4, VM 00172-73, VM 00001-05, VM 00018-22. Enthusiasts who have read the publications dating back to the 1990s, therefore, likely associate Vincent HRD products in the United States with Applicant and its predecessors in interest—not Holder or Velocette.

**b. Holder Failed to Conclusively Establish That “A Substantial Percentage of Consumers” in the United States Is Familiar with His Foreign Marks.**

The Board must also be “satisfied . . . that a *substantial* percentage of consumers in the relevant American market is familiar with the foreign mark.” *Grupo Gigante*, 391 F.3d at 1098, 73 U.S.P.Q. 2d at 1264. Relevant factors, according to the Ninth Circuit, include “intentional copying of the mark by the defendant, and whether customers of the American firm are likely to think they are patronizing the same firm that uses the mark in another country.” *Id.* Although not determinative, these factors are relevant “because they bear heavily on the risks of consumer confusion and fraud, which are the reasons for having a famous-mark exception.” *Id.*

Holder fails to satisfy the “substantial percentage” test as well. The best evidence Holder musters to show that a substantial percentage of consumers in the United States is familiar with his foreign marks is perhaps a quotation from the dustcover of a book from 2005, *Vincent and HRD Motorcycles: How They Were Promoted and Sold*, which refers to “Vincents” as “famous.” See Mot. for Summ. J., Ex. B, Part 3. But the dustcover’s reference is hearsay, offered to prove that “Vincents” are in fact famous in the colloquial sense—rather than the legal sense—in order to promote book sales. And the alleged fame is not associated with Holder.

Holder also cites the fact that Jay Leno, a famous celebrity, owns a “Vincent,” seemingly suggesting the fame of a “Vincent” *owner* equates to the fame of Holder’s related foreign marks in the United States. Mot. for Summ. J., Ex. B Part 2, at DH 51-53. But there is no evidence that



**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing Brief in Opposition to Opposer David M. Holder's Motion for Summary Judgment was served upon the following attorney of record for Opposer by email (as agreed by the parties), this 28th day of July 2014:

GREGOR N NEFF  
LAW OFFICE OF GREGOR N NEFF  
489 FIFTH AVENUE  
NEW YORK, NY 10017

/Randall A. Brater/

Randall Brater

**HOLDER V. VINCENT MOTORS LLC  
OPPOSITION NO. 91204405**

**EXHIBIT 1**

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

-----x  
In Opposition to Application No. 85397317  
filed August 13, 2011 for the mark "VINCENT,"  
consolidated with Cancellation No. 9205541,  
for the marks "VINCENT" and "VINCENT HRD"

David M. Holder,

Opposer,

vs.

No.  
91204404

Vincent Motors LLC,

Applicant.  
-----x

Deposition of DAVID MATTHEW SCOTT HOLDER

Friday, June 28, 2013

New York, New York

11:16 a.m.

Reported By:  
Theresa Tramondo  
Job No. 30506

ORIGINAL

**david feldman**

WORLDWIDE · COURT REPORTING

the write experience

[www.david-feldman.com](http://www.david-feldman.com)

800-642-1099

1 Holder

2 will been tried in under probably three names  
3 under the blanket of Aerco, A-E-R-C-O, Jig &  
4 Tool Company.

5 Q. What were the other two companies?

6 You said there were three companies.

7 A. There are probably more, but the  
8 motorcycle names. When I started work, it  
9 will be the Velocette Motorcycle Company, the  
10 Scott Motorcycle Company.

11 Q. Has that name changed over time?

12 A. Aerco Jig & Tool has been dropped  
13 somewhat.

14 And the Vincent HRD company was  
15 bought and amalgamated with it in the  
16 mid-'70s.

17 Q. Is that Velocette Vincent HRD  
18 company, is that what you're referring to?

19 A. Yes.

20 Q. When was that company created?

21 A. That's created as a limited company  
22 about two years ago and as a nonlimited  
23 company going back to the mid-1970s where it  
24 changed its legal status, I suppose, is the  
25 more correct answer from your point of view.

1 Holder

2 Q. And could you tell me why the  
3 Velocette -- I'll refer to that as "Velocette  
4 Vincent"; is that okay?

5 A. Yes.

6 Q. Why was the Velocette Vincent  
7 company created in the '70s?

8 A. Why was it created? It was an  
9 amalgamation of what was there to focus on  
10 the motorcycle activities.

11 Q. Who created it? Was it your  
12 father?

13 A. Yeah, that will be my father.

14 Q. What was your father's name?

15 A. Matthew David Holder.

16 Q. You said that two years ago  
17 Velocette Vincent HRD became a limited  
18 company. What was the reason for that  
19 corporate change?

20 A. It was operated as a partnership  
21 before that tax change in the UK, meant it  
22 was advantageous taxwise.

23 Q. It was simply just a corporate form  
24 change?

25 A. Yes.

1 Holder

2 Q. Who was the owner -- who are the  
3 owners of Velocette Vincent HRD today?

4 A. That's myself and my wife.

5 Q. In 1975, who was the -- or in the  
6 1970s when it was formed, who was the owner  
7 of Velocette Vincent?

8 A. That would be my father.

9 Q. Your father, that's Matthew Holder?

10 A. Yes.

11 Q. How did you acquire the ownership  
12 of Velocette Vincent?

13 A. My father died and left it to my  
14 mother. I think it was then arranged as a  
15 partnership with me and my mother until she  
16 died. In each case, they left their  
17 interests in it to me.

18 Q. When did your mom pass?

19 A. '83, I think. Maybe approximate  
20 rather than --

21 Q. That's fair.

22 Where is Velocette Vincent's  
23 primary place of business?

24 A. Meriden, England.

25 Q. Is Velocette incorporated in

1 Holder

2 England?

3 A. Yes.

4 Q. Does Velocette have a board of  
5 directors?

6 A. If it does, it's my wife and  
7 myself.

8 Q. I assume the company is in the  
9 motorcycle business?

10 A. Yes.

11 Q. Could you just describe for me  
12 generally what type of work Velocette Vincent  
13 does?

14 A. We manufacture parts, accessories  
15 and the type of things the enthusiastic  
16 classic British motorcyclists might be  
17 looking for.

18 Q. I assume that includes parts for  
19 VINCENT motorcycles?

20 A. Yes, it will include parts for  
21 VINCENT motorcycles, but not exclusively, so  
22 we tend to have done all British motorcycle.

23 Q. Can you give me some other examples  
24 of motorcycles that you create parts for?

25 A. Well, we'll sell you a VINCENT part

1 Holder

2 if you'd like for a Triumph because we don't  
3 own the name Triumph, but it's going onto  
4 your Triumph, but it's not a Triumph  
5 because it's somebody else's.

6 Q. So are all of the parts that  
7 Velocette Vincent sells actual VINCENT parts?

8 A. Yes.

9 Q. And does Velocette Vincent sell any  
10 other parts for other motorcycles branded  
11 otherwise?

12 A. I'm sure we do in a small way,  
13 but not -- but I mean in a very small way.  
14 Generally the branding will be the Velocette  
15 and VINCENT names, Velocette Vincent HRD  
16 name.

17 Q. Does Velocette have employees?

18 A. Yes.

19 Q. And how many employees?

20 A. We're about 28.

21 Q. Is there a factory?

22 A. Yes.

23 Q. Where is the factory?

24 A. Meriden.

25 Q. Do all the employees work in

1 Holder

2 Meriden at the factory?

3 A. Yes.

4 Q. You don't have any employees  
5 elsewhere?

6 A. No.

7 Q. Do you have a title at Velocette  
8 Vincent?

9 A. Don't tend to quite work like that.  
10 Probably depend who you asked.

11 Q. Fair enough.

12 Do you have an official job title  
13 at Velocette Vincent?

14 A. I could give myself one. I didn't  
15 get around to doing something calling it.

16 Q. Fair enough.

17 Do any other members of your family  
18 work for Velocette Vincent?

19 A. Oh, yes, my wife does, my two  
20 daughters have done all of that. They just  
21 got babies, so they're limited in what they  
22 could do for us at the moment. My son has  
23 been. My son does still sit on sometime. He  
24 has an office. Very much a family business.

25 Q. Who is the chief decision-maker at

1 Holder

2 Velocette Vincent?

3 A. Myself.

4 MR. NEFF: Could I hear the  
5 question again, please?

6 (Record read.)

7 Q. Have you been the chief  
8 decision-maker since your mother passed?

9 A. Yes.

10 Q. What company originally  
11 manufactured VINCENT motorcycles?

12 A. The Vincent HRD company of  
13 Stevenage, Hertfordshire.

14 MS. HOLDER: S-T-E-V-E-N-A-G-E,  
15 Hertfordshire is the county. Stevenage  
16 is the name of the town. Hertfordshire  
17 is the name of the county. Stevenage,  
18 Hertfordshire.

19 Q. To your knowledge, did Vincent HRD  
20 ever apply for a trademark registration for  
21 VINCENT in the U.S.?

22 A. I believe they did.

23 Q. Do you know when?

24 A. Goodness, possibly prewar. I would  
25 have thought certainly immediately postwar.

1 Holder

2 Q. Do you know if that trademark  
3 registration is still active?

4 A. No, I don't believe it is. I'm  
5 not -- I have no certainty. On finding the  
6 historical data on those is more difficult.

7 Q. Did Vincent HRD ever apply for a  
8 trademark registration for Vincent HRD in the  
9 U.S.?

10 A. No, I'm not sure the answer to that  
11 one.

12 Q. Did Vincent HRD, to your knowledge,  
13 ever license the right to use the name  
14 "VINCENT" to any third parties in the U.S.?

15 A. Not to my knowledge at all.

16 Q. Did Vincent HRD sell VINCENT  
17 motorcycles directly to customers in the  
18 U.S.?

19 A. I think prewar they might have  
20 done, but --

21 (Record read.)

22 A. Postwar, I believe -- postwar, I'm  
23 sure they operated through distributors.

24 Q. Just so the record is clear, did  
25 Vincent HRD sell VINCENT motorcycles through

1 Holder

2 dealers in the U.S. postwar?

3 A. Yes.

4 Q. To your knowledge, did Vincent HRD  
5 have any contractual relationships with the  
6 dealers that sold VINCENT motorcycles in the  
7 U.S.?

8 A. Yes.

9 Q. To your knowledge, did the  
10 contracts that Vincent HRD had with dealers  
11 involve the right to use the VINCENT name?

12 A. Oh, I would have doubt it very much  
13 that they would have given anybody that  
14 right, so I'm going to say a pretty definite  
15 no to that. I think I'd know better if they  
16 did, so no, no, a definite no.

17 Q. Do you have any copies of those  
18 contracts?

19 A. No. Well, from -- I'm not saying  
20 they couldn't be found or something might not  
21 be able to be found. Not immediately have I  
22 found anything. It might be difficult.

23 Q. I could ask it slightly  
24 differently.

25 Do you have any of those contracts

1 Holder

2 currently in your possession?

3 A. No, no.

4 Q. Do you have any copies of those at  
5 your factory in Meriden?

6 A. I believe not.

7 Q. To your knowledge, did Vincent HRD  
8 ever sell clothing in the United States?

9 A. Yes.

10 Q. What type of clothing did Vincent  
11 HRD sell in the U.S.?

12 A. They try and sell T-shirts,  
13 baseball caps, leather jackets. The type of  
14 thing the motorcyclists would tend to buy  
15 when he bought the motorcycle.

16 Q. And during what period of time were  
17 those sales?

18 A. Possibly prewar, but I think we  
19 give you some details of what we've got  
20 postwar.

21 Q. Do you have any copies or examples  
22 of clothing that Vincent HRD sold in the  
23 U.S.?

24 A. The actual clothing I wish I did,  
25 but no. Again, I thought saw it in the file

1 Holder

2 were some details of these things, though.

3 Q. When you're referring to "the  
4 file," are you referring to the documents  
5 that your counsel has provided to us?

6 A. Yes, yes.

7 Q. Let me finish the question before  
8 you answer.

9 A. Sorry.

10 Q. Do you have any documentation of  
11 the clothing sold by Vincent HRD in the U.S.  
12 other than what was provided to us through  
13 your counsel?

14 A. The best examples went to counsel.  
15 There could be other examples. I could find  
16 other examples.

17 Q. When you say you could find them,  
18 does that mean you have them in your  
19 possession, or you could go look for  
20 magazines or other types of things that may  
21 have them in there?

22 A. If you saw how much historical  
23 documentation I've got --

24 Q. Right.

25 A. -- you'd need a lot more than this

1 Holder

2 room.

3 Q. Fair enough.

4 A. A lot more.

5 Q. Fair enough.

6 Did there come a time when Vincent  
7 HRD stopped manufacturing VINCENT  
8 motorcycles?

9 A. Yes.

10 Q. When was that approximately?

11 A. 1955 serious manufacture ceased.

12 Q. Did Vincent HRD go out of business?

13 A. No.

14 Q. What happened with the business at  
15 that point?

16 A. It carried on not making  
17 motorcycles, other activities -- other akin  
18 activities including parts -- particularly  
19 including parts for motorcycles and most  
20 particularly parts for those motorcycles  
21 produced initially.

22 Q. When you say "those motorcycles,"  
23 you mean VINCENT motorcycles --

24 A. Initially VINCENT motorcycles.

25 Q. Are you familiar with a company

1 Holder

2 called Harper Engines?

3 A. Yes.

4 Q. What business is Harper Engines in?

5 A. What business is Harper?

6 Q. What business was Harper Engines  
7 in?

8 A. Oh, Harper Engines bought Vincent  
9 HRD company.

10 Q. Do you know when that happened?

11 A. I'm sure that's in the file.  
12 That's about 1958 maybe.

13 Q. And where was -- does Harper  
14 Engines still exist?

15 A. No.

16 Q. Where was Harper Engines located?

17 A. Stevenage.

18 Q. Same location as --

19 A. Same location, yeah.

20 Q. Let me finish the question.

21 A. I'm sorry.

22 Q. I know we both understand what  
23 we're saying, but the record needs to be  
24 clear.

25 So Harper Engines is located in the

1 Holder

2 same town or village as Vincent HRD?

3 A. Yes.

4 Q. Do you know what rights were  
5 acquired by Harper Engines from Vincent HRD?

6 A. All the rights. No rights were  
7 excluded.

8 Q. Did Harper Engines actually buy the  
9 company?

10 A. Bought the company.

11 Q. Do you know if there is a contract  
12 that showed that purchase?

13 A. I would have to presume that there  
14 was.

15 Q. Do you know if Vincent HRD ever  
16 went bankrupt?

17 A. It never went bankrupt. Never went  
18 bankrupt. No, it never went bankrupt.

19 Q. Did Vincent HRD ever go into  
20 receivership?

21 A. I'm not quite sure exactly what it  
22 did. The receiver was a Mr. E. C. Bailey who  
23 elected -- a Mr. E. C. Bailey was the  
24 receiver, and he elected to keep the company  
25 going.

1 Holder

2 Q. And --

3 A. That's in maybe the early 1950s.

4 Q. And who did Harper Engines purchase  
5 the Vincent HRD business from?

6 A. Whoever the owners of it were, or  
7 whoever the shareholders were at that time.  
8 Goodness, I might remember the -- off the top  
9 of my head, it would have been Philip Vincent  
10 himself. I think Mr. E. C. Bailey might have  
11 actually become a shareholder in the -- there  
12 are a few other names which I ought to  
13 remember. I don't know.

14 Q. That's fair. It's not meant to be  
15 a memory test.

16 A. No.

17 Q. Did you ever have a copy of a  
18 contract between Harper Engines and Vincent  
19 HRD?

20 A. I've seen that one. It ended up in  
21 the hands of somebody in the owner's club.

22 Q. Do you personally have a copy of  
23 it?

24 A. No.

25 Q. Do you know if Harper Engines

1 Holder

2 acquired the trademark and brand rights from  
3 Vincent HRD?

4 A. That was our understanding.

5 Q. And what was that understanding  
6 based on?

7 A. Probably due diligence.

8 Q. And due diligence for what?

9 A. For what was been sold by them to  
10 my father.

11 Q. And -- you said your father  
12 purchased the Vincent HRD business; is that  
13 right?

14 A. Yes.

15 Q. And who did he purchase it from?

16 A. From Harper Engines or I think they  
17 were actually owned by a group called Cope,  
18 C-O-P-E, Allman, A-L-L-M-A-N, International.

19 Q. Was it your father personally that  
20 purchased that --

21 A. Yes.

22 Q. -- or was it a corporate entity?

23 A. No, my father.

24 Q. Father personally?

25 A. Yes.

1 Holder

2 Q. Was there a written agreement  
3 between your father and either Harper  
4 Engines --

5 A. Yes.

6 Q. -- or Cope Allman?

7 A. Yes, yes.

8 Q. Do you have a copy of that?

9 A. I don't believe we did -- or we  
10 believed we did. We didn't find it.

11 Q. So there was an agreement, you just  
12 couldn't find a copy of it?

13 A. Yes.

14 Q. Did your father ever grant the  
15 rights that he purchased from Harper Engines  
16 to a corporate entity?

17 A. Only if it was his own corporate  
18 entity.

19 Q. That's what I'm asking. Did he  
20 actually formally transfer the rights he  
21 purchased to --

22 A. No, I don't think he did do that.

23 Q. Did your father ever transfer the  
24 rights that he purchased from Harper Engines  
25 formally -- let me rephrase that.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

Did your father ever formally transfer the rights he purchased from Harper Engines to Velocette?

A. No, because Velocette was not an incorporated company at that point in time. It was his trading title. He did not need to.

Q. At some point in time, the Velocette Vincent HRD company was incorporated?

A. That's about two years ago, yeah.

Q. Was it incorporated at any point in time before two years ago?

A. No.

Q. Was the Aerco and tool company ever incorporated?

A. I believe it was, yes.

Q. Did your father ever transfer any of the rights he purchased from Harper Engines to Aerco tool company?

A. No, to Aerco Jig & Tool Company Limited, no, because that was dissolved before the purchase of Vincent HRD company.

Q. You said "Aero Jig," is that G-I-G?

1 Holder

2 A. J-I-G.

3 Q. J-I-G. Okay.

4 What specifically did your father  
5 acquire from Harper Engines?

6 A. Everything to do with the  
7 motorcycle operation.

8 Q. Do you know if Harper Engines  
9 transferred the trademark rights to VINCENT?

10 A. Who do you mean "VINCENT"? Do you  
11 mean my father or --

12 Q. Let me rephrase that. I'm sorry.  
13 Do you know whether Harper Engines  
14 transferred to your father the trademark --

15 A. They did. They assigned the  
16 trademark, they assigned all the intellectual  
17 property to my father.

18 Q. Do you know --

19 (Record read.)

20 MR. BRATER: What was the last  
21 answer?

22 (Record read.)

23 Q. Do you know whether your father  
24 ever transferred the trademark -- let me  
25 rephrase that.

1 Holder

2 Do you know whether your father  
3 transferred the rights he acquired from  
4 Harper Engines to anyone?

5 A. Yes, I do know. He didn't transfer  
6 it to anyone. I was very close with him. I  
7 knew all what went on.

8 Q. When your father passed, who  
9 obtained the rights that he had acquired from  
10 Harper Engines?

11 A. My mother.

12 Q. And did your mother ever transfer  
13 those rights to anyone?

14 A. No. I was very close with my  
15 mother as well. No, she didn't transfer any  
16 rights.

17 Q. And so did you acquire those rights  
18 from your mother through inheritance?

19 A. Yes.

20 Q. And do you know whether that was  
21 directly through a will of your mother's?

22 A. Yes.

23 Q. Do you have a copy of that will?

24 A. Somewhere I'm sure.

25 Q. Do you know if the will explicitly

1 Holder

2 Dunhill models. One that was in their  
3 showroom ended up sold in New York.

4 Q. Was that VINCENT motorcycle sold by  
5 you personally?

6 A. No. No. The sales to the U.S.,  
7 none of them have been by me or the Vincent  
8 HRD company.

9 Q. Okay. I want to make sure so the  
10 record is clear. So have you personally ever  
11 sold a VINCENT motorcycle in the United  
12 States?

13 A. Only indirectly.

14 Q. And --

15 A. Or only via third party.

16 Q. And has Velocette Vincent ever sold  
17 a VINCENT motorcycle directly into the United  
18 States?

19 A. We're talking about new ones here  
20 not --

21 Q. Yes.

22 A. -- not restored ones?

23 Q. Yes.

24 A. Yes. Okay.

25 We're talking about new ones. Ever

1 Holder

2 sold directly? If you're going back a while,  
3 yes.

4 Q. How far back?

5 A. You might need to go back ten  
6 years.

7 Q. Do you remember who you sold it to?

8 A. No, just an individual. Usually  
9 you would sell something like that to an  
10 American visiting Europe.

11 Q. So was that sale to an American who  
12 was in England, or did you actually go out  
13 and sell it and advertise it to someone in  
14 the U.S.?

15 A. The guy would come visit you.

16 Q. And then you would ship it to the  
17 United States?

18 A. Yes.

19 Q. Do you have any documentation  
20 showing that sale?

21 A. There would be a few of those  
22 sales. I would expect that there may be some  
23 documentation, although it is a period of  
24 time ago where there may not as well.

25 Q. If there was any such

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

documentation, have you provided that to you  
counsel?

A. I believe not. That's of the  
earlier ones, I believe not.

Q. Right.

When you say "earlier ones," what  
timeframe are you talking about?

A. About ten years or more ago.

Q. So 1980s, 1990s?

A. Yes.

Q. Now, you mentioned restored  
motorcycles, restored VINCENT motorcycles.  
Have you personally sold any restored VINCENT  
motorcycles to customers in the United  
States?

A. Again, we weren't trying to do that  
directly nowadays.

Q. So the --

A. But indirectly the United States  
would be a fair market.

Q. So the answer is no?

A. I'm not sure the answer isn't yes.

Q. But do you have -- as you're  
sitting here today, do you have any

1 Holder

2 recollection of you selling personally a  
3 restored VINCENT motorcycle to anyone  
4 directly into the United States?

5 MR. NEFF: Let me ask you here, are  
6 you referring to him personally --

7 MR. BRATER: Yes.

8 MR. NEFF: -- as a person as  
9 opposed to a manager or director or owner  
10 of a company?

11 MR. BRATER: I'm asking him  
12 personally.

13 MR. NEFF: How is that relevant to  
14 this case?

15 MR. BRATER: He's the owner of the  
16 trademark registration.

17 MR. NEFF: All right. Go ahead.

18 A. Okay. To answer that as accurately  
19 as possible then, do the restored VINCENTs  
20 end up in America? Sometimes absolutely  
21 definitely, yes. Could we find examples of  
22 that? Yes. I'm sure not difficult at all.  
23 Do I sell them directly? No.

24 Q. Okay.

25 A. Have I ever sold them directly? I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

must have done. It doesn't come to mind.

Q. Okay.

A. Because that's not the way the business runs.

Q. When you say it winds up directly, meaning you may sell it to someone who then resells it in the United States?

A. No. That's really -- I wouldn't deal direct with the customer or as a company we wouldn't deal direct with the customer.

Q. Who would you deal with directly?

A. We'd deal with the dealer. And -- no, now I'm missing the point here, aren't I? I'm sorry because I'm completely missing the point. Because the American dealers selling motorcycles would be almost exclusively to the Americans. Are those included or not included? Not included, and I don't quite understand why I did not do that.

Q. I can ask the question differently to get to what you're talking about.

Have you ever sold through a dealer in the United States a VINCENT motorcycle?

A. Yes.

1 Holder

2 Q. And when was the last time you did  
3 so?

4 A. I don't know because I don't keep  
5 track of that, but that's generally what the  
6 people's business would be about to some  
7 degree.

8 Q. Do you have any contracts with any  
9 of the dealers that you've sold VINCENT  
10 motorcycles through into the United States?

11 A. Yes. Although the contract --  
12 we're a longstanding family business. You  
13 don't tend to get solicitors to draw things  
14 up to you, so your idea of the contract might  
15 be asking for a piece of paper sometimes.  
16 More likely an agreement with people I've  
17 known a long, long time.

18 Q. Does Velocette Vincent assemble  
19 restored VINCENT motorcycles on a regular  
20 basis?

21 A. Ourselves, that's more an activity  
22 of our dealers than of ourselves.

23 Q. When was the last time that  
24 Velocette Vincent assembled a full VINCENT  
25 motorcycle itself?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

A. It takes a long time to assemble one. It doesn't sort of happen.

Q. I understand.

A. If you want to go and look on the bench how many are in the process of assembly --

Q. I'm talking about completed.

A. That's not necessarily a yes-or-no question. I wouldn't -- if they're completed, they hopefully won't be on the bench. On the bench in process there's --

MR. NEFF: Talk over in her direction.

THE WITNESS: Right. Okay.

A. There would be five to ten VINCENTs in process at the moment.

Q. Has Velocette Vincent assembled a VINCENT motorcycle and then sold that motorcycle to a dealer or to an individual at any point in time?

A. Yes.

Q. Has Velocette Vincent ever assembled a VINCENT motorcycle and sold that motorcycle to a dealer or an individual in

1 Holder

2 the United States?

3 A. Ever? I would think that that's  
4 very likely, but again, to reiterate, that's  
5 not the normal way that it operates.

6 Q. I understand. I understand. But  
7 what I'm trying to get at, the question I  
8 asked is: Do you recall any specific  
9 instance where Velocette Vincent assembled a  
10 full VINCENT motorcycle and sold it to a  
11 dealer or an individual in the United States?

12 A. If you're asking me where we've  
13 supplied the parts --

14 Q. That's not what I'm asking.

15 A. -- to be built into a motorcycle --

16 Q. That's not what I'm asking.

17 What I'm asking is: Velocette  
18 Vincent -- you described you've got five to  
19 ten on bench?

20 A. Right.

21 Q. Let me ask the questions because  
22 I'll take baby steps and maybe get there. It  
23 would be easier.

24 A. Okay. I think I understand the  
25 question.

1 Holder

2 If you come to me today and said I  
3 want to buy a VINCENT motorcycle and I want  
4 it delivered to the U.S. --

5 Q. Right.

6 A. -- that would be arranged via one  
7 of the dealers. That would not be arranged  
8 for us to build a motorcycle and ship it to  
9 you.

10 Q. And have you ever done that where  
11 you assembled the motorcycle and shipped it  
12 to an individual in the U.S.?

13 A. Yes, we must have done.

14 Q. Do you have any documents or can  
15 you tell me of any specific instances where  
16 you've done so?

17 A. Not with me and not without looking  
18 into them, but that's not the general way we  
19 would do it.

20 Q. I understand.

21 A. So that's not the common way of  
22 doing it.

23 Q. I understand.

24 Can you give me an instance of the  
25 common way that it's done as you described

1 Holder

2 it?

3 A. The common way, going back again,  
4 if you wanted to buy a VINCENT today, for  
5 example -- actually, I'll sell him one, he  
6 looks more like a customer.

7 Q. I don't take offense to that.

8 A. Actually, yes, I should be a  
9 salesman, I've got to sell it to you.

10 You probably want an original one,  
11 not a replica.

12 MR. GREEN: Black Shadow.

13 Q. It doesn't matter. You could --  
14 whichever it is.

15 A. Depending on which one he wants,  
16 there will be a dealer who we're supplying  
17 the parts to, who will build that bike and  
18 supply that to him.

19 Q. Can you provide me with the last  
20 time that you recall that happened?

21 A. I wouldn't know on a one-by-one  
22 basis when that was happening because that  
23 procedure is remote from me about the daily  
24 goings-on.

25 Q. When you mean "the daily goings-on"

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

of what you do, what you do is you sell the parts to the dealers?

A. Yes.

Q. And you sell the pillion, footrests, carburetors, et cetera --

A. All of it.

Q. Right.

A. All of it.

Q. So when you --

A. That's a funny list. I don't understand why it's --

Q. So if there are 3,000 parts to a VINCENT motorcycle --

A. Yes.

Q. -- you would sell each of those parts individually --

A. Yes.

Q. -- or whichever parts the dealer needed; is that right?

A. Yes.

Q. And you don't sell the actual full assembled motorcycle, you sell the parts for someone else to assemble it?

A. Yes.

1 Holder

2 Q. So is Coventry Spares Limited a  
3 licensee?

4 A. Yes.

5 Q. That's Coventry Spares Limited in  
6 Middleboro, Massachusetts?

7 A. Yes.

8 Q. And is that a licensee of Velocette  
9 Vincent or a licensee of you personally?

10 A. Good grief. Again, I wouldn't -- I  
11 wouldn't normally need to make the  
12 distinction.

13 Q. Fair enough.

14 Do you have a written agreement  
15 with Coventry?

16 A. Goodness. There might be one from  
17 the distant past somewhere, and we probably  
18 both be amused if we could look at it again.

19 Q. And how long have they been a  
20 licensee of yours?

21 A. Right back to me dad's day.

22 Q. I assume that you sell VINCENT  
23 spare parts through Coventry?

24 A. Yes.

25 Q. Do you sell clothing through

1 Holder

2 Coventry?

3 A. Coventry does his own clothing. He  
4 didn't want to import it via us. He did do  
5 it in the past.

6 Q. He has sold your clothing in the  
7 past?

8 A. He has in the past.

9 Q. Do you know when?

10 A. That is going to go back quite a  
11 long time. He's doing his own thing in at  
12 least 10, maybe 15 years.

13 Q. And have you given him a license to  
14 do clothing?

15 A. Oh, yes. Yes.

16 Q. Do you know if he sells the  
17 clothing online?

18 A. Yeah, I believe he does. Although  
19 that's his main way of selling.

20 Q. Do you know when he started selling  
21 the clothing online?

22 A. No, I don't.

23 Q. Are you familiar with the Coventry  
24 website?

25 A. I know there is one.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

MR. BRATER: I'm going to hand to the court reporter what has been marked as VM 00180 to 182, which we will mark as Holder Exhibit 2.

(Holder Exhibit 2, printout from Coventry Spares Limited website, labeled VM 00180 to 182, dated January 31, 2013, marked for identification, as of this date.)

Q. Mr. Holder, let me know when you've had a chance to take a look at this.

A. Okay. I've got it.

Q. Do you recognize what this is?

A. Yeah, I think I do.

Q. What is it?

A. It's a catalog of Coventry Spares, Limited.

Q. Is this from Coventry Spares Limited's website?

A. I have no idea.

Q. Do you know whose website [www.thevincentparts.com](http://www.thevincentparts.com) is?

A. That sounds like Coventry's. I apologize. It does appear to be Coventry's

1 Holder

2 website. Sorry.

3 Q. If you don't know, that's okay.

4 If you look at the upper right  
5 corner, what is the date there of the first  
6 page?

7 A. I don't seem to have one.

8 Q. Underneath the "VINCENT" logo in  
9 the upper right corner.

10 A. Okay. January 31, 2013.

11 Q. Would you assume that this is the  
12 Coventry parts' list as of that date?

13 A. Sounds a fair assumption.

14 Q. Let's turn to the second page,  
15 which is VM 00181. Do you see that there is  
16 a hat and a T-shirt there?

17 A. Yes, yes.

18 Q. Is that a hat and a T-shirt that  
19 you or Velocette Vincent had created?

20 A. I think that's our logo onto a  
21 T-shirt that's made in the USA. I believe  
22 the manufacturer was -- is that Hanes --  
23 was that Hanes, BT or was it Fruit of -- I  
24 can't remember who the manufacturer was, but  
25 respected made in the USA.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

Q. Is this an example of the clothing that Coventry did on its own?

A. Yes. That's Coventry's clothing, yeah.

Q. Did you review these products before Coventry created them?

A. Yes, yes.

Q. Did he send you specimens, or what happened?

A. Yes. He brought us some over and nobody in the UK -- well, I'm not wearing the baseball cap. I'll wear the T-shirt because you wouldn't wear a baseball cap. That's an American thing.

Q. Do you know when he showed these to you?

A. He used to bring us some over every time he came because he seemed to think we needed some. To expand on that, he used to visit us yearly and stayed with us in our house for about a week while he was over. And he would almost always bring --

MRS. HOLDER: Always bring --  
sorry.

1 Holder

2 A. -- some of the clothing over.

3 Q. Would he bring the clothing to you  
4 before he started selling it, or he would  
5 just --

6 A. No, he brought the first ones in  
7 the first place. His idea is to, what he  
8 thought the American market wanted, and what  
9 did we think of these.

10 Q. But he would show them to you  
11 before he sold them?

12 A. Yeah, yes. I'm sorry.

13 Q. That's okay.

14 A. I'm saying too much.

15 Q. I assume that the approval you  
16 would provide would be -- would be oral not  
17 written?

18 A. Again, this is tending to be the  
19 case.

20 MR. NEFF: Are you going to mark it  
21 as an exhibit?

22 MR. BRATER: I already did.

23 MR. NEFF: I'm sorry. I missed it.  
24 What is it, Holder 2?

25 MR. BRATER: Yes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

I'm going to hand to the court reporter a document marked VM 00183 through 185 and ask that it be marked as Holder Exhibit 3.

(Holder Exhibit 3, different printout from Coventry Spares Limited website, labeled VM 00183 through 185, dated January 31, 2012, marked for identification, as of this date.)

Q. Now, does this appear to be another -- a different copy of the Coventry website with spare parts on it?

A. Yes, it does.

Q. And the date in the upper right corner is January 31, 2012; is that right?

A. Yes.

Q. Do you see on here -- do you see any clothing or hats?

A. No.

Q. Do you know why the website in 2013 included clothing and hats, but not in 2012?

A. Well, I recognize this website and find it to be maybe 60, 70 pages long. You've only got three of them there.

1 Holder

2 Q. But do you know if clothing was on  
3 the website in 2012?

4 A. Well, I don't know. I don't know.

5 Q. That's fair. If you don't know,  
6 you don't know.

7 Do you know how much clothing with  
8 the VINCENT logo on it Coventry has sold?

9 A. He tells me it doesn't set the  
10 world on fire. That would be the same as  
11 what I had found. So I'm going to guess some  
12 and nothing to get too excited about.

13 Q. Would that be ten T-shirts a year,  
14 a hundred T-shirts a year?

15 A. I'm sure it's not ten. I'm sure  
16 it'd been more than a hundred, but I'm sort  
17 of guessing. I don't suppose it's into -- if  
18 it's into any thousands, he's not telling me  
19 it's into any thousands.

20 Q. Does he report sales of clothing --

21 A. Not in a precise manner. We're  
22 maybe have the conversation, "do we owe each  
23 other anything for the clothing this year?"

24 Q. Does he pay you a specified royalty  
25 for sales of the clothing with the VINCENT

1 Holder

2 mark?

3 A. No, not in that sense, no.

4 Q. Would he pay you anything for sales  
5 of clothing with the VINCENT mark in the  
6 U.S.?

7 A. We're looking like more in the  
8 promotional sort of sense and see if we could  
9 catch the world out, and in advance of the  
10 discussion, we add on, do we owe each other  
11 anything, and instead having a beer  
12 instead --

13 Q. Fair enough.

14 A. -- I expect he would have done.

15 Q. When we say "he," who --

16 A. That's John Healy. John Healy.

17 Q. John?

18 A. Healy.

19 Q. John Healy.

20 A. H-E-A-L-E-Y.

21 MRS. HOLDER: I think it's  
22 H-E-A-L-Y, isn't it? There's not an "E"  
23 in there.

24 THE WITNESS: I should know that.

25 MRS. HOLDER: H-E-A-L-Y, I believe.

1 Holder

2 THE WITNESS: That's correct.

3 Q. You said you do not have a written  
4 agreement with Mr. Healy or if you do --

5 A. I actually believe there was one in  
6 the early days that would almost be fun to  
7 dig out. We're friends. We've dealt with  
8 each other for a long time if that explains  
9 it a little better.

10 Q. Do you have any documentation from  
11 him that shows his sales of clothing with the  
12 VINCENT mark in the U.S.?

13 A. No, no. Never specifically asked  
14 him for anything. We discussed it and didn't  
15 do it.

16 Q. What do you mean you discussed it  
17 and you didn't do it?

18 A. Do we owe each other anything on  
19 clothing?

20 Q. I understand.

21 A. And I would trust his answer.

22 Q. So you would discuss orally his  
23 sales --

24 A. Yes.

25 Q. -- but you didn't get anything in

1 Holder

2 writing?

3 A. That's right.

4 Q. And has he ever paid you any money  
5 for sales of clothing with the VINCENT mark  
6 in the U.S.?

7 A. He would have bought clothing off  
8 me in the past.

9 Q. Right. So --

10 A. Has he paid me money for that? No,  
11 it's in the bigger scheme of thing. The  
12 answer to that is misleading if I say no.

13 Q. Has he paid any kind of royalty to  
14 you for sales of clothing with the VINCENT  
15 mark at any point in time?

16 A. Let's answer that with a qualified  
17 no.

18 Q. Qualified in what way?

19 A. It isn't quite how we do business.  
20 There was money there to be paid if it was a  
21 worthwhile amount. And I believe what he had  
22 told me was, and bear in mind that he's a big  
23 customer, there's little point in taking even  
24 a thousand pound off him in one hand to  
25 perhaps give it back in the other.

1 Holder

2 Q. Right. Understood.

3 I would imagine most of your  
4 business with Mr. Healy is sales of VINCENT  
5 parts?

6 A. Yes.

7 Q. Now, you mentioned earlier that you  
8 had a deal with Dunhill.

9 A. Yes.

10 Q. And is Dunhill a British company?

11 A. Yes.

12 Q. When was that deal approximately?

13 A. It's about ten years ago now. I  
14 think it is.

15 Q. I noticed Dunhill sold clothing; is  
16 that right?

17 A. Yes.

18 Q. There was a motorcycle, an Egli  
19 Vincent created for that campaign; is that  
20 right?

21 A. Yes, more than one. I believe they  
22 asked for six and ended up with three  
23 delivered.

24 Q. Did you assemble those, or did  
25 someone else assemble those?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Holder

A. Mr. Godet --

Q. Mr. Godet.

A. -- in the similar sense to what we did. I believe in the similar sense as to the way we answered earlier questions.

Q. That clothing included leather jacket; is that right?

A. Also, it's, again, almost did the toffy apple again. You know the shop? It's -- well, I don't know my directions. They have a New York store. Okay.

Q. Do you know if the clothing they sold actually -- did the clothing actually have the VINCENT mark on it?

A. Oh, yeah.

Q. Where was it on the clothing?

A. They tend to put it fairly discreetly wherever they thought (indicating) it wanted to be.

Q. Did Dunhill pay you any --

MR. BRATER: I'm sorry, this is going to be marked confidential.

(The following portion has been deemed confidential and bound under separate cover.)

1 Holder

2 10.

3 (Holder Exhibit 10, document  
4 labeled DH 0217, marked for  
5 identification, as of this date.)

6 MR. BRATER: Mark this as Holder 11  
7 and 12.

8 (Holder Exhibit 11, document, press  
9 article labeled DH 0242 to 243, dated  
10 January 10, 1996, marked for  
11 identification, as of this date.)

12 (Holder Exhibit 12, document, press  
13 article labeled VM0006, marked for  
14 identification, as of this date.)

15 A. I can finish the question on the  
16 helmets a little if you would like because  
17 I've remembered a little more.

18 Q. Okay.

19 A. I think we ended -- well, this is  
20 only to be open and honest, which I'm not  
21 sure I'm supposed to be doing.

22 Q. Of course you are.

23 A. I think we ended up with a problem  
24 in the U.S., and that is what I think went  
25 wrong. That these were European approved and

1 Holder

2 weren't U.S. approved.

3 Q. The helmets? Got it.

4 A. And they were not going to send any  
5 U.S. approved ones to Europe because they  
6 didn't want to get into -- we're small fry.  
7 It went wrong. I think we ended up -- I  
8 don't know what we ended up doing with any  
9 that come to the U.S.

10 MR. NEFF: Let the record show that  
11 the witness was referring to Exhibit 7  
12 when he was talking just recently.

13 Q. We have marked as Holder Exhibit 8  
14 a document labeled DH 0205.

15 A. Thank you.

16 Q. Mr. Holder, do you recognize this?

17 A. Yes.

18 Q. What is Custom Images?

19 A. These go back from a while. And I  
20 don't, without my notes, know which one of  
21 which of these things. We started -- or we  
22 have been following people who were selling  
23 T-shirts on the Internet because some of them  
24 were licensed, some of them were genuine and  
25 some of them weren't. So that's going to be

1 Holder

2 one of the ones who fitted into one category  
3 or the other.

4 Q. Is this one of your T-shirts, or  
5 you don't remember?

6 A. It looks like one, but it may -- it  
7 looks like one. I think it's one that the  
8 guy was claiming was one, but I can't  
9 remember which one it is because there are  
10 some of these that you can even end up  
11 uncertain yourself --

12 Q. I understand.

13 A. -- and threatening somebody who  
14 bought them off of you -- bought them off  
15 your customer.

16 Q. Right.

17 Now, Custom Images, this is a UK  
18 website; is that right?

19 A. Yes.

20 Q. And the prices for these are in  
21 pound sterling?

22 A. Uh-hum.

23 Q. That's a yes? Sorry.

24 A. I'm sorry, yes. They're in pound  
25 sterling, yeah.

1 Holder

2 Q. We have marked as Holder Exhibit 9  
3 a document labeled DH 0207. Do you recognize  
4 this?

5 A. Yes.

6 Q. What is this?

7 A. That's another T-shirt, is it?

8 Q. And is that one of your T-shirts?

9 A. Again, it looks like it is.

10 Q. And are you familiar with the  
11 website twistedmoose.co.UK?

12 A. Without my notes, I'm not  
13 remembering that website, no.

14 Q. And this screen shot is from the UK  
15 eBay website; is that right?

16 A. It looks like it probably is.

17 Q. It says, "CGI.eBay.co" --

18 A. Yeah.

19 Q. -- ".UK"; is that right?

20 A. Yes.

21 Q. And the ".UK" signifies a UK  
22 website; is that right?

23 A. I believe so.

24 Q. We've marked as Holder Exhibit 10 a  
25 documentation labeled DH 0217.

1 Holder

2 definitive.

3 Q. Do you know if your daughter sold  
4 any of those shirts to the U.S. through their  
5 website?

6 A. Yes, I believe so. I think the  
7 U.S. customers tended to -- or U.S. people  
8 tended to like those T-shirts. Again, we did  
9 not set the world on fire. We sold all that  
10 we had made of those.

11 Q. How many did you have made?

12 A. Of these I can't remember.

13 Q. Hundreds? Thousands? Tens of  
14 thousands?

15 A. Hundreds, not thousands.

16 Q. Hundreds, okay.

17 A. This was a more expensive market  
18 one. It was not a cheap one.

19 Q. Do you remember how much it  
20 retailed for?

21 A. No, not at all. Never had to buy  
22 one. I've got more than I should have of  
23 that one.

24 Q. Are you familiar with Bernard Li?

25 A. Yes.

1 Holder

2 Q. When was the first time you heard  
3 of Mr. Li?

4 A. Goodness. When was the first time?  
5 Sometime in the '90s, is it?

6 Q. And how did you first come --  
7 become aware of Mr. Li?

8 A. A few people who were dealers or  
9 enthusiasts or customers said there was  
10 somebody in American making noises, was --  
11 were they anything to do with me, was I aware  
12 of it.

13 Q. Did you contact Mr. Li?

14 A. We -- the associate, my patent  
15 attorney.

16 Q. So your lawyer?

17 A. I think she corrects me if I use  
18 anything but "patent attorney." I'm not sure  
19 because I keep doing it wrong.

20 MRS. HOLDER: They're called patent  
21 agents, aren't they?

22 THE WITNESS: No, that was --

23 Q. So there was a conversation between  
24 your lawyer and Mr. Li's lawyer; is that  
25 right?

1 Holder

2 A. No, I think she wrote to Mr. Li --

3 Q. To Mr. Li directly, okay.

4 A. -- and never got a reply.

5 Q. Did you ever speak with Mr. Li  
6 personally?

7 A. Yes.

8 Q. When was that?

9 A. That was sometime into the affair.  
10 Maybe --

11 Q. In the '90s?

12 A. Yes, in the '90s.

13 Q. What did you discuss with Mr. Li?

14 A. It got some rather -- it got some  
15 ideas that I think he was hoping that would  
16 gel with me that really didn't gel with me.

17 Q. Did you discuss with him his use of  
18 the VINCENT name?

19 A. Yes.

20 Q. And what did you say?

21 A. I told him, that's mine.

22 Q. What was his response?

23 A. No, let's look for a solution, not  
24 a -- did I want to cooperate with him. Not  
25 really.

1 Holder

2 Q. Did you?

3 A. No.

4 Q. Did you file for a trademark  
5 registration in the U.S. in the '90s?

6 A. I don't think so.

7 Q. Do you know if Mr. Li did?

8 A. For a trademark registration?

9 Q. Yes.

10 A. Yes, I believe he filed for a  
11 number.

12 Q. Did you challenge those?

13 A. Yes.

14 Q. In the '90s?

15 A. What do you mean by "challenge"?

16 Q. Did you go to the trademark office  
17 like this proceeding?

18 A. No, no, no.

19 Q. Why not?

20 A. I don't think those quite -- let me  
21 think. He's threatening to use them, but not  
22 actually got to use them. The idea looked  
23 like it was going nowhere to me. The  
24 motorcycle he showed to the press seemed to  
25 be maybe an Eagle motorcycle from Vincent

1 Holder

2 Motors rather than a VINCENT motorcycle from  
3 Vincent Motors. So we wrote him a letter  
4 putting him on the notice that "VINCENT" is  
5 ours, keep away, essentially. The  
6 solicitor -- sorry, she's a patent attorney.

7 Q. Don't tell me anything that the  
8 lawyer told you, please, because that's  
9 protected.

10 A. Is it?

11 Q. Yes.

12 A. Well, okay.

13 The patent attorney -- I decided to  
14 follow the advice that we would monitor  
15 Mr. Li's activities.

16 Q. Did you monitor his activities?

17 A. We did.

18 Q. Did you know if he was selling  
19 clothing with the VINCENT mark in the U.S.?

20 A. I'm not sure it had the VINCENT  
21 mark. It seemed to have a logo that he had  
22 invented. It didn't seem to get actually  
23 offered for sale other than talked about. We  
24 did not notice any activities of motorcycle  
25 sales, motorcycle part sales, clothing sales

1 Holder

2 or toffy apples or anything.

3 Q. What did you actually do to monitor  
4 his activities?

5 A. I didn't have a great difficulty  
6 monitoring it because the press got it, a  
7 sense that it was a great chance for a story,  
8 so wanted to come and poke me and Mr. Li to  
9 see if they could get some ink in the press  
10 all the time. The VINCENT guys are around  
11 this area tended to not like the motorcycle  
12 ideas of Mr. Li's, so were wanting throw  
13 everything at me, wanted me to make sure that  
14 Mr. Li did not proceed, or at least some of  
15 them did, enough of them. And the dealers  
16 I've got in American kept an eye on it. We  
17 tend to have the magazines ourselves anyway,  
18 so I felt that we were monitoring Mr. Li's  
19 activities, and there were none or there were  
20 next to none.

21 Q. How long did you monitor Mr. Li's  
22 activities?

23 A. The entire time.

24 You've asked me about his  
25 trademarks there. He seemed to be sniffing

1 Holder

2 at the edge. He was Eagle, Black Eagle,  
3 maybe VINCENT Black Eagle and other things  
4 rather than -- it wasn't VINCENT or HRD  
5 outright.

6 Q. But you did have a discussion with  
7 him about using the VINCENT name, isn't that  
8 right?

9 A. Yes. Actually, it was more a  
10 discussion about making a motorcycle than  
11 using the name, to be more accurate there.

12 Q. But you did have a discussion where  
13 you told him not to use the VINCENT name  
14 because you felt you had the rights to that;  
15 is that right?

16 A. Yes, yes, exactly right.

17 Q. Did you do anything to monitor  
18 whether Mr. Li had applied for any trademark  
19 registrations in the U.S.?

20 A. The patent attorney I was using was  
21 monitoring those. Or let's say, she told me  
22 she was monitoring those.

23 Q. Why didn't you file a trademark  
24 application for VINCENT until 2012?

25 A. Following the patent attorney's

1 Holder

2 advice, I think.

3 So the question is: Why did I not  
4 file them before 2012?

5 Q. Correct.

6 A. Yeah, that answer is correct.

7 Q. And you did know that Mr. Li had  
8 applied for trademark registrations; is that  
9 right?

10 A. There are a series of them that's  
11 on the verge, on the periphery. They're not  
12 VINCENT and HRD themselves.

13 Q. I just want to get these marked to  
14 make it clear. We've marked as Holder  
15 Exhibit 11 DH 0242 to 243.

16 A. Thank you.

17 Q. Do you recognize this, Mr. Holder?

18 A. I do.

19 Q. Is this one of those press articles  
20 that you were mentioning that discussed you  
21 and Mr. Li?

22 A. It is.

23 Q. If you look on the second page, can  
24 you read that?

25 A. Yes.

1 Holder

2 Q. You can. I can read it and you can  
3 tell me if I've got it right. I'm going to  
4 read something on the far right column, the  
5 second paragraph, do you see that where it  
6 says, "If he did"? Do you see that?

7 A. Yes, I do.

8 Q. It says, "If he did use the VINCENT  
9 name, I would protect it. He would be  
10 spending a lot of time with American  
11 lawyers."

12 Did I read that correctly?

13 A. Yes.

14 Q. That's a quote from you; is that  
15 right?

16 A. Yes.

17 Q. The date of this is January 10,  
18 1996; is that right?

19 A. Yes.

20 Q. Now, we marked as Holder Exhibit 12  
21 a document labeled VM 0006. Do you recognize  
22 this?

23 A. I do.

24 Q. Is this another one of those  
25 articles where the press was discussing you

1 Holder

2 and Mr. Li?

3 A. It is.

4 Q. And on the far right column, there  
5 is a quote. It says, "As far as I know, my  
6 objection to Li's use of the name is still  
7 pending in American."

8 Did I read that right?

9 A. Yes.

10 Q. That was a quote from you, right?

11 A. It's something Mick Duckworth, God  
12 bless him, has put down as a quote from me.

13 Q. Fair enough.

14 A. It was asking for something  
15 accurate.

16 Q. Fair enough.

17 A. I wouldn't go to Mick Duckworth,  
18 and he's a friend and he excused himself by  
19 saying that they don't pay me enough for  
20 these articles to do them right. I'm not  
21 referring to that article.

22 Q. No, I understand.

23 A. That doesn't look like what I would  
24 have actually have said is why.

25 Q. What do you think you would have

1 Holder

2 actually said?

3 A. I don't know. That doesn't look --  
4 "As far as I know, my objection to Mr. Li's  
5 use of the name is still pending in America."  
6 Why would I have thought that? Why would I  
7 have said that if I didn't think it?

8 Q. Right.

9 What did you think; do you  
10 remember?

11 A. Thought Mr. Li was not actually --  
12 not actually yet come up with anything.

13 Q. Are you aware of any other parties,  
14 other than yourself and Vincent Motors, that  
15 sell VINCENT motorcycle parts and accessories  
16 in the U.S.?

17 A. Obviously, my dealers,  
18 distributors, agents.

19 Q. We can -- let me ask it again so  
20 it's clear.

21 A. Yes.

22 Q. Are you aware of any parties, other  
23 than yourself and your dealers and  
24 distributors and agents, selling VINCENT  
25 motorcycle parts in the U.S.?

1 Holder

2 A. VINCENT motorcycle parts into the  
3 U.S. I'm not. My experience will tell me  
4 I'm sure that there are some from India, from  
5 China and from elsewhere -- well, from India  
6 and from elsewhere.

7 Q. Have you ever taken any action  
8 against any of those parties to prevent them?

9 A. Yes.

10 Q. In the U.S. have you taken any  
11 action?

12 A. What do you mean by "action"? I  
13 haven't taken them to court, if that's what  
14 you meant by "action."

15 Q. Have you taken them to court?

16 A. No.

17 Q. Have you sent them letters?

18 A. Usually originates from India or  
19 the UK actually --

20 (Record read.)

21 A. Originates from India or the UK.  
22 The UK is the main market for these things,  
23 so you would take the action in the UK.

24 Q. When you say take action, you mean  
25 calling them or sending them a letter?

1 Holder

2 A. Yeah. They tend to evaporate if  
3 you send them a letter and reemerge next door  
4 or even in the same premises with a different  
5 name.

6 Q. Are you familiar with a company  
7 called Maughan & Sons?

8 A. No, don't know that one -- Maughan  
9 & Sons, yes, yeah, yeah. Sorry, yes, Maughan  
10 & Sons, yeah.

11 Q. M-A-U-G-H-A-N.

12 MRS. HOLDER: Maughan & Sons.

13 MR. NEFF: Like Sommerset Maugh.

14 Q. Who are Maughan & Sons?

15 A. Tony Maughan was a good old friend  
16 that passed away. Maughan & Sons is his son,  
17 not sons, second son, and passed way, got  
18 killed as well. Customers, restorers in  
19 Lincolnshire, England.

20 Q. Do they manufacture and sell  
21 VINCENT motorcycle parts?

22 A. What do you mean "do they  
23 manufacture and sell VINCENT motorcycle  
24 parts"? They're mostly a restorer of  
25 VINCENT's motorcycles, so have to remake the

1 Holder

2 parts or some thing or another. I think they  
3 claim their expertise has been able to  
4 salvage the unsalvageable.

5 (Holder Exhibit 13, printout from  
6 www.sumpmagazine.com website, labeled  
7 VM00174 through 179, marked for  
8 identification, as of this date.)

9 MR. BRATER: We've marked as Holder  
10 Exhibit 13 documents marked VM 00174  
11 through 179.

12 Q. This is from a website  
13 www.sumpmagazine.com.

14 MR. NEFF: Is this Exhibit 14  
15 you're talking about?

16 MR. BRATER: 13.

17 MR. NEFF: 13, sorry.

18 Q. Are you familiar with Sump  
19 magazine?

20 A. No, I've never heard of it.

21 Q. Could you look at the first  
22 sentence of this document. It says, "Maughan  
23 & Sons have been manufacturing spares for  
24 VINCENT singles and twins since 1971."

25 Do you see that?

1 Holder

2 A. Yes.

3 Q. Do you agree with that?

4 A. Manufacture? They can manufacture  
5 spares for VINCENT singles and twins  
6 unfortunately in the UK, but they cannot  
7 manufacture VINCENT spares for VINCENT  
8 singles or twins or anything else however.  
9 And there it says that they're manufacturing  
10 spares for VINCENT singles and twins.

11 Q. And what distinction are you  
12 making?

13 A. They are not and should not be  
14 using the VINCENT trademark and would not be  
15 in that they would be manufacturing, as I  
16 read that, Maughan parts to be used on  
17 VINCENT singles and twins.

18 Q. Have you ever licensed to Maughan &  
19 Sons the right to use the VINCENT name?

20 A. No.

21 Q. Have you --

22 A. Not as long as they're a  
23 longstanding customer.

24 Q. Have you ever licensed to Maughan &  
25 Sons the right to use the name "Vincent HRD"?

1 Holder

2 A. No. They could use it to sell my  
3 parts, of course.

4 Q. Other than this proceeding, have  
5 you ever filed a lawsuit in the U.S. against  
6 anyone regarding the use of the name  
7 "VINCENT"?

8 A. No.

9 Q. Do you recall any instances in  
10 which anyone contacted you with an inquiry  
11 about a VINCENT-branded product that was  
12 actually made by Vincent Motors?

13 A. Ask that question again.

14 MR. NEFF: Could I hear it read  
15 back, please?

16 (Record read.)

17 MR. NEFF: Do you understand the  
18 question?

19 THE WITNESS: Yes.

20 A. I think I will answer yes, and  
21 that's where I first became aware of Mr. Li's  
22 activities and that he was saying that he was  
23 about to start --

24 (Record read.)

25 A. -- intending to produce VINCENT

1 Holder

2 products.

3 Q. And other than that instance, can  
4 you think of any circumstances?

5 A. I'm not remembering any.

6 Q. Do you recall any instances in  
7 which anyone contacted you with an inquiry  
8 about a VINCENT-branded product that was made  
9 by somebody else?

10 MR. NEFF: Could I hear that  
11 question back, please?

12 (Record read.)

13 A. I suppose to be absolutely correct,  
14 I would think probably somebody reported back  
15 to me from John Healy out the years, where  
16 hey, so-and-so, or I just ought to have a  
17 word with such and such.

18 Q. What type of products would he be  
19 talking to you about, or did he talk to you  
20 about?

21 A. I'm thinking motorcycle parts.

22 Q. Do you remember the last time that  
23 may have occurred?

24 A. No. It would not -- it would not  
25 be especially unusual, but it would usually

1 Holder

2 be some double or once you told them --

3 (Record read.)

4 A. It wouldn't be unusual, but it  
5 would usually be somebody doubling, who once  
6 they were put on some sort of notice backed  
7 off.

8 Q. Do you recall any instances where  
9 there were VINCENT-branded spare parts that  
10 originated with Mr. Li in those instances?

11 A. No, none of those.

12 Q. Do you recall any instances where  
13 there were VINCENT-branded parts that you  
14 didn't manufacture that originated with  
15 Mr. Green and his company?

16 A. That I'm aware of would be these  
17 T-shirts, et cetera, clothing things that  
18 have been in the marketplace in the U.S. and  
19 Europe.

20 Q. Who contacted you about those  
21 T-shirts and clothing?

22 A. Goodness, a few people, but I was  
23 already aware because I was looking at it.  
24 With the Internet, it's suddenly a different  
25 ball game to monitor what somebody is up to.

1 Holder

2 Q. Would it have been -- was it  
3 customers or was it dealers of yours that  
4 brought that to your attention?

5 A. Dealers. I would be concerned in  
6 the UK that the customer would see those  
7 products as being from us. I really would.

8 Q. Did any customers in the U.S. come  
9 to you and say they thought they were yours?

10 A. Goodness, I started getting  
11 bombarded with people doing this, so I should  
12 think, yes. I just telling everybody, yeah,  
13 I'm aware of this, it has been dealt with.  
14 Yeah, definitely. Yeah. Definitely.

15 Q. Are you aware of Vincent Motors  
16 USA's website?

17 A. Yes.

18 Q. Have you visited that website?

19 A. Yes.

20 Q. When was the first time you visited  
21 that website?

22 A. Probably in the very early stages  
23 of considering these proceedings.

24 Q. Did you ever go to Mr. Li's  
25 website?

1 Holder

2 A. Didn't know he had one, I don't  
3 think. Did he have one?

4 Q. (Nodding.)

5 A. No.

6 Q. You don't know one way or the other  
7 whether he had one?

8 A. I'll think I'll answer that by  
9 saying I can't remember. I can't remember  
10 one.

11 Q. Do you know --

12 A. Oh, yes, I do remember one, yes.  
13 Yes, I did visit his website. Yes, I did. I  
14 remember it. Sorry.

15 Q. Do you know if he offered any  
16 products for sale on that website?

17 A. No, I think he didn't have products  
18 for sale. You could register an interest in  
19 the product, which was coming along, as I  
20 remember that. I don't remember it as  
21 product for sale. I remember it -- it even  
22 on the clothing. As I remember it, the  
23 product brand was not completed. I don't  
24 even think the website was complete on it.  
25 It was offering a motorcycle and you could

1 Holder

2 register your interest. You could even --  
3 was he offering the motorcycle, or was he  
4 even not quite offering the motorcycle? If  
5 you're interested, then just register an  
6 interest. Not necessarily offering it for  
7 sale even. If your interested, register an  
8 interest in that it might be for sale, but  
9 it's not ready for your order.

10 Q. Do you know if there was clothing  
11 on that website?

12 A. I think there was clothing on the  
13 website, but that part of the website had not  
14 yet been completed and never was. It was  
15 left incomplete for a long period of time, I  
16 think in that there was something there and  
17 no way to order it.

18 Q. I want to go back to Exhibit 13,  
19 and I want you to look at VM 00175.

20 A. Yes.

21 Q. And the last paragraph in the first  
22 portion there starting with, "It is  
23 possible."

24 A. Yes.

25 Q. Do you see that?

1 Holder

2 A. Yes.

3 Q. And then about halfway through it  
4 says, "We used to supply engine cases to Matt  
5 Holder and machine them right here."

6 Do you see that?

7 A. Yes.

8 Q. And Matt Holder, is that your  
9 father?

10 A. Yes.

11 Q. Did they supply VINCENT engine  
12 cases to your father?

13 A. Good grief, no. I don't know where  
14 that's coming from. That's total nonsense.  
15 Absolutely definitely never supplied any  
16 crank cases to me, my father or anything.  
17 That's a nonsense. That's a complete  
18 inaccuracy. Looking at this, there is a  
19 VINCENT advance and retard pinion photograph  
20 next to it. That's not a VINCENT advance and  
21 retard pinion. That's a Lucas advance and  
22 retard pinion anyway. Why somebody's put  
23 "VINCENT" on that or what's that about, I  
24 don't know. Lucas has been a major  
25 electrical manufacturer in the UK that I'm

1 Holder

2 knowledgeable of, but that's no VINCENT  
3 product. The gear on it might be a VINCENT  
4 gear, which looks like it may well be  
5 something we've manufactured. It certainly  
6 is something we manufacture all the time, but  
7 the product shown there advance and retard is  
8 a Lucas product.

9 The next thing is a -- "it's  
10 possible to build a brand-new twin cylinder  
11 engine, if you"...

12 No, the bit you've picked out,  
13 "brand-new engine cases, we used to supply to  
14 Matt Holder and machine them right here," is  
15 absolutely definitely completely inaccurate.  
16 I would remember that if that was the case,  
17 and there is no reason why that could  
18 possibly be the case.

19 MRS. HOLDER: Isn't Tony Maughan  
20 dead?

21 THE WITNESS: Tony is dead, yeah.

22 MR. NEFF: How close are we to the  
23 end?

24 MR. BRATER: Very close.

25 MR. NEFF: Okay.

1 Holder

2 A. I don't know this Sump magazine. I  
3 thought I knew all the magazines. Is it an  
4 American one, or is it --

5 Q. I don't know the answer.

6 I have just got a couple more  
7 questions here.

8 Are you familiar with Terry Prince?

9 A. Yes.

10 Q. Are you aware as to whether they  
11 have made parts bearing the VINCENT name?

12 A. They're in Australia. Trademarks  
13 are dealt with differently in Australian than  
14 they are in England or the U.S. Terry's -- I  
15 know Terry's well. Terry's an old friend.  
16 Terry's a customer. Terry might be making  
17 parts, as on here, for VINCENT motorcycles.  
18 I don't think Terry would be making parts  
19 that are called "VINCENT parts" or branded  
20 VINCENT. The distinction hopefully been  
21 understood.

22 Q. Are you familiar with a company  
23 called RTV?

24 A. Yes.

25 Q. And do you know whether RTV has

# Coventry Spares, Ltd



Alton alternator replaces the Miller or Lucas generator. We supply the Alton with a proven reliable Podtronics 12 volt regulator. This avoids potential voltage leakage from the battery when not in use. We have stocks available for both Vincent singles and twins.



Click here for a PDF file of Alton instructions using Podtronics regulator. [Alton using Podtronics Regulator](#)

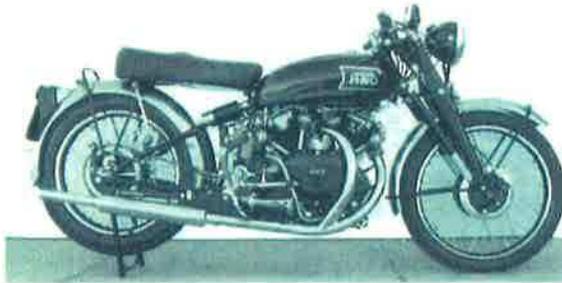
Multi-Plate clutches



Did you know that the multi-plate clutch is often a less expensive way to fix a worn Vincent clutch assembly.



Our multi-plate clutch is made in England. If you need new plates for you multi-plate clutch we can supply replacement, original, Surfex plates. We also offer Barnett plates with two different clutch compounds available.



**Don't forget to Download our Price List Below!**

**Your Source for Vincent Parts**

**April 2013 New Stock of Multi-Plate Clutches Just Arrived ! \$516.12**

**Ask us about the new cushion plate to smooth out the action of your older Multi-Plate clutch # C1AS/S1**

**To serve you better, and cut down the time you spend on the phone, please quote part numbers when inquiring, or placing an order. Don't have a parts book? Here is a link to on of many on-line:**

[Copy Vincent Spares Book](#)



**Vincent Rear Fender Hinges - Properly Polished These are new production and look good!**



January 31, 2013

We have updated the PDF down load of the current list of parts. Items with a "M" prefix are made by Maughan & Sons.

Amal

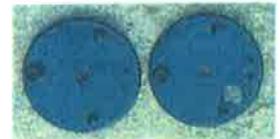
We stock a large selection of hard to find Amal parts. We also stock Amal Monoblocs and Concentrics to fit Vincents. Please inquire.



New Premium Concentrics available inquire

Maughan & Sons

We hold a very large inventory of high quality Maughan & Sons parts, including single and two-start oil pumps.



New Multi-Plate

Just in new manufacture brake plates H7/3S for Speedometer drive and H7/4S Standard



Improve the action of your front brake with this balance beam support. Made to the quality standard you have come to expect from Maughan & Son. Ask for V3096





Tired of kicking your Vincent until you feel you are going to have a heart attack. Tired of that weak magneto. Treat yourself to a new BTH MK2 Vincent Electronic Magneto. Entire unit fits under a stock magneto cover. The BTH electronic magneto has built in electronic ignition advance. Get rid of that worn out mechanical auto-advance unit. It is no longer required.



These 1/4" x 26tpi stainless Tommy Bars are designed to secure the Magneto Cowling. They come in a set of 3. current Nov. 2010 price is \$39.60 set of 3 ask for V3097.



Our Licensed Vincent Logo Quality Hanes Beefy-T Shirt are produced in the USA and available in Small, Medium, Large, X-Large and 2X-large

**FT145 Bracket Rear Flap  
FT145/1 Bracket Front portion of Fender**



**Maughan & Sons ET150AS  
Large Idler**



**Maughan & Sons ET51AS  
Shaft and Boss Assembly**



**We Stock a complete line of quality Japanese Koken brand, BA and Whitworth 6 and 12 point sockets in 3/8" and 1/2" drive.**

Coventry has been supplying quality and value for Vincent owners for more than 30 years. We have the largest inventory of Vincent parts on this side of the Pond.

We are unique, in that we want you to call us so we can make sure that we can understand what you are looking for, offer a little personalized service and get the right part the first time.



Maughan and Sons new flywheel assembly just back from Dave Dunbar who dynamically balanced it. It is one of four being prepared for a customer. David is also equipped to rebalance flywheels fitted with Carrillo rods using heavy metal.



Save your rear frame section by replacing damaged drop outs.



Our licensed Vincent Logo Quality Hanes Beefy-T Shirt are produced in the USA and available in Small, Medium, Large, X-Large and 2X-large

Pick up the phone today and dial **1-800-451-5113**. John, Tom or Susan Healy will be happy to quote availability and pricing.

If you want a list of the parts we carry you can download a list in a PDF format. Be patient as it is rather big file.

[Click here to download a inventory price list](#)

After downloading the PDF it can be printed. Use PDF FIND command to search list. Although not in the price list we also stock a full line of Amal carburetors and spare parts.

**Prices are only valid at the time the PDF was created (January 31, 2013).** All parts subject to prior sale. Parts are priced on the day we receive the shipment and reflect the value of the UK Pound at that time. You can call 1-800-451-5113 or fax 1-508-946-1145 for current pricing and availability. We really like you to call, but if you really must you can also e-mail John: johntioc@aol.com.

**Phone calls get priority**, then faxes and e-mails receive priority in that order. If you really want a part please pick-up the phone... we really like to talk to our customers!!!

## A little advice needed?

If you have a technical question about your Vincent please give us a call. Often the answer is just a call away. Remember 1-800-451-5113 is the number we want you to call. We might not have the answer at the tip of our tongue, but we know a lot of Vincent people who might have the answer to your problem. We are happy to refer you to someone who might have a hard to find part, or the answer to your question.

**Contact Information**  
**1-800-451-5113 in USA**  
**508-946-1144**

**FAX 508-946-1145**

**15 Abbey Lane, Middleboro, MA 02346 USA**



We recently supplied a customer with 4 new flywheel assemblies. Shown here just after they came back from dynamic balancing.



http://www.thevincentparts.com/



AUG FEB JUL 3 2010 2012 2013

Close Help

6 captures 24 May 10 - 25 Aug 12

# Coventry Spares, Ltd

Multi-Plate clutches



Did you know that the multi-plate clutch is often a less expensive way to fix a worn Vincent clutch assembly.

**Don't forget to Download our Price List Below!**

January 31, 2012

We have updated the PDF down load of the current list of parts. Items with a "M" prefix are made by Maughan & Sons.

Amal

We stock a large selection of hard to find Amal parts. We also stock Amal Monoblocs and Concentrics to fit Vincents. Please inquire.

New Premium Concentrics available inquire

Maughan & Sons

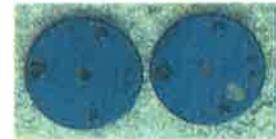
We hold a very large inventory of high quality Maughan & Sons parts, including single and two-start oil pumps.



Our multi-plate clutch is made in England. If you need new plates for you multi-plate clutch we can supply replacement, original, Surflex plates. We also offer Barnett plates with two different clutch compounds available.

**Your Source for Vincent Parts**

**Just in January, 2012:**



New Brake Plates

Just in new manufacture brake plates H7/3S for Speedometer drive and H7/4S Standard.



**Vincent Rear Fender Hinges - Properly Polished**  
**These are new production and look good!**  
**FT145 Bracket Rear Flap \$49.71**  
**FT145/1 Bracket Front portion of Fender \$50.65**



Improve the action of your front brake with this balance beam support. Made to the quality standard you have come to expect from Maughan & Son. Ask for V3096



Save your rear frame section by replacing damaged drop-outs.



Maughan and Sons new flywheel assembly just back from Dave Dunbar who dynamically balanced it. It is one of four being prepared for a customer. David is also equipped to rebalance flywheels fitted with Carrillo rods using heavy metal.



Tired of a kicking your Vincent until you feel you are going to have a heart attack. Tired of that weak magneto. Treat yourself to a new

BTH MK3 Vincent Electronic Magneto.  
 E INTERNET ARCHIVE a stock magneto cover  
 T **Waspach Machine** magneto has built in  
 electronic ignition advance. Get rid of that  
 no longer required.

http://www.thevincentparts.com/

Go

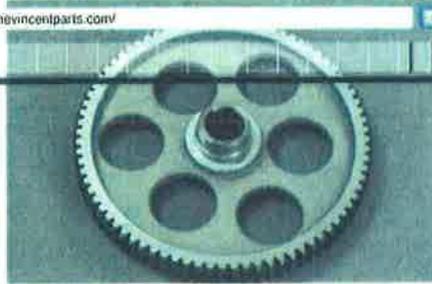
AUG

2010

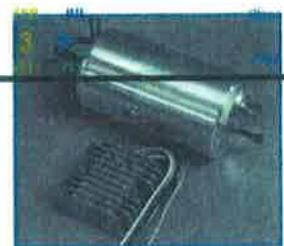
6 centuries  
 24 May 10 - 25 Aug 12



These 1/4" x 26tpi stainless Tommy Bars are designed to secure the Magneto Cowling. They come in a set of 3, current Nov. 2010 price is \$46.73 set of 3 ask for V3097.



**Maughan & Sons ET150AS  
 Large Idler \$140.98**



The Alton alternator replaces the Miller or Lucas generator. It comes with its own Podtronics electronic regulator. Available for both singles and twins.

Now delivering Alton alternators with Podtronics regulator - no more dead batteries from leaking regulator

Click here for a PDF file of Alton instructions using Podtronics regulator [Alton using Podtronics Regulator](#)



**Maughan & Sons ET51AS  
 Shaft and Boss Assembly \$70.92**

Coventry has been supplying quality and value for Vincent owners for more than 30 years. We have the largest inventory of Vincent parts on this side of the Pond.

We are unique, in that we want you to call us so we can make sure that we can understand what you are looking for, offer a little personalized service and get the right part the first time.

Pick up the phone today and dial **1-800-451-5113**. John, Tom or Susan Healy will be happy to quote availability and pricing.

If you want a list of the parts we carry you can down load a list in a PDF format. Be patient as it is rather big file.

[Click here to down load a inventory price list](#)

After down loading the PDF it can be printed. Use PDF FIND command to search list.

**Prices are only valid at the time the PDF was created (January 31, 2012).** All parts subject to prior sale. Parts are priced on the day we receive the shipment and reflect the value of the UK Pound at that time. You can call 1-800-451-5113 or fax 1-508-946-1145 for current pricing and availability. We really like you to call, but if you must you can also e-mail John: [johnstioc@aol.com](mailto:johnstioc@aol.com).



Phone call <http://www.thevincentparts.com/>

that order. If you really want a part please pick-up the phone... we really like to talk to our customers!!!



Close

Help

## A little advice needed?

If you have a technical question about your Vincent please give us a call. Often the answer is just a call away. Remember 1-800-451-5113 is the number we want you to call. We might not have the answer at the tip of our tongue, but we know a lot of Vincent people who might have the answer to your problem. We are happy to refer you to someone who might have a hard to find part, or the answer to your question.

## Contact Information

**508-946-1144**

**FAX 508-946-1145**

**1-800-451-5113**

**15 Abbey Lane  
Middleboro, MA 02346 USA**



We recently supplied a customer with 4 new flywheel assemblies. Shown here just after they came back from dynamic balancing.

# MCN

## MOTOR CYCLE NEWS

THE WORLD'S No. 1

WEDNESDAY JANUARY 10 1996

95p



### DUCATI DREAM TEAM

WE TEST FIVE DESIRABLE DUKES FROM BIKING'S FANTASY LEAGUE

PAGE 71

# COME-BLACK FOR VINCENT!

BUT LEGAL WRANGLE COULD STOP NEW BLACK EAGLE CRUISER COMING TO UK: P3



### BIKEMART

THOUSANDS OF NEW AND USED BIKE BARGAINS INSIDE



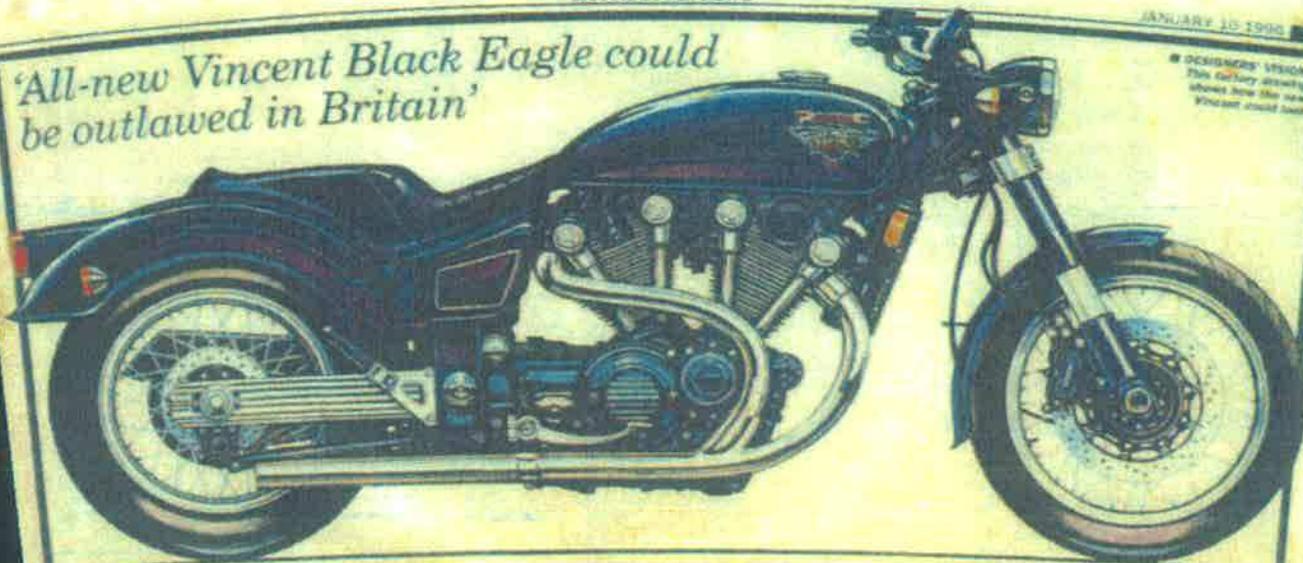
### KOCINSKI: THE JOKER IN THE WSB PACK? P22

EXHIBIT  
Holder 11  
6-28-13 8

DH 0243

'All-new Vincent Black Eagle could be outlawed in Britain'

DESIGNER'S SKETCH: This gallery showing shows how the new Vincent should look



COVER STORY

# ILLEGAL EAGLE?

## American relaunch of classic British marque could be banned from UK in legal row over Vincent name

BY ANDY FORD

**V**INCENT motor cycles are to be relaunched in America but a legal struggle could ensue if they bear the name of the British brand.

News that Vincent motorcycles are to be relaunched in America has caused the Vincent Black Eagle to be the focus of the attention of the American Motorcyclist Association (AMA). The AMA is a powerful lobby group which has been successful in getting the name of Vincent removed from the AMA's list of manufacturers. The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers.

...to the fact that Vincent motorcycles are to be relaunched in America has caused the Vincent Black Eagle to be the focus of the attention of the American Motorcyclist Association (AMA). The AMA is a powerful lobby group which has been successful in getting the name of Vincent removed from the AMA's list of manufacturers.

The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers. The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers.

...to the fact that Vincent motorcycles are to be relaunched in America has caused the Vincent Black Eagle to be the focus of the attention of the American Motorcyclist Association (AMA). The AMA is a powerful lobby group which has been successful in getting the name of Vincent removed from the AMA's list of manufacturers.

The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers. The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers.

## VINCENT SET THE SUPERBIKE PACE



...to the fact that Vincent motorcycles are to be relaunched in America has caused the Vincent Black Eagle to be the focus of the attention of the American Motorcyclist Association (AMA). The AMA is a powerful lobby group which has been successful in getting the name of Vincent removed from the AMA's list of manufacturers.

...to the fact that Vincent motorcycles are to be relaunched in America has caused the Vincent Black Eagle to be the focus of the attention of the American Motorcyclist Association (AMA). The AMA is a powerful lobby group which has been successful in getting the name of Vincent removed from the AMA's list of manufacturers.

The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers. The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers.

...to the fact that Vincent motorcycles are to be relaunched in America has caused the Vincent Black Eagle to be the focus of the attention of the American Motorcyclist Association (AMA). The AMA is a powerful lobby group which has been successful in getting the name of Vincent removed from the AMA's list of manufacturers.

The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers. The Vincent name is a registered trademark of the Vincent family and the AMA is concerned that the name should not be used by other manufacturers.

MOTOR CYCLE NEWS



# Classics

EDITED BY  
MICK DUCKWORTH

## Fen-tastic

THE Fenman Classic Show takes over Wimbot-sam village, on the A10 10 miles south of King's Lynn, Norfolk, on holiday Monday, August 29.

Fenland's biggest classic gathering, which attracted 1000 bikes last year, will feature 150 pre-1975 machines in

# Bid to block use of Vincent name

A DISPUTE is growing over ownership of the Vincent name with conflicting claims to the trademark being made on both sides of the Atlantic.

Midlands businessman David Holder, who bought the Vincent name, spares stock and factory drawings in the U.S. has lodged an official complaint with the U.S. authorities about the name-based Eagle One Industries' application for U.S. wide rights to the name.

Bernard Li, of Eagle One in Carlsbad, has announced plans to build and market large capacity V-twin motor cycles bearing the Vincent name.

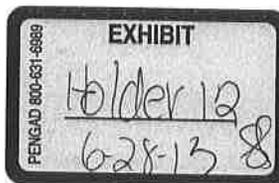
His company has applied for rights to use the trademark Vincent Black Eagle on motor cycles and clothing.

"We have established trademark rights and have been through all the correct steps with a patents lawyer," said Li's assistant, Amy Bonke.

But Holder says continuous use of the Vincent name by American spares dealers supplied by him has maintained his right to the Vincent trademark in the States.

"As far as I know my objection to Li's use of the name is still pending in America," said Holder.

Last year Holder offered to sell his Vincent stock and factory drawings to the Vincent Owners Club for £150,000, but not the trademark. The club rejected the offer.



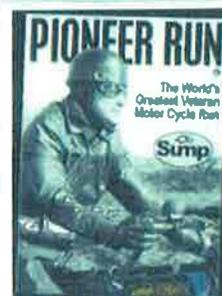
VM 0006



T140 Bonneville & Triumph TR7 Tiger



Sump "Goggles" T-shirt



Pioneer Run eBook (free download)

SUMP T-SHIRTS

Check out our cool and classy original classic bike designs

SUMP BIKE GUIDES

**Ariel Arrow**

The Rocker's other bike...

**Ariel Leader**

Ultra stylish British two stroke

**BSA A70L Lightning**

BSA's biggest capacity twin

**BSA B50**

Punchy middleweight

**BSA Bantam**

Well loved classic perennial

**BSA Gold Star DBD34**

Money in the bank

**BSA Golden Flash**



# Maughan & Sons

## Vincent precision engineers and spares manufacturer

▲ Graham Maughan admires a reconditioned Vincent engine.

Maughan & Sons have been manufacturing spares for Vincent singles and twins since 1971. Now operating out of Sleaford, Lincolnshire, the firm is owned and managed equally by Graham Maughan and Steve Hayward. Despite being busier than ever—Graham Maughan still manages to spare a little time to share some essential Vincent insight and wisdom ...

"My father, Tony Maughan, started the company soon after he left the Royal Navy following 23 years of service. He was a founder member of the Portsmouth Section of the Vincent Owners Club and began in a small way making parts at a time when there wasn't much around. My father passed away a few years ago, and I took over the business with partner Steve. The company has two other staff; Steve's wife Sharon and son Lee.

"The strength of Vincents is that they're well built and well engineered bikes. I'm as enthusiastic today as I was 20 years ago. The Shadows were road tested at 125mph. Most Rapides are



▲ Vincent advance and retard pinion



▲ ▼ It's possible to build a brand new twin cylinder Vincent engine. If you're thinking of racing a Vincent, or putting together a custom job or a special, this might be the way to go, go go go go go go ...



certainly capable of 110mph upward. But maintenance and repair is a little more complicated than it is for some other marques. Owners of Triumphs, Nortons and BSAs are often surprised to find just how many parts there are in a Vincent. It takes a while to get used to the different design. But it isn't as daunting as some might think. Certainly most Vincent owners understand their machines pretty well.

"Rebuilds can be very expensive, however, when compared to most other bikes. You can expect to pay around £6000 for a totally reconditioned engine—and that price can climb significantly depending on how far you want to take it (prices as of 2009).

"Currently, a lot of Vincent Comet owners are taking their engine capacity up from 500cc to 600cc. Many Vincent twin riders, meanwhile, are opting for the 1200cc conversions. We can help with both.

"It is possible to build a brand new Vincent twin engine. In fact, a completely new bike can be made. One such machine sold at auction a few years ago and fetched £30,000. Brand new engine cases start at £1950. We used to supply engine cases to Matt Holder and machine them right here. But these days we've got so much work on that we use John Wyatt cases that come ready machined for Steve to rebuild an engine."

### Stripping and rebuilding Vincent engines

Vincent engines are wonderful things. Over the years they've had a lot of post-production development. But they are complicated and there are still many older machines around that benefit from a fair amount of remedial work.

Here at Maughans we strip and rebuild a lot of engines for both the twins and the singles, and one of the first things we get to grips with is the main bearing housings—which are nearly always in need of repair, especially the Series B and C models.

In the early days, Vincent gave the bearing housings a two thou interference fit, which means, in simple terms, that the main bearings are two thou "too tight". This was correct when the castings were new. But when worn through age, this clearance allows the outer track of the timing side bearing to slip from its housing and "walk" up the crankshaft and scuff the securing nut, wearing a groove. It's not really dangerous. It's just not ideal and risks introducing metal particles into the engine.

Our solution is to re-bore the bearing races and machine a new, tighter sleeve to hold the bearing. The interference fit is now 3 thou—which might not sound like much. But these small tolerances make a practical difference.

On the drive side, the main bearing tends to simply spin rather than walk. The complete process of remachining is a little more complicated and requires some careful clocking up with a mic and accurate line boring. But the improvement is well worth it.

### Vincent oil pumps problems and wet sumping

"Wet sumping, as with most old British bikes, is another issue. The first problem is the oil pump itself which wears—and which is easily replaced.

"But there is also the problem of clearance between the oil pump body and its crankcase housing. The oil pump fits into a one inch diameter hole. When this hole wears, it allows oil to travel past the pump into the crankcases.

"Our solution is to grind and fit an oversized bronze pump sleeve bored to the correct oil pump diameter. That effectively cures the wet sumping."

### Cranks and crankshafts repairs

"Crankshafts come next. The usual problem with Vincent cranks is that the mainshaft turns in the flywheels. The crank assembly is a press fit and relies upon friction and pressure to hold it in place.

"We strip the cranks and machine the flywheel/mainshaft hole oversize, usually to 1-1/16th or 1-1/8th inch. Then we machine a new mainshaft to suit.

"As part of the process, we true the flywheels by machining the faces and rim. Just the smallest amount of material is removed (usually 5 to 10 thou). The important thing is to ensure that the hole for the crank pin is square to the flywheel faces.

"Once the remachined flywheels and shaft is fitted and trued, the assembly is sent off—along with the con-rods—for dynamic balancing. We don't send the pistons because these are always of a known and matched weight.

Solid, surefooted twin

#### BSA M20 & M21

Britain's favourite sidevalves

#### Matchless G50

Big boy's classic racer

#### Norton Commando 750/850

Ride it, love it.

#### Royal Enfield Bullet

Classic survivor

#### Sunbeam S7 & S8

Gentlemen only ...

#### Triumph Bonneville T140

"The legend"

#### Triumph Bonneville

Hinckley, not Meriden

#### Triumph Speed Twin & Tiger 100

Turners twins

#### Triumph Tiger Cub T20

Pricey and pretty

#### Triumph Trident T150

Meriden's hot rod

#### Velocette Thruxton

Pedigree performer

### CLASSIC BIKE SPECIALISTS

#### The Gasbox

Bespoke British and American custom bikes from the USA

#### Magneto And Dynamo Repairs

Stuart Towner will fire your plug

#### Jake Robbins

Girder fork specialist steers us in the right direction

#### Les Emery's Norvil

Brand new Norton Commandos and Norton Dominators for sale

#### McDeeb Motorcycles

Class classics, Italian style

#### Maughan Vincent

Vincent expert gives us the inside track on building a better Shadow, Rapide, or Comet.

#### PEOPLE

##### John Dawes

One man's idea of a Trifield

##### Henk Joore

Top BSA WM20 site

##### Ralph Avis

Mule Triumph Bonneville custom

##### Ted Simon

Serial globetrotter

##### Judy Westacott

1928 Douglas



"Genuine Sump"  
T-shirt - £15.00

So crucially us, but we couldn't help it. Just when our Sump "Goggles" T-shirt was getting started (and doing very well, thank you), we went ahead and created another. Why? Who knows? Bloody-mindedness? Sexual deviancy? Curiosity? Greed? Malice? Or just for the hell of it?

Either way, here it is. Fifteen quid's worth of prime 100% pre-shrunk black cotton, conceived, designed and printed in England, and ... well, you don't want to know all that technical stuff. You just want to know if they're a decent bit of clobber and worth your hard earned money, and they are. And they look good too.

It's an original design unavailable anywhere else, and will age nicely. The postage, incidentally, is a flat rate regardless of how many T-shirts you buy.

You can click here to visit the appropriate page for more info, or click on the T-shirt image. Then you can buy or not buy. But make sure you read the small print on the shirt.

Great T-shirts are great things. You live with 'em, and suddenly you can't live without 'em. And these are highly addictive. So be warned.



"The standard balance factor for a Vincent Crank (twin or single) is 46 percent—unless, that is, the engine is destined for an Egl frame, who have their own balance preference.

### Con-rods replacements and repairs

Vincent con-rods are generally excellent. But they do suffer damage, often due to bending or twisting. They're not always of a matched weight, which will cause an imbalance and vibrations in the twins. In fact, sometimes there's a significant weight difference.

Unfortunately, we're running out of original rods. Carillo are the best aftermarket suppliers. They've been supplying Vincent conrods for years.

We can repair damaged rods by remachining both the small and big ends to ensure they're true and inline. The big end bushes, where applicable, are machined to accept a new sleeve (made of EN31 steel). The small end bush is lead-bronze. The repair is a lasting one.

### Vincent engine barrels reboring and relining

A common thing with Vincent barrels, is that they often lose the fit between the cylinder liner and cylinder muff. There's supposed to be a 5-6 thou interference fit to ensure that the liner is snug and secure; in other words, the cylinder liner needs to have a cylinder bore 5-6 thou undersize. If the bore is too large, the liner will become loose and the clearance will be taken up by burnt engine coke.

This layer of coke, between the cylinder liner and the muff (cylinder) holds in the heat, which can result in a seized engine.

Incoming cylinders needing work are generally heated in an oven until the liner drops out. Nine times out of ten a lot of black coke comes out with it. We clean up and machine the cylinder bore, then fit an oversize liner with the correct bore size for a standard piston. Liners are made of spun cast iron, incidentally.

The final job is to hone the cylinders to finished size. This is handled by Steve who always hones the bore to near exact tolerance, and then leaves the cylinder overnight to complete in the morning. The reason for this is that things settle, not least steel. The liner protrudes a few inches from the bottom of the barrel, and this is unsupported. So it can "relax" after honing. If it does, you could end up with a piston nipping up during running-in (or even later). So the final honing is a two stage process.

This would be less of an issue in an age of less exacting tolerances. But modern machining and materials allows us to be more exacting, which has its own demands. And with pistons now running a 2-3 thou clearance, instead of 4-5 thou, you can't afford to be sloppy.

### Vincent cylinder heads repairs and replacements

Cylinder heads and lead free seats are a regular job. If a Vincent is running well as it is, we advise that owners leave it alone until it needs work.

In that case, we strip and inspect and check the exhaust port threads first. These get damaged easily and can be reclaimed by welding and remachining, or—our preferred method—by boring, re-threading and fitting a bronze ring machined to the correct size.

Cracks to the heads are rare, but can be repaired. Or new heads can be purchased easily. For valve guides, we use an aluminum bronze. For the valve seats, we use an appropriate hardened steel. The materials are better than original and last longer. Naturally, we always stick with stock imperial sizes where appropriate.

Spark plug holes do wear loose, so we hellicoll. Damaged cylinder head fins—and cylinder barrel fins, for that matter—are repaired. Steve handles that too, but he doesn't weld the broken fins on. He's become so good that he can generally build up the cooling fin with weld. By the time it's finished and bead blasted, it looks perfect and it lasts.

Vincents have a rocker tunnel cast into the cylinder head. We sometimes get heads in which the tunnel is quite badly worn. The repair is to machine the tunnel oversize and make oversize rocker bearings.

You can machine the tunnel and sleeve it back to correct tolerance. But it's easier to bore and fit a large diameter rocker bearing. The original size rocker gear can be used.

### Servicing and re-machining Vincent clutches

A lot of people have fitted multiplate clutches to Vincents—which they were never designed for. But many owners are purists and like to use

**Pat Gill**  
Matchless Man

**Dick Smith**  
The Barons Speed Shop

**Mark Gooding**  
1962 Dot Demon

**John Storey**  
High-miler BSA D1 Bantam

**Rod Atkins**  
1950 Vincent Comet

**Dave Masters**  
1913 Veloce

**Peter Allard**  
"Gold Star" bitsa

**Melle**  
Triumph-KTM hybrid trail bike

**COMMENT**  
**Classic bike showtime!**  
Promotional tips for organisers

**Future proof**  
Adapt and survive

**Not waving but frowning**  
Tribal etiquette

**Mind your Ps & Qs**  
Inconvenient conveniences

**Number crunching**  
What price your ego?

**Camera not very obscure**  
Seeing is believing

**Classic bike guides**  
Invested interests

**The Zeppelin file**  
On global warming

**Shooting a copper**  
The classic age is dead

**Virtual insanity**  
Ebay - the spiv's paradise

**ARCHIVE FEATURES**  
**11th Knabworth Show**  
Andrew Greenwood talks it up

**Edward Turner plaque**  
Triumph supremo honoured

**Battlesbridge**  
Biggest classic bike show in Essex

**Triton & Cafe Racers Review**  
Rocker style at the Ace Cafe

**Classic British speedway**  
Riders from the golden age speak

**International West Kent Run**  
Go at least once before you die

**Lateral drift**  
A peripheral view from the saddle...

▲ Vincent magneto (Lucas).



▲ Valve spring detail on a twin cylinder Vincent engine



▲ A fresh pair of Vincent engine cases will set you back £1950 minimum (2009 prices)



the original Vincent clutch which is comprised of a primary plate and a pair of shoes that works similar to a brake drum.

This arrangement works well, but can be a little slow in use and doesn't like fast changes. Some call it a centrifugal clutch. It has a self-servo action.

One of the wear-problems is the pivot points on the shoes. One of them usually wears worse than the other. But we re-bush them both and re-machine to size. The shoes have to be carefully set up on a fixture, but it's not a difficult job once you understand how a Vincent clutch operates.

### Vincent gearbox repairs and conversion

Gearboxes are usually strong and reliable. But Vincents fitted with sidecars, in particular, exact a large load on the mainshaft that travels right through the box. This shaft has the clutch on one end and the gear change mechanism on the other. Sliding on top of this is a G4 hollow shaft with two bushes. One is an Ollite bush that can, in rare instances, break up. We make a phosphor bronze bush with an oil scroll in it. We also make a needle roller conversion which is better still.

Ollite bushes are generally excellent. But in this application, the engineering can be improved. To finish it off, we fit a seal to prevent oil travelling along the shaft and dropping into the gear change cover and then out onto the road.

Another oil seal conversion is for the drive side main bearing. Vincent used to fit a seal carrier and seal on the single-cylinder Comet, but it doesn't fit the twin. The inner spligot on the twin's drive sprocket sticks out and fouls the seal. We've made a modified sprocket specifically for the twins. We've achieved this by "moving" the web. Our sprocket is the same overall thickness. But the inner face allows for the filament of a seal carrier between the engine sprocket and crankcases. This sprocket, incidentally, fits twins with or without the seal carrier.

### Valve timing gears

New valve timing gears are a good upgrade. The original gears, although generally sound enough, are a bit rough and ready. Modern Vincent timing gears are made from nitride steel. It's a straight tooth form and runs closer tolerances which translates into smoother running with less engine noise.

### Suspension repairs and upgrades on Vincents

Another good upgrade are the front and rear fork dampers. Once again, it's a question of better materials and more improved machining. Old dampers coming into the workshop are stripped and inspected and refurbished with new internals that include modern seals. The price is from £80 each. A completely new damper is £160 (2009 prices).

We're renowned for repairing the front fork lower link. The link has two eyes, each with a bush. They get worn and twisted. We reclaim the link by first straightening, and then undersize bushes are fitted and line bored on the lathe. It's an important thing to do because it's the "centre point" of the fork and can dramatically improve handling that's slowly deteriorated. We use a special hard-wearing phosphor bronze that's very expensive. They're lubricated by two grease nipples. The whole job costs around £130. Some owners fit plastic bushes. But we don't recommend that.

Typical prices are as follows: New barrels cost £80 standard. A reconditioned flywheel is around £500. A multiplate clutch conversion costs around £300. Exhaust port reclamation cost £60-£70 (per head). Main bearing reclamation costs: £200-250 (2009 prices).

### Maughan & Son

Vincent precision engineers and spares manufacturer  
Telephone: 01529 461717

### More Vincent contacts

Vin Parts International  
www.vintech.co.uk

The VOC Spares Company

### Archived product news

Check the main news page for current stuff

**CLARKES CLASSICS**

BSA  
Triumph  
Norton  
& other  
classics  
bought  
and sold

+44 (0)1322 383 431  
www.clarkesclassics.co.uk



All this and the open road

▲ "HRD" stands for Howard Raymond Davies. Davies, a WW1 despatch rider and fighter pilot, was also a TT motorcycle racer and built his own bikes in the 1920s. In 1928, Phil Vincent bought the company and incorporated his name into the business, thereby capitalising on the "goodwill". Smart move.



▲ Vincent engine shock absorber components freshly machined.



▲ Vincent rear suspension shock absorber/dampers are easily and relatively cheaply refurbished. Expect to see a real improvement in handling. Maughan's can sort it out for you.



▲ Inside of Vincent twin engine crankcase. These cases are very strong and upgraded and machined to modern precision tolerances. You'd need dynamite to blow these up.

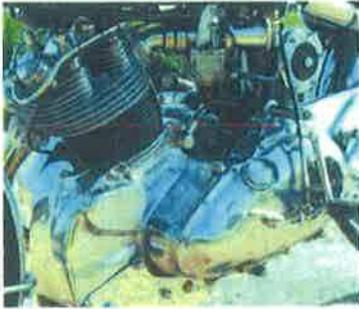
[www.vincentspares.co.uk](http://www.vincentspares.co.uk)

**The Vincent HRD Owners Club**  
[www.voc.uk.com](http://www.voc.uk.com)

**See anything amiss with this feature?**

At Sump, we prefer to get the facts straight. If we've got it wrong, feel free to set us right.

[feedback@sump-publishing.co.uk](mailto:feedback@sump-publishing.co.uk)



▲ 500cc Vincent Comet engine. Comets are derided by some as being "half a proper Vincent". But Comets owners recognise that these single cylinder bikes can more easily be pushed to the limit than the big twins. Comet's are every bit a true Vincent as the rest of the breed. We like 'em fine.



▲ Chromed Girdraulic fork on a customised Vincent Comet.

**Maughan & Son - Vincent  
precision engineers and spares  
manufacturer**  
Telephone: 01529 461717



Copyright Sump Publishing 2011

**HOLDER V. VINCENT MOTORS LLC  
OPPOSITION NO. 91204405**

**EXHIBIT 2**

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

-----x  
In Opposition to Application No. 85397317  
filed August 13, 2011 for the mark "VINCENT,"  
consolidated with Cancellation No. 92055541,  
for the marks "VINCENT" and "VINCENT HRD"

David M. Holder,

Opposer,

vs.

No.  
91204404

Vincent Motors LLC,

Applicant.  
-----x

Deposition of DAVID GREEN

Thursday, June 27, 2013

New York, New York

10:09 a.m.

Reported By:  
Theresa Tramondo  
Job No. 30505

COPY

**david feldman**

WORLDWIDE • COURT REPORTING

*the write* experience

[www.david-feldman.com](http://www.david-feldman.com)

800-642-1099

1 APPEARANCE OF COUNSEL:  
2

## 3 FOR OPPOSER:

4 GREGOR N. NEFF, ESQ.

5 489 Fifth Avenue, 12th Floor

6 New York, New York 10017

7 646-619-8138

8 BY: GREGOR N. NEFF, ESQ.

9 gneff@verizon.net  
10

## 11 FOR APPLICANT:

12 ARENT FOX, LLP

13 1717 K Street, NW

14 Washington, D.C. 20036-5342

15 202-857-6000

16 BY: RANDALL A. BRATER, ESQ.

17 randall.brater@arentfox.com  
18  
19  
20  
21  
22  
23  
24  
25

Y903

1 Green

2 of their clothing sales.

3 Q. Do you know from the records the  
4 general category of people they sold to?

5 A. I just know that -- I just know  
6 that there are sales records that show the  
7 names of these folks and what they purchased.  
8 I don't know the category of those people.

9 Q. Did you continue selling to those  
10 same people after you took over the company,  
11 or after you formed the LLC?

12 A. I continued to sell merchandise  
13 after I formed the LLC, but not to the exact  
14 same folks that Mr. Li's company had sold to.

15 Q. Now, the LLC is now selling  
16 clothing; is that correct?

17 A. That's correct.

18 Q. And through what media does it sell  
19 clothing?

20 A. It sells clothing through several  
21 media. Directly it has a website that  
22 depicts some of the older as well as some of  
23 the newer clothing. By "older," that's the  
24 clothing that I acquired from Vincent Motors  
25 USA and then the newer material are the

1 Green

2 designs that Vincent Motors has done with its  
3 licensing partner.

4 Q. Who is that licensing partner?

5 A. Troy Lee.

6 Q. Troy Lee Designs?

7 A. Yes, Troy Lee Designs.

8 Q. Where are they located?

9 A. They are a located in Corona,  
10 California.

11 Q. What large city is Corona near?

12 A. The largest is probably Anaheim.

13 Q. It's Southern California?

14 A. Southern California.

15 Vincent Motors also advertises  
16 through the Internet. It has a Facebook  
17 page. It has a Twitter page, and through  
18 Mr. Lee's company, it advertises its goods on  
19 Mr. Lee's website and through his catalog and  
20 other materials that he does his marketing  
21 through.

22 Q. When you say "Mr. Li," sic) you  
23 mean the son?

24 A. Sorry, Troy Lee Designs.

25 Q. The "Lee" you're referring to was

1 Green

2 an L-E-E?

3 A. (Nodding.)

4 Q. Not an L-I, okay.

5 A. Sorry, for the confusion. Troy Lee  
6 is L-E-E. I'll refer to them as "TLD."

7 That'll be --

8 Q. TLD would be --

9 A. Troy Lee Designs.

10 Q. -- appreciated.

11 When I say "Vincent Motors," I'm  
12 referring now to the LLC. And in all other  
13 questions where I use that term, I would like  
14 to continue that because it's the simplest  
15 and most direct way, if you don't mind.

16 A. That's fine.

17 Q. Does Vincent Motors license TLD to  
18 sell its products?

19 A. It does.

20 Q. You've supplied us with a copy of a  
21 license agreement; is that correct?

22 A. That's correct.

23 Q. Is that the only license agreement  
24 existing between TLD and your company?

25 A. It is.

1 Green

2 Q. Do you have any other licensees for  
3 clothing?

4 A. Not currently.

5 Q. The license with TLD is not  
6 exclusive; is that correct?

7 A. That's correct.

8 Q. What is its territory?

9 A. The United States.

10 Q. Now, as part of the assets that you  
11 acquired, I guess it was from Mrs. Li, the  
12 widow of Bernard Li; is that correct?

13 A. That's correct.

14 Q. There were a number of trademark  
15 registrations, U.S. trademark registrations;  
16 is that correct?

17 A. That's correct.

18 Q. And also some foreign  
19 registrations?

20 A. That's correct.

21 Q. Was that a significant part of what  
22 you paid for in the way of the assets of the  
23 company?

24 A. It was.

25 Q. Now, you purchased the assets in

1 Green

2 roughly June of 2011; is that correct?

3 A. That's correct.

4 Q. And in August of 2011, you filed  
5 three trademark registration applications; is  
6 that correct?

7 A. That's correct.

8 Q. One was for the trademark VINCENT  
9 alone and that was for clothing, and it was  
10 based on actual use; is that correct?

11 A. That's correct.

12 Q. You filed another application for  
13 VINCENT HRD; is that correct?

14 A. That's correct.

15 Q. Also based on actual use?

16 A. Uh-hum.

17 Q. And you filed a third registration  
18 application for VINCENT alone for use on  
19 motorcycles, if I remember correctly; is that  
20 right?

21 A. That's correct.

22 Q. Those were all filed, I believe, in  
23 August of 2011, roughly two months after you  
24 had purchased the assets?

25 A. Correct.

1 Green

2 Q. In this lawsuit you're claiming use  
3 of VINCENT extending back to 1994; is that  
4 correct?

5 A. Yes, that's correct.

6 Q. What was the reason that you had  
7 for filing those three registration  
8 applications in August of 2011?

9 A. I wanted to increase the reach of  
10 the trademark portfolio. I had been battling  
11 two registrants who had filed ITUs for  
12 VINCENT and was advised to file additional  
13 registrations to preclude -- both protect my  
14 portfolio and preclude these nuisance  
15 filings.

16 Q. These nuisance filings were by  
17 whom; do you recall?

18 A. Two individuals, one was David  
19 Warde and the other Peter, I don't remember  
20 Peter's last name off the top of my head.

21 Q. They had filed registration  
22 applications?

23 A. They had filed intent-to-use  
24 applications.

25 Q. ITUs.

1 Green

2 A. ITUs.

3 Q. As you called them before.

4 Didn't you already have a  
5 registration for VINCENT?

6 A. I had several registrations that  
7 encompassed VINCENT, but not a stand-alone  
8 registration for VINCENT.

9 Q. In your investigation of the  
10 portfolio you bought, did you find there had  
11 been any applications for VINCENT or VINCENT  
12 HRD filed?

13 MR. BRATER: I just want to note to  
14 the witness that you can answer the  
15 question, but don't divulge any  
16 attorney-client information that you may  
17 have in response to that question.

18 A. Yes, I had found that there were  
19 registrations filed for VINCENT, I believe.  
20 I don't recall VINCENT HRD being filed as a  
21 stand-alone.

22 Q. What happened to those  
23 applications?

24 A. They weren't issued or they were --

25 Q. Abandoned?

1 Green

2 Velocette in England?

3 A. They did not.

4 Q. Prior to your acquisition of the  
5 assets of Vincent Motors USA, had you had  
6 occasion to buy any clothing with the name  
7 VINCENT for motorcycles marked on it?

8 A. No, I do not buy any VINCENT  
9 clothing.

10 Q. Had you had occasion to look for a  
11 VINCENT motorcycle to buy?

12 A. No.

13 Q. Had you had any friends that had a  
14 VINCENT that you rode on or became acquainted  
15 with?

16 A. One friend has a VINCENT. He's on  
17 my board of advisors, a gentleman named Frank  
18 Saucedo.

19 Q. Would you spell that last name,  
20 please?

21 A. S-A-U-C-E-D-O.

22 Q. Had you spoken with Mr. Saucedo  
23 before purchasing the assets of Vincent  
24 Motors USA?

25 A. Not about VINCENT. I only talked

1 Green

2 with him about VINCENT after I acquired the  
3 assets.

4 Q. You say he's on your board?

5 A. He's on the board of advisors.

6 Q. Corresponding to board of directors  
7 in a corporation; is that correct?

8 A. No.

9 Q. No?

10 A. No. He's there to provide industry  
11 guidance and just overall design guidance.

12 Q. What sort of guidance has he  
13 actually provided for your company?

14 A. We've consulted on a number of  
15 design directions about what a modern VINCENT  
16 motorcycle would look like.

17 Q. That was toward what purpose?

18 A. Toward the purpose of creating a  
19 modern VINCENT motorcycle.

20 Q. Are you planning to do that?

21 A. I would like to.

22 Q. Have you started doing it?

23 A. I've had several discussions, and  
24 I've taken several steps to do so.

25 Q. Are you currently active in doing

1 Green

2 that?

3 A. Reasonably active, I think so, yes.

4 Q. About how much time do you spend on  
5 matters of Vincent Motors as opposed to the  
6 rest of your activities?

7 A. My wife would say too much. It  
8 varies from week to week. Some weeks it's as  
9 few as a couple of hours. Some weeks it's as  
10 many as 20 hours.

11 Q. What things do you do in that 20  
12 hours or the two hours?

13 A. Lots of discussions with potential  
14 licensees, lots of design planning around  
15 what products would look like, both clothing  
16 and motorcycle products, lots of discussions  
17 with folks about design direction for new  
18 merchandise, new potential partners.

19 Q. When did you first hear of  
20 Mr. Holder, the opposer, in this proceeding?

21 A. When I was notified by counsel that  
22 he had filed an opposition.

23 Q. Or wasn't that a request for  
24 extension of time to file an opposition?

25 A. You're correct. That's right.

1 Green

2 Q. You had not heard his name before  
3 ever?

4 A. No.

5 Q. Had you become aware of any  
6 controversy between him and Mr. Bernard Li at  
7 any time?

8 A. After I became aware of his  
9 filing or asking for request for opposition,  
10 I did online research and looked through  
11 business records to see if I could find  
12 anything about him.

13 Q. Did you find something?

14 A. In the business records, I found a  
15 folder that had the documents that we  
16 produced, that included an article in which  
17 he was quoted as objecting to Bernard Li's  
18 material -- filing of trademarks, I think,  
19 and plans to revive VINCENT, as well as some  
20 magazine articles that referenced similar  
21 opposition. Then I also found other -- other  
22 documents between Mr. Li and counsel  
23 regarding Mr. Holder.

24 Q. When you purchased the assets of  
25 Vincent Motors USA, did you have some

1 Green

2 attorneys doing due diligence to find out  
3 whether there were any claims against the  
4 company or the assets?

5 A. No. I did some of that work  
6 myself, by looking online in the trademark --  
7 U.S. trademark database.

8 Q. You say you looked online?

9 A. Uh-hum.

10 Q. What did you look for?

11 A. Just typed in the word "VINCENT" or  
12 variations of "VINCENT" and typed in --  
13 looked at all of the marks that had been  
14 provided to me, the list of marks that the  
15 company claimed to own.

16 Q. And what did you find in the way of  
17 other users than Vincent Motors USA?

18 A. I believe no active ones that I  
19 recall for motorcycles or clothing. I think  
20 the only ones I recalled seeing are a stereo  
21 company selling stereos labeled "Vincent."

22 Q. What search engine did you use?

23 A. The trademark search engine, the  
24 trademark office -- the USPTO office search  
25 engine.

1 Green

2 Q. Is that the only one?

3 A. No. I used -- for just general  
4 searchers about Mr. Holder, I used Bing and  
5 Google.

6 Q. At the time when you purchased the  
7 assets, did you know that Vincent Motors USA  
8 had some foreign registrations?

9 A. I was told they had a Japanese and  
10 two German registrations.

11 Q. Did you wonder why they didn't have  
12 them elsewhere?

13 A. No.

14 Q. Did you ask?

15 A. No.

16 Q. Did you ask the surviving members  
17 of the Li family, or either of them, any  
18 questions about how the foreign registrations  
19 came to be filed or obtained?

20 A. No.

21 Q. Were you interested in acquiring  
22 them?

23 A. I was interested in acquiring  
24 everything that Vincent Motors USA had.

25 MR. NEFF: Can we take a break?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Green

MR. BRATER: Yes, of course.

(Recess taken.)

Q. Did you negotiate the license agreement with TLD?

A. Yes.

Q. With whom at TLD did you negotiate?

A. Their general manager, Bill O'Keefe.

Q. What is Troy Lee Designs' business in general?

A. They have several. Their primary business is motorcycle clothing and accessories, but they also have -- they run a motorcycle race team and they have a custom division that does painting projects for cars, motorcycles and what have you.

Q. Where do they have offices other than in a suburb of Los Angeles?

A. They have a showroom in Laguna Beach and they -- I think that's it.

Q. That's Laguna Beach, California, right?

A. That's correct.

Q. What do they show there?

1 Green

2 A. Clothing, motorcycle helmets, art.

3 Q. Do you know where they sell  
4 products with "VINCENT" or "VINCENT HRD"  
5 marked on them?

6 A. They -- to my knowledge, they sell  
7 them in -- on their website, in their two  
8 retail locations, Laguna Beach and Corona,  
9 and then they have a number of U.S. retailers  
10 that carry their products and they wholesale  
11 those to the retail distributor -- the retail  
12 products -- sorry, the retail stores.

13 Q. Do you know what some of those  
14 retail stores are?

15 A. Yes. There are various ones.  
16 There's motorcycle shops that sell  
17 motorcycles as well as motorcycle clothing,  
18 several by my house. They also sell products  
19 in stores like Lucky, Nordstrom's, range of  
20 different boutique fashion places. These are  
21 small boutiques that cater to men's fashion.

22 Q. Do you know whether they sell  
23 overseas or not?

24 A. I think Troy sells around the  
25 world.

1 Green

2 Q. Do they sell the VINCENT product  
3 around the world?

4 A. To my knowledge, they don't.

5 Q. To your knowledge, they do not?

6 A. They do not. They're not allowed  
7 to.

8 Q. Why not?

9 A. Because their license is restricted  
10 to the U.S.

11 Q. Have you heard that they are  
12 selling outside the United States?

13 A. Only from my counsel, who heard it  
14 from you.

15 Q. Do you consider that a violation of  
16 the license agreement?

17 A. It would be a violation of the  
18 license agreement to sell outside the United  
19 States.

20 Q. Have you made a protest to them  
21 about this?

22 A. I phoned Bill O'Keefe and let him  
23 know that I had gotten information from  
24 counsel. He had asked for additional  
25 information, and I told him I didn't have

1 Green

2 anything other than counsel's claim that  
3 products are being sold outside the U.S.

4 Q. Have you told Mr. O'Keefe or anyone  
5 at Troy that this is in violation -- if it's  
6 happening, it's in violation of your  
7 agreement?

8 A. I told him, I said -- I reminded  
9 them, you know, you guys can only sell in the  
10 U.S., and he said, yeah, we know that.

11 Q. How was it that you heard about the  
12 availability of Vincent Motors USA assets?

13 A. I had put together a list of  
14 companies, sort of vintage companies that I  
15 was interested in. And as I was preparing  
16 the list, VINCENT was obviously at the top  
17 because they're a terrific brand. And one of  
18 my attorney colleagues in the trademark  
19 group, who is an attorney that -- Russ  
20 Pangborne, P-A-N-G-B-O-R-N-E (sic), Russ  
21 smiled. And when he walked by one day and  
22 saw the list and knew that I was in to  
23 motorbikes and had mentioned casually that he  
24 used to be an attorney for Vincent, which  
25 perked my interest, and he was able to put me

1 Green

2 in touch with Vincent's counsel, his former  
3 firm, and that's when I began discussions.

4 Q. When you say Vincent's, you mean  
5 Vincent Motors USA?

6 A. Yes.

7 Q. Okay.

8 He was and is a colleague of yours  
9 at Microsoft?

10 A. That's correct.

11 Q. I see.

12 What kind of attorney is he, what  
13 specialty?

14 A. He's a trademark attorney.

15 Q. What did he tell you about the  
16 company?

17 A. Not much. He said that it had been  
18 years since he had been an attorney for them.  
19 I think he was an attorney for them and their  
20 firm in the '90s, but he remembered Barney  
21 (sic) and had worked with Barney and liked  
22 Barney and told me stories of what a great  
23 guy Barney was and that he had passed away  
24 and all the work he had done to get self-made  
25 and earn his fortune. Then he just did an

1 Green

2 introductory e-mail to Mr. Li's counsel.

3 Q. Who was the counsel?

4 A. Vern Schooley.

5 Q. How do you spell that last name?

6 A. S-C-H-O-O-L-E-Y.

7 Q. He was the attorney for Vincent  
8 Motors USA?

9 A. He was one of the attorneys. I  
10 think Vern was the main attorney, and he was  
11 the young associate at the firm.

12 Q. Did one of these gentlemen,  
13 Mr. Pangborn or Mr. Schooley, indicate that  
14 the assets were being offered for sale?

15 A. No. As a matter of fact, they  
16 initially -- Vern initially did not return my  
17 e-mail, so I kept pestering him.

18 Q. What was your e-mail about?

19 A. I just -- just asking for the  
20 opportunity to learn more about and chat with  
21 the owners of the company.

22 Q. Finally, when he did respond, what  
23 happened next?

24 A. He put me in touch with Justin Li,  
25 and then Justin and I spoke via phone.

1 Green

2 Q. What did he indicate to you was the  
3 status of the company?

4 A. He didn't. He didn't say much  
5 about it. He -- I asked him if, you know,  
6 what his interest was in either pursuing  
7 licensing or pursuing, you know, any kind of  
8 relationship and he was demure about the  
9 fact, I mean, he wasn't a talker. And  
10 finally, he came back and said, you know, I'm  
11 not really interested in pursuing licensing.  
12 If you're interested in the assets of  
13 Vincent, you know, I'd consider -- I'd  
14 consider an offer. And that's when we began  
15 negotiating a price for the trademark assets,  
16 as well as the other assets that he indicated  
17 Vincent's still had.

18 Q. Did the assets ever go up for  
19 auction?

20 A. Not to my knowledge.

21 Q. When you started negotiating for  
22 the assets, what was your intent on doing  
23 with the assets when you got them?

24 A. My initial intent was focused on  
25 continuing their clothing and clothing sales

1 Green

2 because I've had some experience in that  
3 work. As I discussed with some colleagues of  
4 mine, including Frank and another colleague,  
5 Freeman Thomas, both of those gentlemen are  
6 the head of designs respectively for Ford and  
7 General Motors, they encouraged me to think  
8 about the possibility of launching a new  
9 motorcycle, and they brought me down to their  
10 studios down in Irvine, and I was able to  
11 tour their facilities and tour some of the  
12 partners that they work with to understand  
13 how modern design is done and became  
14 convinced that it was possible to put  
15 together a plan for a limited production of  
16 high-end VINCENT motorcycles. And it  
17 wouldn't take near the capital that Barney  
18 had expended on his effort.

19 Q. You mentioned that you had some  
20 physical assets that you acquired from  
21 Vincent Motors USA. What did they consist  
22 of?

23 A. There was the clothing inventory,  
24 jackets, caps, shirts, hats, various.

25 Q. How big was that?

1 Green

2 A. It varied. Quite a few hats. I  
3 think a hundred or more hats. And then  
4 depending on the size, just various volumes  
5 of shirts, you know, 20 shirts. I think  
6 there were 10 leather jackets, a number of  
7 stickers and other odds and sods. There were  
8 designs, prototypes, architectural designs  
9 for the four prototypes that Bernie (sic) had  
10 come out with.

11 Q. You mean motorcycles?

12 A. Motorcycles, yeah.

13 There were various -- quite a bit  
14 of renderings of both retro style as well as  
15 modern style motorcycle drawings. There were  
16 engineering plans. There were lots of  
17 reports. Bernie spent a lot of money trying  
18 to get the bikes to various stages, and so  
19 there were all of the technical details and  
20 data about that.

21 Q. Is that it? Is that all you  
22 remember?

23 A. I think that was it, yeah.

24 Q. What happened to the clothing?

25 A. We still have some. I sold a few

1 Green

2 online. I'm not a big fan of the style.  
3 It's a little -- not my kind of style, so  
4 I've been trying to phase out that and go  
5 with something more contemporary.

6 Q. What was the difference in style?

7 A. You know, V-neck Henley, for  
8 example, that's not a fashion that I  
9 personally like, and I did not like the --  
10 there were some Hawaiian-style shirts that  
11 were, you know, nice shirts, but they're just  
12 not just my design, my ethos. I wanted  
13 something a little more younger, a little bit  
14 more catering to a youth market.

15 Q. Did they all carry the VINCENT name  
16 in one form or another?

17 A. They did. Either on the -- the  
18 labels had a sewn-in tag or there was an  
19 emblem or a crest or something along that  
20 lines.

21 Q. Was there a -- when you say a  
22 "crest," that was on the front of the  
23 garment?

24 A. Or the jackets, for example, have  
25 insignias on the side in addition to like a

1 Green

2 hangtag or --

3 Q. Do you remember what the insignias  
4 were?

5 A. There were several, some were  
6 "VINCENT HRD," some were "VINCENT," some  
7 were -- I think they call it the Mercury  
8 logo, which is the winged logo that is  
9 stencilled "VINCENT" at the bottom. The  
10 garment labels, I believe, said "VINCENT HRD  
11 Performance Motor Clothing."

12 Q. What kind of garments do you have  
13 left at the present time?

14 A. Probably about 50 hats.

15 Q. What do they have on them, what  
16 marking?

17 A. They vary. So "VINCENT," "VINCENT  
18 HRD," "Black Shadow," "Black Lightning." I  
19 don't think there are any others that I can  
20 recall.

21 Q. Black Shadow and Black Lightning  
22 don't include the word "VINCENT," do they?

23 A. No, they do. My recollection is  
24 that there is a VINCENT crest at the top, and  
25 then the words "Black Lightning" or the words

1 Green

2 "Black Shadow" on the cap, for example.

3 Q. In the registration applications  
4 filed in August of 2011, they all -- the ones  
5 that claim actual use, claim use at least as  
6 early as October of 2003. Do you recall  
7 that?

8 A. I do.

9 Q. How did that date get developed?

10 MR. BRATER: I'd just say you can  
11 answer the question, but don't divulge  
12 attorney-client privilege information.

13 THE WITNESS: Sure.

14 A. While I believe there were earlier  
15 dates, the information and records I had  
16 available to me at that time went back to  
17 2003, the sales, so that's what we were  
18 comfortable with, and when we went back and  
19 did research as to when those goods were  
20 offered on the Internet, that's what we had  
21 available at the time.

22 MR. NEFF: Would you read that last  
23 answer back, please?

24 (Record read.)

25 Q. So the date October of 2003 was the

1 Green

2 earliest date that you had for sales records;  
3 is that right?

4 A. That was the earliest date that I  
5 had for both sales records at the time, as  
6 well as the -- when the website that Bernard  
7 had commissioned back in 2002, where I could  
8 find evidence of that being online. You  
9 know, Bernie was dead, so I didn't have the  
10 opportunity to query him, and his son didn't  
11 recall specifics at the time with any  
12 precision, and I wanted to be precise in the  
13 trademark registrations. After that time, we  
14 learned additional information that the sales  
15 had occurred much earlier.

16 Q. What was the additional  
17 information?

18 A. Several. So Russ Pangborn actually  
19 had one of the shirts still with him after  
20 all these years and gave me a shirt that he  
21 had received, I think, in '94, '95 that had  
22 "VINCENT HRD" on it. And when I had a chance  
23 to go back and look at the advertising that  
24 the company had done in its early days and go  
25 online, I found examples of advertising that

1 Green

2 the company had done back in '94, '95.

3 Q. What kind of advertising?

4 A. I think it was print advertising.

5 It was made available in the disclosures.

6 Q. I see.

7 And what kind of publications did  
8 those advertisements appear in?

9 A. I believe these were motorcycle  
10 magazines.

11 Q. So that is how your belief that you  
12 started in 1994 came about; is that right?

13 A. Not entirely. I spoke with counsel  
14 as well and had discussions with them about  
15 their trademark filings at the time and was  
16 given additional information that sales had  
17 actually begun back in '94. That was after  
18 we made our filings.

19 Q. Do you know what was sold in those  
20 years between 1994 and 2003, October?

21 A. I understand there are a range of  
22 products that were sold. There were hats,  
23 T-shirts, jackets. I believe there was even  
24 luggage. There were stickers. I'm trying to  
25 think if there were other goods, but that's

1 Green

2 what I recall.

3 Q. What mark did they have on them?

4 A. They either had the "VINCENT" mark  
5 or the "VINCENT HRD" mark.

6 Q. Just plain by itself, or was it  
7 with a logo?

8 A. It was in a stylized form, like in  
9 a script with a crest and the stylized  
10 letters.

11 Q. Were there also logos in the form  
12 of an artistic rendering of motorcycle or  
13 something like that?

14 A. I think some of the articles may  
15 have had, like, prints on them or they may  
16 have used -- he was -- Barney was really fond  
17 of Black Eagle, so he used that on some of  
18 the articles in addition to the Black Shadow  
19 and others.

20 Q. Do you have any records of sales  
21 prior to 2003 by Vincent Motors USA at the  
22 present time?

23 A. I don't, no.

24 Q. Do you know whether there were any  
25 lapses in the sales of products between 1994

1 Green

2 and 2003?

3 A. I don't believe there were.

4 Q. You provided us with sales  
5 information. Are you familiar with the sales  
6 information from -- I believe it was provided  
7 from 2003 to date, are you familiar with  
8 those sales?

9 A. Generally.

10 Q. I'm going to get to the sales  
11 information in a little bit because it's  
12 confidential, and I want to segregate it as  
13 much as I can in the record.

14 Your company, Vincent Motors, sells  
15 via the Internet, does it not?

16 A. We do.

17 Q. And where do you sell the products  
18 to? Where do you ship?

19 A. Wherever the customer in the U.S.  
20 is located.

21 Q. Not outside the U.S.?

22 A. No, not currently.

23 Q. What happens if you get an inquiry  
24 from outside the U.S.?

25 A. Depending on the territory, we'd

**HOLDER V. VINCENT MOTORS LLC  
OPPOSITION NO. 91204405**

**EXHIBIT 3**

**FILED UNDER SEAL**

**HOLDER V. VINCENT MOTORS LLC  
OPPOSITION NO. 91204405**

**EXHIBIT 4**



The Auto Channel The Largest Independent Automotive Information Resource



### 'The Vincent' Makes Stunning Return; Four New Prototypes of the Legendary Motorcycle Unveiled

RANCHO SANTA FE, Calif.--Oct. 14, 2002--Vincent Motors USA(R), a San Diego company bringing back the legendary Vincent motorcycle, unveiled five prototypes to media and investors at a gala event held recently at the home of Vincent Motors Founder and President, Bernard Li.

In its day, "The Vincent" was the world's most exclusive and technologically advanced motorcycle. The Vincent Black Shadow(TM) set a land speed record in 1948 of 150.313 mph. Throughout its history, the Vincent set the standards by which modern motorcycles have been judged.

"Since the earliest days of working on the new Vincent project, I have been constantly amazed by the responsiveness in the marketplace in terms of both volume and intensity," said Li. "The turnout at our invitation-only event was twice what we expected. The people were extremely excited about the motorcycles."

The event marked the first time the public could view the new designs. In addition to the Phase I prototype, based on the 1955 Black Lightning, Vincent Motors unveiled four modern prototypes to rave reviews, including the Black Shadow(TM), Black Lightning "S"(TM), Black Lightning "ST"(TM) and the Black Eagle(TM).

Beginning in 1994, Li, a San Diego entrepreneur and motorcycle enthusiast, began acquiring the trademarks to the Vincent name. In 1998 Li sold Eagle One(R), his high-end car care business, to Valvoline and began working full-time to bring back the Vincent brand. Vincent Motors USA was formally launched in 1998 and by summer 2002 the company had completed five prototypes.

#### About Vincent Motors USA

Vincent Motors USA is focused on designing, manufacturing, and marketing a modern Vincent motorcycle, consistent with its tradition of legendary performance. James Parker and Detroit's Roush Industries(R) were contracted to design and engineer the new motorcycles. In September 2001, Vincent and American Honda Motor Co. Inc. signed a letter of intent relating to Honda's supply of drivetrains based on Honda's RC51 platform. Vincent and Honda are currently in negotiations for a formal supply agreement for the purchase and sale of Honda's 1000cc, V-Twin, water cooled, dual cam, four valve, fuel injected 130 hp RC51-based engine."

Vincent Motors USA is headquartered in San Diego.

Editor's Note: Photos of the Black Lightning "S" are available. Please email Chris Dale at [cdale@mentusonline.com](mailto:cdale@mentusonline.com) with your request.

Vincent, the Vincent logo, Black Lightning, Black Eagle and Black Shadow are trademarks or registered trademarks of Vincent Motors USA. All other trademarks are the property of their respective holders.

#### Related Results

- [McCarthy Services - HVAC](#) [www.mccarthyhomeservices.com](http://www.mccarthyhomeservices.com)  
6590 Fleet Drive , Alexandria, VA 22310
- [Contact ARS of Laurel](#) [www.arsofmaryland.com](http://www.arsofmaryland.com)  
9010 Maier Rd, Laurel, MD 20723
- [We Found Vincent makes](#) [intelius.com](http://intelius.com)  
Instant-Address, Phone, Age & More. Search for Vincent makes Now!
- [Looking For 'The Vincent' Makes Stunning](#) [www.MonsterMarketplace.com](http://www.MonsterMarketplace.com)  
Find What You Need. Look For 'The Vincent' Makes Stunning Return; Four New Prototypes Of the Legendary Motorcycle Unveiled Here Now
- [Find 'The Vincent' Makes Stunning Return: Four New](#) [www.Smarter.com](http://www.Smarter.com)  
Top answers for 'The Vincent' Makes Stunning Return; Four New Prototypes Of the Legendary Motorcycle Unveiled
- [Find 'The Vincent' Makes Stunning Return: Four New](#) [search.yahoo.com](http://search.yahoo.com)  
Search for 'The Vincent' Makes Stunning Return; Four New Prototypes Of the Legendary Motorcycle Unveiled. Find Great Results on Yahoo.com!

AdChoices

Chitika | Opt out!

Search The Auto Channel



+Knitters



Receive up to a \$250 REBATE With purchase of select Maytag laundry appliances\*

Receive up to a 15% REBATE With purchase of select Maytag kitchen appliances\*

\*Rebate via a MasterCard® Prepaid Card by mail.



LEARN MORE >







**NEW scalarider G9.**  
Advanced Bluetooth® Communication  
[cardosystems.com](http://cardosystems.com)



[» SUBSCRIBE TODAY](#)

**Newsletter**

Reader's Rides  
Sign up & Show off your ride

[SEARCH MOTORCYCLE CRUISER](#)



NEW MOTORCYCLES
USED MOTORCYCLES
FEATURES
ROAD TESTS
TECH
ACCESSORIES
COMMUNITY
SUBSCRIBE

NEWS | CUSTOM | TOURING | RIDING TIPS

Home » Vincent Revival



### Vincent Rising

The latest brand to find a new company to revive it is Vincent. From the February, 2009 issue of Motorcycle Cruiser

Recommend 0 Tweet 0 0

Yet another dusty company name may come out of retirement, with the debut of Vincent Motors USA. The San Diego company is set to bring back the legendary Vincent motorcycle marque - a long-out-of-production British brand that in its day produced the legendary Vincent Black Shadow, among others.

Four distinctive prototypes were unveiled at an event held recently by Vincent Motors founder and president, Bernard Li. Li is trying to resurrect the brand, which last appeared in 1955. He acquired the trademarks in 1994 and formally launched Vincent Motors USA in 1998, spending about \$2 million building prototypes that resemble the old Vincent but sport modern engineering and high-end components.

The unveiling marked the first time the new designs were shown to the public. In addition to the Phase I prototype, based on the 1955 Black Lightning, the four modern designs included the Black Shadow, Black Lightning "S", Black Lightning "ST" and the Black Eagle. James Parker (perhaps best known for creating the front suspension of the Yamaha GTS) and Detroit's Roush Industries were contracted to design and engineer the new motorcycles. American Honda also has signed a letter of intent to supply its 1000cc V-Twin RC51 sportbike [engine](#).

The prototypes are well-crafted, running models sporting the Honda [engines](#) surrounded by top-shelf bits (such as Brembo brakes) and an aerodynamic body design utilizing carbon-fiber accents for an exotic look. In dusting off the Vincent marque, Li hopes to tap into the still-burgeoning streetbike market. He says today's "retro" bikes, which aim at the nostalgia of baby boomers, are mostly cruisers - but nobody is making retro sportbikes. "Indian is a retro cruiser. We rely on a similar sentiment, but we appeal to a guy who probably grew up riding Japanese sportbikes."

Li thinks it will take about \$18 million to get into full production, and hopes to have bikes in dealerships by 2004. The machines would cost about \$20,000 for a standard model. Visit [www.vincentmotors.com](http://www.vincentmotors.com) for more details.

Andy Cherney



James Parker's prototype chassis...

[read full caption](#)



#### Latest Articles

#### Victory Motorcycles & 'The Gunny' to Salute U.S. Military on Rolling Thunder Ride in D.C.

Victory Motorcycles and R. Lee Ermey have declared their participation in Rolling Thunder XXVI... [more](#)

#### Pennsylvania Governor Proclaims May Motorcycle Safety Awareness Month

Governor Tom Corbett signed a proclamation commemorating May as Motorcycle Safety Awareness Month.... [more](#)

#### Indian Motorcycle Reveals Info On All-New 2014 Indian Chief Debut

Indian Motorcycle today announced some more details about the completely new 2014 model it'll be... [more](#)

#### More Related Content

[READ RELATED BLOGS](#)

[SEE RELATED FORUM POSTS](#)

[READ RELATED ARTICLES](#)

#### Sponsored Links

##### CHASE® Sapphire Preferred

Earn 2X Points on Travel and Dining & Pay No Foreign Transaction Fees.

[CreditCards.CHASE.com/Sapphire](http://CreditCards.CHASE.com/Sapphire)

##### \$169.99 a Week and Up

Clean, Safe, Simple, Flexible. Furnished Efficiencies, No Lease.

[ValuePlace.com/Extended-Stay-Hotels](http://ValuePlace.com/Extended-Stay-Hotels)

#### Community Comments

No one has commented on this article yet. Why not be the first to leave a comment?

Add a Comment (Must Be Registered)

User Name

Not Registered?  
[Signup Here](#)

Password

[LOGIN](#)

DREAM RIDES! Ducati MotoGP, 999 Superbike, AJS 7R3  
KTM 950 Rally, 2005 Vincent Black Eagle, H-D Road King

# CYCLE WORLD

DEATH OF INDIAN  
An Insider's Story

YEAR OF THE SUPERBIKE

# JET SET

*Rocket Rides  
from Honda &  
Kawasaki*

KAWASAKI ZX-10R



**CW** AMERICA'S LEADING MOTORCYCLE MAGAZINE

03909

www.cycleworld.com

MARCH 2004 USA \$3.99 CANADA \$4.99 UK £2.75

VM 00001

# VINCENT BLACK EAGLE

**Maybe  
the best  
cruiser  
ever  
built—if  
it ever  
gets  
built...**

*BY DAVID EDWARDS*



**B**ARNLEY LI IS A MAN ON A MISSION, WHETHER YOU LIKE IT OR NOT. STARTING IN 1994, it's been Li's quest—make that crusade—to bring the mighty Vincent V-Twin back to roarin' snortin' life, and if he just happens to trample on what your idea of a proper Vincent should be...well, too bad.

So far, Li has locked up trade rights to the famed Vincent name and logo, convinced Honda to supply motors, spent about \$2 million to build four "proof of concept" prototypes, raised enough investment dollars to fund the next stage of development, and is scouring the country for institutional fat cats who'll bankroll the company into production sometime in 2005. None of this was a slam-dunk.

"There's a fine line between passion and obsession," Li says. "So far, we haven't crossed that line...I think."

That unshakable passion has come in handy several times in the last 12 months. Li unwittingly timed his search for investment capital to coincide with an economy turned sour and the U.S. Army's Third Infantry Division invading Iraq. Bye-bye moneybags. Then, nine months later, just as things were looking up, the new Indian Motorcycle Corporation went down in flames (see "Anatomy of an Implosion," page 56), sending money managers into a hand-wringing tizzy.

"Just what I needed," sighs Li. "Now, the second question out of an investor's mouth is, 'Yeah, but





## VINCENT CRUISER



what about Indian?" It's made things immensely more difficult. If there's big money out there right now, I can't find it."

Deep-pocket investment groups may have shied away, but private individuals stepped forward. "We've

raised a substantial portion of what we need to finish development of the bikes," says Li. "I'm optimistic the plan we're on will work to conclusion."

The bikes. There are four, all hand-built by Roush Industries, the sporty Black Lightning S with

carbon-fiber bodywork (seen on *CW*'s December, 2002, cover), the standard-issue Black Shadow, the Black Lightning ST sport-tourer and the model you see here, bound to hack off classic-bike aficionados everywhere, the Black Eagle power-cruiser.

Yes, a cruiser. See, while Li is respectful of the Vincent mystique, he's not interested in simply burnishing the legend. Gone since 1955, the original Vincent was the meanest motor scooter of its era, capable in modified form of world-record speeds, as proven by crazy Rollie Free who went a buck fifty across the Bonneville Salt Flats wearing not much more than when he stepped out of the shower that morning. Li actually built a prototype using a slightly updated version of the ancient air-cooled Vincent V-Twin, done by an Australian outfit called RTV. But what was acceptable a half-century ago turned out to be oily, unreliable and impractical to mass-produce. Anyway, that engine option closed when RTV went into receivership in 1995.

Next stop, the Honda Motor Company, which despite its name, does not sell motors. But Li is nothing if not persuasive, and sometimes serendipity is a wonderful thing. After several years of on-again, off-again negotiations inquiring into the possibility of purchasing VTR1000 Super Hawk V-Twins, out of the blue Li was asked if perhaps he'd want RC51 motors instead?

Oh, yes please. Seems the 999cc limited-edition Superbike homologation Vee had friends in high places.

Race-bred engines almost by definition have short product lives, often doomed by rules changes. Such is now the case with the RC51 motor, no longer raced in World Superbike and surpassed by the new CBR1000RR in AMA Superbike. But someone well-placed on the Honda totem decreed that the motor would live on beyond the lame-duck RC51 streetbike, and arrangements were made to supply engines to both Vincent and Mondial, the latter another historic marque re-entering the market with its Pièga repli-racer. Not a bad legacy.

Li now had a modern 120-horsepower motor for his neo-Vincent, sidestepping the need to shell out tens of millions of dollars in R&D costs for a clean-sheet engine design.

Of course, it's that same liquid-cooled, 90-degree, Japanese-built motor that knocked vintage noses out of joint and lit up chatrooms all across the Internet. So noted, but again, Li is not trying to resurrect your Uncle Albert's Black Shadow. If that's your cuppa, grab a *Walneck's*, a

***My cruisin' Vinnie:***  
***With tusk-like handle-***  
***bar-clamps-cum-***  
***headlight-hangers***  
***leading the way, the***  
***Black Eagle motors***  
***right along. Projected***  
***price tag is about***  
***\$22,000.***

magic marker and be prepared to part with \$30,35 large. The new Vincent ([www.vincentmotors.com](http://www.vincentmotors.com)), packing double the horsepower, with top-notch suspension and brakes and jewel-like build-quality, will set you back between \$20-25K. Penned by designer James Parker of RADD front suspension and Yamaha GTS1000 fame, the Black Eagle was intended to be, "stiletto-like, very thin, almost spidery, with a certain lightness to it that cruisers generally don't have."

Besides, one ride on the bike tends to make you forget about the history books. Considerably lighter and way more powerful than anything in the class, this is a power-cruiser with a superbike soundtrack. It rolls easily into corners, takes a set and then slingshots out with uncommon authority.

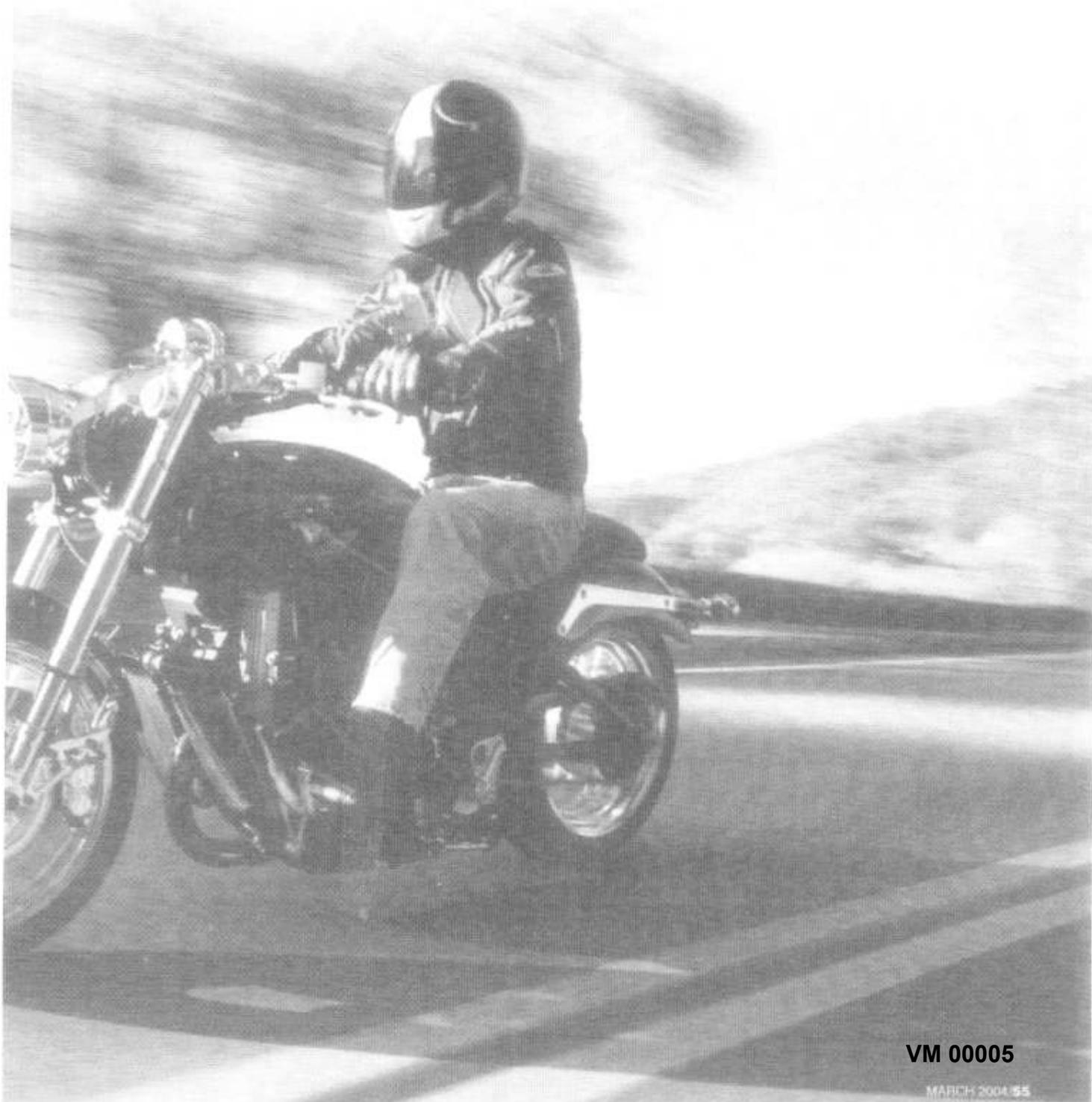
Speed racer Don Canet, no great fan of the genre, came back from photo duty aboard the Black Eagle positively giddy. "That," he bubbled, "is one fun cruiser. I'd like a few

more degrees of lean angle (Canet says that about *everything*), but it steers great and the brakes are awesome."

Sadly, ride time aboard the Vincent was cut short due to overheating. Built as half-million-dollar showpieces to be trotted out for investors and shown to the press, the prototypes were never intended as test mules to be flogged by magazine guys without a nickel in 'em. So, these jutting radiators, bifurcated by the front header running at 600-plus degrees, are without unsightly cooling fans. Not good in stop-n-go slogging- or photo-pass turnarounds.

No worries, says Li, a mere detail, already being worked on. Problem-solving is second nature to the man, who in a previous career grew his Eagle One car-care products into a multimillion dollar firm that was eventually purchased by oil-giant Valvoline for some serious buckage. Today, Mr. Li is, as they say, "comfortable."

But he won't be happy until Vincent is back in business. ☐







VM 00019

TEST JAHN CATHCART  
PHOTOS KEL EDGE

**SPLIT** The classic Vincent Lightning is being reborn a world away from its English roots. Trust the Yanks to take the initiative

# PERSONALITY

First came Triumph, revived 15 years ago, a long way from its UK home, courtesy of John Bloor's millions. Next up is Norton, on the verge of rebirth in Oregon, in the USA, where it will keep its parallel-twin air-cooled architecture, even if the flag on the tank should be the stars and stripes, not the Union Jack.

Next up is the third of the trio of born-again British trophy marques from our glorious Anglo yesterdays. Well, it will be if Barney Li has his way.

Because, like Norton, Vincent (see history panel, page 55) is about to be relaunched on the other side of the Atlantic from its English home — this time, in Detroit, USA.

Bernard Li is a born-again biker with a difference. Though a dedicated motorcyclist all his life, with more than half a million miles under his wheels aboard the array of 28 bikes he's owned in the past 40 years, the Californian-based entrepreneur decided, after selling his Eagle One line of car-care products (which he developed from scratch) to Valvoline, to breathe new life into Vincent, one of the most illustrious icons of Britain's two-wheeled heritage.

The way he's gone about it is an interesting story in its own right (see page 56), but more importantly, what's the 21st Century Vincent going to be like to ride? Read on.

To relaunch Vincent, Li followed the marque's Latin counterpart, Mondial, in developing a range of four different models powered by Honda's SP-1/SP-2 V-twin superbike engine (confusingly known as the RC51 in America, where sales will initially be concentrated).

## BACK TO LIFE

Convincing the Honda's notoriously reticent management to sell him engines is something of a coup for Li, but the fact he has four distinct prototypes

all complete and running, engineered by Detroit automotive R&D specialist Roush Engineering (who will also manufacture the customer versions, due the end of this year), underlines Li's commitment to the project — as well as the deep pockets needed to bank-roll such a project this far.

The four different Vincent prototypes sitting at Barney Li's estate outside of San Diego, is headed by the carbon-clad Black Lightning S sportsbike — the pinnacle of the range.

Alongside it is the wire-wheeled Black Shadow naked roadster base model and the Black Lightning ST sportstourer, equipped with pannier luggage. "It should be the Black Prince but I don't have that trademark at the moment," said Li.

The final model of the four is arguably the most contentious but potentially the most profitable for Vincent's American dealers — the Black Eagle cruiser (correct, BritBike anoraks, there never was a Vincent called that back in the old days). Essentially this is the American idea of what a Harley may have looked like if Philip Vincent had ever made one. Don't go there if you're a vintage Vincent visionary.

All four bikes share the same, beautifully welded aluminium spine frame with tubular engine hangers, designed by American engineer James Parker.

Because Li wanted to hold off revealing what they look like until nearer the time that each enters production, we weren't allowed to photograph them when we visited San Diego to ride the Lightning S. You'll have to go to [www.vincentmotors.com](http://www.vincentmotors.com) to get an idea.

Each displays an undeniably strong sense of the Vincent marque's traditions — even if the fuel-injected, wide-angle, 90-degree, V-twin, Honda, eight-valve DOHC engine, with its low-slung pan of water



radiators slanted forward just aft of the front wheel, doesn't have much in common visually with a genuine, Vincent, air-cooled, pushrod, 50-degree V-twin.

But Parker has captured the essence of Vincent DNA — his bikes relate as much aesthetically to Phil Vincent's original concepts as Pierre Terblanche's new Classic Sports Ducatis echo the spirit of Dr T's bevel-drive Ducati desmo V-twins of the 1970s. Maybe even more so.

## RIDE THE LIGHTNING

In the distant past, I once owned a Vincent, but I started to get better the day I sold it.

This early-'50s V-twin Rapide was fast, even by the standards of the 1970s, but was also frustratingly headstrong, with all the potential for terminal handling problems that the Vincent Girtrauc fork offered with a shock that was not just so.

However, since the current Fier/SaxTrak/Hossack/BMW Telelever design is a modern update of that, done right, it's not far to overly criticize.

But my Vincent kept offering tantalizing glimpses of the performance utopia which the Stevenage factory's V-twin family represented by the standards of the era — a nirvana which could not be reliably accessed via handling until the 1960s advent of the Egl frame, via which the Swiss chassis guru invented the modern day cafe racer, with power by Vincent.

Slinging a leg over Barney Li's spartanly presented Black Lightning S and thumbing the starter button to access the electric leg underlined what a very different

## The riding position and chassis geometry are deliberately conservative

motorcycle the born-again Vinnie is — and that applies to the whole layout.

Rather than the original's close-coupled stance via a short, flat handlebar, the modern Vincent has a rangy feel — and this is the sports version — but with an upright riding position and footrests which are low and too far forward for what is essentially a single-seater sportsbike (though the carbon-fibre cladding to the rear seat can be removed to allow a passenger).

Barney Li says the riding position and chassis geometry are deliberately conservative so as to appeal to people of his age who are his target customers.

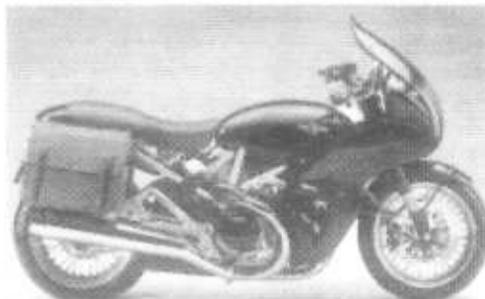
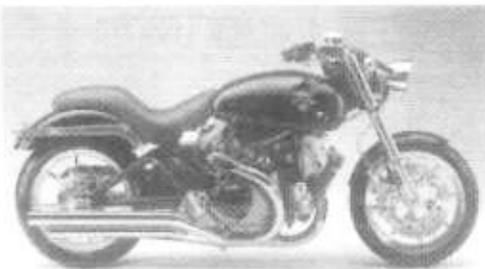
"I wanted something comfortable to sit on that is solid and stable in the handling, without being super-quick," he said.

"With my touring background, that's what I like in a bike — and this bike is a lot about what I like!"

Okay, but in defining the Black Lightning as essentially a long-wheelbase version of Honda's long overdue equivalent to the Ducati 54R Monster, some may feel Li's short-changing himself out of doing business with the cafe racing set.

This is a bike with the attitude of a sportsbike but the feel of a cruiser, it's got a split personality.





The attitude of a sportsbike with the feel of a cruiser

This is underlined by the rangy 1588mm wheelbase. However, the Black Lightning, as a consequence, is extremely stable, transmitting a sense of security to the rider at high speeds — especially running over bumps cranked hard over, where it shrugs off road rash thanks to the low centre of gravity and well-sorted suspension.

That's when you have to be careful with the rather limited ground clearance compared with outright sportsbikes (especially on the right side) because with the good grip from the D207 sports tyres I was dragging the exhaust and those low-slung footrests if I got a little too carried away. Sports cruiser rather than sportsbike, that's what the Black Lightning is.

### MODERN AESTHETICS

The stability comes with the vastly superior, fully-adjustable suspension compared with the original Vincent, delivered by the 43mm Showa forks and American-made Fox Twin-Clicker shock. This controls a cantilever swingarm, which is a modern interpretation of Vincent's traditional design; I wonder why Parker didn't use a Telelever-type front suspension to complete the period references?

With a 25-degree head angle and 97mm of trail, steering geometry is quite conservative. The suspension felt well dialed in — especially at the rear, which gave tractor-like hook-up out of the twisty hills behind San Diego, courtesy of a 190/50-17 Dunlop D207 on a 5.50-inch forged aluminium rim.

The long wheelbase also gives a great sense of security at 160km/h speeds, at the expense of quick steering, though the extra leverage offered by the high, wide handlebars mostly makes up for this.

It doesn't feel very sporty, though, just long, low-slung and quite light, which at a claimed 185kg dry, according to Li sounds right, with all that carbon-fibre; it certainly is.

The Vincent is indeed fast, with a top speed of 257km/h-plus, says Li, and while manoeuvrable at slow speeds, it has lots of stability at higher velocities thanks to the long wheelbase.

It also stops well thanks to the effective Brembo



### THE ORIGINAL SUPERBIKE

The Vincent marque — founded in 1926 by Cambridge University graduate Philip Vincent when he purchased the defunct HRD company with the aid of his father — lays claim to having produced the first true Superbike.

The series of 1600cc V-twin sportsbikes produced under various labels over the 20 years from 1936 (with a five-year gap during WW2) set new standards for two-wheeled performance and engineering excellence which no other company could match.

This was reflected in the endless succession of race victories and speed records obtained by Vincent riders in the post-war decade between 1946-1955, when production ceased.

These included Ronnie Frenz's 1948 World Land Speed Record for motorcycles at over 240km/h, obtained at Bonneville wearing only a pair of swimming trunks and lying flat on his stomach on his Vincent with his legs stuck out the back to reduce drag!

Designed in 1936 by Australian engineer Phil Irving, only 78 versions of the first Series A, high-cam, 58-degree Vincent V-twin were built before the war.

Redesigned by Irving for the post-war era, the Series B Vincent was released in standard Rapide form in 1946, living up to its claim as the world's fastest and safest production motorcycle.

In high-performance Black Shadow form, and especially in competition Black Lightning guise, the Vincent earned an enviable reputation as the benchmark of motorcycling excellence.

Progressively improved in Series C form (introduced in 1949) and Series D (1954), a total of 11,134 Vincent V-twins were produced and sold after 1946 — some in fully-enclosed Black Prince and Black Knight sportstouring guise, before the company ceased manufacture in 1955. The marque introduced a host of features still found on bikes today: cantilever rear suspension, wishbone forks, high-cam engine design and monocoque frames.



http://www.vincentmotors.com/

Go

155 captures

1 Apr 02 - 17 Jul 11



MAR APR JUN  
 2008 14 2009 2010

HISTORY | BIKES | CONFIGURATOR™ | STORE | NEWS | CONTACT



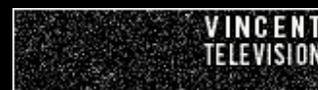
1924 1944 1964 1984 2004



## REBIRTH OF A LEGEND.

The new Vincent Motorcycles are designed to state-of-the-art standards, consistent with their heritage of legendary performance. Their distinguishing features will include a large tubular, monocoque, single shock chassis, 130 horsepower 90° liquid cooled V-twin, inverted forks, forged calipers, tubeless spoke forged alloy wheels, carbon fiber bodywork, ultra-hi-performance, and exquisite craftsmanship. The Vincent will be styled in a manner significantly reminiscent of its predecessors and in keeping with traditional British livery.

VINCENT MOTORS USA WILL PRODUCE FOUR NEW MODELS: BLACK SHADOW (STANDARD), BLACK LIGHTNING S (SPORT), BLACK LIGHTNING ST (TOURING), BLACK EAGLE (CRUISER)



© 2004 Vincent Motors, USA.. Please see our Privacy Policy and legal Terms and Conditions.

VM 00121



## HISTORY

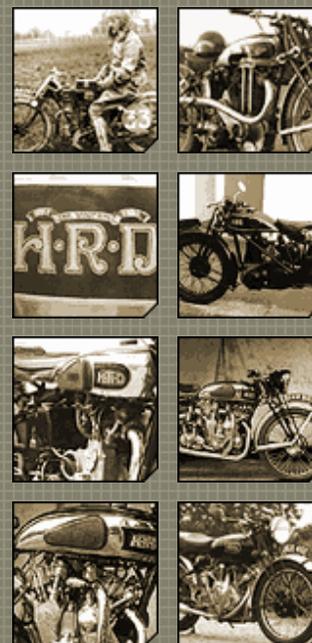
Howard Raymond Davies, a young British flying officer, was shot down and captured by the Germans in 1917. To occupy himself during his seemingly endless hours in captivity, he dreamed of building the perfect motorcycle. Less than ten years later, in 1924, Davies and his partner E. J. Massey began building the HRD. These stylish, aerodynamic, JAP (J.A. Prestwitch Co.) powered machines were advanced for their era, incorporating features other manufactures were years from embracing, and set the standard for motorcycles throughout the 1930's. The motorcycle won the famous Isle Of Man TT in 1925, setting a speed record of 66.13 mph.

While Davies pursued his ambition, a schoolboy named Philip Vincent, was also dreaming about making his own motorcycle. Vincent took the first step in fulfilling his dream in 1928 when he left Cambridge University and, with backing from his family and their cattle ranching business, acquired the trademark, goodwill and few remaining HRD component parts for £500. The company was promptly named Vincent HRD Co., Ltd., and the logo appeared with Vincent in very small letters over the top of the bold HRD. The logo remained like this until late in 1949 when HRD was dropped in order to prevent confusion with Harley-Davidson in the increasingly important American Market.

By 1934, Vincent was making seven different models. Four of these used the first Vincent made 499cc single cylinder engine, the basic configuration of which never changed. The more than 20 models that were introduced between 1928 and 1934 gave Phil Vincent an ongoing opportunity to experiment with a myriad of new design features.

The legendary Phil Irving joined Vincent as chief engineer in 1931. The first Vincent HRD twin, given the name Rapide, was introduced in October 1936. It incorporated motorcycling's first fully suspended rear frame. Utilizing a triangular rear frame with springing under the seat, this feature was used on all Vincents produced from 1936 through 1955. In addition, Vincents bristled with innovations such as foot shift, 4-speed gearboxes and side stands. The 998cc, air-cooled V-Twin produced 45hp and achieved a top speed of 110 miles per hour. The Series A Rapide sold for around \$600 and was the inspiration for the post-war big-twins. In its time, it had no peers. Phil Irving departed Vincent to work at Velocette in 1937, only to return to Vincent in 1943 to start plans for the Series A successor.

[PAGE 1](#) | [PAGE 2](#) | [PAGE 3](#)



[CLICK TO ENLARGE](#)

[HISTORY](#)[BIKES](#)[STORE](#)[NEWS](#)[CONTACT](#)

## HISTORY

Unscathed by German bombing, Vincent was the first company to start producing motorcycles at the end of the war. For its return to civilian production after WW II, Vincent HRD offered the Series B Rapide, a 998cc V-twin. The Series B was a dramatically new motorcycle, shattering engineering concepts with its frameless or "monocoque" design. The front and rear suspension bolted directly to the oil tank which was concealed by an all-encompassing gas tank. Gone were all the external oil pipes that had caused Vincent engines to be dubbed by some "The Plumbers Nightmare." Being suspended from the oil tank, the engine appeared, by conventional standards, to be hanging in mid-air.

The Series B introduction greatly added to the Vincent's reputation and popularity. Twin carburetors and unusual forward-facing rear exhaust V-twin, gave Vincent-HRD an exciting, new identity among motorcycle manufacturers, one that did not go unnoticed in America.

Vincent dealerships began springing up in the US in 1944. The first opened in Philadelphia and was owned by Eugene Aucott. Soon after dealers opened in Florida, New Jersey, Michigan, California and Texas. The Vincent rush was on, not necessarily as a primary source of dealer income, but simply because the dealers liked the machine. Comparisons to America's Harley-Davidsons began at once, but there was, of course, no comparison. One Vincent that became known as the "Rumplecrankshaft," endured a 100,000-mile test without a single bearing failure. Unfortunately, early gearbox problems cooled American enthusiasm. By 1953 a new shifter was designed but Vincent's reputation for problems could not be offset by the ease with which it could be repaired.

Vincent continued to develop other unique features such as a handlebar mounted brake adjuster. A hydraulic unit replaced twin springs and damper and the rear seat was supported by a sub-frame down to the rear frame pivot point, providing a fully spring seat with 6 inches of suspension. The rear wheel moved independently of the seat, resulting in a configuration that would be utilized on most motorcycles in the 1980's. The oil tank contained a check valve so the oil lines could be disconnected without loss of oil. Wiring could be disconnected by hand, the battery was held by a hand-spun wheel. It pioneered the "buddy seat", a novelty in 1946, but within a few years had almost completely replaced the mattress seat throughout the motorcycle industry. Screen oil and gas filters were a first, and all control levers were fully adjustable. The famous Black Shadow first built in 1948, was easily recognized by the all black finish of the engine and gearbox and the big 5-inch, 150 mph Smith speedometer. It could cruise at 100 mph per hour, and would top out at 125 mph. Based on the Rapide, internal engine components were polished and the gearshift mechanism was lightened.

[PAGE 1](#) | [PAGE 2](#) | [PAGE 3](#)

CLICK TO ENLARGE



## HISTORY

It was with the introduction in 1948 of the fully race-prepared Vincent Black Lightning that Vincent emerged as the most legendary motorcycle of its time. The Black Lightning fired the imagination of motorcyclists the world over and was known as 'The World's Fastest Standard Motorcycle', a claim it could have made well into the seventies, nearly twenty years after it ceased production.

The Vincent Black Lightning was available as a custom order machine only and sold for around \$1,500. Besides the absence of street equipment, a few chassis features set the Lightning apart from other street bikes. The magnesium alloy brake plates were both stiffer and lighter than standard steel plates, racing tires were mounted to light alloy rims, rear-set foot controls, a light weight solo seat and aluminum fenders all helped trim the Lightning's weight to 380 lb compared to the Shadow's 458 lb. Engine specifications varied, but were always based on selection and careful modification of standard parts along with fitting of higher performance equipment. Engine performance was rated at 70hp and the Black Lightning could reach 150 mph. Record has it that only 31 Black Lightnings were built, but in the hands of racers around the world, the Black Lightning did much to enhance the Vincent's growing performance legend.

In the summer of 1955, at a Vincent Owner's Club dinner, Phil Vincent announced that the company would no longer manufacture motorcycles. The board of Vincent had decided that the company could no longer function under the continued heavy losses and that production would cease almost immediately. Rather than abandon company tradition of uncompromised quality, it was decided to discontinue the complete range of Vincent motorcycles. The week before Christmas, 1955 the last of these ingenious machines came off the production line and was labeled "The Last." Phil Vincent promised that parts for his motorcycles would always be available. To this day, parts are made and sold worldwide by Harper Engineering, who bought the company out of receivership.

The gallant V-Twin is far from forgotten. The Vincent Owners Club is the largest single-brand club in the world. Vincents are today regarded as one of the most desirable, collectible classics in the world. A fully restored Black Lightning, or one maintained in original running condition, have been seen in the market for \$125,000, that is about 100 times what it cost new. Many are still being ridden in speed events the world over and are enjoying a renaissance in the fast growing sport of classic and antique motorcycle competition.

[PAGE 1](#) | [PAGE 2](#) | [PAGE 3](#)[CLICK TO ENLARGE](#)



http://www.vincentmotors.com/BIK/

Go

54 captures

4 Feb 04 - 6 Jul 10



FEB APR APR

28

2008 2009 2010

HISTORY

**BIKES**

STORE

NEWS

CONTACT

EVOLUTION

PHASE 1 PROTOTYPE

STANDARD

SPORT

TOURING

CRUISER



# BLACK SHADOW



CLICK TO ENLARGE

**VM 00125**



# CONFIGURATOR™



SUBMIT MY SELECTION

SUBMIT & ENTER CONTEST

▼ CHASSIS

- Standard
- Lowered

▶ TANK

▶ SEAT

▶ EXHAUST

▶ FENDER

▶ FENDER BRACE

▶ HEADLIGHT

▶ FAIRING

▶ WHEELS

▶ FORKS

▶ BRAKE CALIPERS

▶ SADDLEBAGS

RESET TO STOCK

VM 00126

METEOR  
COMET  
GREY FLASH  
TT REPLIC  
RAPIDE

# VINCENT MOTORCYCLES

BLACK PRINCE  
BLACK KNIGHT  
BLACK LIGHTNING  
BLACK SHADOW  
BLACK EAGLE

## The Vincent Motorcycle Bulletin

Carlsbad, California, March 30, 1995.

Volume 1, Number 1.

# VINCENT BLACK EAGLE<sup>®</sup> UNVEILED!

Mr. Bernard Li, President of Eagle One Industries, who announced last year that he is heading a project to bring back the legendary Vincent motorcycle, today released details of the exclusively designed Vincent Black Eagle.

The Vincent Black Eagle will be a modern interpretation of how a Vincent of the fifties might look today had they continued in production. The design reflects the low, powerful lines of the original Vincent while incorporating the personal appeal and style sought by today's riders. Mr. Li reported: "This drawing represents our initial thinking on the basic design of the Vincent Black Eagle, but this is not a final rendition. We anticipate a number of changes will be required once we are ready to go into production."

"For example," Mr. Li added: "The engine shown here is a stylized version of what could be built by one of several manufacturers based upon modification and existing tooling. I can say though, the Black Eagle will be powered by a technologically advanced liquid-cooled V-Twin engine of up to 1,500cc displacement, developing at least 80-horsepower, which will meet EPA emission requirements."

As previously announced, the motorcycle will feature disc brakes, a

and the retail price will be in the area of \$15,000. The new Vincent Black Eagle will be a modern motorcycle which will retain many elements of the original V-Twins, such as the massive speedometer, classic fuel tank, and gracefully sweeping exhaust pipes.

Joe Parkhurst, founder of Cycle World magazine and motorcycle industry pioneer, was retained by Eagle One Industries to spearhead the project. "To see the Vincent Black Eagle come to life is a challenging and fascinating project, one for which my lifetime career in motorcycling has prepared me well. Before the end of this year we will have a running prototype completed, it will be employed to prove the design and obtain public reactions," said Mr. Parkhurst.

Additional information will be supplied at the appropriate time.

### BERNARD A. LI, PRESIDENT

Dear Vincent Enthusiasts:

Few bikes in the history of motorcycling stir more imagination and nostalgic awe than the Vincent Black Shadow. As a long-time motorcycle enthusiast, I think today's rider, seeking a motorcycle with great personal appeal and style, while retaining the look of mechanical elegance of one of the greatest bikes of all time, will find the Vincent Black Eagle a worthy successor to the great classic.

With today's increasing interest in classic motorcycles, the Vincent Black Shadow's ageless styling, applied to a modern motorcycle should make it an instant classic. It must be remembered that the original Vincent Black Shadow was not only the fastest motorcycle in the world...it was also the most expensive. We will not attempt to build the world's fastest motorcycle, nor the most expensive...we will instead make the Vincent Black Eagle capable of reaching comfortable high cruising speeds, with excellent acceleration, allowing us to price it within a reasonable range.

Your response to my appearance on cable TV from Daytona, plus other publicity given to our project in Cycle World, Motorcyclist, Rider, VO, Cycle News and others, only confirms my belief that the Vincent, gone since 1955, will find a place in the hearts of lovers of pure motorcycle beauty and mechanical refinement for the new Vincent Black Eagle.

My vision has become a determination to fulfill a dream. And, as we get closer to the day when the first Black Eagle rolls off the production line, I get as excited as I was the day I bought my first bike.

I greatly appreciate your interest. We will keep you informed of our progress. And, thank you for taking the time to call and write.

It must be remembered that the original Black Shadow was not only the fastest motorcycle in the world...it was also the most expensive.

Bernard A. Li.





# VINCENT BLACK EAGLE

Overhead, upright speedometer, Schomier

The overall design of the Vincent Black Eagle combines a state-of-the-art chassis enhanced by styling cues from the original Vincent Black Shadow.

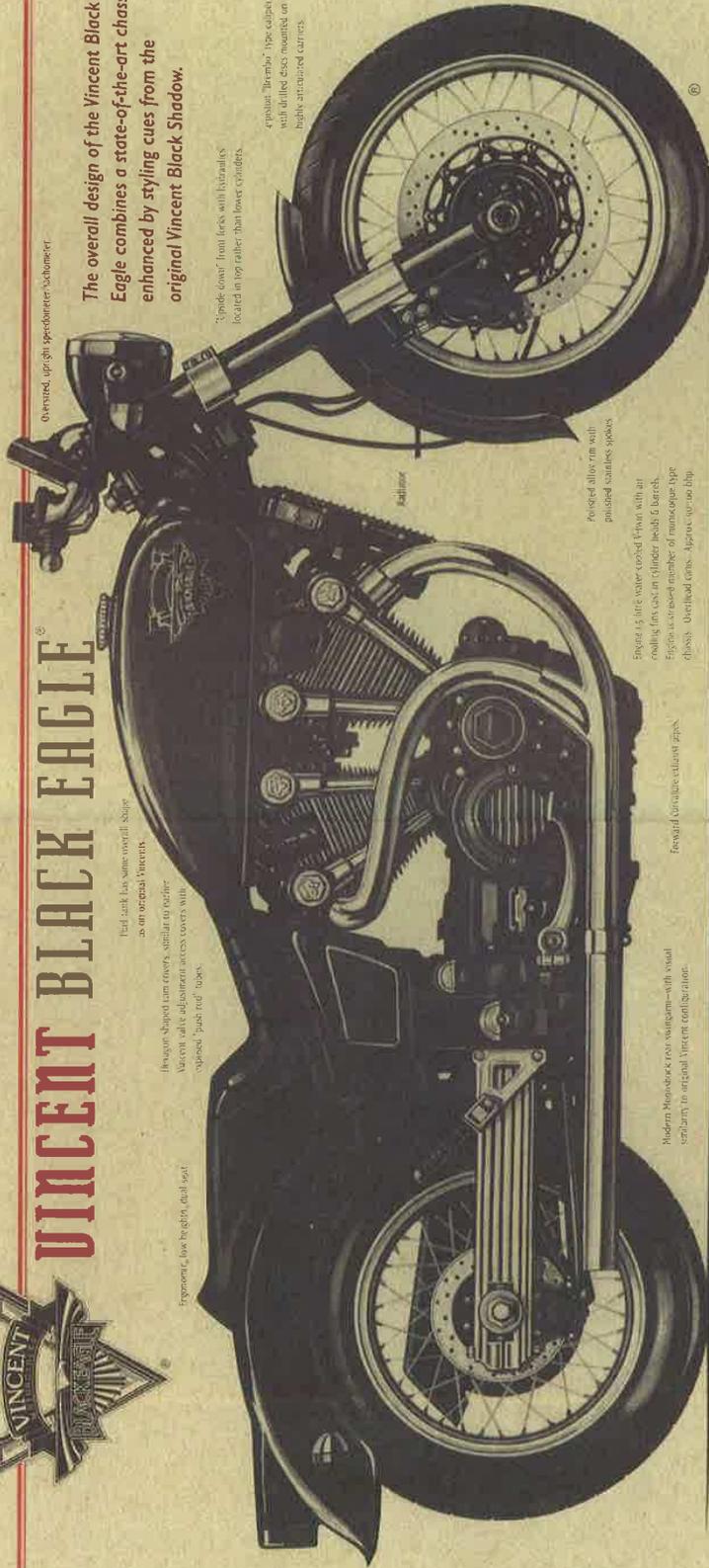
Head tank has same overall shape as on original Vincent.

Hexagon shaped air covers, similar to original Vincent, with adjustment access covers with "cupped" base for "finger" grips.

Ergonomic, low height, dual seat

"Wide down" front forks with hydraulic shock absorbers located in top rather than lower cylinders.

epistyle "Brambo" type exhaust, with drilled ends mounted on highly articulated carriers.



Ball joint

Ringed alloy rim with polished stainless spokes

Figure 1: 1/2 litre water cooled V-twin with air cooling fins cast on cylinder head & barrels. Engine is raised member of monopipe type chassis. Overhead cams. Approx. 50 hp @ 6000 rpm.

Rearward circular exhaust pipes.

Modern Vincent's race swingarm—with vital similarity to original Vincent configuration.

David Bennett

**1949**

**VINCENT BLACK SHADOW SERIES I**

The Series I Black Shadow is undoubtedly the finest motor cycle ever designed, with the Vincent marque built with respect to appearance and performance. With its claim to be the world's fastest and safest standard motorcycle, the Black Shadow was actually a superb version of the Rapide model. The polished, high finish of the engine and the very large diameter shafts speedometer were the distinctive visual qualities of this current, modern classic.

**DESCRIPTION:**  
 1/2 litre water cooled V-twin with air cooling fins cast on cylinder head & barrels.  
 Engine is raised member of monopipe type chassis. Overhead cams. Approx. 50 hp @ 6000 rpm.  
 Epistyle "Brambo" type exhaust, with drilled ends mounted on highly articulated carriers.  
 "Wide down" front forks with hydraulic shock absorbers located in top rather than lower cylinders.  
 Hexagon shaped air covers, similar to original Vincent, with adjustment access covers with "cupped" base for "finger" grips.  
 Overhead, upright speedometer, Schomier.  
 Head tank has same overall shape as on original Vincent.  
 Ergonomic, low height, dual seat.  
 Modern Vincent's race swingarm—with vital similarity to original Vincent configuration.  
 Rearward circular exhaust pipes.  
 Ringed alloy rim with polished stainless spokes.  
 Ball joint.



# FLASHBACK TO THE VINCENT HRD

JULY 1957, 1946

THE MOTOR CYCLE

**THE "LITTLE" BIG TWIN IS A SHEER THRILL!**

A 1,000 c.c. semi-d.t.c. engine in a compact machine weighing a little over 400 lbs. gives unique performance, with perfect manners in traffic. Four powerful brakes and a spring frame ensure controllability and safety. Stainless steel and superb enamel for a lasting finish and a hundred exclusive rider's features make the "Rapide" a sheer joy for the enthusiast. Price £201 (incl. Purchase Tax £143.5 AND RD EXTRA).

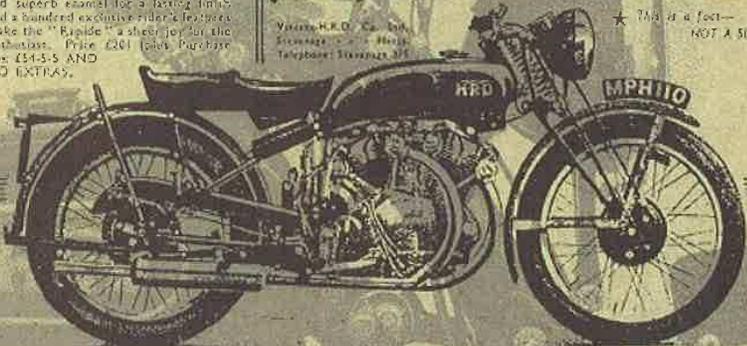
THE SERIES "B"  
**HRD**  
*Rapide*

Vincent HRD, Co. Ltd.  
Stonage St. - Biele  
Telegrams: STONAGE 315

**\* THE WORLD'S FASTEST STANDARD MOTORCYCLE**

1,000 c.c. O.H.V. TWIN  
FOUR BRAKES - SPRING FRAME  
STAINLESS STEEL

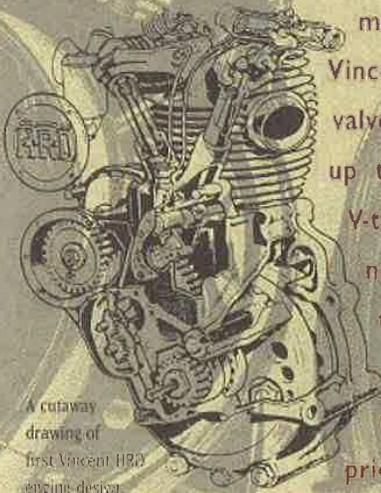
\* THIS IS A FACT - NOT A SLOGAN



**P**hilip Vincent bought the rights to HRD's name and established his new firm in 1928. Exceptional quality and superb engineering made Vincents expensive but highly desirable. Early

models used JAP engines but, in 1935, Vincent designed its own 500cc overhead-valve single. This 500cc design was doubled up to produce the first of the famous V-twins. The prewar bikes were nicknamed "the plumber's nightmare" due to their confusion of external pipes.

The Vincent V-twin was the fastest machine of its day. Despite its high price tag, production became uneconomic and was stopped in 1955.



A cutaway drawing of first Vincent HRD engine design

HRD was founded by TT race winner Howard R. Davies in 1924. Philip Vincent bought the name in 1928 to give credibility to his new company HRD.



## JOSEPH PARKHURST, CONSULTANT

Dear Vincent Enthusiasts:

We have been overwhelmed with your response to the appearance on television of the plans for the Vincent Black Eagle.

The project to bring back the magic Vincent name is the brainchild of Mr. Barney Li, President of Eagle One Industries. It has been my task to find suitable suppliers.

We are happy to report that we are now in the early stages of negotiations with several manufacturers capable of building key components of the Vincent Black Eagle to our design and specifications.

Our designs call for a modern and technologically advanced motorcycle that might be what Vincent would be building today were they still in business.

We believe you will agree that our design has captured the essential mechanical beauty of the Vincent Black Shadow, while utilizing such advanced technology as overhead cams, liquid cooling, disc brakes and highly compliant suspension.

Transforming drawings and engineering plans into reality will require many months, the soonest hope we have is for the motorcycle to be ready for delivery sometime in mid-1996, or early 1997. As an example of the time-consuming process we face, once the tooling is completed and in position for production, we will build several production prototypes for exhaustive testing, including those required by the Environmental Protection Agency for the control of exhaust emissions. Time for this phase alone will consume many months. These prototypes are in addition to the one we will build this year.

We realize you are excited about the new Vincent, which only confirms our determination to bring it to reality, and deeply appreciate and value your interest. You are among an elite group of dedicated enthusiasts who, through your response, have placed yourselves in the vanguard for one of the world's most exciting new motorcycles.

We will keep you informed of our progress through this newsletter, as well as announcements in the leading motorcycle publications. Personally, I have never been as excited over anything as I am over the future for one of the world's greatest motorcycles, the immortal Vincent.

**... a modern and technologically advanced motorcycle that might be what Vincent would be building today were they still in business.**

**HOLDER V. VINCENT MOTORS LLC**  
**OPPOSITION NO. 91204405**

**EXHIBIT 5**



MOTO BICYCLE SPORTSWEAR PAINT

SEARCH

Search Results

Sitemap

SEARCH FOR: vincent

SEARCH

SEARCH ONLY: PRODUCTS ATHLETES

Sort by: A-Z

compare up to 3 items: COMPARE



Compare **NEW!**



**Vincent HRD Hat Black**  
\$34.00

Compare **NEW!**



**Vincent HRD Tee Black**  
\$28.00

Compare **NEW!**



**Vincent Shadow Tee Red**  
\$28.00

Compare **NEW!**



**Vincent Shadow Tee White**  
\$28.00

### News Results

- 05.28.09  
Kawasaki's Joe Haavisto Racks in Another Double Victory
  - 06.09.09  
MX 338 / Southwick No Match for Kawasaki's Joe Haavisto
  - 06.27.09  
Race Report: Mammoth Motocross Classic - Big Bikes
- [View All News Articles](#)

### Video Results

Your search request had no matches.

Please double check that all words are spelled correctly or try different (more general) keywords.

[View All Videos](#)



FIND A STORE

ZIP CODE >

JOIN OUR MAILING LIST

EMAIL@EXAMPLE.COM >

Troy Lee Designs, Inc.  
155 East Rincon Street  
Corona, CA 92879 USA  
951-371-5219  
800-239-6566

Company | Contact Us | Site Map

© Copyright 2012 Troy Lee Designs, Inc. All rights reserved.  
Use of this website signifies your agreement with our Terms of Use and Online Privacy Policy.



MOTO BICYCLE SPORTSWEAR PAINT

SEARCH

Sportswear Vincent HRD Hat Black

Sitemap

SHOP

Men

Women

Youth

Accessories

Pit Gear

Luggage

Collaborations

Gift Ideas

COMMUNITY

News / Events

Photos / Videos

Social Network

Athletes / Teams

Sponsorship

INFORMATION

Sizing

Helmet Fitment

Denim Fit Guide

Orders & Warranties

Warranty Registration

Shipping & Returns

Terms of Use

Privacy Policy

NEW!  
Vincent HRD Hat Black  
2262-0203 / \$34.00



Select your size:

S/M

L/XL

Select Quantity:

1

SHARE

STORE LOCATOR

ADD TO CART

Tax, Shipping & Handling, or other charges may apply.

Description

Photos

- ▶ New Era 39-THIRTY.
- ▶ Woven label with merrowed edge.
- ▶ Woven accent label.



FIND A STORE

ZIP CODE

JOIN OUR MAILING LIST

EMAIL@EXAMPLE.COM

Troy Lee Designs, Inc.  
155 East Rincon Street  
Corona, CA 92879 USA  
951-371-5219  
800-239-6566

Company | Contact Us | Site Map

© Copyright 2012 Troy Lee Designs, Inc. All rights reserved.  
Use of this website signifies your agreement with our Terms of Use and Online Privacy Policy.



MOTO BICYCLE SPORTSWEAR PAINT

SEARCH

Sportswear Vincent HRD Tee Black

Sitemap

SHOP

Men

Women

Youth

Accessories

Pit Gear

Luggage

Collaborations

Gift Ideas

COMMUNITY

News / Events

Photos / Videos

Social Network

Athletes / Teams

Sponsorship

INFORMATION

Sizing

Helmet Fitment

Denim Fit Guide

Orders & Warranties

Warranty Registration

Shipping & Returns

Terms of Use

Privacy Policy

NEW!  
Vincent HRD Tee Black  
1663-0208 / \$28.00



Select your size:

SM MD LG XL XXL

Select Quantity:

1

SHARE

STORE LOCATOR

ADD TO CART

Tax, Shipping & Handling, or other charges may apply.

Description

Photos

- ▶ 100% combed ring spun cotton.
- ▶ Woven label at arm accent.
- ▶ Slim fit.
- ▶ Waterbase front graphics.



FIND A STORE

ZIP CODE >

JOIN OUR MAILING LIST

EMAIL@EXAMPLE.COM >

Troy Lee Designs, Inc.  
155 East Rincon Street  
Corona, CA 92879 USA  
951-371-5219  
800-239-6566

Company | Contact Us | Site Map

© Copyright 2012 Troy Lee Designs, Inc. All rights reserved.  
Use of this website signifies your agreement with our Terms of Use and Online Privacy Policy.

3 things



McQueen Racing Home

Create Page



### Vincent Motors

59 likes

Now

October

2012

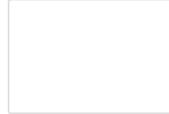
2011

Founded

Liked

Company

Vincent Motors LLC creates motorcycle and related apparel and accessories for the discriminating motorcycle enthusiast



59

About

Photos

Likes

Highlights

Activity

November

People Who Like This

4

Likes



McQueen Racing  
Cars

October

Activity

October

People Who Like This

2

People Talking About This

2

Earlier in 2012



Vincent Motors shared a link.  
September 21

Vincent Black Lightning at Bonneville



Vincent Motors  
February 29

New Vincent Products (3 photos)



Speed Trials at the Bonneville Salt Flats (BUB 2012)  
ishootfromthehip.com

Like · Comment · Share

1



Like · Comment · Share

4 3



Vincent Motors  
February 24

Stay tuned shortly for the first batch of cool Vincent moto fashion from Troy Lee Designs

Like · Comment · Share

1

2011



Vincent Motors shared a link.  
July 15, 2011

Heritage, and the next Vincent motorcycle



Vincent Motors Blog  
vincent-motors.com

Gerry's working on an entirely new Metisse motorcycle, to be released this fall. It uses an engine designed by Gerry and built in England. I am

Like · Comment · Share

1 1



Vincent Motors shared a link.  
June 16, 2011

Back...under new management.



Official Vincent Motors Website  
vincent-motors.com

Like · Comment · Share

2

Likes  
2011



Liked McQueen Racing



Vincent Motors  
June 16, 2011



Vincent Motors

Originally founded in 1994 as Vincent Motors USA, the company was acquired in 2011. Vincent Motors LLC is now based in Washington state. Its Strategic Advisors include Freeman Thomas, Chad McQueen, and Troy Lee.  
Page: 59 like this

Like · Comment · Share

2

Joined Facebook

May 6, 2011





Vincent Motors offers a very exclusive and limited line of apparel and accessories that feature the timeless appeal of the Vincent “Mercury” logo. The “HRD riders” line features the iconic Vincent HRD logo on t-shirts, hoodies, and caps designed for the riding enthusiast.

A new series of products is being designed and made by Troy Lee Designs, with availability planned for the holiday season 2011.

Products will be available directly and via selective motorcycle apparel retailers. Our inventory of current products are shown below.

Please [contact Vincent Motors](#) for information on specific product availability, purchasing, and pricing.







---

© 2011 Vincent Motors LLC. Vincent Motors, Vincent, the Vincent logo, Black Lightning, Black Eagle and Black Shadow are trademarks or registered trademarks of Vincent Motors LLC.



**VINCENT MOTORS LLC**

Go JAN APR APR [Close](#)  
2007 29 2010 [Help](#)

- [HISTORY](#)
- [BIKES](#)
- [CONFIGURATOR™](#)
- [STORE](#)
- [NEWS](#)
- [CONTACT](#)
- [JACKETS](#)
- [SHIRTS](#)
- [T-SHIRTS](#)
- [HATS](#)
- [BAGS](#)



Click To Enlarge

**Athletic Bag** **\$148.00**

Vincent Corral Canyon Convertible Duffle/Back Pack - unique design has hidden backpack shoulder straps in bottom. Bottom is double foamed for comfort when carried as a backpack. Large front pocket, fully lined in nylon, includes luggage tag.

1 Qty 1

**Shopping Cart**  
 You have no items in your cart.



Click To Enlarge

**Day Pack** **\$100.00**

Vincent Big Horn Canyon Day Pack - drawstring rucksack design with two front pockets, leather organizers for pens, business cards, and phone, hidden side zipper accesses main compartment, foam padded back and bottom with adjustable padded shoulder straps, full interior nylon lining. 8"deep x 10" wide x 17" high.

1 Qty 1



**Computer Bag** **\$148.00**

Vincent Grand Teton Laptop Computer bag - computer compartment with removable padding that protects computers, leather foam padded shoulder strap. 1200 denier nylon organizer under flap holds disks, pens and battery packs. 11.5" high, 16.5" long x 4.5-7" deep.

1 Qty 1

©2004 Vincent Motors, USA.. Please see our Privacy Policy and legal Terms and Conditions.

Go JAN APR APR [Close](#)  
2007 2009 2010 [Help](#)

- [HISTORY](#)
- [BIKES](#)
- [CONFIGURATOR™](#)
- [STORE](#)
- [NEWS](#)
- [CONTACT](#)
- [JACKETS](#)
- [SHIRTS](#)
- [T-SHIRTS](#)
- [HATS](#)
- [BAGS](#)



**Put on these Vincent caps and become a part of Vincent history.**

These evolutionary stretch-fitted caps showcase uniquely embroidered Vincent logos on the front with the Legendary Performance logo on the back. The ultra light, suede-like, brushed cotton gives superior quality and consistent comfort while also maintaining its shape. Extra details include a pre-curved visor, an absorbent band and a 98% cotton/2% spandex fused buckram stretching to fit most heads.

**Shopping Cart**  
 You have no items in your cart.

S/M | 6 3/4 - 7 1/4  
 L/XL | 7 1/8 - 7 5/8



Click To Enlarge

**Black Lightning Logo Black** **\$27.00**

The Vincent Black Lightning logo is embroidered on this cap using gold, white and black stitching. This logo marks the beginning of one of the most legendary motorcycles of its time.  
 Black Lightning Logo (front) = 16,000 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1  2  3



Click To Enlarge

**Black Lightning Logo Stone** **\$27.00**

The Vincent Black Lightning logo is embroidered on this cap using gold, white and black stitching. This logo marks the beginning of one of the most legendary motorcycles of its time.  
 Black Lightning Logo (front) = 16,000 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1  2  3



**Black Shadow Logo Black** **\$27.00**

This updated logo reflects the performance capabilities of Vincent's standard motorcycle. The logo is embroidered on this cap using gold, white and black stitching.  
 Black Shadow Logo (front) = 14,500 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1  2  3



Click To Enlarge



**Black Shadow Logo Stone** **\$27.00**

This updated logo reflects the performance capabilities of Vincent's standard motorcycle. The logo is embroidered on this cap using gold, white and black stitching.  
 Black Shadow Logo (front) = 14,500 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1 Size   
 2 Qty 1   
 3

Click To Enlarge



**Mercury Logo Black** **\$20.00**

The Mercury is the original logo used on the top of the Vincent gas tank. It symbolizes the speed and prestige of the Vincent brand.  
 Mercury Logo (front) = 6,000 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1 Size   
 2 Qty 1   
 3

Click To Enlarge



**Mercury Logo Stone** **\$20.00**

The Mercury is the original logo used on the top of the Vincent gas tank. It symbolizes the speed and prestige of the Vincent brand.  
 Mercury Logo (front) = 6,000 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1 Size   
 2 Qty 1   
 3

Click To Enlarge



**Vincent HRD Banner Logo Black** **\$27.00**

This gold Vincent banner showcases the logo with simplicity and elegance. It highlights a portion of the original Vincent logo.  
 HRD Banner Logo (front) = 15,000 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1 Size   
 2 Qty 1   
 3

Click To Enlarge



**Vincent HRD Banner Logo Stone** **\$27.00**

This gold Vincent banner showcases the logo with simplicity and elegance. It highlights a portion of the original Vincent logo.  
 HRD Banner Logo (front) = 15,000 stitches  
 Legendary Performance Logo (back) = 5,000 stitches

1 Size   
 2 Qty 1   
 3

Click To Enlarge

©2004 Vincent Motors, USA.. Please see our Privacy Policy and legal Terms and Conditions.

SEP OCT MAY [Close](#)  

 2005 2006 2007 [Help](#)

- [HISTORY](#)
- [BIKES](#)
- [CONFIGURATOR™](#)
- [STORE](#)
- [NEWS](#)
- [CONTACT](#)
- [JACKETS](#)
- [SHIRTS](#)
- [T-SHIRTS](#)
- [HATS](#)
- [BAGS](#)



Click To Enlarge

**Lambskin**

**\$700.00**

The Vincent Motorcycle Jacket is one of the finest and most functional cycle jackets ever designed. Its unique 3 layer front collar/closure provides maximum wind blockage with great style and comfort. This is a great riding and evening wear jacket!


**Shopping Cart**  
 You have no items in your cart.



Click To Enlarge

**Letterman**

**\$300.00**

Black Leather & Wool with stand up collar Giant logo on back contains over 70,000 stitches Quilted lining with ribbed knit cuffs & bottom Two front pockets and snap closures

©2004 Vincent Motors, USA.. Please see our Privacy Policy and legal Terms and Conditions.

[FEB](#) [MAR](#) [MAY](#) [Close](#)  
31  
[2008](#) [2009](#) [2010](#) [Help](#)

- [HISTORY](#)
- [BIKES](#)
- [CONFIGURATOR™](#)
- [STORE](#)
- [NEWS](#)
- [CONTACT](#)
- [JACKETS](#)
- [SHIRTS](#)
- [T-SHIRTS](#)
- [HATS](#)
- [BAGS](#)



**Shopping Cart**  
 You have no items in your cart.

>> [Other Sections](#)



>> [Shirts](#)



>> [T-Shirts](#)



>> [Hats](#)



>> [Bags](#)

©2004 Vincent Motors, USA.. Please see our Privacy Policy and legal Terms and Conditions.

Go JAN APR APR [Close](#)  
2007 2009 2010 [Help](#)  
29

- [HISTORY](#)
- [BIKES](#)
- [CONFIGURATOR™](#)
- [STORE](#)
- [NEWS](#)
- [CONTACT](#)
- [JACKETS](#)
- [SHIRTS](#)
- [T-SHIRTS](#)
- [HATS](#)
- [BAGS](#)



Click To Enlarge

**V-Neck Mesh Black** **\$25.00**

This V-Neck, Long sleeve mesh shirt is great for riding in all types of weather. Vincent HRD gold embroidered logo featured on left front chest only.

1  2  3

**Shopping Cart**  
 You have no items in your cart.



Click To Enlarge

**V-Neck Mesh Cream** **\$25.00**

This V-Neck, Long sleeve mesh shirt is great for riding in all types of weather. Vincent HRD gold embroidered logo featured on left front chest only.

1  2  3



Click To Enlarge

**Retro** **\$65.00**

This Vincent Jams Fast short-sleeved shirt reflects the speed, sense of adventure, and thrill of motorcycling. 100% spun crushed rayon feels feather light. Pockets are cut and sewn to match the rest of the shirt seamlessly

1  2  3

**Henley** **\$45.00**

Vincent Henley Long Sleeve Shirt Ultra-soft, black long-sleeve with embroidered Vincent Black Eagle logo. 100% heavy-duty, brushed cotton.

1  2  3





[Click To Enlarge](#)

©2004 Vincent Motors, USA.. Please see our [Privacy Policy](#) and [legal Terms and Conditions](#).

Go JAN APR APR [Close](#)

◀ 28 ▶ [Help](#)

2007 2009 2010

- [HISTORY](#)
- [BIKES](#)
- [CONFIGURATOR™](#)
- [STORE](#)
- [NEWS](#)
- [CONTACT](#)
- [JACKETS](#)
- [SHIRTS](#)
- [T-SHIRTS](#)
- [HATS](#)
- [BAGS](#)



Click To Enlarge

### 1946 Speed Record

**\$17.00**

This high quality Hanes Black Beefy-T commemorates Vincent breaking the record by reaching 110 mph in 1946: 100% cotton heavyweight short-sleeve crew neck. Vincent HRD Rapide on left front chest. Back: World's Fastest Standard Motorcycle The "B" Series, MPH 110, 1946, This is a fact - NOT A SLOGAN

1  2  3

**Shopping Cart**  
You have no items in your cart.



Click To Enlarge

### V-Twin

**\$17.00**

This high quality Hanes Black Beefy-T includes a close up of the sweeping pipes on the 998 cc engine 100% cotton heavyweight short-sleeve crew neck. Vincent engine on left front chest. Back: Sweeping pipe engine shot

1  2  3



Click To Enlarge

### Speedometer

**\$17.00**

This high quality Hanes Black Beefy-T includes picture of the Black Shadow with the large 5" 150 mph speedometer 100% cotton heavyweight short-sleeve crew neck. Mercury logo including The Vincent HRD co. Ltd, Stevenage on front left chest.

1  2  3

### Black Lightning

**\$20.00**

ALL NEW Vincent Black Lightning screen print on black Hanes Beefy-T. This new design features white thread contrast exposed stitching on the neckline, shoulders, sleeves and base - bringing fresh thinking to a classic look. The front features the BLACK LIGHTNING screen logo hit while the back of the tee features an all-new Black Lightning logo with Mercury symbol and Speedometer close-up insets.

1  2  3





Click To Enlarge



Click To Enlarge

**Black Shadow**

**\$20.00**

ALL NEW! Brand new t-shirt design featuring front logo BLACK SHADOW screen hit. Similar to the BLACK LIGHTNING t-shirt design, BLACK SHADOW also features the rugged construction and consistent quality of the Hanes Beefy-T structure. New Vincent HRD logo hit on left sleeves compliments the white thread contrast stitching around the neck/shoulder line, sleeves and base. Back logo hit is another all new BLACK SHADOW design with updated red scatter print backdrop.

1

Size

2

Qty 1

3

ADD TO CART

©2004 Vincent Motors, USA.. Please see our Privacy Policy and legal Terms and Conditions.



MOTO BICYCLE SPORTSWEAR PAINT

SEARCH

Sportswear Vincent Shadow Tee White

Sitemap

SHOP

Men

Women

Youth

Accessories

Pit Gear

Luggage

Collaborations

Gift Ideas

COMMUNITY

News / Events

Photos / Videos

Social Network

Athletes / Teams

Sponsorship

INFORMATION

Sizing

Helmet Fitment

Denim Fit Guide

Orders & Warranties

Warranty Registration

Shipping & Returns

Terms of Use

Privacy Policy

NEW!  
Vincent Shadow Tee White  
1653-0108 / \$28.00



Select your size:

SM MD LG XL XXL

Select Quantity:

1

Other Available Colors:

Red

SHARE

STORE LOCATOR

ADD TO CART

Tax, Shipping & Handling, or other charges may apply.

Description Photos

- ▶ 100% combed ring spun cotton.
- ▶ Slim fit body.
- ▶ High density screenprinted artwork.
- ▶ TLD woven label.



FIND A STORE

ZIP CODE >

JOIN OUR MAILING LIST

EMAIL@EXAMPLE.COM >

Troy Lee Designs, Inc.  
155 East Rincon Street  
Corona, CA 92879 USA  
951-371-5219  
800-239-6566

Company | Contact Us | Site Map

© Copyright 2012 Troy Lee Designs, Inc. All rights reserved.  
Use of this website signifies your agreement with our Terms of Use and Online Privacy Policy.



# STORE



**Shopping Cart**  
You have no items in your cart.

>> Other Sections



>> [Shirts](#)

>> [T-Shirts](#)

>> [Hats](#)

>> [Bags](#)

**HOLDER V. VINCENT MOTORS LLC  
OPPOSITION NO. 91204405**

**EXHIBIT 6**

**FILED UNDER SEAL**