

ESTTA Tracking number: **ESTTA583150**

Filing date: **01/22/2014**

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

## Notice of Opposition

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

### Opposer Information

Name	LeMans Corporation		
Entity	Corporation	Citizenship	Wisconsin
Address	3501 Kennedy Road Box 5222 Janesville, WI 53547-5222 UNITED STATES		

Attorney information	Tara M. Vold Vold & Williamson PLLC 8251 Greensboro Drive Suite 340 McLean, VA 22102 UNITED STATES trademark@vwiplaw.com Phone:571-395-4630
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### Applicant Information

Application No	85956925	Publication date	12/24/2013
Opposition Filing Date	01/22/2014	Opposition Period Ends	01/23/2014
Applicant	LeMar Xavier Lewis 1655 Cresthaven Drive Orlando, FL 32811 USX		

### Goods/Services Affected by Opposition

Class 025. First Use: 2001/09/03 First Use In Commerce: 2001/09/05  
All goods and services in the class are opposed, namely: Athletic shorts; baseball caps and hats; T-shirts

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Applicant has failed to demonstrate use of the mark in commerce (bona fide use of the mark in the ordinary course of trade) and registration should be refused under 15 U.S.C. Å§1051(a).

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1755416	Application Date	06/11/1990
Registration Date	03/02/1993	Foreign Priority Date	NONE
Word Mark	THOR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1988/09/01 First Use In Commerce: 1988/09/01 motorcycle racing apparel; namely, racing pants, jerseys, boots, T-shirts, sweatshirts, caps and jackets

U.S. Registration No.	2842916	Application Date	10/08/2002
Registration Date	05/18/2004	Foreign Priority Date	NONE
Word Mark	THOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1988/09/00 First Use In Commerce: 1988/09/00 Gear bags, namely, athletic bags, tool bags sold empty, athletic bags for general use, travel bags, backpacks [, briefcases, and wallets ]		

U.S. Registration No.	2829892	Application Date	10/08/2002
Registration Date	04/06/2004	Foreign Priority Date	NONE
Word Mark	THOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1988/09/00 First Use In Commerce: 1988/09/00 Athletic equipment for use in motocrossracing namely, chest guards, back guards, elbow guards, forearm guards, shoulder guards, kidney guards, knee guards, shin guards, motocross gloves [, and neck guards]		

U.S. Registration No.	2829888	Application Date	10/08/2002
Registration Date	04/06/2004	Foreign Priority Date	NONE
Word Mark	THOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1988/09/00 First Use In Commerce: 1988/09/00 Protective clothing for motocross racing, namely, chest protectors, back protectors, elbow protectors, forearm protectors, shoulder protectors, kidney protectors, knee protectors, shin protectors, protective hand gear, protective helmets, protective boots, [neck protectors and] safety goggles; helmet bags		

U.S. Registration No.	3191730	Application Date	07/14/2005
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	THOR		

Design Mark	<h1>THOR</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2002/03/30 First Use In Commerce: 2002/03/30 On-line catalogue services for dealers and distributors featuring motocross racing and motorcycle riding gear, sportswear, and accessories; on-line marketing services for dealers and distributors featuring motocross racing and motorcycle riding gear, sportswear and accessories

Attachments	78670435#TMSN.jpeg( bytes ) LEMA.260USOP - Notice of Opposition - THORO.pdf(990992 bytes ) LEMA.260USOP - Exhibit A - Notice of Opposition - THORO.pdf(3506892 bytes )
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### Certificate of Service

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

Signature	/tmv/
Name	Tara M. Vold
Date	01/22/2014

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

LeMans Corporation,	)	
	)	Opposition No.
Opposer,	)	
	)	
V.	)	Mark: THORO
	)	Serial No. 85/956,925
Lemar Xavier Lewis,	)	
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

LeMans Corporation, a corporation existing under the laws of the State of Wisconsin, located and doing business at 3501 Kennedy Road, Janesville, Wisconsin, 53547 (hereinafter referred to as "Opposer"), believes that it will be damaged by the registration of the trademark THORO, Application No. 85/956,925 belonging to Lemar Xavier Lewis, an individual located and doing business at 1655 Cresthaven Drive Orlando, Florida 32811 (hereinafter referred to as "Applicant") and hereby opposes the application on the following grounds:

1. Applicant filed Application No. 85/956,925, on June 11, 2013, seeking registration on the Principal Register of the word mark THORO for use in connection with "Athletic shorts; baseball caps and hats; T-shirts."

2. Application No. 85/956,925 claims a first use date anywhere of September 3, 2001 and a first use date in commerce of September 5, 2001.

3. Through its predecessor-in-interest Opposer has continuously used the mark THOR in commerce throughout the United States since at least as early as September 1, 1988 in connection with motorcycle racing apparel. Opposer uses its THOR mark on and in connection with a broad

range of street apparel, gear bags and other cases and wallets, and sporting equipment among other related goods and services.

4. Based on its extensive and long-time use of the mark THOR internationally and in the United States, Opposer filed and obtained a number of trademark registrations (hereinafter collectively referred to as the "THOR Registrations"), including but not limited to:

Mark	Reg. No.	REg. Date	Use in Commerce	Coverage
THOR	1,755,416	3-2-1993	9-0-1988	motorcycle racing apparel; namely, racing pants, jerseys, boots, T shirts, sweatshirts, caps and jackets
THOR	2,842,916	5-18-2004	9-0-1988	Gear bags, namely athletic bags, tool bags sold empty, athletic bags for general use, travel bags, backpacks, briefcases, and wallets
THOR	2,829,892	4-6-2004	9-0-1988	Athletic equipment for use in motocross racing namely, chest guards, back guards, elbow guards, forearm guards, shoulder guards, kidney guards, knee guards, shin guards, motocross gloves, and neck guards
THOR	2,829,888	4-6-2004	9-0-1988	Protective clothing for motorcross [sic] racing namely chest protectors, back protectors, elbow protectors, forearm protectors, shoulder protectors, kidney protectors, knee protectors, shin protectors, protective hand gear, protective helmets, protective boots, neck protectors and safety goggles; helmet bags
THOR	3,191,730	1-2-2007	3-30-2002	On-line catalogue services for dealers and distributors featuring motocross racing and motorcycle riding gear, sportswear, and accessories; on-line marketing services for dealers and distributors featuring motocross racing and motorcycle riding gear, sportswear and accessories

Copies of the certificates of registration for, and USPTO records reflecting the current status of and title to the THOR Registrations are attached as Exhibit A.

5. The THOR Registrations are presently valid and subsisting and incontestable and are *prima facie* evidence of Opposer's ownership and exclusive right to use the THOR mark in commerce in connection with the goods and services specified in the registrations.

6. Opposer's use of its THOR mark on its goods and services began before Applicant can claimed first use of its THORO mark in connection with the goods specified in Application No. 85/956,925.

7. Since first beginning use of the THOR mark, Opposer has expended substantial monies and effort in marketing, advertising and promoting its THOR mark in connection with its goods throughout the United States.

8. Since first beginning use of the THOR mark, Opposer has generated substantial sales of its goods connected to the THOR mark.

9. By reason of the substantial and continuous nationwide use, extensive marketing, publicity, advertising and promotion of its goods in connection with the THOR mark, combined with the high quality of those goods, Opposer's THOR mark has become well recognized and highly regarded in the marketplace, and represents invaluable goodwill associated exclusively with Opposer.

10. Applicant's filing for registration of the THORO mark has been without the consent or permission of Opposer.

11. On information and belief, Applicant's adoption of and filing of the trademark application for the THORO mark has been with actual knowledge, as well as constructive knowledge, of

Opposer's prior use and registration of the THOR mark in connection with Opposer's goods and services.

12. Applicant's THORO mark is confusingly similar to Opposer's THOR mark in appearance sound, connotation and commercial impression. Applicant's THORO mark is allegedly used for goods which are identical, and/or related to the goods in connection with which Opposer has used and registered its "THOR" mark, and Applicant's THORO products are sold to substantially the same class of customers through the same channels of trade used by Opposer.

13. The THORO mark that Applicant seeks to register so resembles Opposer's THOR mark as to be likely, when used in connection with Applicant's goods, to cause confusion, mistake or deception with Opposer as the source of such goods, or to indicate that the Applicant's goods are otherwise endorsed, sponsored, or approved by Opposer, whereby Opposer will be damaged by the registration of Applicant's THORO mark. Furthermore, any defect, objection or fault found with Applicant's goods offered and sold under the THORO mark would be likely to reflect upon and seriously injure the reputation that Opposer has established for its goods under the THOR mark. Registration should therefore be refused under 15 U.S.C. §1051(d).

14. Upon information and belief, Applicant was not making use of the THORO mark in commerce prior to the filing of the opposed use-based application for registration. The specimen of use submitted by Applicant in connection with the application for the mark THORO appears to be a clothing label. The web site for Applicant's alleged THORO products ([www.thorohats.com](http://www.thorohats.com)) identified third party products for sale and does not reveal any use of the THORO mark for THORO branded clothing products, including a by way of use of a clothing label. As such, upon information and belief, Applicant has failed to demonstrate use of the mark in commerce (bona fide use of the mark in the ordinary course of trade) and registration therefore should be refused

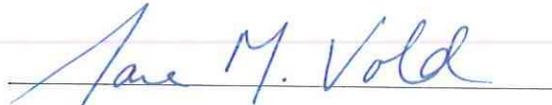
under 15 U.S.C. §1051(a).

15. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* right to the use of its alleged mark. Such registration would be a source of damage for Opposer.

WHEREFORE, LeMans Corporation respectfully requests that Application No. 85/956,925 for the THORO mark for the goods specified therein be refused.

Respectfully submitted,

Date: January 22, 2014

A handwritten signature in blue ink that reads "Tara M. Vold". The signature is written over a horizontal line.

Tara M. Vold  
J. Paul Williamson  
VOLD & WILLIAMSON PLLC  
8251 Greensboro Drive, Suite 340  
McLean, VA 22012  
571-395-4630

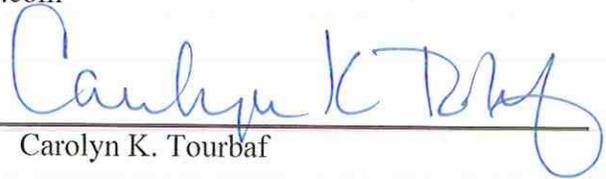
*Attorneys for the Opposer*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant on January 22, 2014 by email and First Class Mail to the following address:

Lemar Xavier Lewis  
1655 Cresthaven Ave  
Orlando, Florida 32811

lemarlewis@hotmail.com

  
Carolyn K. Tourbaf

# Exhibit A

Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office**

**Reg. No. 1,755,416**  
Registered Mar. 2, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

**THOR**

TORSTEN HALLMAN RACING CORPORATION (CALIFORNIA CORPORATION)  
315 W. BRADLEY  
EL CAJON, CA 92020

T-SHIRTS, SWEATSHIRTS, CAPS AND JACKETS, IN CLASS 25 (U.S. CL. 39).  
FIRST USE 9-1-1988; IN COMMERCE 9-1-1988.

FOR: MOTORCYCLE RACING APPAREL;  
NAMELY, RACING PANTS, JERSEYS, BOOTS,

SER. NO. 74-067,434, FILED 6-11-1990.  
JILL C. ALT, EXAMINING ATTORNEY

STATUS

DOCUMENTS

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Mark: THOR

No Image exists for this case.

US Serial Number: 74067434

Application Filing Date: Jun. 11, 1992

US Registration Number: 1755416

Registration Date: Mar. 02, 1992

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 19, 2013

Publication Date: Jan. 14, 1992

### Mark Information

Mark Literal Elements: THOR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

### Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** motorcycle racing apparel; namely, racing pants, jerseys, boots, T-shirts, sweatshirts, caps and

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1988

Use in Commerce: Sep. 01, 1988

### Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

### Current Owner(s) Information

Owner Name: LEMANS CORPORATION

Owner Address: 3501 KENNEDY ROAD  
 JAMESVILLE, WISCONSIN 535475222  
 UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where WISCONSIN  
 Organized:

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Tara M. Vold

Docket Number: LEMA.T01

Attorney Primary Email [wotrademark@fulbright.com](mailto:wotrademark@fulbright.com)  
 Address:

Attorney Email Authorized: Yes

#### Correspondent

Correspondent Name/Address: Tara M. Vold  
 Vold & Williamson PLLC  
 8251 Greensboro Drive, Suite 340  
 McLean, VIRGINIA 22102  
 UNITED STATES

Phone: 571-395-4630

Correspondent e-mail: [trademark@vwiplaw.com](mailto:trademark@vwiplaw.com)

Correspondent e-mail Yes  
 Authorized:

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 19, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 19, 2013		70132

	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Feb. 19, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70132
Feb. 11, 2013	TEAS SECTION 8 & 9 RECEIVED	
May 22, 2006	CASE FILE IN TICRS	
Mar. 07, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 23, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 24, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 24, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 09, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 09, 2002	PAPER RECEIVED	
Jul. 28, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 11, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 02, 1993	REGISTERED-PRINCIPAL REGISTER	
Jan. 14, 1992	PUBLISHED FOR OPPOSITION	
Dec. 13, 1991	NOTICE OF PUBLICATION	
Oct. 02, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 1991	EXAMINER'S AMENDMENT MAILED	
Jan. 10, 1991	FINAL REFUSAL MAILED	
Dec. 20, 1990	EXAMINER'S AMENDMENT MAILED	
Nov. 19, 1990	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 25, 1990	NON-FINAL ACTION MAILED	
Sep. 28, 1990	ASSIGNED TO EXAMINER	68113

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Mar. 02, 2013

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: Not Found

Date in Location: Feb. 19, 2

### Assignment Abstract Of Title Information

#### Proceedings

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,842,916

Registered May 18, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**THOR**

LEMAN'S CORPORATION (WISCONSIN COR-  
PORATION)  
3501 KENNEDY ROAD  
P.O. BOX 5222  
JANESVILLE, WI 53547

FIRST USE 9-0-1988; IN COMMERCE 9-0-1988.

OWNER OF U.S. REG. NOS. 1,755,416, 2,380,354  
AND OTHERS.

FOR: GEAR BAGS, NAMELY ATHLETIC BAGS,  
TOOL BAGS SOLD EMPTY, ATHLETIC BAGS FOR  
GENERAL USE, TRAVEL BAGS, BACKPACKS,  
BRIEFCASES, AND WALLETS, IN CLASS 18 (U.S.  
CLS. 1, 2, 3, 22 AND 41).

SER. NO. 78-172,323, FILED 10-8-2002.

STEVEN BERK, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: THOR

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US Serial Number: 78172323

Application Filing Date: Oct. 08, 2013

US Registration Number: 2842916

Registration Date: May 18, 2013

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 06, 2013

Publication Date: Feb. 24, 2004

## Mark Information

Mark Literal Elements: THOR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Related Properties Information

Claimed Ownership of US [1755416](#), [2246355](#), [2247788](#), [2380354](#) and others  
Registrations:

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Gear bags, namely, athletic bags, tool bags sold empty, athletic bags for general use, travel bag

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1988

Use in Commerce: Sep. 1988

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Lemans Corporation  
 Owner Address: 3501 Kennedy Road  
 Janesville, WISCONSIN 53547  
 UNITED STATES

Legal Entity Type: CORPORATION  
 State or Country Where Organized: WISCONSIN

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Tara M. Vold  
 Attorney Primary Email: [wotrademark@fulbright.com](mailto:wotrademark@fulbright.com)  
 Address:  
 Docket Number: LEMA.T01  
 Attorney Email Authorized: Yes

**Correspondent**

Correspondent Name/Address: Tara M. Vold  
 Vold & Williamson PLLC  
 8251 Greensboro Drive, Suite 340  
 McLean, VIRGINIA 22102  
 UNITED STATES  
 Phone: 571-395-4630  
 Correspondent e-mail: [trademark@vwiplaw.com](mailto:trademark@vwiplaw.com)  
 Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 06, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	

Sep. 06, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Sep. 06, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70131
Aug. 22, 2013	REGISTERED - COMBINED SECTION 8 (10 -YR) & SEC. 9 FILED	70131
Sep. 05, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Aug. 22, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 09, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Feb. 09, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Feb. 01, 2010	TEAS SECTION 8 & 15 RECEIVED	
Mar. 07, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 18, 2004	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 24, 2004	PUBLISHED FOR OPPOSITION	
Feb. 04, 2004	NOTICE OF PUBLICATION	
Jan. 15, 2004	PAPER RECEIVED	
Jan. 14, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 14, 2004	EXAMINERS AMENDMENT E-MAILED	
Jan. 06, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 30, 2003	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 24, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 21, 2003	EXAMINERS AMENDMENT E-MAILED	
Sep. 25, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 25, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 25, 2003	NON-FINAL ACTION E-MAILED	

Mar. 17, 2003

ASSIGNED TO EXAMINER

76834

### **Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** May 18, 2014

### **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** Not Found

**Date in Location:** Sep. 06, 2

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

**Int. Cl.: 28**

**Prior U.S. Cls.: 22, 23, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 2,829,892**

**Registered Apr. 6, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**THOR**

LEMAN'S CORPORATION (WISCONSIN COR-  
PORATION)  
3501 KENNEDY ROAD  
P.O. BOX 5222  
JANESVILLE, WI 53547

FOR: ATHLETIC EQUIPMENT FOR USE IN  
MOTOCROSS RACING NAMELY, CHEST  
GUARDS, BACK GUARDS, ELBOW GUARDS,  
FOREARM GUARDS, SHOULDER GUARDS, KID-  
NEY GUARDS, KNEE GUARDS, SHIN GUARDS,

MOTOCROSS GLOVES, AND NECK GUARDS, IN  
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-0-1988; IN COMMERCE 9-0-1988.

OWNER OF U.S. REG. NOS. 1,755,416, 2,380,354  
AND OTHERS.

SER. NO. 78-172,321, FILED 10-8-2002.

STEVEN BERK, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: THOR

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for this case.

US Serial Number: 78172321

Application Filing Date: Oct. 08, 2011

US Registration Number: 2829892

Registration Date: Apr. 06, 2011

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 29, 2013

Publication Date: Jan. 13, 2004

## Mark Information

Mark Literal Elements: THOR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Related Properties Information

Claimed Ownership of US [1755416](#), [2246355](#), [2247788](#), [2380354](#) and others  
Registrations:

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Athletic equipment for use in motocross racing namely, chest guards, back guards, elbow guards,  
kidney guards, knee guards, shin guards, motocross gloves [, and neck guards]

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 028

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1988

Use in Commerce: Sep. 1988

### Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

### Current Owner(s) Information

Owner Name: Lemans Corporation

Owner Address: 3501 Kennedy Road  
 Janesville, WISCONSIN 53547  
 UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: WISCONSIN

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Tara M. Vold

Attorney Primary Email: [wotrademark@fulbright.com](mailto:wotrademark@fulbright.com)

Address:

Docket Number: LEMA.T01

Attorney Email Authorized: Yes

#### Correspondent

Correspondent Name/Address: Tara M. Vold  
 Vold & Williamson PLLC  
 8251 Greensboro Drive, Suite 340  
 McLean, VIRGINIA 22102  
 UNITED STATES

Phone: 571-395-4630

Correspondent e-mail: [trademark@vwiplaw.com](mailto:trademark@vwiplaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 29, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	

Aug. 29, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Aug. 29, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Aug. 15, 2013	REGISTERED - COMBINED SECTION 8 (10 -YR) & SEC. 9 FILED	66607
Aug. 29, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Aug. 15, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 26, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Jan. 26, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jan. 19, 2010	TEAS SECTION 8 & 15 RECEIVED	
Mar. 07, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 06, 2004	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 15, 2004	PAPER RECEIVED	
Jan. 13, 2004	PUBLISHED FOR OPPOSITION	
Dec. 24, 2003	NOTICE OF PUBLICATION	
Nov. 24, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 25, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 25, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 25, 2003	NON-FINAL ACTION E-MAILED	
Mar. 17, 2003	ASSIGNED TO EXAMINER	76834

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Apr. 06, 2014

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: Not Found

Date in Location: Aug. 29, 2

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,829,888

Registered Apr. 6, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**THOR**

LEMANS CORPORATION (WISCONSIN COR-  
PORATION)  
3501 KENNEDY ROAD  
P.O. BOX 5222  
JANESVILLE, WI 53547

BOOTS, NECK PROTECTORS AND SAFETY GOG-  
GLES; HELMET BAGS, IN CLASS 9 (U.S. CLS. 21, 23,  
26, 36 AND 38).

FIRST USE 9-0-1988; IN COMMERCE 9-0-1988.

FOR: PROTECTIVE CLOTHING FOR MOTOR-  
CROSS RACING NAMELY CHEST PROTECTORS,  
BACK PROTECTORS, ELBOW PROTECTORS,  
FOREARM PROTECTORS, SHOULDER PROTEC-  
TORS, KIDNEY PROTECTORS, KNEE PROTEC-  
TORS, SHIN PROTECTORS, PROTECTIVE HAND  
GEAR, PROTECTIVE HELMETS, PROTECTIVE

OWNER OF U.S. REG. NOS. 1,755,416, 2,380,354  
AND OTHERS.

SER. NO. 78-172,102, FILED 10-8-2002.

STEVEN BERK, EXAMINING ATTORNEY

STATUS

DOCUMENTS

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Mark: THOR

No Image exists  
for this case.

US Serial Number: 78172102

Application Filing Date: Oct. 08, 2011

US Registration Number: 2829888

Registration Date: Apr. 06, 2011

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 29, 2013

Publication Date: Jan. 13, 2004

## Mark Information

Mark Literal Elements: THOR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Related Properties Information

Claimed Ownership of US [1755416](#), [2246355](#), [2247788](#), [2380354](#) and others  
Registrations:

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Protective clothing for motorcross racing, namely, chest protectors, back protectors, elbow prote  
 protectors, kidney protectors, knee protectors, shin protectors, protective hand gear, protective  
 protectors and] safety goggles; helmet bags

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1988

Use in Commerce: Sep. 1988

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Lemans Corporation

Owner Address: 3501 Kennedy Road  
 Janesville, WISCONSIN 53547  
 UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: WISCONSIN

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Tara M. Vold

Attorney Primary Email [wotrademark@fulbright.com](mailto:wotrademark@fulbright.com)

Address:

Docket Number: LEMA.T01

Attorney Email Authorized: Yes

**Correspondent**

Correspondent Name/Address: Tara M. Vold  
 Vold & Williamson PLLC  
 8251 Greensboro Drive, Suite 340  
 McLean, VIRGINIA 22102  
 UNITED STATES

Phone: 571-395-4630

Correspondent e-mail: [trademark@vwiplaw.com](mailto:trademark@vwiplaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 29, 2013		

	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 29, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Aug. 29, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Aug. 15, 2013	REGISTERED - COMBINED SECTION 8 (10 -YR) & SEC. 9 FILED	66607
Aug. 29, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Aug. 15, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 26, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Jan. 26, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jan. 19, 2010	TEAS SECTION 8 & 15 RECEIVED	
Mar. 07, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 06, 2004	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 15, 2004	PAPER RECEIVED	
Jan. 13, 2004	PUBLISHED FOR OPPOSITION	
Dec. 24, 2003	NOTICE OF PUBLICATION	
Nov. 24, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 21, 2003	EXAMINERS AMENDMENT E-MAILED	
Sep. 25, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 25, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 25, 2003	NON-FINAL ACTION E-MAILED	
Mar. 17, 2003	ASSIGNED TO EXAMINER	76834

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Apr. 06, 2014

**TM Staff and Location Information**

TM Staff Information - None

File Location

**Current Location:** Not Found

**Date in Location:** Aug. 29, 2

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

**Reg. No. 3,191,730**

Registered Jan. 2, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**THOR**

LEMANS CORPORATION (WISCONSIN CORPORATION)  
3501 KENNEDY ROAD P.O. BOX 5222  
JANESVILLE, WI 53547

FOR: ON-LINE CATALOGUE SERVICES FOR DEALERS AND DISTRIBUTORS FEATURING MOTOCROSS RACING AND MOTORCYCLE RIDING GEAR, SPORTSWEAR, AND ACCESSORIES; ON-LINE MARKETING SERVICES FOR DEALERS AND DISTRIBUTORS FEATURING MOTOCROSS RACING AND MOTORCYCLE RIDING GEAR, SPORTSWEAR AND ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-30-2002; IN COMMERCE 3-30-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,380,354, 2,829,892 AND OTHERS.

SER. NO. 78-670,435, FILED 7-14-2005.

JORDAN BAKER, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: THOR

**THOR**

US Serial Number: 78670435

Application Filing Date: Jul. 14, 20

US Registration Number: 3191730

Registration Date: Jan. 02, 20

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 30, 2012

Publication Date: Oct. 17, 2006

### Mark Information

Mark Literal Elements: THOR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

### Related Properties Information

Claimed Ownership of US [2380354](#), [2829888](#), [2829892](#) and others Registrations:

### Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** On-line catalogue services for dealers and distributors featuring motocross racing and motorcyc accessories; on-line marketing services for dealers and distributors featuring motocross racing and accessories

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101,

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 30, 2002

Use in Commerce: Mar. 30, 20

### Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

### Current Owner(s) Information

Owner Name: LeMans Corporation

Owner Address: 3501 Kennedy Road P.O. Box 5222  
 Janesville, WISCONSIN 53547  
 UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: WISCONSIN

### Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Tara M. Vold

Attorney Primary Email [wotrademark@fulbright.com](mailto:wotrademark@fulbright.com)

Address:

Docket Number: LEMA.T01

Attorney Email Authorized: Yes

#### Correspondent

Correspondent Name/Address: Tara M. Vold  
 Vold & Williamson PLLC  
 8251 Greensboro Drive, Suite 340  
 McLean, VIRGINIA 22102  
 UNITED STATES

Phone: 571-395-4630

Correspondent e-mail: [trademark@vwiplaw.com](mailto:trademark@vwiplaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	

Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 30, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 30, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Apr. 30, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Apr. 13, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jan. 02, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 17, 2006	PUBLISHED FOR OPPOSITION	
Sep. 27, 2006	NOTICE OF PUBLICATION	
Sep. 05, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	66230
Aug. 31, 2006	ASSIGNED TO LIE	66230
Aug. 25, 2006	ASSIGNED TO LIE	59272
Aug. 18, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 15, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 15, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 04, 2006	NON-FINAL ACTION E-MAILED	6325
May 04, 2006	NON-FINAL ACTION WRITTEN	81878
Apr. 14, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Apr. 03, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Apr. 03, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 13, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 13, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 02, 2006	PRIORITY ACTION E-MAILED	6326
Feb. 02, 2006	PRIORITY ACTION WRITTEN	81878
Feb. 02, 2006	ASSIGNED TO EXAMINER	81878
Aug. 08, 2005	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	76984

Aug. 08, 2005

TEAS VOLUNTARY AMENDMENT  
RECEIVED

Jul. 20, 2005

NEW APPLICATION ENTERED IN TRAM

### **Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

### **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Apr. 30, 2014

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