

ESTTA Tracking number: **ESTTA494577**

Filing date: **09/14/2012**

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

Proceeding	91206514
Party	Plaintiff Popcycle Motors, LLC
Correspondence Address	William Higley The Higley Law Group, LLC 165 North Meramec Ave. St. Louis, MO 63105 UNITED STATES Bill@higleylawgroup.com
Submission	Other Motions/Papers
Filer's Name	Leo W. Higley, Missouri Bar Member
Filer's e-mail	Bill@higleylawgroup.com
Signature	/L. W. Higley/
Date	09/14/2012
Attachments	Notice of Abandonment 091412.pdf ( 2 pages )(338384 bytes ) Ltr frm David Speechly 082712.pdf ( 1 page )(56781 bytes ) Letter David Speechly 8-30-201207901220120830122446.pdf ( 1 page )(79723 bytes )

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

**In the Matter of Trademark Application Serial No. 85564009**

**For the Mark: PopCycle**

**Published in the Official Gazette on: July 31, 2012**

**Popcycle Motors, LLC**

**v.**

**David P. Speechly**

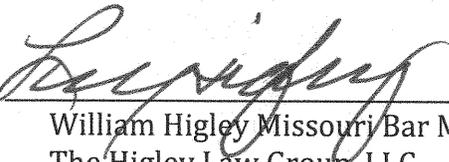
**NOTICE OF ABANDONMENT OF APPLICATION**

**Popcycle Motors, LLC, 1100 Sara Mathews Drive, Wildwood  
MO 63005**

**Filing on behalf of and with the consent of Applicant David P. Speechly**

The above-identified opposer files herewith the Notice of Abandonment on behalf of Applicant David P. Speechly of the Application, serial number 85564009 and states to the Board as follows:

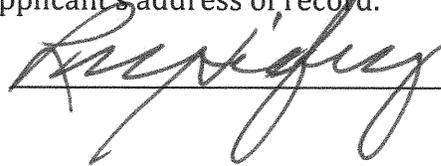
1. Opposer has received from Applicant Speechly a statement in writing dated August 27, 2012, and signed by Applicant that Applicant intends to withdraw his application and will not contest Opposer's opposition to the application. A copy of Applicant Speechly's statement is filed electronically herewith, incorporated herein by reference and made a part hereof.
2. Opposer attaches electronically Opposer's correspondence to Applicant Speechly dated August 30, 2012, stating that Opposer acknowledges Applicant's communication to the effect that Applicant intends to withdraw the application and stating that upon receipt of Applicant's correspondence, Opposer will file the same with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office.
3. Thus, Opposer files Applicant's statement withdrawing the Application with the knowledge of Applicant and Notice to Applicant.

By:   
William Higley Missouri Bar Member #26409  
The Higley Law Group, LLC  
165 North Meramec Ave., suite 200  
St. Louis, MO 63105  
(314)-454-9110 ext. 110  
(314)-288-8162

Date: 9-14-2012

**Certificate of Service**

The undersigned certifies that a true and accurate copy of the within document and attachments thereto were served upon Applicant David P. Speechly by depositing the same in the custody of the United States Postal Service, first class postage affixed and prepaid, this 14<sup>th</sup> day of September, 2012, addressed to Applicant's address of record.



# Dr David Speechly

Metabolic Physiologist

4125 Blackhawk Plaza Circle  
Suite 207  
Danville, CA 94506

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August 27, 2012

Mr. William Higley  
165 North Meramec Avenue  
St. Louis, Missouri 63105

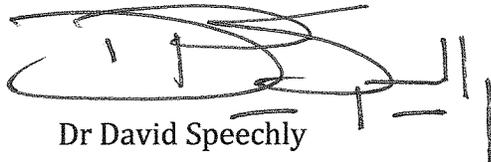
Re: Withdrawal of "PopCycle", Application Ser. No. 85564009

Dear Mr. Higley,

Following on our conversation on this matter today, this letter serves to advise yourself and your client, Popcycle Motors, LLC, that it is my intention to withdraw the application of "Popcycle", Application Ser. No. 85564009 as a trademark for my program around childrens' indoor cycling. Furthermore, and as we discussed, I will not contest your client's opposition to this application in this matter.

Please pass on to your client my appreciation of his sensitivity on the risk for dilution on his trademark in this regard.

Sincerely,



Dr David Speechly



# The Higley Law Group, LLC

Business Consultants and Attorneys at Law

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www.higleylawgroup.com

**William Higley**  
Principal Attorney  
Missouri and Illinois

August 30, 2012

Mr. David P. Speechly  
1085 Yorkshire Place  
Danville, CA 94506

Re: Notice of Opposition to "PopCycle," Application Ser. No. 85564009

Dear Mr. Speechly:

Thank you for your telephone call on Monday, August 27, in which we discussed your application for the trademark, "PopCycle," which is referred to above. After discussing my client's position on the matter, you indicated that you did not intend to pursue the matter further, and that you would send to me a letter confirming your intentions. I will then file your letter with the Patent and Trademark office.

Thanking you for your consideration in this matter, I remain,

Very truly yours,



William Higley

cc. Peter A. Medendorp  
Popcycle Motors, LLC

United States Patent and Trademark Office