

July 11, 2016

**TTAB**

The Trademark Assistance Center  
Madison East  
Concourse Level Room C55  
600 Dulany Street  
Alexandria, VA 22314

86112261

*Via Fed-Ex*

Re: *Sturgis Motorcycle Rally, Inc. v. Gary St. Martin Hansen* – Opposition No.  
91217630

Dear Sir or Madam

Opposer, Sturgis Motorcycle Rally, Inc., submits of record in connection with this opposition proceeding the original certified transcripts of the testimonial depositions of the following witnesses, taken on April 6, 2016:

- Clinton Brengle
- Dean Kinney
- Karen Simmons Parks

A copy of the foregoing was previously served upon Applicant pursuant to 37 C.F.R. 2.125(a). If you have any questions, please do not hesitate to contact us.

Sincerely,



Megan E. Sorokes, Esq.



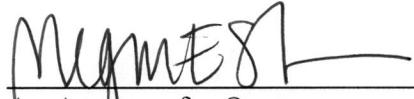
**07-13-2016**

U.S. Patent & TMO/TM Mail Rcpt Dt. #25



**Certificate of Transmission**

The undersigned counsel of record hereby certifies that a copy of the foregoing Notice of Deposition Transcript Filing is being electronically transmitted to the United States Patent and Trademark Office on July 11, 2016.

  
An Attorney for Opposer

**Certificate of Service**

In accordance with the Board's Order dated April 20, 2016 (TTABVUE 31), the undersigned counsel of record hereby certifies that a copy of the foregoing *Notice of Deposition Transcript Filing* was served by email to [stdrumr@gmail.com](mailto:stdrumr@gmail.com) on July 11, 2016. In accordance with 37 CFR 2.125(a), the undersigned counsel of record certifies that copies of the deposition transcripts and exhibits were served by email to [stdrum@gmail.com](mailto:stdrum@gmail.com) on May 6, 2016.

  
An Attorney for Opposer



I N D E X

| WITNESS:                   | PAGE |
|----------------------------|------|
| <b>KAREN SIMMONS PARKS</b> |      |
| Examination by MR. SNEED   | 3    |

| EXHIBITS:   | MARKED ON PAGE |
|---|----------------|
| Opposer Exhibit 23 - Notice of Testimonial<br>Deposition of Karen Simmons, (3 pages)  | 3              |
| Opposer Exhibit 24 - Report reflecting gross<br>retail sales for sale of licensed merchandise<br>by SMRI '93 through 2013 (3 pages) | 3              |
| Opposer Exhibit 25 - Advertising Transaction<br>Detail by Account Jan. '99 through Dec. '10<br>(7 pages)                            | 3              |

\* \* \* \*

1 (Exhibits 23 through 25 were previously marked for  
2 identification by Counsel for Opposer.)

3 **KAREN SIMMONS,**

4 called as a witness, being first duly sworn, testified as  
5 follows:

6 **EXAMINATION BY MR. SNEED:**

7 **Q** Good morning, Ms. Simmons.

8 **A** Good morning.

9 **Q** Please state your full name for the record.

10 **A** Karen Simmons Parks.

11 **Q** Okay. And where do you live?

12 **A** Sturgis, South Dakota.

13 **Q** Okay. I've known you as Ms. Simmons. Would you prefer  
14 that I call you Ms. Simmons Parks?

15 **A** No. Ms. Simmons is fine. I go by lots of names.

16 **Q** Okay. Ms. Simmons, where did you grow up?

17 **A** I grew up on a ranch 60 miles east of Sturgis.

18 **Q** And did you attend education beyond high school?

19 **A** Yes.

20 **Q** Where was that?

21 **A** Spearfish, Black Hills State University.

22 **Q** And did you attain a degree?

23 **A** Yes.

24 **Q** In what field?

25 **A** Accounting.

1 Q Okay. Have you had any additional educational degrees  
2 or training beyond your college degree?

3 A No, but I do have the certification as a Certified  
4 Public Accountant.

5 Q Okay. When did you obtain your CPA certification?

6 A 1982.

7 Q And what do you do for a living currently?

8 A I'm a CPA.

9 Q How long have you done that?

10 A Since 1982.

11 Q Very good. Do you -- what company do you work for?

12 A Karen Simmons CPA, P.C.

13 Q Okay. Where is that located?

14 A Sturgis.

15 Q How long have you operated -- or, excuse me. Are you  
16 the owner of Karen Simmons CPA?

17 A I am.

18 Q How long have you owned the business?

19 A Since 1985.

20 Q So 30 years as a CPA?

21 A Yes.

22 Q With your own practice?

23 A Yes.

24 Q Okay. Have you provided deposition testimony  
25 previously?

1       **A**    Yes.

2       **Q**    Okay. Well, we're doing a fine job of speaking to each  
3            other in a way that the court reporter can record our  
4            answers, so I don't even need to lay any further ground  
5            rules. But, certainly, if you have -- don't understand  
6            a question that I've asked, or need some clarification,  
7            just say so and I'll be happy to accommodate that.

8       **A**    Okay.

9       **Q**    I'm handing you, Ms. Simmons, as our first exhibit for  
10           you what we've marked as Exhibit 23. It's Opposer's  
11           Exhibit 23. Do you recognize Exhibit 23?

12      **A**    I don't.

13      **Q**    Okay. This would be your deposition Notice seeking your  
14            testimony today at this April 6, 2016 deposition. Let  
15            me ask the question differently.

16                    Do you have an understanding about which  
17            proceeding you are here to testify about today?

18      **A**    I do.

19      **Q**    And what proceeding is that?

20      **A**    That is the Gary St. Martin Hansen application, our  
21            opposition to that application.

22      **Q**    And do you understand Mr. St. Martin Hansen to have  
23            applied to register the mark IT'S A BLACK HILLS THING!  
24            YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! in  
25            conjunction with various printing services?

1       **A**    Yes.

2       **Q**    And do you have an understanding of who the Opposer is  
3            in this proceeding?

4       **A**    Yes.

5       **Q**    And who is that, or what is that?

6       **A**    Sturgis Motorcycle Rally, Inc.

7       **Q**    And what is Sturgis Motorcycle Rally, Inc.?

8       **A**    It is a South Dakota nonprofit corporation that  
9            currently holds the trademarks for the Sturgis mark and  
10           the Black Hills mark, and Sturgis Bike Week, and  
11           other -- lots of marks.

12      **Q**    Okay. You indicated it is a nonprofit organization.  
13            What kind of a nonprofit organization is it?

14      **A**    It is currently federally considered a for-profit  
15            corporation. We have not applied for our nonprofit  
16            status with the feds because of our debt. We have to  
17            wait until our debt is repaid.

18      **Q**    I see. In terms of the -- are you familiar with the --  
19            with SMRI's -- well, first of all, can we call Sturgis  
20            Motorcycle Rally, Inc., SMRI for short?

21      **A**    Yes.

22      **Q**    Okay. Are you familiar with SMRI's incorporation  
23            papers?

24      **A**    Yes.

25      **Q**    And what is SMRI's purpose or intent in its chartering

1 papers?

2 **A** To -- well, to hold the marks and to promote the rally,  
3 and to protect those marks, economic development, and  
4 charitable giving.

5 **Q** And has SMRI engaged in charitable giving since its  
6 inception?

7 **A** Yes.

8 **Q** Okay. When was SMRI created?

9 **A** June 2010.

10 **Q** What is your connection or relationship to SMRI?

11 **A** Currently, I'm the treasurer.

12 **Q** Okay. Is that -- do you also hold a board member seat  
13 on the Board of Directors of SMRI?

14 **A** Yes. I'm the Chamber of Commerce representative on the  
15 Board of Directors.

16 **Q** Okay. How long have you served on the Board of  
17 Directors of SMRI?

18 **A** Since inception.

19 **Q** And do you have -- well, you mentioned previously that  
20 SMRI owns certain trademarks; correct?

21 **A** Yes.

22 **Q** Does SMRI own the Black Hills trademark?

23 **A** Yes.

24 **Q** And did it acquire the Black Hills trademark from  
25 another entity?

1       **A**    Yes.

2       **Q**    Which entity is that?

3       **A**    Well, I can't remember the name of the company.  It was  
4       with Jerry Berkowitz.

5       **Q**    I'm speaking of the Black Hills trademark.

6       **A**    Oh, the Black Hills trademark.

7       **Q**    Yes.

8       **A**    Oh, I'm sorry.  From the Sturgis Area Chamber of  
9       Commerce.

10      **Q**    Thank you.  And what is the Sturgis Chamber of Commerce?

11      **A**    It's a nonprofit in Sturgis that's the Chamber of  
12      Commerce and Visitors Bureau.

13      **Q**    Were you -- did you have any involvement in the Sturgis  
14      Chamber of Commerce at the time it owned the Black Hills  
15      trademark?

16      **A**    Yes.  I was on the Board of Directors for the Sturgis  
17      Chamber of Commerce from 2003 through 2009.

18      **Q**    Okay.  Did you hold any officership positions with the  
19      Sturgis Chamber during that time period?

20      **A**    Yes.  I was treasurer, vice chair, and then I became  
21      chairman.

22      **Q**    CPAs always get the job as treasurer first, don't they?

23      **A**    They do.  I'd like to just stay treasurer.

24      **Q**    And you were promoted a couple of times, I take it?

25      **A**    Yes.

1 Q Very good.

2 Do you or your company, Karen Simmons CPA, have  
3 any connection with the books and records of SMRI?

4 A Yes. We prepare the tax return every year, and I  
5 provide oversight of the bookkeeping that is done by  
6 HomeSlice.

7 Q Okay. When you say "oversight of the bookkeeping," does  
8 that mean reviewing the books and records of SMRI to  
9 ensure accuracy?

10 A Yes.

11 Q Okay.

12 A And, also, when bills are paid, I'm one of the signers  
13 of the checks.

14 Q Okay. And is HomeSlice, as we've heard from other  
15 witnesses, is HomeSlice a management company that has  
16 been engaged in helping administer the licensing program  
17 for Sturgis Motorcycle Rally, Inc.?

18 A Yes.

19 Q Okay. Generally speaking, if we could, does SMRI  
20 generate revenues during the year?

21 A Yes.

22 Q And what does it generate revenues from?

23 A The primary source of revenues would be from licensing.

24 Q Okay. And what does SMRI license?

25 A The use of the Sturgis and Black Hills marks.

1 Q Okay. And are you familiar with the goods and services  
2 in connection with which the Black Hills mark, for  
3 example, is licensed to others?

4 A Yes.

5 Q And if you could just speak in general terms, what is  
6 the extent of the licensing of the Black Hills mark?

7 A I think that a good estimate would be that 75 percent of  
8 what we generate for revenue would be -- would include  
9 the Black Hills marks.

10 Q Okay. Very good. And we'll get to some of the specific  
11 numbers soon.

12 Is the City of Sturgis one of SMRI's licensees?

13 A It is.

14 Q And what is the City of Sturgis engaged in doing with  
15 respect to the Black Hills mark for SMRI?

16 A They sell sponsorships to companies to use those marks,  
17 and so they also pay to SMRI a licensing fee.

18 Q Are there other --

19 A I'm sorry.

20 Q Go ahead.

21 A It's -- I don't know if I would call it a licensing fee.  
22 It's a sponsorship, a percentage of the sponsorship.

23 Q Are there other companies involved in licensing the  
24 Black Hills mark with respect to the sale of goods to  
25 others?

1     **A**    Yes.  The primary licensee, Jerry -- Good Sports, Inc.

2     **Q**    And we've, again, talked about this with other  
3           witnesses, but are there -- is there a wide variety of  
4           goods and services sold to the public through licensees,  
5           by SMRI's licensees, with respect to the Black Hills  
6           mark?

7     **A**    Yes.

8     **Q**    Okay.  All right.  So we've dealt with the revenue side  
9           of SMRI's nonprofit business activities.  What about the  
10          expense side of SMRI's ledger, if you will, what are the  
11          general buckets in which the expenses go?

12    **A**    The first and foremost is principal and interest  
13          payments on our loan we had to obtain to acquire the  
14          marks, and then there are charitable donations, legal  
15          fees to defend the marks, and that's the majority of  
16          what we spend our money on.

17    **Q**    Are there any -- does SMRI have any paid employees?

18    **A**    No.

19    **Q**    Does SMRI -- how does SMRI conduct its business  
20          effectively?

21    **A**    Through volunteers.

22    **Q**    Okay.  And do you and your -- do you serve in a  
23          volunteer capacity on SMRI's board?

24    **A**    Yes.

25    **Q**    Okay.  You referenced some charitable activities that

1 SMRI engages in with respect to its royalties that it  
2 receives from licensing its trademarks, such as the  
3 Black Hills trademark. What are -- where do those  
4 charitable contributions derived from royalties, where  
5 do they go to?

6 **A** The majority of the charitable donations have gone to  
7 Sturgis Rally Charities, a nonprofit organization in the  
8 city that accepts applications and gives out the money.  
9 The SMRI doesn't make the decisions on who,  
10 specifically, should receive those funds. We leave that  
11 to that impartial board.

12 **Q** The impartial board of Sturgis Rally Charities?

13 **A** Yes.

14 **Q** And do you have an understanding of where donations made  
15 by Sturgis Rally Charities over the past five years have  
16 gone in the community?

17 **A** Yes.

18 **Q** And identify, if you would, some of the organizations  
19 that have benefited from those dollars that have been  
20 donated by SMRI to Sturgis Rally Charities.

21 **A** Crisis Intervention Shelter Services, a woman's shelter  
22 that -- for abused and -- women and children; the  
23 schools; Boy Scouts; Girl Scouts; Senior Citizens  
24 Center; meals programs for seniors; a bus program for  
25 seniors. There's, every year, probably 30 recipients

1 that that money gets divided amongst.

2 **Q** Okay. Approximately how much does SMRI contribute on an  
3 annual basis to Sturgis Rally Charities?

4 **A** It has been \$50,000 a year.

5 **Q** Okay. And that's each of the first five years of SMRI's  
6 existence?

7 **A** No. I think the first year it was 25,000.

8 **Q** Okay. And 50,000 in each of the successive years?

9 **A** Yes.

10 **Q** What about for the 75th rally in 2015?

11 **A** Well, Sturgis Rally Charities received the 50,000, and  
12 then our board voted to set aside 25,000 in a separate  
13 fund for economic development.

14 **Q** Very good. Okay.

15 All right. I'd like to hand you now what has been  
16 marked as Opposer's 's Exhibit 24. Do you -- you may  
17 take a minute to look at that, if you like, but do you  
18 recognize Exhibit 24?

19 **A** I do.

20 **Q** What is it?

21 **A** It is a report that was prepared from '93 through 2013  
22 where we have put for each year the approximate gross  
23 retail sales for each of those years.

24 **Q** And this would be the gross retail sales for the sale of  
25 licensed merchandise, merchandise licensed by SMRI?

1     **A**    Yes.

2     **Q**    Okay.  And were you involved in the calculation of the  
3         approximate gross retail sales in each of those years?

4     **A**    Yes.

5     **Q**    Okay.  And how -- and were those figures derived from  
6         the books and records of SMRI, and the Chamber of  
7         Commerce before it, taken from financial documents of  
8         those organizations?

9     **A**    Yes.

10    **Q**    What is the total identified as the approximate total  
11         gross retail sales of SMRI's licensed products from 1993  
12         to 2013?

13    **A**    70,715,000.

14    **Q**    Okay.  And you believe that to be a fair estimate of the  
15         retail value of the sale of licensed products by SMRI  
16         during that time period?

17    **A**    Yes, I do.

18    **Q**    Okay.  You indicated earlier you had some number or  
19         percentage in mind.  About how much of that licensed  
20         product had on it or with it the use of the Black Hills  
21         trademark owned by SMRI and previously by the Sturgis  
22         Chamber?

23    **A**    Yes, I did.  I do believe that a good estimate would be  
24         75 percent would include the Black Hills mark.

25    **Q**    So to make sure we understand your testimony clearly,

1 Ms. Simmons, you believe that approximately 75 percent  
2 of the 70,715,000 in sale of licensed goods during that  
3 20 or so year period consisted of goods having SMRI's  
4 Black Hills mark on it?

5 **A** Yes.

6 **Q** Okay. Very good.

7 There's a second chart in Exhibit 24 down below.  
8 What is shown in the second chart?

9 **A** That's showing the royalties, sponsorship royalties; and  
10 then the total for each year.

11 **Q** Okay.

12 **A** The sponsorship royalties would have come from the City,  
13 and the goods royalties would have come from the sale of  
14 licensed product.

15 **Q** Okay. And that chart starts on, you know, what we have  
16 as the first page of this Exhibit 24 and goes onto the  
17 last page?

18 **A** Yes.

19 **Q** Okay. Is what the total royalty amount received by  
20 SMRI, and the Chamber of Commerce before it, during  
21 that, roughly, 20-year period?

22 **A** 3,933,000.

23 **Q** Okay. And why is that royalty number listed as an  
24 approximate total royalty amount?

25 **A** We were using whole numbers, so we were rounding.

1       **Q**   Okay.  And that's a practice consistent with accounting  
2            principles in the preparation of this kind of document?

3       **A**   Yes.

4       **Q**   Okay.  So is it your testimony, as the CPA responsible  
5            to SMRI and the Chamber and having been involved in the  
6            Chamber of Commerce, as well, that SMRI and the Chamber  
7            have brought in, between '93 and 2013, approximately  
8            \$3.9 million in royalties?

9       **A**   Yes.

10      **Q**   Okay.  And that at least during the last five years,  
11            2010 to the -- through the 2015 motorcycle rally, SMRI,  
12            since its existence, has made charitable contributions  
13            ranging from 25,000 to \$75,000 a year, at least, set  
14            aside for charitable purposes?

15      **A**   Correct.

16      **Q**   Okay.  Does the ownership and use of the Black Hills  
17            trademark by SMRI help it to fulfill its charitable and  
18            other causes?

19      **A**   Yes.

20      **Q**   Okay.  And perhaps it's obvious, but if you wouldn't  
21            mind saying, how does the ownership and use of the Black  
22            Hills trademark help SMRI fulfill that part of its  
23            mission?

24      **A**   By us being able to receive royalties from licensed  
25            product, we're able to protect those marks so that for

1 future charitable giving, as well as the current  
2 charitable giving, there's something that's going to be  
3 there that can be given back to the community for all of  
4 the hassle that they go through for the rally.

5 **Q** Sure. And we've heard from another witness that there  
6 are literally hundreds of thousands of bikers and  
7 tourists descend on this small community every August to  
8 participate in the Sturgis Motorcycle Rally, also known  
9 as the Black Hills Motor Classic. Is that consistent  
10 with your understanding?

11 **A** Yes, it is.

12 **Q** And are you a local resident, as well?

13 **A** I am.

14 **Q** And does this create all sorts of complications for  
15 traffic and health care and the --

16 **A** Yes.

17 **Q** -- and other events?

18 **A** Yes, it does.

19 **Q** Okay.

20 **A** During that time my business isn't open because none of  
21 my clients can get to me because of the traffic.

22 **Q** Okay. So your CPA business shuts down during the week  
23 to ten days of the rally?

24 **A** Yes.

25 **Q** Okay. Do you leave town?

1     **A**   Sometimes.

2     **Q**   Very good.

3                 Well, how -- what affect does SMRI's donation of  
4     funds received from royalties/revenues have in the  
5     public with respect to the licensing program?

6     **A**   I think there are goods -- or there's services that  
7     organizations would not be able to perform without this  
8     money. I think it takes some of the burden off of the  
9     taxpayers, because the City doesn't have to raise your  
10    taxes to -- in order to provide these services to these  
11    deserving organizations.

12    **Q**   Okay. Let me change gears just briefly and discuss, if  
13    we could, SMRI's activities, and the Chamber of Commerce  
14    before it's activities, with respect to the advertising  
15    and promotion of the event and the related licensed  
16    goods and services. Do you have --

17    **A**   Okay.

18    **Q**   -- some experience with that?

19    **A**   Yes.

20    **Q**   Okay. And does SMRI, and did the Chamber before it,  
21    spend money to advertise its license marks, including  
22    the Black Hills mark?

23    **A**   Yes.

24    **Q**   Okay. I'm handing you what has been marked as  
25    Exhibit 25, and I'll ask if you recognize Exhibit 25.

1     **A**    I do.

2     **Q**    What is it?

3     **A**    It is a detailed listing from January of 1999 through  
4            December of 2010 of the Sturgis Chamber of Commerce  
5            advertising transactions.

6     **Q**    Okay.  And why does -- why did the Sturgis Chamber of  
7            Commerce, when it owned the Black Hills trademark,  
8            engage in advertising?

9     **A**    It was to promote the rally, and which, in turn, would  
10           increase their royalty revenue.

11    **Q**    Because the more people who attended the annual rally  
12           would mean more people buying merchandise, including  
13           souvenirs, such of the type that contained the Black  
14           Hills mark?

15    **A**    Correct.

16    **Q**    Okay.  And the sale of those souvenirs and other  
17           merchandise generates royalties to the Chamber and now  
18           to SMRI?

19    **A**    Correct.

20    **Q**    Okay.  Looking at Exhibit 25, are there amounts -- is  
21           there an overall amount shown for expenditures on  
22           advertising and promotion during that time period?

23    **A**    Yes.  On the last page it's \$218,821.52.

24    **Q**    Okay.  And is it your understanding that's the amount  
25           that was actually spent by the Sturgis Chamber to

1 advertise and promote the event and the licensed goods  
2 and services sold thereunder?

3 **A** Yes.

4 **Q** Okay. Do licensees, such as the City of Sturgis and the  
5 goods licensees, also spend their own funds to advertise  
6 and promote their goods and services?

7 **A** They do.

8 **Q** And those are not shown in Exhibit 25?

9 **A** They are not.

10 **Q** Okay. And have those types of expenses continued  
11 through SMRI's ownership of the Black Hills mark since  
12 2010?

13 **A** Yes.

14 **Q** Okay. Turning back to Mr. Hansen's application to  
15 register his IT'S A BLACK HILLS THING! trademark in  
16 conjunction with printing services, do you have a belief  
17 as to what impact his registration and use of that mark  
18 would have on SMRI with respect to its Black Hills mark?

19 **A** It's my understanding that if we don't protect our mark,  
20 and that is the Black Hills mark, if we don't protect  
21 that, that it can become diluted and it can become  
22 suspect to other people taking advantage of it. So we  
23 have to stop this type of infringement.

24 **Q** And do you have a concern with the affect of others  
25 using the Black Hills or a Black Hills formative mark on

1 their goods or services as to how that would affect  
2 SMRI's goodwill and its Black Hills mark?

3 **A** Yes. Our mark would lose value, which, in turn, we  
4 could lose revenue, which, in turn, we could lose our  
5 ability to repay our loan and to give money back to the  
6 community.

7 **Q** Okay. And is it your belief that the Trademark Trial  
8 and Appeal Board should refuse Mr. Hansen's requested  
9 application so that those types of harms don't occur to  
10 SMRI and its community?

11 **A** It is.

12 **Q** Okay.

13 MR. SNEED: Let's pause and take a short break and  
14 then we'll go back on the record and sum up.

15 (A recess was taken at this time, 11:44 a.m.)

16 The deposition resumed at 11:45 a.m.)

17 **Q** (By Mr. Sneed:) Okay, Ms. Simmons, we're back on the  
18 record after a short break.

19 Looking again at Exhibit 25, the Advertising  
20 Transaction Detail by Account, I'd like you to go  
21 through this and identify, if you would, the type of  
22 advertising and promotional activities engaged in by the  
23 Sturgis Chamber to advertise and promote the Black Hills  
24 trademark goods and services, among others.

25 **A** Okay. There is billboard advertising. There are print

DEPONENT'S SIGNATURE PAGE

ORIGINAL

I, Karen Simmons, the undersigned deponent, have this 24 day of June, 2016 read the foregoing pages 1 through 24, inclusive, have made the following change(s) (if any) to said testimony, have stated my reason(s) for each change or correction, and have signed below.

[Handwritten signature of Karen Simmons]
Karen Simmons

Changes/Corrections

Table header: Page, Line, Desired change and reason therefor:

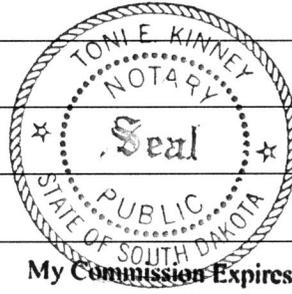
Table with 3 columns: Page, Line, Desired change and reason therefor. Contains several empty rows for recording changes.

Subscribed and sworn to before me this 24th day of June, 2016

[Handwritten signature of Notary Public]

Notary Public

My Commission Expires



My Commission Expires

December 9, 2020

(Use a separate sheet similarly designated for additional changes, with signature of deponent on each sheet.)



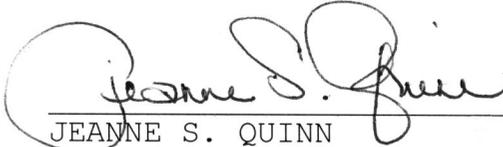
1 STATE OF SOUTH DAKOTA )  
 2 COUNTY OF PENNINGTON ) SS. CERTIFICATE

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I, JEANNE S. QUINN, Court Reporter and Notary Public, South Dakota, duly commissioned to administer oaths, certify that I placed the witness under oath before the witness testified; that the foregoing testimony of said witness was taken by me in shorthand, and that the same has been reduced to typewritten form under my supervision; that the foregoing transcript is a true and correct transcript of the questions asked, of the testimony given, and of the proceedings had.

I further certify that I am not related to, employed by, or in any way associated with any of the parties to this action, or their counsel, and have no interest in its event.

Witness my hand and seal at Rapid City, South Dakota, this 19th day of April 2016.

  
 JEANNE S. QUINN  
 My Commission Expires: 08/24/18

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

In the matter of Trademark Application Serial No. 86/112,261  
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU  
BEEN HERE!  
Filed: November 6, 2013  
Published: April 1, 2014

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

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OPPOSER

Sturgis Motorcycle Rally, Inc.

**EXHIBIT 23**

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

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

**NOTICE OF TESTIMONIAL DEPOSITION OF  
KAREN SIMMONS UPON ORAL EXAMINATION**

YOU ARE HEREBY NOTIFIED THAT pursuant to 37 C.F.R. § 2.124, Opposer Sturgis Motorcycle Rally, Inc. ("SMRi" or "Opposer"), by and through its counsel, will take the testimonial deposition upon oral examination of Karen Simons, Treasurer, Sturgis Motorcycle Rally, Inc., 1612 Junction Ave., Suite #4, Sturgis, SD 57785. The examination will take place at the offices of Clayborne, Loos & Sabers LLP, 2834 Jackson Blvd., Suite 201, Rapid City, SD 57709-9129 on April 6, 2016 at 11:00 a.m. The examination shall take place before a certified court reporter, shall be recorded by stenographic and/or video means, and shall continue from day to day until completed. You are invited to attend and cross-examine.

Dated: March 17, 2016

Respectfully Submitted,

\_\_\_\_\_  
/s/Jason M. Sneed  
Jason M. Sneed, Esq.  
SNEED PLLC  
610 Jetton St., Suite 120-107  
Davidson, North Carolina 28036  
Tel: 704-779-3611  
[JSneed@SneedLegal.com](mailto:JSneed@SneedLegal.com)



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

In the matter of Trademark Application Serial No. 86/112,261  
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU  
BEEN HERE!  
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|                                 |   |                         |
|---------------------------------|---|-------------------------|
| Sturgis Motorcycle Rally, Inc., | ) |                         |
|                                 | ) |                         |
| Opposer,                        | ) |                         |
|                                 | ) | Opposition No. 91217630 |
| v.                              | ) |                         |
|                                 | ) |                         |
| Gary St. Martin Hansen,         | ) |                         |
|                                 | ) |                         |
| Applicant.                      | ) |                         |

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OPPOSER

Sturgis Motorcycle Rally, Inc.

**EXHIBIT 24**

| Year | Approx. Gross Retail Sales |
|------|----------------------------|
| 1993 | 726,000                    |
| 1994 | 1,050,000                  |
| 1995 | 1,745,000                  |
| 1996 | 1,704,000                  |
| 1997 | 1,351,000                  |
| 1998 | 1,218,000                  |
| 1999 | 1,244,000                  |
| 2000 | 1,546,000                  |
| 2001 | 2,591,000                  |
| 2002 | 2,454,000                  |
| 2003 | 1,764,000                  |

| Year         | Approx. Gross Retail Sales |
|--------------|----------------------------|
| 2004         | 4,062,000                  |
| 2005         | 3,866,000                  |
| 2006         | 3,635,000                  |
| 2007         | 2,936,000                  |
| 2008         | 2,383,000                  |
| 2009         | 3,855,000                  |
| 2010         | 3,339,000                  |
| 2011         | 8,302,000                  |
| 2012         | 9,595,000                  |
| 2013         | 11,349,000                 |
| <b>Total</b> | <b>\$70,715,000</b>        |

[REDACTED]

| Year | Approx. Goods Royalties | Approx. Sponsorship Royalties | Approx. Total Royalties |
|------|-------------------------|-------------------------------|-------------------------|
| 1993 | \$54,000                | \$9,000                       | \$63,000                |
| 1994 | 79,000                  | 17,000                        | 96,000                  |
| 1995 | 131,000                 | 29,000                        | 160,000                 |
| 1996 | 128,000                 | 34,000                        | 162,000                 |
| 1997 | 101,000                 | 13,000                        | 114,000                 |
| 1998 | 91,000                  | 7,000                         | 98,000                  |
| 1999 | 93,000                  | 7,000                         | 100,000                 |



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

In the matter of Trademark Application Serial No. 86/112,261  
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU  
BEEN HERE!  
Filed: November 6, 2013  
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|                                 |   |                         |
|---------------------------------|---|-------------------------|
| _____                           | ) |                         |
| Sturgis Motorcycle Rally, Inc., | ) |                         |
|                                 | ) |                         |
| Opposer,                        | ) |                         |
|                                 | ) | Opposition No. 91217630 |
| v.                              | ) |                         |
|                                 | ) |                         |
| Gary St. Martin Hansen,         | ) |                         |
|                                 | ) |                         |
| Applicant.                      | ) |                         |
| _____                           | ) |                         |

OPPOSER

Sturgis Motorcycle Rally, Inc.

**EXHIBIT 25**

**Sturgis Area Chamber of Commerce**  
**Advertising Transaction Detail By Account**  
 January 1999 through December 2010

| Type                | Date       | Name                      | Memo  | Debit     | Credit   | Balance   |
|---------------------|------------|---------------------------|---|-----------|----------|-----------|
| <b>Jan - Dec 99</b> |            |                           |   |           |          |           |
| Check               | 01/20/1999 | Sturgis Rally & Races Inc | '99 Winter/Spring Rally News                                  | 1,068.75  |          | 1,068.75  |
| Check               | 05/27/1999 | Sturgis Rally & Races Inc | Full Page '99 Summer Rally News Advertising                   | 2,295.00  |          | 3,363.75  |
| Check               | 06/23/1999 | Sturgis Rally & Races Inc | Inv#79 -1/2 Page Rally Guide                                  | 720.00    |          | 4,083.75  |
| Check               | 08/23/1999 | Country Media Inc         | Pre-Rally Advertising   | 468.75    |          | 4,552.50  |
| Check               | 08/23/1999 | Country Media Inc         | Rally Special Edition Ad                                      | 472.50    |          | 5,025.00  |
| Check               | 08/23/1999 | Sturgis Rally & Races Inc | Official Logo Posters   | 849.50    |          | 5,874.50  |
|                     |            |                           |   | 5,874.50  | 0.00     | 5,874.50  |
| <b>Jan - Dec 00</b> |            |                           |   |           |          |           |
| Check               | 06/02/2000 |                           | Rally Logo Promotion - Retail Bags                            | 3,300.00  |          | 3,300.00  |
| Check               | 07/31/2000 | Unique Signs              | Inv 11861 - 3 Rally Banners                                   | 378.37    |          | 3,678.37  |
| Check               | 07/31/2000 | Country Media Inc         | Sturgis City Maps   | 666.58    |          | 4,344.95  |
| Check               | 07/31/2000 |                           | Balance Due - Logo Bags                                       | 2,611.20  |          | 6,956.15  |
| Check               | 07/31/2000 | Kelly Bell                | Riemburse for purchase of Rally items                         | 20.50     |          | 6,976.65  |
| Deposit             | 08/15/2000 |                           | Deposit   |           | 666.58   | 6,310.07  |
| Check               | 12/15/2000 | Schwartz & Monahan Inc    | Billboard Billings  | 2,918.00  |          | 9,228.07  |
| Check               | 12/15/2000 | Schwartz & Monahan Inc    | Inv 646021 - 8/15/00 Billboard Billing                        | 400.00    |          | 9,628.07  |
| Check               | 12/15/2000 | Schwartz & Monahan Inc    | Inv 781463 - 10/25/00 Sturgis Billbd                          | 200.00    |          | 9,828.07  |
| Check               | 12/15/2000 | Schwartz & Monahan Inc    | Inv 818876 - 11/15/00 Rapid City Billbd                       | 400.00    |          | 10,228.07 |
| Check               | 12/15/2000 | Schwartz & Monahan Inc    | Inv 837585 - 11/25/00 Sturgis Billbd                          | 200.00    |          | 10,428.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 587658 - 7/15/00 RC                                       | 400.00    |          | 10,828.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 607152 - 7/25/00 Spearfish (installation and R            | 625.00    |          | 11,453.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 646021 - 8/15/00 RC                                       | 400.00    |          | 11,853.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 703993 - 8/25/00 Sturgis                                  | 200.00    |          | 12,053.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 703992 - 9/15/00 RC                                       | 400.00    |          | 12,453.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 723942 - 9/25/00 Sturgis                                  | 200.00    |          | 12,653.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 762126 - 10/15/00 RC                                      | 400.00    |          | 13,053.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 781463 - 10/25/00 Sturgis                                 | 200.00    |          | 13,253.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 818876 - 11/15/00 RC                                      | 400.00    |          | 13,653.07 |
| Check               | 12/19/2000 | Schwartz & Monahan Inc    | Inv 837585 - 11/25/00 Sturgis                                 | 200.00    |          | 13,853.07 |
| Deposit             | 12/19/2000 |                           | Happy Holidays  |           | 2,918.00 | 10,935.07 |
| Deposit             | 12/19/2000 |                           | Happy Holidays  |           | 400.00   | 10,535.07 |
| Deposit             | 12/19/2000 |                           | Happy Holidays  |           | 400.00   | 10,135.07 |
| Deposit             | 12/19/2000 |                           | Happy Holidays  |           | 200.00   | 9,935.07  |
| Deposit             | 12/19/2000 |                           | Happy Holidays  |           | 200.00   | 9,735.07  |
| Gener...            | 12/31/2000 |                           | Recording billboard expense paid in 2001 for 2000 (April-J... | 3,680.00  |          | 13,415.07 |
| Gener...            | 12/31/2000 |                           | Recording billboard expense paid in 2001 for 2000 (Dece...    | 600.00    |          | 14,015.07 |
| Gener...            | 12/31/2000 |                           | Recroding Brick Project joint promo commitment for 2001       | 1,000.00  |          | 15,015.07 |
| Gener...            | 12/31/2000 |                           | Reclass reimbursement for ASE Bags                            |           | 2,000.00 | 13,015.07 |
|                     |            |                           |   | 19,799.65 | 6,784.58 | 13,015.07 |
| <b>Jan - Dec 00</b> |            |                           |   |           |          |           |
| <b>Jan - Dec 01</b> |            |                           |   |           |          |           |
| Gener...            | 01/01/2001 |                           | Recording billboard expense paid in 2001 for 2000             |           | 600.00   | -600.00   |
| Check               | 01/31/2001 | Schwartz & Monahan Inc    | Inv 874134 - RC Billboard 1/2                                 | 400.00    |          | -200.00   |
| Check               | 01/31/2001 | Schwartz & Monahan Inc    | Inv 892287 - Sturgis Billboard 1/2                            | 200.00    |          | 0.00      |
| Check               | 02/28/2001 | Schwartz & Monahan Inc    | January Billboard Expense                                     | 600.00    |          | 600.00    |
| Check               | 03/30/2001 | Schwartz & Monahan Inc    | Inv 000683 - Billboard, 2/25/01-3/24/01                       | 200.00    |          | 800.00    |
| Check               | 03/30/2001 | Schwartz & Monahan Inc    | Inv 000683 - Billboard, 2/15/01-3/14/01                       | 400.00    |          | 1,200.00  |

**Sturgis Area Chamber of Commerce**  
**Advertising Transaction Detail By Account**  
 January 1999 through December 2010

| Type         | Date       | Name                     | Memo   | Debit     | Credit   | Balance   |
|--------------|------------|--------------------------|--|-----------|----------|-----------|
| Check        | 04/14/2001 | HomeSlice Consulting     | Inv 1000491 - "Sturgis for Sturgis" promotion      | 2,019.37  |          | 3,219.37  |
| Check        | 04/30/2001 | Schwartz & Monahan Inc   | Billboard Rental 3/15-4/14/01                      | 400.00    |          | 3,619.37  |
| Check        | 04/30/2001 | Schwartz & Monahan Inc   | Billboard Rental 3/25-4/24/01                      | 200.00    |          | 3,819.37  |
| Check        | 05/16/2001 | Schwartz & Monahan Inc   | Billboard 4/15-5/14/01                             | 400.00    |          | 4,219.37  |
| Check        | 05/16/2001 | Schwartz & Monahan Inc   | Billboard 4/25-5/24/01                             | 200.00    |          | 4,419.37  |
| Check        | 05/16/2001 | KBHB/KRCS                | Radio Spots re Rally Logo Funds                    | 532.00    |          | 4,951.37  |
| Check        | 05/16/2001 | Country Media Inc        | Rally Logo Promotion Ad                            | 920.80    |          | 5,872.17  |
| Check        | 06/20/2001 | Schwartz & Monahan Inc   | billboard rental for may 15 to june 24             | 600.00    |          | 6,472.17  |
| Check        | 06/28/2001 | HomeSlice Consulting     | Official Chamber/Rally product promotion certifica | 1,058.41  |          | 7,530.58  |
| Check        | 08/01/2001 | Unique Signs             | Rally Infor banners for Comm. Ctr. & Army          | 246.23    |          | 7,776.81  |
| Check        | 08/01/2001 | Schwartz & Monahan Inc   | Billboard rental for June & July                   | 400.00    |          | 8,176.81  |
| Check        | 08/01/2001 | Schwartz & Monahan Inc   | Logo Promotional shirts for Rest Stop              | 138.80    |          | 8,315.61  |
| Check        | 08/15/2001 | Country Media Inc        | Ad for Temporary Rally Staff                       | 14.50     |          | 8,330.11  |
| Check        | 08/15/2001 | The Brenmar Co. Inc      | 74 cases (74,000) Sturgis Motorcycle Rally Yellow  | 2,553.00  |          | 10,883.11 |
| Check        | 08/15/2001 | Unique Signs             | 2 - Info Center Banners for Chamber parking lot    | 246.23    |          | 11,129.34 |
| Gener...     | 08/20/2001 |                          | Reclass Dickson Media bill for rally help          |           | 14.50    | 11,114.84 |
| Check        | 08/31/2001 | Champion Sports Group... | Advertisement on 2001 Schedule of Events           | 1,500.00  |          | 12,614.84 |
| Check        | 08/31/2001 | Schwartz & Monahan Inc   | Logo shirts worn by RSVP volunteers during the ral | 910.00    |          | 13,524.84 |
| Check        | 08/31/2001 | Schwartz & Monahan Inc   | Official logo shirts used for comp items           | 174.10    |          | 13,698.94 |
| Check        | 08/31/2001 | Schwartz & Monahan Inc   | Billboard rental for July 15 to Aug. 14            | 400.00    |          | 14,098.94 |
| Check        | 08/31/2001 | Schwartz & Monahan Inc   | Billboard rental from July 15 to Aug 14            | 400.00    |          | 14,498.94 |
| Deposit      | 08/31/2001 |                          | Deposit  |           | 400.00   | 14,098.94 |
| Check        | 09/04/2001 | Schwartz & Monahan Inc   | Official rally shirts worn by RSVP, will pay 1/2 o | 973.70    |          | 15,072.64 |
| Check        | 09/04/2001 | Schwartz & Monahan Inc   | Official rally comp shirts                         | 186.29    |          | 15,258.93 |
| Deposit      | 09/04/2001 |                          | Deposit  |           | 910.00   | 14,348.93 |
| Deposit      | 09/04/2001 |                          | Deposit  |           | 174.10   | 14,174.83 |
| Check        | 09/17/2001 | Schwartz & Monahan Inc   | Billboard rental fee for 8-15 to 9-14              | 400.00    |          | 14,574.83 |
| Check        | 10/29/2001 | Schwartz & Monahan Inc   | Billboard rental 9-15 to 10-14                     | 400.00    |          | 14,974.83 |
| Check        | 11/30/2001 | Schwartz & Monahan Inc   | Billboard rental from Oct. 15 to Nov. 14           | 400.00    |          | 15,374.83 |
| Check        | 12/28/2001 | Schwartz & Monahan Inc   | Billboard rental 11-15 to 12-14                    | 400.00    |          | 15,774.83 |
| Jan - Dec 01 |            |                          |  | 17,873.43 | 2,098.60 | 15,774.83 |
| Jan - Dec 02 |            |                          |  |           |          |           |
| Check        | 01/30/2002 | Schwartz & Monahan Inc   | Billboard rental for Dec. 15 - Jan. 14 Invoice #00 | 400.00    |          | 400.00    |
| Check        | 02/18/2002 | Schwartz & Monahan Inc   | Billboard rental for 1-15 to 2-14 Invoice#000956   | 400.00    |          | 800.00    |
| Check        | 03/15/2002 | Schwartz & Monahan Inc   | Billboard rental for 2-15 to 3-14                  | 400.00    |          | 1,200.00  |
| Check        | 04/01/2002 | Barney's Signs           | Removal of bowling alley sign Inv# 457503          | 153.06    |          | 1,353.06  |
| Check        | 04/15/2002 | Schwartz & Monahan Inc   | Billboard rental 3-15/4-14 Inv.#000968             | 400.00    |          | 1,753.06  |
| Check        | 04/30/2002 | Schwartz & Monahan Inc   | 10,000 bumper stickers/Chamber's share             | 982.00    |          | 2,735.06  |
| Check        | 06/24/2002 | Secretary of State       | Registration of BHMC logo                          | 50.00     |          | 2,785.06  |
| Check        | 06/24/2002 | Secretary of State       | Registration of BHMC Rally & Races logo            | 50.00     |          | 2,835.06  |
| Check        | 06/24/2002 | Secretary of State       | Registration of BHMC logo                          | 50.00     |          | 2,885.06  |
| Check        | 06/28/2002 | Schwartz & Monahan Inc   | 2002 (25,000) brochures (1/2 of total cost) Inv.#0 | 1,393.90  |          | 4,278.96  |
| Check        | 08/05/2002 |                          | Smokey the Bear Posters                            | 500.00    |          | 4,778.96  |
| Check        | 09/16/2002 | The Brenmar Co. Inc      | 72 cases of rally bags                             | 3,024.00  |          | 7,802.96  |
| Check        | 09/16/2002 | SD Department of Reve... | Use tax on rally bags                              | 181.44    |          | 7,984.40  |
| Jan - Dec 02 |            |                          |  | 7,984.40  | 0.00     | 7,984.40  |
| Jan - Dec 03 |            |                          |  |           |          |           |

**Sturgis Area Chamber of Commerce**  
**Advertising Transaction Detail By Account**  
 January 1999 through December 2010

| Type         | Date       | Name                        | Memo   | Debit     | Credit | Balance   |
|--------------|------------|-----------------------------|--|-----------|--------|-----------|
| Check        | 06/04/2003 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 5,833.71  |        | 5,833.71  |
| Check        | 07/29/2003 | The Lamar Companies         | Advertising - Logo Promotion                       | 4,290.00  |        | 10,123.71 |
| Check        | 07/29/2003 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 671.25    |        | 10,794.96 |
| Check        | 08/15/2003 | The Lamar Companies         | Advertising - Logo Promotion                       | 320.00    |        | 11,114.96 |
| Check        | 09/08/2003 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 7,687.81  |        | 18,802.77 |
| Check        | 09/26/2003 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 1,008.88  |        | 19,811.65 |
| Check        | 10/29/2003 | Country Media Inc           | Advertising - Logo Promotion                       | 1,047.50  |        | 20,859.15 |
| Check        | 10/29/2003 | The Lamar Companies         | Advertising - Logo Promotion                       | 1,950.00  |        | 22,809.15 |
| Check        | 12/19/2003 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 23,459.15 |
|              |            |                             |  | 23,459.15 | 0.00   | 23,459.15 |
| Jan - Dec 03 |            |                             |  |           |        |           |
| Jan - Dec 04 |            |                             |  |           |        |           |
| Check        | 01/02/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 650.00    |
| Check        | 02/20/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 1,300.00  |
| Check        | 03/15/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 1,950.00  |
| Check        | 03/29/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 2,600.00  |
| Check        | 04/23/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 3,250.00  |
| Check        | 05/28/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 3,900.00  |
| Check        | 06/17/2004 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 4,425.50  |        | 8,325.50  |
| Check        | 06/30/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 650.00    |        | 8,975.50  |
| Check        | 07/16/2004 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 358.43    |        | 9,333.93  |
| Check        | 07/30/2004 | The Lamar Companies         | Advertising - Logo Promotion                       | 685.00    |        | 10,018.93 |
| Check        | 07/30/2004 | HomeSlice Consulting        | Advertising - Logo Promotion                       | 2,178.30  |        | 12,197.23 |
| Check        | 08/31/2004 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 12,882.23 |
| Check        | 09/10/2004 | Country Media               | Advertising -License Promotion                     | 960.00    |        | 13,842.23 |
| Check        | 09/30/2004 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 14,527.23 |
| Check        | 09/30/2004 | HomeSlice Consulting        | Advertising -License Promotion                     | 3,436.69  |        | 17,963.92 |
| Check        | 10/22/2004 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 18,648.92 |
| Check        | 10/22/2004 | HomeSlice Consulting        | Advertising -License Promotion                     | 1,941.67  |        | 20,590.59 |
| Check        | 11/30/2004 | HomeSlice Consulting        | Advertising -License Promotion                     | 1,378.00  |        | 21,968.59 |
| Check        | 11/30/2004 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 22,653.59 |
| Check        | 12/17/2004 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 23,338.59 |
|              |            |                             |  | 23,338.59 | 0.00   | 23,338.59 |
| Jan - Dec 04 |            |                             |  |           |        |           |
| Jan - Dec 05 |            |                             |  |           |        |           |
| Check        | 01/27/2005 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 685.00    |
| Check        | 02/24/2005 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 1,370.00  |
| Check        | 03/24/2005 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 2,055.00  |
| Check        | 03/24/2005 | The HomeSlice Group         | Advertising -License Promotion, letterhead & envel | 293.20    |        | 2,348.20  |
| Check        | 03/24/2005 | The HomeSlice Group         | Advertising -License Promotion, hangtags           | 1,510.50  |        | 3,858.70  |
| Check        | 04/21/2005 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 4,543.70  |
| Check        | 05/12/2005 | The HomeSlice Group         | Advertising -License Promotion                     | 954.00    |        | 5,497.70  |
| Check        | 05/26/2005 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 6,182.70  |
| Check        | 05/27/2005 | Sturgis Motorcycle Rally... | Advertising -License Promotion                     | 500.00    |        | 6,682.70  |
| Check        | 06/15/2005 | The HomeSlice Group         | Advertising -License Promotion                     | 148.40    |        | 6,831.10  |
| Check        | 06/30/2005 | The Lamar Companies         | Advertising -License Promotion                     | 685.00    |        | 7,516.10  |
| Check        | 06/30/2005 | The HomeSlice Group         | Advertising -License Promotion                     | 2,862.00  |        | 10,378.10 |
| Check        | 07/28/2005 | The Lamar Companies         | Advertising -License Promotion                     | 700.00    |        | 11,078.10 |
| Check        | 08/25/2005 | The HomeSlice Group         | Advertising -License Promotion 156 cs bags         | 5,747.21  |        | 16,825.31 |

**Sturgis Area Chamber of Commerce**  
**Advertising Transaction Detail By Account**  
 January 1999 through December 2010

| Type         | Date       | Name                        | Memo  | Debit     | Credit | Balance   |
|--------------|------------|-----------------------------|---|-----------|--------|-----------|
| Check        | 08/25/2005 | The HomeSlice Group         | Advertising-License Promotion3 banners hung | 918.32    |        | 17,743.63 |
| Check        | 08/25/2005 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 18,443.63 |
| Check        | 09/30/2005 | The HomeSlice Group         | Advertising-License Promotion               | 462.69    |        | 18,906.32 |
| Check        | 09/30/2005 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 19,606.32 |
| Check        | 10/31/2005 | The HomeSlice Group         | Advertising-License Promotion               | 1,047.70  |        | 20,654.02 |
| Check        | 10/31/2005 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 21,354.02 |
| Check        | 11/30/2005 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 22,054.02 |
| Check        | 12/30/2005 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 22,754.02 |
| Jan - Dec 05 |            |                             |   | 22,754.02 | 0.00   | 22,754.02 |
| Jan - Dec 06 |            |                             |   |           |        |           |
| Check        | 01/31/2006 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 700.00    |
| Check        | 02/28/2006 | The HomeSlice Group         | Advertising-License Promotion               | 5,019.10  |        | 5,719.10  |
| Check        | 02/28/2006 | The HomeSlice Group         | Airfare to Cincinnati                       | 677.38    |        | 6,396.48  |
| Check        | 02/28/2006 | The HomeSlice Group         | 3 Banners                                   | 93.28     |        | 6,489.76  |
| Check        | 02/28/2006 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 7,189.76  |
| Check        | 03/31/2006 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 7,889.76  |
| Check        | 03/31/2006 | The HomeSlice Group         | Advertising-License Promotion               | 720.90    |        | 8,610.66  |
| Check        | 03/31/2006 | The HomeSlice Group         | Adv-License Promo Orlando Airfare           | 1,426.38  |        | 10,037.04 |
| Check        | 03/31/2006 | The HomeSlice Group         | Adv-License Promo Denver Airfare            | 572.20    |        | 10,609.24 |
| Check        | 04/28/2006 | The HomeSlice Group         | Adv-License Promotion 200,000 hangtags      | 2,075.00  |        | 12,684.24 |
| Check        | 04/28/2006 | The HomeSlice Group         | AdvLicense Promo Boxes for hangtags         | 224.00    |        | 12,908.24 |
| Check        | 04/28/2006 | The HomeSlice Group         | AdvLicense Promo 6% tax                     | 137.94    |        | 13,046.18 |
| Check        | 04/28/2006 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 13,746.18 |
| Check        | 05/31/2006 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 14,446.18 |
| Check        | 06/29/2006 | The HomeSlice Group         | Advertising-License Promotion               | 580.30    |        | 15,026.48 |
| Check        | 06/29/2006 | The Lamar Companies         | Advertising-License Promotion               | 700.00    |        | 15,726.48 |
| Check        | 07/31/2006 | Secretary of State          | Advertising-License Promotion               | 100.00    |        | 15,826.48 |
| Check        | 07/31/2006 | Secretary of State          | Advertising-License Promotion               | 100.00    |        | 15,926.48 |
| Check        | 07/31/2006 | Secretary of State          | Advertising-License Promotion               | 100.00    |        | 16,026.48 |
| Check        | 07/31/2006 | The Lamar Companies         | Advertising-License Promotion               | 730.00    |        | 16,756.48 |
| Check        | 08/31/2006 | Fed Ex                      | Advertising-License Promotion               | 34.26     |        | 16,790.74 |
| Check        | 08/31/2006 | The Lamar Companies         | Advertising-License Promotion               | 730.00    |        | 17,520.74 |
| Check        | 08/31/2006 | The HomeSlice Group         | Advertising-License Promotion               | 384.97    |        | 17,905.71 |
| Check        | 09/29/2006 | The HomeSlice Group         | Adv-License Promo 2006 bags                 | 3,713.26  |        | 21,618.97 |
| Check        | 09/29/2006 | The HomeSlice Group         | Adv-License Promo T-shirts                  | 3,645.55  |        | 25,264.52 |
| Check        | 09/29/2006 | The HomeSlice Group         | Adv-License Promo Banners and POS Signs     | 7,013.15  |        | 32,277.67 |
| Check        | 09/29/2006 | Sturgis Motorcycle Rally... | Advertising-License Promotion               | 1,000.00  |        | 33,277.67 |
| Check        | 09/29/2006 | The Lamar Companies         | Advertising-License Promotion               | 730.00    |        | 34,007.67 |
| Check        | 10/31/2006 | The Lamar Companies         | Advertising-License Promotion               | 730.00    |        | 34,737.67 |
| Check        | 10/31/2006 | The HomeSlice Group         | Adv-License Promo DWD Mag.                  | 331.50    |        | 35,069.17 |
| Check        | 10/31/2006 | The HomeSlice Group         | Adv- Install and remove banners             | 816.33    |        | 35,885.50 |
| Check        | 11/30/2006 | The Lamar Companies         | 11/20 to 12/19 Look for the Tag Billboards  | 730.00    |        | 36,615.50 |
| Check        | 11/30/2006 | The HomeSlice Group         | Airfare and car rental to Atlanta           | 631.23    |        | 37,246.73 |
| Bill         | 12/27/2006 | The Lamar Companies         | 12/20/06 to 01/19/07 Billboards             | 730.00    |        | 37,976.73 |
| Jan - Dec 06 |            |                             |   | 37,976.73 | 0.00   | 37,976.73 |
| Jan - Dec 07 |            |                             |   |           |        |           |
| Bill         | 02/02/2007 | The Lamar Companies         | 1/20/07 to 2/19/07 3 billboards             | 730.00    |        | 730.00    |

**Sturgis Area Chamber of Commerce**  
**Advertising Transaction Detail By Account**  
 January 1999 through December 2010

| Type         | Date       | Name                        | Memo  | Debit     | Credit | Balance   |
|--------------|------------|-----------------------------|---|-----------|--------|-----------|
| Bill         | 02/02/2007 | The HomeSlice Group         | Airfare to Cincinnati                                     | 941.20    |        | 1,671.20  |
| Bill         | 03/13/2007 | The Lamar Companies         | Billboard Advertising                                     | 730.00    |        | 2,401.20  |
| Bill         | 03/13/2007 | The HomeSlice Group         | 10 Gift Boxes distributed at the State Tourism Conference | 335.49    |        | 2,736.69  |
| Bill         | 04/30/2007 | The Lamar Companies         | 3/20 - 4/19   | 730.00    |        | 3,466.69  |
| Bill         | 04/30/2007 | The HomeSlice Group         | Catalog and Banners                                       | 5,555.76  |        | 9,022.45  |
| Bill         | 04/30/2007 | The HomeSlice Group         | Catalog   | 166.95    |        | 9,189.40  |
| Bill         | 06/30/2007 | The HomeSlice Group         | 200,000 hangtags  | 2,463.44  |        | 11,652.84 |
| Bill         | 06/30/2007 | The HomeSlice Group         | Letterhead and envelopes                                  | 328.60    |        | 11,981.44 |
| Bill         | 06/30/2007 | The Lamar Companies         | 4/20 to 5/19 Billboard                                    | 730.00    |        | 12,711.44 |
| Bill         | 06/30/2007 | The Lamar Companies         | 5/20 to 6/19 Billboard                                    | 900.00    |        | 13,611.44 |
| Bill         | 07/05/2007 | The Lamar Companies         | billboards 06/20/07 - 7/19/07                             | 900.00    |        | 14,511.44 |
| Bill         | 07/05/2007 | Tom's T's-001               | t-shirts for local businesses and rest areas              | 3,355.20  |        | 17,866.64 |
| Bill         | 07/05/2007 | Star Lite Motel             | LED Sign  | 0.00      |        | 17,866.64 |
| Bill         | 07/20/2007 | The Lamar Companies         | Billboards 7/20/07 - 8/19/07                              | 900.00    |        | 18,766.64 |
| Bill         | 08/14/2007 | HomeSlice Consulting        | labels (200000)   | 771.06    |        | 19,537.70 |
| Bill         | 08/14/2007 | HomeSlice Consulting        | printing banner overlays                                  | 1,900.14  |        | 21,437.84 |
| Bill         | 08/14/2007 | HomeSlice Consulting        | bags  | 3,307.50  |        | 24,745.34 |
| Bill         | 09/01/2007 | Sturgis Motorcycle Rally... | magazine ad City  | 1,200.00  |        | 25,945.34 |
| Bill         | 09/03/2007 | HomeSlice Consulting        | banners   | 1,466.10  |        | 27,411.44 |
| Bill         | 09/10/2007 | HomeSlice Consulting        | billboards production                                     | 4,158.84  |        | 31,570.28 |
|              |            |                             |   | 31,570.28 | 0.00   | 31,570.28 |
| Jan - Dec 07 |            |                             |   |           |        |           |
| Jan - Dec 08 |            |                             |   |           |        |           |
| Bill         | 05/13/2008 | The HomeSlice Group         | 1003460   | 2,475.10  |        | 2,475.10  |
| Bill         | 05/14/2008 | Sturgis Motorcycle Rally... | 372   | 540.00    |        | 3,015.10  |
| Bill         | 07/02/2008 | The HomeSlice Group         | 1003562   | 85.08     |        | 3,100.18  |
| Bill         | 08/29/2008 | Sturgis Motorcycle Rally... | Rally magazine and Schedule of events                     | 1,260.00  |        | 4,360.18  |
| Bill         | 10/27/2008 | The HomeSlice Group         | Hanging and removing banner on C&D Building               | 1,457.50  |        | 5,817.68  |
|              |            |                             |   | 5,817.68  | 0.00   | 5,817.68  |
| Jan - Dec 08 |            |                             |   |           |        |           |
| Jan - Dec 09 |            |                             |   |           |        |           |
| Bill         | 04/01/2009 | Lamar Companies             | Panel #80667 3/2/09-3/14/09                               | 780.00    |        | 780.00    |
| Bill         | 04/01/2009 | Lamar Companies             | Production of 24x80 vinyl for panel 8066                  | 3,840.00  |        | 4,620.00  |
| Bill         | 04/01/2009 | Lamar Companies             | Panel 80667 3/15/09 to 4/14/09                            | 1,950.00  |        | 6,570.00  |
| Bill         | 04/23/2009 | Lamar Companies             | 4/15/09-5/14-09   | 1,950.00  |        | 8,520.00  |
| Bill         | 05/26/2009 | Lamar Companies             |   | 2,047.00  |        | 10,567.00 |
| Bill         | 05/26/2009 | The HomeSlice Group         |   | 237.19    |        | 10,804.19 |
| Bill         | 05/26/2009 | The HomeSlice Group         |   | 346.51    |        | 11,150.70 |
| Bill         | 06/19/2009 | The HomeSlice Group         |   | 79.50     |        | 11,230.20 |
| Bill         | 06/23/2009 | Lamar Companies             |   | 2,047.00  |        | 13,277.20 |
| Bill         | 06/23/2009 | The HomeSlice Group         | 500,000 "Look for the Tag"                                | 5,808.80  |        | 19,086.00 |
| Bill         | 07/20/2009 | Lamar Companies             |   | 2,047.00  |        | 21,133.00 |
| Bill         | 08/03/2009 | The HomeSlice Group         | Fee for Banner Display on C&D Sales Building Rally 2009   | 1,000.00  |        | 22,133.00 |
| Bill         | 08/20/2009 | The HomeSlice Group         | Updates to Rally Bag                                      | 106.00    |        | 22,239.00 |
| Bill         | 08/20/2009 | Lamar Companies             |   | 2,047.00  |        | 24,286.00 |
| Bill         | 09/15/2009 | The HomeSlice Group         | Install & Removal of Rally Banner on C&D Sales Building   | 500.00    |        | 24,786.00 |
| Bill         | 10/07/2009 | Lamar Companies             | Sign i-90 NN 39.2 NS EF                                   | 2,047.00  |        | 26,833.00 |
| Bill         | 10/27/2009 | Lamar Companies             | i-90 MM 39.2 NS EF Sign                                   | 2,047.00  |        | 28,880.00 |

**Sturgis Area Chamber of Commerce**  
**Advertising Transaction Detail By Account**  
 January 1999 through December 2010

| Type         | Date       | Name | Memo          | Debit             | Credit          | Balance           |
|--------------|------------|------|---------------|-------------------|-----------------|-------------------|
| Jan - Dec 09 |            |      |               | 28,880.00         | 0.00            | 28,880.00         |
| Jan - Dec 10 |            |      |               | 2,376.27          |                 | 2,376.27          |
| Gener...     | 12/31/2010 |      | 2010 activity | 2,376.27          | 0.00            | 2,376.27          |
| Jan - Dec 10 |            |      |               |                   |                 |                   |
| <b>TOTAL</b> |            |      |               | <b>227,704.70</b> | <b>8,883.18</b> | <b>218,821.52</b> |

# RAPID REPORTING

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June 28, 2016

MR. JASON M. SNEED  
Sneed PLLC  
610 Jetton Street  
Suite 120-107  
Davidson, North Carolina

Re: SMRI v. St. Martin Hansen

Counsel:

Enclosed please find a copy of the correction sheets for the depositions of Clint Brengle, Dean Kinney, and Karen Simmons taken in the above-entitled matter. The original transcripts are being sealed and filed at this time with you, Mr. Sneed. If there are any questions or anything I can further assist with regarding this matter, please do not hesitate to contact me.

Sincerely,



Jeanne R. Speck Quinn  
Court Reporter & Notary Public

Enclosure  
cc: Original transcripts