

ESTTA Tracking number: **ESTTA742844**

Filing date: **04/27/2016**

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

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	GARY ST MARTIN HANSEN 399 LOWER MAIN WEST JOHNSON, VT 05656-9636 UNITED STATES stdrumr@Gmail.om
Submission	Other Motions/Papers
Filer's Name	Gary St. Martin Hansen
Filer's e-mail	stdrumr@gmail.com
Signature	/Gary St. Martin Hansen/
Date	04/27/2016
Attachments	Answer TO OPPOSITION TO MOTION TO STRIKE 3-signed.pdf(1156895 bytes)

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

In the matter of U.S. Trademark Application

Serial No. 86112261

Mark: It's a Black Hills Thing, you wouldn't understand 'till you been here !

Filed : November 6, 2013

Published April 1, 2014

-----)	
Sturgis Motorcycle Rally, Inc.,)	
)	
Opposer,))	
)	Opposition No. 91217630
vs)	
)	
)	
Gary St. Martin Hansen,)	
)	
Applicant.)	
-----)	

ANSWER TO OPPOSITION TO APPLICANT'S MOTION TO STRIKE

I received this motion "Opposition to motion to Strike" by email from the Sneed Legal attorney Sarah C. Hsia April 26, 2016 8:30 pm . In document, Exhibition C, attorney Charles Landrum copies Applicant's email sent to him, and states that this somehow is evidence that the Applicant was made aware of the pending depositions in Rapid City, set for April 6th.

No.1 The Applicant maintains that the email he has entered in Exhibit C is evidence, quite to the contrary, that the Applicant was ever served, by First Class Mail, Certified Mail, or email in a timely manner that these proceedings were set for April 6th in Rapid City.

from Sneed Legal.

Email No. 1

April 1, 2016

Charles, what I said was that there is an attorney reviewing the motions etc I have filed over the past years. I further explained that as of yet, the attorney has not committed to take the case, and because the attorney has had previous dealings with Jason Sneed and SMRI, it is this attorney's desire to remain **Anonymous** until the decision has been made to represent me.

Furthermore, when was I notified about a deposition on the 4th of April ? **we are postponing your deposition, which we had noticed for Monday, April 4, 2016. ???** **And if this Attorney wishes to remain anonymous until the decision is made to go forward, why am I compelled to disclose this information ... ??**

I believe I will file a motion for an extension of time until I am satisfied that I am prepared and represented by counsel .

No.2

April 4, 2016

Charles,

I had NO idea about Johnson State College etc why didn't you at least send me an email about this?

And I have no qualms about sitting for a deposition at Johnson State ... when and if you reschedule it, just make sure I am aware of what is going on ...

I'm going to the PO tomorrow morning and see why I never received one of these documents, and although I don't believe I am at fault for not knowing about the deposition I am sorry I missed it, and as I said, anytime up at the College is good ... Sincerely , Gary St. Martin

NO.3

April 4, 2016

Charles,

Post Office wants a tracking # for all these documents that you posted to the 399 lower Main wst Johnson, Vt 05656 address talking with carrier .

Last thing I received from Sneed was from Gina a disclosure thing "admitt" etc which was late

arriving, but I did fill it out and return it to your offices I have the copies of the answers and the documents ...

But, never heard a word about a deposition at Johnson State 4/4/16 until I read the file about a deposition scheduled for which at that moment you said you were compelled to cancel the deposition, of which I had NO idea was going to take place at Johnson State April 4, 2016 10 am . Well let me know a little ahead of time when you do reschedule the deposition , I'm a mile away JSC and live in the Village . Thanks, Gary

No.4

April 5, 2016

Charles,

I had NO idea about Johnson State College etc why didn't you at least send me an email about this?

And I have no qualms about sitting for a deposition at Johnson State ... when and if you reschedule it, just make sure I am aware of what is going on ...

I'm going to the PO tomorrow morning and see why I never received one of these documents, and although I don't believe I am at fault for not knowing about the deposition I am sorry I missed it, and as I said, anytime up at the College is good ... Sincerely , Gary St. Martin

April 4, 2016

No Charles, I received nothing, and you know already that I'm not the type to Not respond to a motion etc, I haven't had time yet as i just opened this email , but these are depositions that have been taken, or are they to be taken, and because I received nothing delivered here since Gina sent a letter with a lot of questions about silk screening " admitt that you ... " statements , and are these depositions taken over the phone ??? or ??

And mostly, being that I've received these downloads quite LATE obviously not had these documents, I must be somewhat behind you all I'd guess, if I had known where they could be read online ???

Anyway I hope you will be somewhat helpful as it is as always my intention to cooperate , but of course, get my trademark , as this" It's a Black Hills Thing" thing my book and my music is all I really have as a legacy and possible annuity for my family, that's what surprises me so, I own nothing, no property, houses, businesses I used to, owned a house in Deadwood up on the hill above the #10 Saloon ... and I don't intend on making any Sturges type goods and services etc ... but I've explained all this a hundred times to Jason, and Gina, I must be making you guys a Hell of a lot of money from that SMRI non profit organization ... but it doesn't seem right ... Let me know what I'm supposed to do Gary

No.5

April 5, 2016

GARY ST MARTIN HANSEN
399 LOWER MAIN WEST
JOHNSON, VT 05656

It has been so for the last two plus years, nothing was served here your email today said

("Each of these documents was served to your address on file with the Trademark Trial & Appeal

Board, as noted in the certificate of service accompanying each document" ...)

The document I used was your Motion to Suspend, that I retrieved from the case viewer online ... and read the manual ...

I never received by mail, email or any other mail delivery service any of the documents you sent me of the depositions etc. Will I be able to read the depositions taken of Kinney etc, and mine will be

available to whoever wishes , or not?

I do so wish I had been served with those documents ... do you think I could get an explanation as to

what became of all those documents that were NOT served, or why they were served to everyone else

and not me? Crazy Charles ...

Anyway Address confirmed , Sincerely, Gary St. Martin

No.6

April 6, 2016 an email to Aaron Davis to show evidence that the Applicant was seeking counsel:

Hey Aaron, I'm going to call you and tell you what's happening with me and SMRI They are deposing Kinney, Brengle , Berkowitz , Karen Simmons, today as we speak in Rapid City about " It's a Black Hills Thing "

And they told me they had served me weeks ago with the document including my scheduled deposition of which I received nothing, thus missing a cancelled deposition here in VT. Here's Landrum's e to me yesterday :

So I called the Sheriff ,who I know , and asked if anything under my name or from SNEED NC they said absolutely never was received to be served ... an hour ago, and USPS in Johnson, where I live, never received them either ???

Gary,

In your April 2, 2016 filing with the Board, you indicate that you did not receive the notice of your deposition. A copy of that document is attached, along with the following other documents that we served weeks ago in this proceeding:

- Opposer's Pre-Trial Disclosures
- Opposer's Amended Pre-Trial Disclosures
- Notice of Deposition of Dean Kinney
- Notice of Deposition of Clint Brengle
- Notice of Deposition of Karen Simmons

Each of these documents was served to your address on file with the Trademark Trial & Appeal Board, as noted in the certificate of service accompanying each document, which you also used in your April 2, 2016 filing:

GARY ST MARTIN HANSEN
399 LOWER MAIN WEST
JOHNSON, VT 05656

To ensure that there are no issues with the service of documents, please confirm that this address is current and that you will receive mail sent to this address. If this address is not current, please provide the address at which you currently will receive mail.

Sincerely,

Charles M. Landrum III
No.7

April 7, 2016

Charles,

You never served me, not by mail, nor by server(that would be Lamoille County Sheriff's Dept) and, as of yesterday noon, 4/6/16.

Nothing has ever been served to me at this address and there is nothing in the Sheriff's computer's records ever, from any SNEED, NC . This is a small village, and the postman knows me going on several years now, and he says he would have remembered those documents sent to Gary St.Martin Hansen 399 Lower Main West Johnson VT. 05656 and had they been sent at around March 16 with all those documents, and not certified?

So Charles, being that the day before I received these documents by your email, this being the first time I'd ever seen them that April 3, 2016 afternoon .. so in addition to documents of depositions scheduled for yesterday in Rapid City, there was another document for me to sit for a deposition at Johnson State College scheduled April 2, another April 4, of which I saw nothing of, heard nothing of until after I received your Email about me being served back in March planned for 10 am April 4, 2016 at Johnson State College, but was cancelled on the 2nd or 3rd by you (SNEED) before I ever knew they existed??

When you called me Charles about whether I was represented yet or not, it is evident by the documents you sent me, that you knew that the deposition was the next day was at Johnson State , and you only asked for my attorney's name, and nothing about a scheduled deposition for me the following morning here in Johnson Vt. you never mentioned a word ???

Then Monday, April 6, everyone and their brother from SMRI is being deposed in Rapid City, 2 days after what would have been my deposition at Johnson State College ... and, OH WELL, Gary, you missed your deposition because we cancelled it before you ever knew it existed ??? ...

Let me know what is going on, let me know about documents that bind me to be present etc like a deposition ... , which I DAMN SURE INVITE ...

I'm speaking with an attorney tomorrow morning, about what I have asked you about here in, Sincerely Gary St.Martin Hansen

No.8

April 7, 2016

Apr 7

Charles Landrum

to me

Gary,

We have not served any additional documents after those that were attached to my email of April 4, 2016. As for your deposition, we cancelled it because it was unclear whether you were represented by counsel in this matter. Only after we sent you the email cancelling the deposition did we learn that you did not receive the notice in the first place.

We would like to take your deposition at 10:00 am on April 22nd at Johnson State College. Please advise as to whether you will appear voluntarily for that deposition. While you have talked to one or more attorneys, we understand that you continue not to be represented by counsel in this matter. If you have retained an attorney, please forward this message to them and have them contact me immediately.

Sincerely,

Charles M. Landrum III

Apr 7

Charles Landrum

to me

Gary,

We have not served any additional documents after those that were attached to my email of April 4, 2016. As for your deposition, we cancelled it because it was unclear whether you were represented by counsel in this matter. Only after we sent you the email cancelling the deposition did we learn that you did not receive the notice in the first place.

We would like to take your deposition at 10:00 am on April 22nd at Johnson State College. Please advise as to whether you will appear voluntarily for that deposition. While you have talked to one or more attorneys, we understand that you continue not to be represented by counsel in this matter. If you have retained an attorney, please forward this message to them and have them contact me immediately.

Sincerely,

Charles M. Landrum III

Argument:

Applicant believes these emails are evidence that,

No. 1 he was not served properly, in any way, that would make this possible for the Applicant to Be prepared, even Pro Se, and that these e mails show absolute evidence of the willingness of the Applicant to totally cooperate with the OPPOSTION to resolve this case.

The Applicant is willing, pro se or otherwise to be deposed, and would like to have Wendy Edelson as a witness to the fact that the Applicant was not served, and that the Applicant was not aware of the depositions the were being taken in Rapid City in time to be present, and should not be punished by the method Sneed legal chose to attempt to serve, nor by the fact that the First Class Mail that was never received at this address, nor, by the fact that the USPO in Johnson, Vt. failed to deliver the Documents.

Necessary for the Applicant to respond, nor, could have even known about the two depositions that were cancelled by Sneed legal WITHOUT the Applicant's knowledge.

The Applicant will agree to another deposition date at Johnson State College. But under the circumstances, The Motion to Strike the depositions taken April 6th, should NOT BE DENIED by The Board.

The Applicant Should Not Be Unfairly Punished for Service Issues outside its Control. Opposition's request that the Board strike the three testimonial depositions Taken by Opposer if not stricken would unfairly punish Applicant for the failures of the U.S. Postal Service,

and perhaps of the Opposition as well. The deposition on Mr. St. Martin Hansen on March 17, 2016 served BUT NEVER DELIVERED by first class mail, postage prepaid. The

deposition notices for the South Dakota depositions have not been returned to sender.

Upon learning that Applicant contended that he never received notice of the depositions, Opposer promptly served the documents by email. There can be no contention that Applicant has somehow acted improperly, and the fact that a service issue arose with an address provided by Applicant himself should not result in a waste of Applicant's time, money and resources.

Applicant Should Not Be Unfairly Punished for Opposer's Failure to duly serve properly formatted notices of the deposition and those depositions taken April 6 in Rapid City. The Applicant will agree to a deposition at Johnson State College, but requests transcripts of those Depositions taken in Rapid City April 6th, to be prepared in all fairness!

And the Applicant would request that Wendy Edelson, as a witness to the failure to serve, and other facts she has been present for, such as conference calls and calls from Sneed legal.

Respectfully Submitted


Gary St. Martin Hansen

Pro Se Representation

399 Lower Main West
Johnson, Vermont 05656
Tel: 206 319 8159
Dated: April 27, 2016

CERTIFICATE of FILING

The undersigned certifies that this correspondence is being filed via electronics means by Filing with the Electronic System for Trademark Trial and Appeals.

Dated April 27 ,2016



Gary St. Martin Hansen

CERTIFICATE of SERVICE

The Undersigned counsel of record hereby certifies that a copy of the foregoing Answer to Motion to Suspend was served by placing a copy in US Mail, postage, prepaid this 27th day of April ,2016 and addressed to the following:

JASON SNEED PLLC
610 Jetton St. Suite 120-107
Davidson, North Carolina 28036
Tel: 704 779 3611



Gary St. Martin Hansen

Gary St. Martin Hansen stdrumr@gmail.com