

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

_____) Opposition No. 91217630
Sturgis Motorcycle Rally, Inc.,)
)
)
) Opposer,)
)
) Deposition of:
)
) vs.)
)
) **DEAN KINNEY**
Gary St. Martin Hansen,)
)
)
) Applicant.)
_____) **ORIGINAL**

BEFORE: Jeanne Speck Quinn
Court Reporter and Notary Public
Rapid City, South Dakota

DATE: April 6, 2016 at 9:00 a.m.

PLACE: Clayborne, Loos & Sabers, LLP
2834 Jackson Boulevard
Suite 201
Rapid City, South Dakota

APPEARANCES:

Representing the Opposer:

MR. JASON M. SNEED
Sneed PLLC
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I N D E X

WITNESS: PAGE

DEAN KINNEY

Examination by MR. SNEED 3

EXHIBITS: MARKED ON PAGE

Opposer Exhibit 26 - Notice of
Testimonial Deposition of Dean Kinney (3 pages) 3

Opposer Exhibit 27 - Federal Trademark
Registration, Black Hills Reg. No. 4,301,562
(3 pages) 3

Opposer Exhibit 28 - Printout from U.S. PTO
website pertaining to reg. number 4,301,562,
Black Hills (6 pages) 3

Opposer Exhibit 29 - Federal Trademark
Registration, Black Hills Reg. No. 3,955,170
(4 pages) 3

Opposer Exhibit 30 - Printout from U.S. PTO
website pertaining to reg. number 3,955,170
(10 pages) 3

Opposer Exhibit 31 - U.S. PTO application and
paperwork for IT'S A BLACK HILLS THING! YOU
WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE!
(22 pages) 3

Opposer Exhibit 32 - Printout of Website of
Gary St. Martin Hansen (10 pages) 3

Opposer Exhibit 33 - Printout of iTunes
single: It's a Black Hills Thing! (2 pages) 3

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1 (Exhibits 26 through 33 previously marked
2 for identification by Counsel for Opposer.)

3 **DEAN KINNEY,**
4 called as a witness, being first duly sworn, testified as
5 follows:

6 **EXAMINATION BY MR. SNEED:**

7 **Q** Good morning, Mr. Kinney.

8 **A** Good morning.

9 **Q** This is the Trademark Trial and Appeal Board opposition
10 proceeding, Sturgis Motorcycle Rally, Inc., Opposer,
11 versus Gary St. Martin Hansen, Applicant; Opposition
12 Number 91217630.

13 Mr. Kinney, do you understand you're here to
14 provide trial testimony on behalf of Sturgis Motorcycle
15 Rally, Inc., the Opposer, in that opposition proceeding?

16 **A** I do.

17 **Q** Okay. I'm handing you what has been marked as
18 Exhibit 26. And I'll ask if you recognize Exhibit 26.

19 **A** If I could just have a moment.

20 Yes, I do.

21 **Q** Is this your Deposition Notice seeking your testimony in
22 the opposition proceeding this morning?

23 **A** It is.

24 **Q** Okay. Will you look at the last page of Exhibit 26.

25 **A** (Complied.)

1 **Q** And do you see on the last page of Exhibit 26 a
2 Certificate Of Service providing a copy of this Notice
3 to Mr. Hansen?

4 **A** I do.

5 **Q** And is Mr. Hansen, or any attorney on behalf of
6 Mr. Hansen, present here today?

7 **A** No.

8 **Q** Mr. Kinney, I'd like to talk for a few minutes about
9 your background and your relationship to the Opposer,
10 Sturgis Motorcycle Rally, Inc.

11 Where did you grow up?

12 **A** Sturgis, South Dakota.

13 **Q** Okay. And how long have you been a resident of the
14 Sturgis area?

15 **A** The area, my whole life.

16 **Q** Okay. Where did you go to school?

17 **A** Sturgis.

18 **Q** Sturgis Brown High School?

19 **A** Yes.

20 **Q** Okay. When did you graduate?

21 **A** 1988.

22 **Q** Okay. Who is your current employer?

23 **A** HomeSlice Corporation.

24 **Q** And HomeSlice Corporation does what kinds of activities?

25 **A** We are in the media and entertainment business, largely.

1 We also own a restaurant.

2 **Q** What's the restaurant that HomeSlice owns?

3 **A** The Loud American Roadhouse in Sturgis.

4 **Q** Okay. And what are some of the media activities in
5 which HomeSlice is involved?

6 **A** On the media side we own six radio stations here in the
7 Black Hills, a digital marketing company, and an
8 advertising agency.

9 **Q** What is -- well, and let me, before I get off of that,
10 who are your co-owners of HomeSlice Corporation?

11 **A** The other owners of HomeSlice Corporation besides myself
12 are Clint Brengle and Mark Bruch. And then we also have
13 a minority owner of our media group, Mike Bruch.

14 **Q** With respect -- well, what is Sturgis Motorcycle Rally,
15 Inc.?

16 **A** Sturgis Motorcycle Rally, Inc., is a South Dakota, not-
17 for-profit that is engaged in managing the intellectual
18 properties surrounding the Sturgis Motorcycle Rally.

19 **Q** What kind of a nonprofit organization is Sturgis
20 Motorcycle Rally, Inc.?

21 **A** In what respect?

22 **Q** Yeah. Is it organized with certain purposes?

23 **A** Yes. It has -- we have a -- I'm not sure if it's called
24 a charter or exactly what it's called, but our purposes
25 allow us to manage the trademarks of the Sturgis

1 Motorcycle Rally largely through licensing others to use
2 them, and then beyond paying our bills, the proceeds
3 have to be used either -- can be used in three ways: To
4 promote the Sturgis Motorcycle Rally, to provide
5 economic development to the Sturgis area, and to provide
6 a charitable return to the greater Sturgis area.

7 **Q** And when was Sturgis Motorcycle Rally, Inc., formed?

8 **A** In 2010.

9 **Q** Can we call the organization SMRI for short?

10 **A** Yes.

11 **Q** Okay. How is SMRI managed?

12 **A** SMRI has an all-volunteer board. We do not presently
13 have a manager or executive director. We've never had
14 one since inception. The organization is managed by the
15 volunteer board. We have no shareholders or paid
16 employees.

17 **Q** Do you hold a board seat on SMRI?

18 **A** I do.

19 **Q** What is your position on the board?

20 **A** I'm the chairperson.

21 **Q** How long have you been in that role?

22 **A** Since the inception in 2010.

23 **Q** Okay. Prior -- well, what are some of the trademarks
24 owned by SMRI?

25 **A** It's kind of a wide portfolio. Some of them include

1 Black Hills, Sturgis, Sturgis Bike Week, Black Hills
2 Motor Classic, Sturgis Rally & Races.

3 We also have several design registrations,
4 including the Sturgis composite, and kind of a wide
5 variety, also, of art.

6 **Q** When SMRI was formed, did it, as part of that formation,
7 acquire some trademarks from another organization?

8 **A** Yes. When SMRI was formed, it acquired the trademark
9 portfolio then owned by our predecessor in interest, the
10 Sturgis Area Chamber of Commerce.

11 **Q** And is the Black Hills trademark one of the trademarks
12 that was acquired by SMRI from the Sturgis Area Chamber
13 of Commerce?

14 **A** It is.

15 **Q** Have you had any affiliation over the years with the
16 Sturgis Area Chamber of Commerce?

17 **A** Yes.

18 **Q** Describe that affiliation.

19 **A** I've been a -- my company has been a member of the
20 Sturgis Chamber for many years. Also, a company I
21 worked for previously was a member, so I guess I was a
22 member in that respect. I was a board member in the
23 late 1990s, and I was president of the Chamber of
24 Commerce in 1999 or 2000. I'm not entirely sure which
25 it is. I believe it was 2000. And I remain a -- I'm

1 not a board member or affiliated with the Chamber today,
2 other than our company remains a member of the Sturgis
3 Chamber of Commerce.

4 And then in another capacity in the 2000s, my firm
5 managed the trademarks on behalf of the Sturgis Chamber.
6 I believe that started around 2003.

7 **Q** When you refer to your "company," you're referring to
8 HomeSlice?

9 **A** Yes.

10 **Q** Okay. And to be clear, HomeSlice was -- has been a
11 member of the Sturgis Area Chamber of Commerce over the
12 years?

13 **A** Yes.

14 **Q** And HomeSlice, or one of its related entities, had a
15 management relationship with the Sturgis Chamber with
16 respect to its trademarks for some time?

17 **A** Yes.

18 **Q** And say, if you would, again, what time period that
19 covered, to the best of your recollection.

20 **A** I believe it was from 2003 until 2010.

21 **Q** Okay.

22 **A** It could have been 2002, but I believe it was 2003.

23 **Q** Mr. Kinney, I'm handing you what has been marked as
24 Exhibit 27. Do you recognize Exhibit 27?

25 **A** I need just a moment.

1 Yes, I do.

2 **Q** What is Exhibit 27?

3 **A** Exhibit 27 is a Federal Trademark Registration for the
4 word mark Black Hills.

5 **Q** Is the Black Hills trademark registration owned by
6 Sturgis Motorcycle Rally, Inc.?

7 **A** Yes, it is.

8 **Q** What is the registration number?

9 **A** The registration number is 4,301,562.

10 **Q** Is this Black Hills registration number 4,301,562 valid
11 and live at present?

12 **A** It is.

13 **Q** Is the Black Hills mark referenced in registration
14 number 4,301,562 still in use today?

15 **A** Yes.

16 **Q** Now I'm handing you what has been marked as Exhibit 28.
17 I'll ask if you recognize Exhibit 28 after you've had a
18 minute to look through it.

19 **A** (Reviewing exhibit.) Yes, I do recognize it.

20 **Q** What is Exhibit 28?

21 **A** I don't recall exactly what the title of these are
22 called, but it sort of represents the office actions
23 taken by the PTO, the U.S. PTO, in conjunction with this
24 registration.

25 **Q** Is this a printout from the U.S. PTO's website

1 pertaining to registration number 4,301,562?

2 **A** I believe it is, yes.

3 **Q** And that is for the Black Hills mark?

4 **A** Yes.

5 **Q** What is listed as the registration date for registration
6 number 4,301,562?

7 **A** March 12th, 2013.

8 **Q** Okay. Has the Black Hills mark been in use in
9 conjunction with the listed goods and services since
10 March 12th -- since at least March 12, 2013?

11 **A** Yes.

12 **Q** Mr. Kinney, you're being handed what has been marked as
13 Exhibit 29.

14 **A** Okay.

15 **Q** Do you recognize Exhibit 29?

16 **A** I do.

17 **Q** What is it?

18 **A** This is also a Black Hills registration similar to the
19 other. This one is just in different classes.

20 **Q** Is this -- what is the registration number shown in
21 Exhibit 29?

22 **A** 3,955,170.

23 **Q** Okay. And is registration number 3,955,170 for the mark
24 Black Hills owned by Sturgis Motorcycle Rally, Inc., to
25 this day?

1 **A** Yes.

2 **Q** Is this registration valid and subsisting?

3 **A** Yes.

4 **Q** I'd like to direct your attention to some of the goods
5 described in registration number 3,955,170. In
6 particular, I'd like to direct your attention to the
7 Class 16 section on the first page of the registration.

8 **A** Okay.

9 **Q** Is one of the types of goods registered by SMRI for the
10 Black Hills mark bumper stickers?

11 **A** I'm sure it is. I'm just having trouble finding
12 Class 16 at the moment.

13 **Q** It's a fairly large paragraph almost in the middle of
14 the page.

15 **A** Oh, yeah. I see it now. Yes, bumper stickers is
16 included.

17 **Q** And what is the first use date for the Class 16 goods
18 set forth in the 170 registration?

19 **A** At least as early as August 31, 1987.

20 **Q** Okay. Do you have an understanding as to whether SMRI
21 and its predecessor, the Sturgis Chamber, have used the
22 Black Hills mark in conjunction with bumper stickers
23 since that time?

24 **A** I believe we have, yes.

25 **Q** Okay. Can you confirm that SMRI has used the Black

1 Hills mark in conjunction with bumper stickers since at
2 least before November of 2013?

3 **A** Yes.

4 **Q** Okay. Let me direct your attention to the last
5 paragraph on the first page of the Black Hills
6 registration that begins on the first page. Do you see
7 a drinking mugs listed as among the goods protected
8 under the Black Hills mark?

9 **A** Yes.

10 **Q** Okay. What is the first use date listed in the 170
11 registration for the Black Hills mark for drinking mugs
12 and the other glassware in that category?

13 **A** August 31, 1995.

14 **Q** Do you have an understanding as to whether SMRI and its
15 predecessor, the Sturgis Chamber, have used the Black
16 Hills mark since 1995 in conjunction with drinking mugs?

17 **A** Yes.

18 **Q** Okay. And can you also confirm that since at least
19 before November of 2013, SMRI has used the Black Hills
20 mark in conjunction with drinking mugs?

21 **A** Yes.

22 **Q** On Page 2 of the registration shown at Exhibit 29, I'd
23 like to direct your attention now to the Class 25
24 category dealing with clothing. Do you see that?

25 **A** Yes.

1 **Q** Okay. And among the many clothing items listed there,
2 do you see that SMRI owns this registration in
3 conjunction with clothing; namely, shirts, T-shirts,
4 long-sleeved T-shirts, sleeveless T-shirts, and many
5 other products?

6 **A** Yes.

7 **Q** What is the first use date listed for the 170
8 registration for the Black Hills mark in the Class 25
9 category?

10 **A** At least as early as August 31, 1986.

11 **Q** Okay. Do you have an understanding as to whether SMRI
12 and its predecessor, the Sturgis Chamber, have used the
13 Black Hills mark in conjunction with T-shirts since at
14 least as early as August of 1986?

15 **A** Yes.

16 **Q** Okay. And your understanding is that SMRI and its
17 predecessor have used the mark in conjunction with
18 T-shirts since at least that time?

19 **A** Yes.

20 **Q** Can you also confirm then, of course, that SMRI has used
21 Black Hills in conjunction with T-shirts since at least
22 before November of 2013?

23 **A** Yes.

24 **Q** Okay. Do you own any such T-shirts yourself?

25 **A** Yes.

1 **Q** Okay. I'd like to direct your attention to the next
2 class of goods shown, the Class 26 goods. Do you see
3 that section?

4 **A** I do.

5 **Q** And do you see any embroidered goods among those
6 registered in Class 26 with the Black Hills mark, as
7 shown in 170 registration?

8 **A** Yes.

9 **Q** What goods are those?

10 **A** There is embroidered clothing, ornamental cloth patches,
11 hat pins for securing hats, and then other items also
12 underneath the class outside of embroidery.

13 **Q** What is the first use date listed for the Class 26 goods
14 set forth in the 170 registration?

15 **A** August 31st, 1986.

16 **Q** And do you understand SMRI, or its predecessor, the
17 Chamber, to have used the Black Hills mark in commerce
18 and conjunction with Class 26 goods shown in this
19 registration since 1986?

20 **A** Yes.

21 **Q** And, of course, that also would suggest that SMRI has
22 used the Black Hills mark for embroidered patches for
23 clothing and other Class 26 goods since at least as
24 early as November of 2013; correct?

25 **A** Yes.

1 Q And is it your understanding that SMRI has, in fact,
2 used the Black Hills mark for embroidered patches for
3 clothing since at least as early as November of 2013?

4 A Yes.

5 Q Okay. Mr. Kinney, now I'm handing you what has been
6 marked as Exhibit 30. Do you recognize Exhibit 30?

7 A I do, yes.

8 Q Okay. What is Exhibit 30?

9 A I believe this is the history or the action file,
10 whatever it's called, for the registration we've just
11 been discussing for Black Hills.

12 Q And what is shown in Exhibit 30 as the registration date
13 for the Black Hills registration having the number
14 3,955,170?

15 A May 3rd, 2011.

16 Q Is the 170 registration for the Black Hills mark owned
17 by SMRI today?

18 A Yes, it is.

19 Q And is the registration live and subsisting?

20 A Yes.

21 Q Okay. Has SMRI used the Black Hills mark in commerce
22 continuously since at least as early as the application
23 filing date of January 30, 2001?

24 A Yes.

25 Q Okay. You mentioned earlier that SMRI has a volunteer

1 board and no employees; is that fair?

2 **A** Yes.

3 **Q** Okay. How does SMRI engage in the sale of goods and
4 services having the Black Hills trademark on it?

5 **A** Through -- primarily through -- well, entirely through
6 licensing others to utilize the mark, who then pay a
7 royalty.

8 **Q** Okay. And do those licensees sell products having the
9 Black Hills mark on it such as T-shirts, bumper
10 stickers, mugs, and embroidered goods?

11 **A** Yes.

12 **Q** Has SMRI engaged in the sale of those types of goods
13 through its licensees since at least before November of
14 2013?

15 **A** Yes.

16 **Q** And has that use been continuous?

17 **A** Yes.

18 **Q** Do any of SMRI's licensees offer the service of printing
19 goods for others having the Black Hills mark on them?

20 **A** Yes.

21 **Q** Okay. And are the printing of goods permitted by SMRI
22 with respect to the Black Hills trademark?

23 **A** Yes.

24 **Q** Okay. Who are some of the licensees that you're
25 familiar with that engage in printing goods for others

1 having the Black Hills trademark on them?

2 **A** They would include Good Sports, Sturgis; also Tom's T's;
3 and many others.

4 **Q** Okay. And when we think of printing goods, what kinds
5 of goods are we typically considering where a licensee
6 would print the trademark on a particular product?

7 **A** T-shirts and, you know, almost every imaginable kind of
8 apparel, and including headwear and bandanas and that
9 kind of thing.

10 **Q** Do SMRI's licensees also provide embroidering services
11 with respect to some Black Hills merchandise?

12 **A** Yes.

13 **Q** What kinds of merchandise would have embroidery on it?

14 **A** Clothing, caps, hoodies, that kind of thing.

15 **Q** And who are some of the licensees of SMRI that provide
16 embroidery services with respect to the Black Hills
17 trademark?

18 **A** Black Hills Rally & Gold is a licensee that does that.
19 Also, Good Sports does embroidery. And I think we have
20 several other licensees that also embroider goods.

21 **Q** Mr. Kinney, let's talk for a few minutes about the
22 Applicant's application to register the mark, IT'S A
23 BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU
24 BEEN HERE! Are you familiar with that application?

25 **A** Yes.

1 Q And have you ever met the Applicant, Gary Hansen?

2 A I don't believe I've met him in person, although I might
3 have. I have talked to him on the phone.

4 Q And have your communications with Mr. Hansen on the
5 phone been pursuant to this opposition proceeding?

6 A Yes.

7 Q Have you had other communications with him other than
8 pertaining to this proceeding?

9 A They might have -- they might have preceded the
10 proceeding, but they were in the same nature, as far as
11 the nature of the topic.

12 Q Okay. I'm handing you what's been marked as Opposer's
13 Exhibit 31. Do you recognize Exhibit 31?

14 And it's a little bit longer than the others. You
15 may take a few minutes to look through it, if you like.

16 A Yeah, just a minute.

17 Yes, I recognize it.

18 Q Okay. What is Exhibit 31?

19 A This is the office file for the -- from the U.S. PTO for
20 the application that Mr. Hansen has for IT'S A BLACK
21 HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN
22 HERE!.

23 Q And what -- when looking at his trademark, as applied
24 for, what, if anything, stands out to you about it that
25 has caused SMRI to instigate this opposition proceeding?

1 **A** Well, I imagine primarily that he indicates in here that
2 he intends to produce within some of the primary classes
3 in which we also produce Black Hills merchandise.

4 **Q** And does his -- let's focus on his mark, itself, for a
5 few minutes. Does his mark, IT'S A BLACK HILLS THING!
6 YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE!, include
7 within it SMRI's registered trademark Black Hills?

8 **A** Yes.

9 **Q** Okay. And does it include Black Hills entirely within
10 his mark?

11 **A** Yes.

12 **Q** Meaning the Black Hills component is a part of his
13 phrase that he's seeking to register?

14 **A** Yes.

15 **Q** Okay. And when spoken, does the person saying what his
16 mark is, hear SMRI's trademark entirely within the
17 phrase?

18 **A** Yes.

19 **Q** Okay. Do you -- what does SMRI believe the connotation
20 of Mr. Hansen's trademark is?

21 **A** Well, I think the connotation is, in many respects,
22 especially as I became more familiar with it, to do --
23 to be connected with the Sturgis Motorcycle Rally and
24 the Black Hills Motor Classic.

25 **Q** Okay. And what is the commercial impression that you

1 believe consumers exposed to the printing services he's
2 applying to register would have when they see his, or
3 exposed to his, trademark, IT'S A BLACK HILLS THING!
4 YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE!?

5 **A** When printed and used in connection with rally goods and
6 the goods that we have registered, we believe it would
7 leave the impression that it is a mark licensed by SMRI.

8 **Q** And is it correct that Mr. Hansen is not licensed by
9 SMRI with respect to the mark, IT'S A BLACK HILLS THING!
10 YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE!?

11 **A** That's correct.

12 **Q** Okay. Let's look at the services Mr. Hansen has
13 identified in his Application Number 86112261 for the
14 IT'S A BLACK HILLS THING! trademark or service mark.

15 Do you see his goods and services description on
16 the first page of the PTO printout?

17 **A** Yes.

18 **Q** Would you read into the record what services Mr. Hansen
19 is seeking to register his IT'S A BLACK HILLS THING!
20 mark in conjunction with.

21 **A** Custom imprinting of T-shirts, custom imprinting of
22 bumper sticker with decorative design, custom imprinting
23 of slogan with messages, imprinting messages on
24 T-shirts, imprinting messages on wearing apparel and
25 mugs, imprinting of decorative designs on T-shirts,

1 silkscreen printing, T-shirt embroidering services.

2 **Q** Does SMRI or its licensees provide any of those services
3 pursuant to SMRI's Black Hills trademark?

4 **A** Yes, I believe all of them.

5 **Q** Okay. Does SMRI believe that it will be harmed by the
6 PTO's registration of the IT'S A BLACK HILLS THING!
7 trademark to Mr. Hansen?

8 **A** Yes.

9 **Q** Okay. And how so?

10 **A** Any goods and services provided by Mr. Hansen using
11 these marks in the way he's identified, both here and to
12 us, that he intends to use them would be merchandise
13 then that potentially caused confusion and caused lost
14 revenue from Sturgis Motorcycle Rally, Inc., because
15 we're not collecting a royalty on it and it could have
16 been selected as an item in lieu of a licensed product
17 or confused with a licensed product.

18 **Q** Describe, if you would, Mr. Kinney, the types of people
19 who purchase SMRI's Black Hills merchandise.

20 **A** Well, there's a wide variety of people that purchase our
21 merchandise. We have lines that run from infants to
22 children, men, women, and all kinds of -- in all -- on
23 all kinds of articles, and the people that purchase
24 them, I guess, are a wide variety of consumers. To more
25 narrowly cast them, our primary purchasers are a

1 somewhat upscale, affluent group, 35 and older, and
2 certainly to more clearly define our audience, it could
3 be described as motorcycle enthusiasts.

4 **Q** Are Black Hills merchandise items also sold to members
5 of the general public?

6 **A** Yes.

7 **Q** How about to the subclass of tourists who frequent this
8 region and have some familiarity with the Sturgis
9 Motorcycle Rally or the Black Hills Motor Classic?

10 **A** Oh, sure. Our merchandise is purchased in great amounts
11 by tourists at hundreds of retail locations in the Black
12 Hills.

13 **Q** When the public or motorcycle enthusiasts or tourists
14 are engaging in the buying process for purchasing Black
15 Hills merchandise, how complicated or sophisticated
16 would you say that process is?

17 **A** I would say it's largely unsophisticated.

18 **Q** Why would you say that?

19 **A** Most of our items are fairly inexpensive in comparison
20 with, you know, a big-ticket item purchase. So I think,
21 for the most part, tourists or enthusiasts, or, when I
22 say "enthusiasts," I mean motorcycle enthusiasts, when
23 they're buying our merchandise, I guess, much like any
24 of us when we're on vacation or touring, not a great
25 deal of time or thought goes into making that purchase.

1 **Q** And do you see, with respect to Mr. Hansen's description
2 of services as shown in Exhibit 31, do you see any
3 limitation contained therein as to the types of
4 purchasers or the channels through which such purchases
5 are made?

6 **A** No, I do not.

7 **Q** And if you didn't describe this earlier, how would you
8 describe the channels through which the -- the trade
9 channels through which the SMRI's Black Hills goods
10 travel?

11 **A** Our goods are purchased many different ways. Produced
12 by licensees and then put into the market, as I said
13 before, at hundreds of retailers, maybe thousands of
14 retailers; also sold internationally online at our
15 official website and other authorized sites. It's
16 available at kiosks and temporary vendors and lots of
17 different ways in which our merchandise is distributed
18 throughout the United States, and, in particular, in the
19 western South Dakota and Wyoming region.

20 **Q** And does SMRI also use its Black Hills trademark in the
21 economic development services and in the promotion of
22 motorcycle-related events?

23 **A** Yes, absolutely.

24 **Q** Okay. Mr. Kinney, next I'm handing you what has been
25 marked as Exhibit 32.

1 **A** Okay.

2 **Q** Do you recognize Exhibit 32?

3 **A** I'm somewhat familiar with it, yes.

4 **Q** Yes. And what do you understand Exhibit 32 to be?

5 **A** This is, as I understand it, a website of Mr. Hansen's.

6 **Q** Okay. And does the website of Mr. Hansen carry a banner
7 at the top that says, IT'S A BLACK HILLS THING,
8 exclamation point?

9 **A** It does.

10 **Q** Okay. What do you understand Mr. Hansen's career or
11 profession to be?

12 **A** I believe he's a musician.

13 **Q** Okay. And are there pictures of Mr. Hansen on the
14 website, images shown at Exhibit 32 playing music, for
15 example?

16 **A** At least I take that to be Mr. Hansen, yes.

17 **Q** And he has some birds associated with him in some of the
18 other pictures?

19 **A** That's correct.

20 **Q** Have you reviewed the contents of the narrative and the
21 story that are told at this website?

22 **A** To some extent, yes.

23 **Q** Okay. And I'd like to direct your attention to, I
24 believe it's the fifth -- no, the sixth page of the
25 website printout starting in the middle of the page

1 where there's a reference to the song, "It's a Black
2 Hills Thing!" in the "Outlaw Country" style.

3 **A** Yes.

4 **Q** Do you see that?

5 **A** Yes, I do.

6 **Q** Okay. Do you -- would you read into the record the
7 section of this website that identifies with or
8 describes the Sturgis Motorcycle Rally.

9 **A** Yes. The song -- it says, The song, itself, was
10 inspired by the days during the Sturgis Motorcycle Rally
11 that he had played with Kenny Miller, Dean Hultberg, and
12 Single Jim Fredrickson in '77. The song is about a
13 couple who are riding their bike through the Black Hills
14 on their way to the Sturgis Motorcycle Rally. After
15 attempting to entice Kenny into singing other original
16 compositions he had written in the past, Kenny finally
17 accepted the offer to record his version of "It's a
18 Black Hills Thing!" The version you will hear on this
19 website now is the demo version recorded by Gary
20 St. Martin last year. It is thus the aim of the website
21 to promote the song and Kenny Miller's new version of
22 the tune and to offer the song on iTunes to especially
23 those hundreds of thousands of bikers who will attend
24 the Sturgis Motorcycle Rally this year with the hopes
25 that it will become an anthem and testament to this

1 annual event that all began when the Jackpine Gypsies
2 held their first rally in '38. The event, as the song
3 says, now brings a million bikers a year to Sturgis and
4 the Black Hills of South Dakota.

5 **Q** Thank you.

6 Mr. Kinney, do you understand that Mr. Hansen has
7 a song recorded that has the same title as his trademark
8 application, or as the trademark he's trying to
9 register?

10 **A** I do.

11 **Q** Okay. And do you have an understanding of the meaning
12 or the lyrics of the song as they pertain to the Sturgis
13 Motorcycle Rally?

14 **A** Well, I believe, by his own definition, the song is
15 about the Sturgis Motorcycle Rally and traveling to it.

16 **Q** Okay. And does that, in your mind, enhance any concerns
17 of SMRI about Mr. Hansen's attempt to register the IT'S
18 A BLACK HILLS THING! mark in conjunction with printing
19 services?

20 **A** Yes.

21 **Q** Describe SMRI's belief as to that matter.

22 **A** Well, I think it's confirmation that his -- that the
23 nature of the song is about the Sturgis Motorcycle
24 Rally, and that his intention of the continued use of
25 it, if he were to place it into the market, would be in

1 connection with the rally. That's what the song is
2 about and what inspired this mark he's now registering,
3 or trying to register.

4 **Q** And do you see at the last page of the website excerpt
5 at Exhibit 32 there is a -- there is some sort of an
6 emphatic disclaimer made; do you see that?

7 **A** Yes.

8 **Q** And do you see in the smaller type that the website
9 claims that, quote, It'saBlackHillsThing.com is in no
10 way affiliated, associated, or in competition with as to
11 any merchandise, goods and services, or in any way,
12 shape, or form related to the Sturgis Motorcycle Rally,
13 Inc., nor does It'saBlackHillsThing.com desire to give
14 the impression, in any way, that it ever was associated
15 with Sturgis Motorcycle Rally, Inc.; do you see that?

16 **A** I do.

17 **Q** And did I read that correctly?

18 **A** You did.

19 **Q** Does that, in any way, ameliorate or lessen SMRI's
20 concern about the consumer impression that would be
21 caused by Mr. Hansen's registration of his IT'S A BLACK
22 HILLS THING! mark in conjunction with printing services?

23 **A** No.

24 **Q** No. And why not?

25 **A** Well, among other things, we think most of the public

1 would never see this disclaimer, in the first place, and
2 even as you read it here at the bottom of this website,
3 it's in tiny print unlikely to be reviewed by most of
4 the public.

5 **Q** Mr. Kinney, I'm also showing you what has been marked as
6 Exhibit 33. I'll ask if you've seen Exhibit 33 before.

7 **A** Yes, I believe I have.

8 **Q** And what is Exhibit 33?

9 **A** This is an iTunes listing offering the single from
10 Gary St. Martin of IT'S A BLACK HILLS THING!

11 **Q** Is there anything -- well, and when you see the cover
12 photo of the, I guess, of the album or the single cover
13 photo, what do you see there?

14 **A** Well, the single art says, IT'S A BLACK HILLS THING!,
15 and then shows a gentleman, I think Mr. Hansen, or
16 perhaps his stage name is Gary St. Martin, on a
17 motorcycle and wearing a T-shirt that I believe says
18 Sturgis on it, and then it says, Black Hills Legend Band
19 on it also.

20 **Q** Does that manner of marketing the IT'S A BLACK HILLS
21 THING! single do anything to enhance the SMRI's view
22 that Mr. Hansen's application and his mark are likely to
23 cause confusion?

24 **A** Yes. I think in the single art here he is clearly
25 providing a connection between his song and this mark

1 and the Sturgis Motorcycle Rally through the use of the
2 shirt that he's wearing on the single art and that he's
3 on a motorcycle and appears to be making a reference to
4 the motorcycle rally.

5 **Q** Okay. To sum up, Mr. Kinney, does SMRI believe that it
6 will be harmed by the registration of IT'S A BLACK HILLS
7 THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! by
8 Mr. Hansen in conjunction with his listed services?

9 **A** Yes.

10 **Q** Okay. Does SMRI believe that Mr. Hansen's registration
11 and use of this trademark in conjunction with the listed
12 services will have an affect on SMRI's goodwill and its
13 Black Hills trademark?

14 **A** Yes.

15 **Q** And what kind of affect does SMRI believe it would have?

16 **A** If Mr. Hansen is to use this mark in connection with
17 rally goods and services, it can mislead the public into
18 believing it's a licensed product; it can also diminish
19 our sale of licensed product if people buy this product
20 rather than licensed, authorized merchandise.

21 MR. SNEED: I'll take a short break.

22 (A recess was taken at this time, 9:57 a.m.)

23 The deposition resumed at 10:04 a.m.)

24 MR. SNEED: Mr. Kinney, thank you very much for
25 your time. That concludes the Opposer's questions for

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you and your testimonial deposition, and I'll pass the witness.

Now I'll let the record reflect that there's no cross-examination.

Mr. Kinney, thank you.

THE WITNESS: Thank you.

(The deposition concluded at 10:05 a.m.)

* * * *

DEPONENT'S SIGNATURE PAGE

ORIGINAL

I, Dean Kinney, the undersigned deponent,
 have this 24 day of June, 2016 read the
 foregoing pages 1 through 31, 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.

Dean Kinney

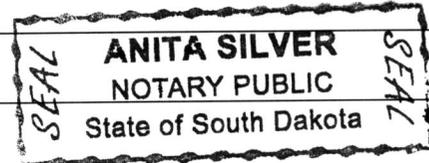
 Dean Kinney

Changes/Corrections

Page Line Desired change and reason therefor:

Subscribed & Sworn to before me this
24th day of June, 2016

Anita Silver
Notary Public



My Commission Expires: 2/11/17

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

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 26

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 27

United States of America

United States Patent and Trademark Office

BLACK HILLS

Reg. No. 4,301,562

Registered Mar. 12, 2013

**Int. Cls.: 6, 8, 9, 14, 16,
18, 25, and 35**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

STURGIS MOTORCYCLE RALLY, INC. (SOUTH CAROLINA NON-PROFIT ECONOMIC DEVELOPMENT CORP.)

SUITE 4

1612 JUNCTION AVE.

STURGIS, SD 57785

FOR: METAL LICENSE PLATES, NON-LUMINOUS AND NON-MECHANICAL METAL SIGNS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 5-31-1996; IN COMMERCE 5-31-1996.

FOR: HAND TOOLS, NAMELY, SIDEARM KNIVES, AND KNIVES MADE OF PRECIOUS METAL, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 5-31-1990; IN COMMERCE 5-31-1990.

FOR: COMPUTER MOUSE PADS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-31-2012; IN COMMERCE 5-31-2012.

FOR: NON-MONETARY COINS, MEDALLIONS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 4-30-2002; IN COMMERCE 4-30-2002.

FOR: PAPER AND PLASTIC GIFT BAGS; ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-31-2005; IN COMMERCE 8-31-2005.

FOR: BOOK BAGS, SHOULDER BAGS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 5-31-2012; IN COMMERCE 5-31-2012.

FOR: HEAD BANDS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-30-2010; IN COMMERCE 6-30-2010.



Lynn Street Lee
Acting Director of the United States Patent and Trademark Office

Reg. No. 4,301,562 FOR: CATALOG, RETAIL STORE, WHOLESALE STORE SERVICES FEATURING A VARIETY OF GENERAL MERCHANDISE AND PRODUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-30-2010; IN COMMERCE 6-30-2010.

OWNER OF U.S. REG. NO. 1,948,097.

SEC. 2(F).

SN 76-979,154, FILED 1-30-2001.

RONALD R. SUSSMAN, EXAMINING ATTORNEY

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 28

Generated on: This page was generated by TSDR on 2016-04-03 12:56:11 EDT

Mark: BLACK HILLS

BLACK HILLS

US Serial Number: 76979154

Application Filing Date: Jan. 30, 2001

US Registration Number: 4301562

Registration Date: Mar. 12, 2013

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 12, 2013

Publication Date: Sep. 03, 2002

Notice of Allowance Date: Sep. 07, 2010

Mark Information

Mark Literal Elements: BLACK HILLS

Standard Character Claim: No

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

Acquired Distinctiveness Claim: In whole

Related Properties Information

Claimed Ownership of US Registrations: 1948097

Registrations:

Child Of: 76201760

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 incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Metal license plates, non-luminous and non-mechanical metal signs, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 1996

Use in Commerce: May 31, 1996

For: Hand tools, namely, sidearm knives, and knives made of precious metal, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 008 - Primary Class

U.S Class(es): 023, 028, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 1990

Use in Commerce: May 31, 1990

For: Computer mouse pads, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 2012

Use in Commerce: May 31, 2012

For: Non-monetary coins, medallions, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 30, 2002

Use in Commerce: Apr. 30, 2002

For: Paper and plastic gift bags; all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2005

Use in Commerce: Aug. 31, 2005

For: Book bags, shoulder bags, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 2012

Use in Commerce: May 31, 2012

For: Head bands, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2010

Use in Commerce: Jun. 30, 2010

For: Catalog, retail store, wholesale store services featuring a variety of general merchandise and products

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2010

Use in Commerce: Jun. 30, 2010

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: STURGIS MOTORCYCLE RALLY, INC.

Composed of: STURGIS MOTORCYCLE RALLY, INC.

Owner Address: Suite 4
1612 Junction Ave.

Sturgis, SOUTH DAKOTA 57785
UNITED STATES

Legal Entity Type: NON-PROFIT ECONOMIC DEVELOPMENT
CORP.

State or Country SOUTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jason M. Sneed

Docket Number: -260937

Attorney Primary Email Address: jason.sneed@alston.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Jason M. Sneed
SNEED PLLC
610 Jetton St.
Suite 120-107
Davidson, NORTH CAROLINA 28036
UNITED STATES

Phone: 704-779-3611

Correspondent e-mail: JSneed@SneedLegal.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 02, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 01, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	62282
Feb. 01, 2013	ASSIGNED TO LIE	62282
Jan. 25, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 14, 2012	NOTICE OF DIVIDED TRADEMARK APPLICATION MAILED	
Sep. 10, 2012	STATEMENT OF USE PROCESSING COMPLETE	70565
Sep. 06, 2012	USE AMENDMENT FILED	70565
Sep. 10, 2012	DIVISIONAL PROCESSING COMPLETE	
Sep. 10, 2012	DIVISIONAL REQUEST RECEIVED	
Sep. 06, 2012	TEAS REQUEST TO DIVIDE RECEIVED	
Sep. 06, 2012	TEAS STATEMENT OF USE RECEIVED	
Mar. 13, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 12, 2012	EXTENSION 3 GRANTED	70565
Mar. 03, 2012	EXTENSION 3 FILED	70565
Mar. 03, 2012	TEAS EXTENSION RECEIVED	
Sep. 14, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 13, 2011	EXTENSION 2 GRANTED	70565
Sep. 06, 2011	EXTENSION 2 FILED	70565
Sep. 06, 2011	TEAS EXTENSION RECEIVED	
Sep. 06, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 06, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 20, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 28, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 28, 2011	CORRECTED NOA E-MAILED	
Jan. 27, 2011	EXTENSION 1 GRANTED	70565
Jan. 13, 2011	EXTENSION 1 FILED	70565
Jan. 27, 2011	DIVISIONAL PROCESSING COMPLETE	
Jan. 13, 2011	DIVISIONAL REQUEST RECEIVED	
Jan. 13, 2011	TEAS REQUEST TO DIVIDE RECEIVED	
Jan. 13, 2011	TEAS EXTENSION RECEIVED	
Oct. 06, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	70565

Oct. 01, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Sep. 07, 2010	PAPER RECEIVED	
Sep. 07, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 28, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 27, 2010	OPPOSITION TERMINATED NO. 999999	155418
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155418
Jul. 27, 2010	OPPOSITION TERMINATED NO. 999999	155337
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155337
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155334
Jul. 27, 2010	TTAB RELEASE CASE TO TRADEMARKS	155334
Jul. 27, 2010	OPPOSITION TERMINATED NO. 999999	155334
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155334
Dec. 09, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 09, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 08, 2006	ASSIGNED TO EXAMINER	62871
Mar. 07, 2003	OPPOSITION INSTITUTED NO. 999999	155418
Mar. 05, 2003	OPPOSITION INSTITUTED NO. 999999	155337
Mar. 05, 2003	OPPOSITION INSTITUTED NO. 999999	155334
Sep. 03, 2002	PUBLISHED FOR OPPOSITION	
Aug. 14, 2002	NOTICE OF PUBLICATION	
Feb. 25, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 08, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 02, 2001	NON-FINAL ACTION MAILED	77770
Apr. 20, 2001	ASSIGNED TO EXAMINER	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Feb. 01, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91217630

Filing Date: Jul 30, 2014

Status: Pending

Status Date: Jul 30, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Hansen, Gary, St. Martin

Correspondent Address: GARY ST MARTIN HANSEN
399 LOWER MAIN WEST
JOHNSON VT , 05656-9636
UNITED STATES

Correspondent e-mail: stdrumr@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IT'S A BLACK HILLS THING I YOU WOULDN'T UNDERSTAND	Opposition Pending	86112261	
	Plaintiff(s)		

Name: Sturgis Motorcycle Rally, Inc.

Correspondent: JASON M SNEED

Address: SNEED PLLC
 610 JETTON ST, STE 120-107
 DAVIDSON NC , 28036
 UNITED STATES

Correspondent e-mail: JSneed@SneedLegal.com , Glacona@SneedLegal.com , littigation@SneedLegal.com , admin@sneedlegal.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BLACK HILLS	Cancellation Pending	<u>76979109</u>	<u>3955170</u>
BLACK HILLS	Registered	<u>76979154</u>	<u>4301562</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 30, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 30, 2014	Sep 08, 2014
3	PENDING, INSTITUTED	Jul 30, 2014	
4	ANSWER	Sep 04, 2014	
5	MOT TO AMEND APPLICATION	Oct 01, 2014	
6	D'S COMMUNICATION RE: SERVICE	Oct 02, 2014	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 19, 2014	Dec 19, 2014
8	MOT TO AMEND APPLICATION	Nov 21, 2014	
9	MOT TO AMEND APPLICATION	Nov 21, 2014	
10	MOT TO AMEND APPLICATION	Nov 21, 2014	
11	MOT TO AMEND APPLICATION	Nov 21, 2014	
12	P OPP/RESP TO MOTION	Dec 12, 2014	
13	D OPP/RESP TO MOTION	Jan 09, 2015	
14	RESPONSE DUE TWENTY DAYS	Feb 02, 2015	
15	MOT TO AMEND APPLICATION	Feb 16, 2015	
16	MOT TO AMEND APPLICATION	Feb 17, 2015	
17	P OPP/RESP TO MOTION	Mar 10, 2015	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 27, 2015	
19	D OPP/RESP TO MOTION	May 01, 2015	
20	MOTION TO AMEND DENIED TRIAL DATES RESET	May 08, 2015	
21	P'S MT TO SUSPEND TO RETAIN COUNSEL	Feb 23, 2016	
22	D OPP/RESP TO MOTION	Feb 26, 2016	
23	DUPLICATE FILING (NOT CONSIDERED)	Feb 26, 2016	
24	D'S SUPPL TO #22 IN RESP TO P'S #21	Feb 27, 2016	
25	P MOT FOR EXT W/O CONSENT	Mar 02, 2016	
26	SUSPENDED	Mar 04, 2016	
27	PAPER RECEIVED AT TTAB	Apr 02, 2016	

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 29

United States of America

United States Patent and Trademark Office

BLACK HILLS

Reg. No. 3,955,170

Registered May 3, 2011

**Int. Cls.: 6, 9, 13, 14, 16,
20, 21, 24, 25, 26, 28, 32,
33, 34, 35, and 41**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

STURGIS MOTORCYCLE RALLY, INC. (SOUTH CAROLINA NON-PROFIT ECONOMIC DEVELOPMENT CORP.)
1612 JUNCTION AVE., SUITE 4
STURGIS, SD 57785

FOR: METAL KEY RINGS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 8-31-2006; IN COMMERCE 8-31-2006.

FOR: SUNGLASSES, MAGNETS AND PROTECTIVE HELMETS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-31-1995; IN COMMERCE 8-31-1995.

FOR: FIREARMS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 13 (U.S. CLS. 2 AND 9).

FIRST USE 6-30-1998; IN COMMERCE 6-30-1998.

FOR: JEWELRY AND CLOCKS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 6-30-2010; IN COMMERCE 6-30-2010.

FOR: PENS; AND PAPER GOODS AND PRINTED MATTER, NAMELY, POSTERS; BUMPER STICKERS; DECALS; IRON-ON AND PLASTIC TRANSFERS; WINDOW STICKERS; NOTE PADS; MOUNTED PHOTOGRAPHS; UNMOUNTED PHOTOGRAPHS; PRINTS, NAMELY, COLOR PRINTS, PHOTOGRAPHIC PRINTS, AND PICTORIAL PRINTS; PAPER AND PLASTIC BAGS FOR PACKAGING; AND POSTCARDS; ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-31-1987; IN COMMERCE 8-31-1987.

FOR: NON-METAL KEY RINGS AND JEWELRY BOXES NOT OF METAL, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 8-31-2002; IN COMMERCE 8-31-2002.

FOR: GLASSWARE, NAMELY, SHOT GLASSES, DRINKING GLASSES, DRINKING CUPS, AND DRINKING MUGS; INSULATING SLEEVE HOLDERS MADE OF RUBBER, PLASTIC OR FOAM FOR BEVERAGE CANS; INSULATING SLEEVE HOLDERS MADE OF RUBBER,



David J. Kybas

Director of the United States Patent and Trademark Office

Reg. No. 3,955,170 PLASTIC OR FOAM FOR BEVERAGE BOTTLES; COASTERS NOT OF PAPER AND NOT BEING TABLE LINEN; BOTTLE OPENERS; AND BEER STEINS; ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 8-31-1995; IN COMMERCE 8-31-1995.

FOR: CLOTH FLAGS AND QUILTS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 8-30-2004; IN COMMERCE 8-30-2004.

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, LONG SLEEVE T-SHIRTS, SLEEVELESS T-SHIRTS, DENIM SHIRTS, HENLEY SHIRTS, KNIT SHIRTS, SPORT SHIRTS, GOLF SHIRTS, JACKETS, COATS, TANK TOPS, POLO SHIRTS, SWEATSHIRTS, PULLOVERS, WOMEN'S TOPS, CHEMISES, CLOTH WRAPS, HEAD WEAR, BANDANNAS, CAPS, CLOTH HEADWRAPS, HATS, SCARVES, BELTS, CHAPS, GLOVES, AND SUN VISORS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-31-1986; IN COMMERCE 8-31-1986.

FOR: CLOTH AND EMBROIDERED PATCHES FOR CLOTHING, ORNAMENTAL CLOTH PATCHES, HAT PINS FOR SECURING HATS, BELT BUCKLES NOT OF PRECIOUS METAL, AND NOVELTY PINS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 8-31-1986; IN COMMERCE 8-31-1986.

FOR: CHRISTMAS TREE ORNAMENTS AND GAMING CHIPS, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 6-30-2001; IN COMMERCE 6-30-2001.

FOR: BOTTLED WATER AND BEER, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.

FOR: DISTILLED LIQUOR, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 6-30-2002; IN COMMERCE 6-30-2002.

FOR: ASHTRAYS NOT OF PRECIOUS METAL AND CIGARETTE LIGHTERS NOT OF PRECIOUS METAL, ALL OF THE AFOREMENTIONED GOODS RELATING TO THE STURGIS MOTORCYCLE RALLY, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 6-30-2007; IN COMMERCE 6-30-2007.

FOR: PROMOTING SPORTS COMPETITIONS AND CONDUCTING EVENTS OF OTHERS, NAMELY, MOTORCYCLE AND VEHICLE RALLIES, EXHIBITS, AND COMPETITIONS; PROMOTING ECONOMIC DEVELOPMENT IN THE CITY OF STURGIS AND THE BLACK HILLS AREA OF SOUTH DAKOTA AND WYOMING; AND ON-LINE RETAIL STORE SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-30-2002; IN COMMERCE 6-30-2002.

Reg. No. 3,955,170 FOR: ENTERTAINMENT SERVICES IN THE NATURE OF ORGANIZING, SPONSORING, AND CONDUCTING A MOTORCYCLE AND VEHICLE EXHIBITIONS AND RALLIES; AND ENTERTAINMENT SERVICES IN THE NATURE OF ORGANIZING, SPONSORING AND CONDUCTING CIVIC PRODUCTIONS AND LIVE MUSIC CONCERTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107). •

FIRST USE 6-30-2002; IN COMMERCE 6-30-2002.

OWNER OF U.S. REG. NO. 1,948,097.

SEC. 2(F).

SN 76-979,109, FILED 1-30-2001.

RONALD R. SUSSMAN, EXAMINING ATTORNEY

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 30

Generated on: This page was generated by TSDR on 2016-04-03 12:39:44 EDT

Mark: BLACK HILLS

BLACK HILLS

US Serial Number: 76979109

Application Filing Date: Jan. 30, 2001

US Registration Number: 3955170

Registration Date: May 03, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Oct. 26, 2011

Publication Date: Sep. 03, 2002

Notice of Allowance Date: Sep. 07, 2010

Mark Information

Mark Literal Elements: BLACK HILLS

Standard Character Claim: No

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

Acquired Distinctiveness Claim: In whole

Related Properties Information

Claimed Ownership of US Registrations: 1948097

Child Of: 76201760

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 incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services

For: Metal key rings, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2006

Use in Commerce: Aug. 31, 2006

For: Sunglasses, magnets and protective helmets, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1995

Use in Commerce: Aug. 31, 1995

For: Firearms, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 013 - Primary Class

U.S Class(es): 002, 009

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 1998

Use in Commerce: Jun. 30, 1998

For: Jewelry and clocks, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2010

Use in Commerce: Jun. 30, 2010

For: Pens; and paper goods and printed matter, namely, posters; bumper stickers; decals; iron-on and plastic transfers; window stickers; note pads; mounted photographs; unmounted photographs; prints, namely, color prints, photographic prints, and pictorial prints; paper and plastic bags for packaging; and postcards; all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1987

Use in Commerce: Aug. 31, 1987

For: Non-metal key rings and jewelry boxes not of metal, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2002

Use in Commerce: Aug. 31, 2002

For: Glassware, namely, shot glasses, drinking glasses, drinking cups, and drinking mugs; insulating sleeve holders made of rubber, plastic or foam for beverage cans; insulating sleeve holders made of rubber, plastic or foam for beverage bottles; coasters not of paper and not being table linen; bottle openers; and beer steins; all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1995

Use in Commerce: Aug. 31, 1995

For: Cloth flags and quilts, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 30, 2004

Use in Commerce: Aug. 30, 2004

For: Clothing, namely, shirts, T-shirts, long sleeve T-shirts, sleeveless T-shirts, denim shirts, henley shirts, knit shirts, sport shirts, golf shirts, jackets, coats, tank tops, polo shirts, sweatshirts, pullovers, women's tops, chemises, cloth wraps, head wear, bandannas, caps, cloth headwraps, hats, scarves, belts, chaps, gloves, and sun visors, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1986

Use in Commerce: Aug. 31, 1986

For: Cloth and embroidered patches for clothing, ornamental cloth patches, hat pins for securing hats, belt buckles not of precious metal, and novelty pins, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 026 - Primary Class

U.S Class(es): 037, 039, 040, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1986

Use in Commerce: Aug. 31, 1986

For: Christmas tree ornaments and gaming chips, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2001

Use in Commerce: Jun. 30, 2001

For: Bottled water and beer, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2005

Use in Commerce: Jun. 30, 2005

For: Distilled liquor, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2002

Use in Commerce: Jun. 30, 2002

For: Ashtrays not of precious metal and cigarette lighters not of precious metal, all of the aforementioned goods relating to the STURGIS motorcycle rally

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2007

Use in Commerce: Jun. 30, 2007

For: Promoting sports competitions and conducting events of others, namely, motorcycle and vehicle rallies, exhibits, and competitions; promoting economic development in the city of Sturgis and the Black Hills area of South Dakota and Wyoming; and on-line retail store services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2002

Use in Commerce: Jun. 30, 2002

For: Entertainment services in the nature of organizing, sponsoring, and conducting a motorcycle and vehicle exhibitions and rallies

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2002

Use in Commerce: Jun. 30, 2002

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: STURGIS MOTORCYCLE RALLY, INC.

Composed of: STURGIS MOTORCYCLE RALLY, INC.

Owner Address: 1612 Junction Ave., Suite 4
Sturgis, SOUTH DAKOTA 57785
UNITED STATES

Legal Entity Type: NON-PROFIT ECONOMIC DEVELOPMENT
CORP.

State or Country SOUTH CAROLINA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jason M. Sneed

Attorney Primary JSneed@SneedLegal.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JASON M SNEED
Name/Address: SNEED PLLC
610 JETTON ST
SUITE 120 107
DAVIDSON, NORTH CAROLINA 28039
UNITED STATES

Phone: 704-779-3611

Correspondent e- JSneed@SneedLegal.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 26, 2011	CANCELLATION INSTITUTED NO. 999999	54714
Aug. 20, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 20, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 27, 2011	SEC 7 REQUEST FILED	73376
Jun. 09, 2011	CERTIFICATE OF CORRECTION ISSUED	73376
Jun. 02, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
May 27, 2011	TEAS SECTION 7 REQUEST RECEIVED	
May 03, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 26, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 25, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Mar. 24, 2011	ASSIGNED TO LIE	74221
Mar. 22, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 01, 2011	NOTICE OF DIVIDED TRADEMARK APPLICATION MAILED	
Jan. 27, 2011	STATEMENT OF USE PROCESSING COMPLETE	70565
Jan. 13, 2011	USE AMENDMENT FILED	70565
Jan. 27, 2011	DIVISIONAL PROCESSING COMPLETE	
Jan. 13, 2011	DIVISIONAL REQUEST RECEIVED	
Jan. 13, 2011	TEAS REQUEST TO DIVIDE RECEIVED	
Jan. 13, 2011	TEAS STATEMENT OF USE RECEIVED	
Oct. 06, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	70565
Oct. 01, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Sep. 07, 2010	PAPER RECEIVED	
Sep. 07, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 28, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 27, 2010	OPPOSITION TERMINATED NO. 999999	155418
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155418

Jul. 27, 2010	OPPOSITION TERMINATED NO. 999999	155337
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155337
Jul. 27, 2010	TTAB RELEASE CASE TO TRADEMARKS	155334
Jul. 27, 2010	OPPOSITION TERMINATED NO. 999999	155334
Jul. 27, 2010	OPPOSITION DISMISSED NO. 999999	155334
Dec. 09, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 09, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 08, 2006	ASSIGNED TO EXAMINER	62871
Mar. 07, 2003	OPPOSITION INSTITUTED NO. 999999	155418
Mar. 05, 2003	OPPOSITION INSTITUTED NO. 999999	155337
Mar. 05, 2003	OPPOSITION INSTITUTED NO. 999999	155334
Sep. 03, 2002	PUBLISHED FOR OPPOSITION	
Aug. 14, 2002	NOTICE OF PUBLICATION	
Feb. 25, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 08, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 02, 2001	NON-FINAL ACTION MAILED	
Apr. 20, 2001	ASSIGNED TO EXAMINER	77770

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the Statement, Page 3, lines 2-4, "; AND ENTERTAINMENT SERVICES IN THE NATURE OF ORGANIZING, SPONSORING AND CONDUCTING CIVIC PRODUCTIONS AND LIVE MUSIC CONCERTS" should be deleted.

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: POST REGISTRATION

Date in Location: Jul. 15, 2011

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: 91217630

Filing Date: Jul 30, 2014

Status: Pending

Status Date: Jul 30, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Hansen, Gary, St. Martin

Correspondent Address: GARY ST MARTIN HANSEN
399 LOWER MAIN WEST
JOHNSON VT , 05656-9636
UNITED STATES

Correspondent e-mail: stdrumr@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND	Opposition Pending	86112261	
	Plaintiff(s)		

Name: Sturgis Motorcycle Rally, Inc.

Correspondent Address: JASON M SNEED
SNEED PLLC

610 JETTON ST, STE 120-107
DAVIDSON NC , 28036
UNITED STATES

Correspondent e-mail: JSneed@SneedLegal.com , Glacona@SneedLegal.com , litigation@SneedLegal.com , admin@sneedlegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLACK HILLS	Cancellation Pending	76979109	3955170
BLACK HILLS	Registered	76979154	4301562

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 30, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 30, 2014	Sep 08, 2014
3	PENDING, INSTITUTED	Jul 30, 2014	
4	ANSWER	Sep 04, 2014	
5	MOT TO AMEND APPLICATION	Oct 01, 2014	
6	D'S COMMUNICATION RE: SERVICE	Oct 02, 2014	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 19, 2014	Dec 19, 2014
8	MOT TO AMEND APPLICATION	Nov 21, 2014	
9	MOT TO AMEND APPLICATION	Nov 21, 2014	
10	MOT TO AMEND APPLICATION	Nov 21, 2014	
11	MOT TO AMEND APPLICATION	Nov 21, 2014	
12	P OPP/RESP TO MOTION	Dec 12, 2014	
13	D OPP/RESP TO MOTION	Jan 09, 2015	
14	RESPONSE DUE TWENTY DAYS	Feb 02, 2015	
15	MOT TO AMEND APPLICATION	Feb 16, 2015	
16	MOT TO AMEND APPLICATION	Feb 17, 2015	
17	P OPP/RESP TO MOTION	Mar 10, 2015	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 27, 2015	
19	D OPP/RESP TO MOTION	May 01, 2015	
20	MOTION TO AMEND DENIED TRIAL DATES RESET	May 08, 2015	
21	P'S MT TO SUSPEND TO RETAIN COUNSEL	Feb 23, 2016	
22	D OPP/RESP TO MOTION	Feb 26, 2016	
23	DUPLICATE FILING (NOT CONSIDERED)	Feb 26, 2016	
24	D'S SUPPL TO #22 IN RESP TO P'S #21	Feb 27, 2016	
25	P MOT FOR EXT W/O CONSENT	Mar 02, 2016	
26	SUSPENDED	Mar 04, 2016	
27	PAPER RECEIVED AT TTAB	Apr 02, 2016	

Type of Proceeding: Opposition

Proceeding Number: 91209211

Filing Date: Feb 06, 2013

Status: Terminated

Status Date: Jul 08, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Fox, Francis

Correspondent Address: XAVIER MORALES
LAW OFFICE OF XAVIER MORALES
PO BOX 48617
LOS ANGELES CA , 90048-0617
UNITED STATES

Correspondent e-mail: XM@SECUREYOURTRADEMARK.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Plaintiff(s)

Name: Sturgis Motorcycle Rally, Inc.

Correspondent Address: JASON M SNEED
610 JETTON DRIVE
SUITE 120-107
DAVIDSON NC , 28036
UNITED STATES

Correspondent e-mail: jsneed@sneedlegal.com , litigation@sneedlegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLACK HILLS	Cancellation Pending	76979109	3955170

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 06, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 06, 2013	Mar 18, 2013
3	PENDING, INSTITUTED	Feb 06, 2013	
4	NOTICE OF DEFAULT	Apr 23, 2013	
5	BD DECISION: SUSTAINED	Jul 08, 2013	
6	TERMINATED	Jul 08, 2013	

Type of Proceeding: Opposition

Proceeding Number: [91202965](#)

Filing Date: Dec 14, 2011

Status: Pending

Status Date: Dec 14, 2011

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Sturgis Black Hills Rally S.D., LLC

Correspondent Address: KYLE T PETERSON
PATTERSON THUENTE CHRISTENSEN PEDERSEN PA
4800 IDS CENTER , 80 SOUTH EIGHTH STREET
MINNEAPOLIS MN , 55402-2100
UNITED STATES

Correspondent e-mail: trademark@ptslaw.com , peterston@ptslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
STURGIS BLACK HILLS RALLY S.D.	Opposition Pending	85163971	

Plaintiff(s)

Name: Sturgis Motorcycle Rally, Inc.

Correspondent Address: JASON M SNEED
SNEED PLLC
610 JETTON STREET, SUITE 120-107
DAVIDSON NC , 28036
UNITED STATES

Correspondent e-mail: JSneed@SneedLegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
STURGIS	Cancellation Pending	76979104	3923284
BLACK HILLS	Cancellation Pending	76979109	3955170
STURGIS BIKE WEEK	Registered	76012841	3818703
TAKE THE RIDE TO STURGIS	Section 15 - Acknowledged	78010763	2698677
BLACK HILLS MOTOR CLASSIC STURGIS RALLY & RACES BLACK HILLS S.D.	Renewed	74533873	1948097

Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Dec 14, 2011		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2011	Jan 23, 2012	
3	PENDING, INSTITUTED	Dec 14, 2011		
4	D APPEARANCE / POWER OF ATTORNEY	Jan 13, 2012		
5	ANSWER	Jan 13, 2012		
6	D MOT TO SUSP PEND DISP CIV ACTION	Mar 23, 2012		
7	SUSPENDED PENDING DISP OF CIVIL ACTION	Apr 23, 2012		
8	RESPONSE DUE	Apr 23, 2013		
9	D RESP TO BD ORDER/INQUIRY	Apr 24, 2013		
10	SUSP PEND DISP OF CIVIL ACTION	Jun 14, 2013		
11	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 17, 2014	Jul 17, 2014	
12	D RESP TO BD ORDER/INQUIRY	Jun 17, 2014		
13	SUSP PEND DISP OF CIVIL ACTION	Jul 10, 2014		
14	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 21, 2015	Oct 21, 2015	
15	D RESP TO BD ORDER/INQUIRY	Sep 22, 2015		
16	SUSP PEND DISP OF CIVIL ACTION	Sep 22, 2015		

Type of Proceeding: Cancellation

Proceeding Number: 92054714 **Filing Date:** Oct 21, 2011
Status: Pending **Status Date:** Oct 21, 2011
Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Sturgis Motorcycle Rally Inc
Correspondent Address: JASON M SNEED
SNEED PLLC
610 JETTON ST, SUITE 120 107
DAVIDSON NC , 28039
UNITED STATES
Correspondent e-mail: JSneed@SneedLegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLACK HILLS	Cancellation Pending	76979109	3955170
STURGIS	Cancellation Pending	76979104	3923284

Plaintiff(s)

Name: Concerned Citizens for Sturgis, Inc.
Correspondent Address: PHILIP G HAMPTON
HAYNES AND BOONE LLP
800 17TH STEET NW, SUITE 500
WASHINGTON DC , 20006-45
UNITED STATES

Correspondent e-mail: ipdocketing@haynesboone.com , philip.hampton@haynesboone.com , lisa.garono@haynesboone.com , nance.pitzer@haynesboone.com , scott.benfield@haynesboone.com

Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Oct 21, 2011		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 26, 2011	Dec 05, 2011	
3	PENDING, INSTITUTED	Oct 26, 2011		
4	ANSWER	Dec 05, 2011		
5	D'S MOTION FOR SUMMARY JUDGMENT	Apr 30, 2012		
6	D'S MOTION FOR SUMMARY JUDGMENT	Apr 30, 2012		
7	D'S MOTION FOR SUMMARY JUDGMENT	Apr 30, 2012		
8	D'S MOTION FOR SUMMARY JUDGMENT	Apr 30, 2012		

9	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	May 11, 2012	
10	CHANGE OF CORRESPONDENCE ADDRESS	May 22, 2012	
11	P'S OPPOSITION/RESPONSE TO MOTION	Jun 05, 2012	
12	P'S OPPOSITION/RESPONSE TO MOTION	Jun 04, 2012	
13	P'S OPPOSITION/RESPONSE TO MOTION	Jun 04, 2012	
14	P'S OPPOSITION/RESPONSE TO MOTION	Jun 08, 2012	
15	D'S REPLY IN SUPPORT OF MOTION	Jun 23, 2012	
16	P'S OPPOSITION/RESPONSE TO MOTION	Jul 02, 2012	
17	P'S OPPOSITION/RESPONSE TO MOTION	Jul 02, 2012	
18	SUSPENDED PENDING DISP OF CIVIL ACTION	Aug 03, 2012	
19	RESPONSE DUE 30 DAYS (DUE DATE)	Aug 13, 2013	Sep 12, 2013
20	SUSP PEND DISP OF CIVIL ACTION	Oct 01, 2013	
21	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 10, 2014	Nov 09, 2014
22	P RESP TO BD ORDER/INQUIRY	Oct 14, 2014	
23	BD'S COMMUNICATION	Oct 31, 2014	
24	P RESP TO BD ORDER/INQUIRY	Oct 31, 2014	
25	SUSP PEND DISP OF CIVIL ACTION	Dec 16, 2014	
26	RESPONSE DUE 30 DAYS (DUE DATE)	Jan 11, 2016	Feb 10, 2016
27	PAPER RECEIVED AT TTAB	Feb 09, 2016	
28	D OPP/RESP TO MOTION	Feb 18, 2016	
29	P REPLY IN SUPPORT OF MOTION	Feb 29, 2016	

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 31

Generated on: This page was generated by TSDR on 2016-04-03 12:23:33 EDT

Mark: IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND , 'TILL YOU BEEN HERE !

It's a Black Hills Thing !
You wouldn't
understand ,
'Till you been here !

US Serial Number: 86112261

Application Filing Date: Nov. 06, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jul. 30, 2014

Publication Date: Apr. 01, 2014

Mark Information

Mark Literal Elements: IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND , 'TILL YOU BEEN HERE !

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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 incontestability; and
- Asterisks * . * identify additional (new) wording in the goods/services.

For: Custom imprinting of T-shirts; Custom imprinting of bumper sticker with decorative designs; Custom imprinting of slogan with messages; Imprinting messages on T-shirts; Imprinting messages on wearing apparel and mugs; Imprinting of decorative designs on T-shirts; Silk screen printing; T-shirt embroidering services

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Hansen, Gary, St. Martin

DBA, AKA, Formerly: AKA Gary Kimble St. Martin

Owner Address: 10079 Valley Rd. NE
Bainbridge Island, WASHINGTON 98110

UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: GARY ST MARTIN HANSEN
399 LOWER MAIN WEST
JOHNSON, VERMONT 05656-9636
UNITED STATES

Phone: 206 319 8158

Correspondent e-mail: stdrumr@gmail.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 30, 2014	OPPOSITION INSTITUTED NO. 999999	217630
Apr. 25, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 02, 2014	NOTICE OF PUBLICATION	
Apr. 01, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 01, 2014	PUBLISHED FOR OPPOSITION	
Mar. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 22, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 22, 2014	ASSIGNED TO EXAMINER	76734
Nov. 19, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Nov. 18, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 09, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HAYES, GINA CLARK

Law Office: LAW OFFICE 103
Assigned:

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 24, 2014

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91217630

Filing Date: Jul 30, 2014

Status: Pending

Status Date: Jul 30, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name: Hansen, Gary, St Martin

Correspondent Address: GARY ST MARTIN HANSEN
399 LOWER MAIN WEST
JOHNSON VT , 05656-9636
UNITED STATES

Correspondent e-mail: stdrumr@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND	Opposition Pending	86112261	
Plaintiff(s)			

Name: Sturgis Motorcycle Rally, Inc.

Correspondent Address: JASON M SNEED
SNEED PLLC
610 JETTON ST, STE 120-107
DAVIDSON NC , 28036
UNITED STATES

Correspondent e-mail: JSneed@SneedLegal.com , Glacona@SneedLegal.com , litigation@SneedLegal.com , admin@sneedlegal.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BLACK HILLS	Cancellation Pending	76979109	3955170
BLACK HILLS	Registered	76979154	4301562

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 30, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 30, 2014	Sep 08, 2014
3	PENDING, INSTITUTED	Jul 30, 2014	
4	ANSWER	Sep 04, 2014	
5	MOT TO AMEND APPLICATION	Oct 01, 2014	
6	D'S COMMUNICATION RE: SERVICE	Oct 02, 2014	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 19, 2014	Dec 19, 2014
8	MOT TO AMEND APPLICATION	Nov 21, 2014	
9	MOT TO AMEND APPLICATION	Nov 21, 2014	
10	MOT TO AMEND APPLICATION	Nov 21, 2014	
11	MOT TO AMEND APPLICATION	Nov 21, 2014	
12	P OPP/RESP TO MOTION	Dec 12, 2014	
13	D OPP/RESP TO MOTION	Jan 09, 2015	
14	RESPONSE DUE TWENTY DAYS	Feb 02, 2015	
15	MOT TO AMEND APPLICATION	Feb 16, 2015	
16	MOT TO AMEND APPLICATION	Feb 17, 2015	
17	P OPP/RESP TO MOTION	Mar 10, 2015	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 27, 2015	
19	D OPP/RESP TO MOTION	May 01, 2015	
20	MOTION TO AMEND DENIED TRIAL DATES RESET	May 08, 2015	
21	P'S MT TO SUSPEND TO RETAIN COUNSEL	Feb 23, 2016	
22	D OPP/RESP TO MOTION	Feb 26, 2016	
23	DUPLICATE FILING (NOT CONSIDERED)	Feb 26, 2016	
24	D'S SUPPL TO #22 IN RESP TO P'S #21	Feb 27, 2016	
25	P MOT FOR EXT W/O CONSENT	Mar 02, 2016	
26	SUSPENDED	Mar 04, 2016	
27	PAPER RECEIVED AT TTAB	Apr 02, 2016	

Type of Proceeding: Extension of Time

Proceeding Number: 86112261

Filing Date: Apr 25, 2014

Status: Terminated

Status Date: Jul 30, 2014

Interlocutory Attorney:

Defendant

Name: Hansen, Gary, St. Martin

Correspondent Address: HANSEN, GARY, ST. MARTIN
10079 NE VALLEY RD
BAINBRIDGE ISLAND WA , 98110-4309

Associated marks

Mark	Application Status	Serial Number	Registration Number
IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND	Opposition Pending	86112261	

Potential Opposer(s)

Name: Sturgis Motorcycle Rally, Inc.

Correspondent Address: Jason Sneed; Gina Iacona
SNEED PLLC
610 Jetton Street Suite 120-107
Davidson NC , 28036
UNITED STATES

Correspondent e-mail: JSneed@SneedLegal.com , Glacona@SneedLegal.com , litigation@SneedLegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 25, 2014	
2	EXTENSION OF TIME GRANTED	Apr 25, 2014	
3	INCOMING - EXT TIME TO OPPOSE FILED	May 31, 2014	
4	EXTENSION OF TIME GRANTED	May 31, 2014	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Apr 2, 2014

NOTICE OF PUBLICATION

1. Serial No.:
86-112,261
2. Mark:
IT'S A BLACK HILLS THING ! YOU WOULDN'T
Etc. (STANDARD CHARACTER MARK)
3. International Class(es):
40
4. Publication Date:
Apr 1, 2014
5. Applicant:
Hansen, Gary, St. Martin

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=86112261>.

Correspondence Address:

HANSEN, GARY, ST. MARTIN
10079 NE VALLEY RD
BAINBRIDGE ISLAND, WA 98110-4309

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, April 1, 2014 00:42 AM
To: stdrumr@gmail.com
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86112261: IT'S A BLACK HILLS THING ! YOU WOULDN'T etc.

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86-112,261
Mark: IT'S A BLACK HILLS THING ! YOU WOULDN'T etc.
International Class(es): 040
Owner: Hansen, Gary, St. Martin
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Apr 01, 2014.

To View the Mark in the Next Generation TMOG (eOG):

Click on the following link or paste the URL into an internet browser: <http://tmog.uspto.gov/#date=2014-04-01&serial=86112261>

To View the Mark in the Legacy format TMOG:

1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20140401_OG.pdf#page=00001163
2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_faqs.jsp

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPost:PubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

To view this notice and other documents for this application on-line, go to <http://tsdr.uspto.gov/search.action?sn=86112261>. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Mar 12, 2014

NOTICE OF PUBLICATION

1. Serial No.:
86-112,261
2. Mark:
IT'S A BLACK HILLS THING ! YOU WOULDN'T
Etc. (STANDARD CHARACTER MARK)
3. International Class(es):
40
4. Publication Date:
Apr 1, 2014
5. Applicant:
Hansen, Gary, St. Martin

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

stdrumr@gmail.com

From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, March 12, 2014 03:35 AM
To: stdrumr@Gmail.com
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86112261: IT'S A BLACK HILLS THING ! YOU WOULDN'T etc.

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86112261) is scheduled to publish in the *Official Gazette* on Apr 1, 2014 . To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=86112261>. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	86112261	FILING DATE	11/06/2013
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	HAYES, GINA CLARK	L.O. ASSIGNED	103

PUB INFORMATION

RUN DATE	02/25/2014		
PUB DATE	04/01/2014		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	02/24/2014		
LITERAL MARK ELEMENT	IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND , 'TILL YOU BEEN HERE !		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	IT'S A BLACK HILLS THING ! YOU WOULDN'T UNDERSTAND , 'TILL YOU BEEN HERE !
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Hansen, Gary, St. Martin
ADDRESS	10079 Valley Rd. NE Bainbridge Island, WA 98110
ENTITY	01-INDIVIDUAL

CITIZENSHIP	United States of America
DBA/AKA	AKA Gary Kimble St. Martin

GOODS AND SERVICES

INTERNATIONAL CLASS	040
DESCRIPTION TEXT	Custom imprinting of T-shirts; Custom imprinting of bumper sticker with decorative designs; Custom imprinting of slogan with messages; Imprinting messages on T-shirts; Imprinting messages on wearing apparel and mugs; Imprinting of decorative designs on T-shirts; Silk screen printing; T-shirt embroidering services

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	040	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	IT IS A BLACK HILLS THING YOU WOULD NOT UNDERSTAND UNTIL YOU BEEN HERE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
02/22/2014	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	005
02/22/2014	DOCK	D	ASSIGNED TO EXAMINER	004
11/19/2013	MPMK	E	NOTICE OF PSEUDO MARK E-MAILED	003
11/18/2013	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
11/09/2013	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	HANSEN, GARY, ST. MARTIN 10079 NE VALLEY RD BAINBRIDGE ISLAND, WA 98110-4309
DOMESTIC REPRESENTATIVE	NONE

It's a Black Hills Thing !
You wouldn't
understand ,
'Till you been here !

*** User:ghayes1 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	0	0:01	86112261[SN]
02	123	81	42	0	0:01	*bla{"ckqx"}*[bi,ti] and *hill*[bi,ti]
03	17	11	2	0	0:02	"you wouldn't"[bi,ti]
04	757	N/A	0	0	0:01	*understand*[bi,ti]
05	82	55	27	0	0:02	"been there"[bi,ti]
06	14836	N/A	0	0	0:01	*black*[bi,ti]
07	11781	N/A	0	0	0:01	*hill*[bi,ti]
08	1	0	1	0	0:01	4 and (6 7)

Session started 2/22/2014 4:58:05 PM

Session finished 2/22/2014 5:02:13 PM

Total search duration 0 minutes 10 seconds

Session duration 4 minutes 8 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86112261

*** User:ghayes1 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	0	0:01	86112261[SN]
02	123	81	42	0	0:01	*bla{"ckqx"}*[bi,ti] and *hill*[bi,ti]
03	17	11	2	0	0:02	"you wouldn't" bi,ti]
04	757	N/A	0	0	0:01	*understand*[bi,ti]
05	82	55	27	0	0:02	"been there" bi,ti]

Session started 2/22/2014 4:58:05 PM

Session finished 2/22/2014 5:01:15 PM

Total search duration 0 minutes 7 seconds

Session duration 3 minutes 10 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86112261

From: TMDesignCodeComments
Sent: Tuesday, November 19, 2013 00:23 AM
To: stdrumr@gmail.com
Subject: Notice of Pseudo Mark for Serial Number: 86112261

Docket/Reference Number:

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGRB' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=86112261>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

IT IS A BLACK HILLS THING YOU WOULD NOT UNDERSTAND UNTIL YOU BEEN HERE

It's a Black Hills Thing !
You wouldn't
understand ,
'Till you been here !

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86112261

Filing Date: 11/06/2013

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	It's a Black Hills Thing ! You wouldn't understand , "Till you been here !
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	It's a Black Hills Thing ! You wouldn't understand , "Till you been here !
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Hansen, Gary, St. Martin
DBA/AKA/TA/FORMERLY	AKA Gary Kimble St. Martin
*STREET	10079 Valley Rd. NE
*CITY	Bainbridge Island
*STATE (Required for U.S. applicants)	Washington
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	98110
PHONE	206 319 8158
EMAIL ADDRESS	stdrumr@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
WEBSITE ADDRESS	www.garystmartin.com
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
*COUNTRY OF CITIZENSHIP	United States

GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	040
*IDENTIFICATION	Custom imprinting of T-shirts; Custom imprinting of bumper sticker with decorative designs; Custom imprinting of slogan with messages; Imprinting messages on T-shirts; Imprinting messages on wearing apparel and mugs; Imprinting of decorative designs on T-shirts; Silk screen printing; T-shirt embroidering services
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Hansen, Gary, St. Martin
*STREET	10079 Valley Rd. NE
*CITY	Bainbridge Island
*STATE (Required for U.S. applicants)	Washington
*COUNTRY	United States
*ZIP/POSTAL CODE	98110
PHONE	206 319 8158
*EMAIL ADDRESS	stdrumr@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
*SIGNATURE	/Black Hills Thing/
*SIGNATORY'S NAME	Gary St Martin Hansen
*SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	(206)319-8158
*DATE SIGNED	11/06/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86112261

Filing Date: 11/06/2013

To the Commissioner for Trademarks:

MARK: It's a Black Hills Thing ! You wouldn't understand , 'Till you been here ! (Standard Characters, see [mark](#))
The literal element of the mark consists of It's a Black Hills Thing ! You wouldn't understand , 'Till you been here !.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Gary, St. Martin Hansen, AKA Gary Kimble St. Martin, a citizen of United States, having an address of
10079 Valley Rd. NE
Bainbridge Island, Washington 98110
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 040: Custom imprinting of T-shirts; Custom imprinting of bumper sticker with decorative designs; Custom imprinting of slogan with messages; Imprinting messages on T-shirts; Imprinting messages on wearing apparel and mugs; Imprinting of decorative designs on T-shirts; Silk screen printing; T-shirt embroidering services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

For informational purposes only, applicant's website address is: www.garystmartin.com

The applicant's current Correspondence Information:

Hansen, Gary, St. Martin
10079 Valley Rd. NE
Bainbridge Island, Washington 98110
206 319 8158(phone)
stdrumr@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Black Hills Thing/ Date Signed: 11/06/2013

Signatory's Name: Gary St Martin Hansen

Signatory's Position: Owner

RAM Sale Number: 86112261
RAM Accounting Date: 11/07/2013

Serial Number: 86112261
Internet Transmission Date: Wed Nov 06 18:40:13 EST 2013
TEAS Stamp: USPTO/FTK-XX.XX.XXX.XXX-2013110618401375
9976-86112261-50085515ef2e216910e2db9762
4c342d65d6c9e871a2bd9f93749fc14ec93eaad-
CC-6187-20131106154127980699

It's a Black Hills Thing !
You wouldn't
understand ,
'Till you been here !

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

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 32

<http://blackhillslegend.com>

<http://blackhillslegend.com>

Please Ring
the Doorbell!



BADLANDS

Black Hills Music



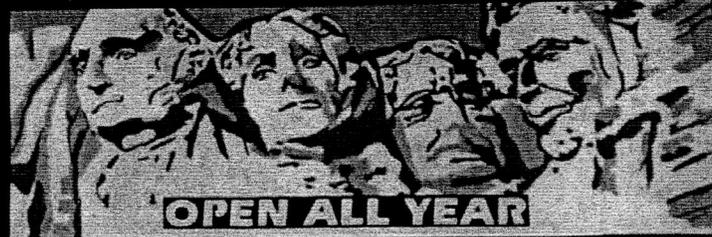
PRESS THE LEGENDS BUTTON

*Photographs of
Black Hills
Bands and Legends*



IT'S A BLACK HILLS THING!

Visit Mount Rushmore



OPEN ALL YEAR

Gift ★ Souvenirs ★ Dining with a View

Black Hills Jukebox



*Records by Black Hills
Artists, Bands and Legends*



Please Press the Button Above

The Black Hills Jukebox Music Submission Page



Please Ring
the Doorbell!

DEADWOOD

Black Hills Music



PRESS MULE DEER BUTTON

*Artist of the Month
Gary Mule Deer,*
on Letterman, talks about his first
gig at the Buffalo Bar in Deadwood!



Bands and Legends



*Records by Black Hills
Artists, Bands and Legends*



Please Press the Button Above

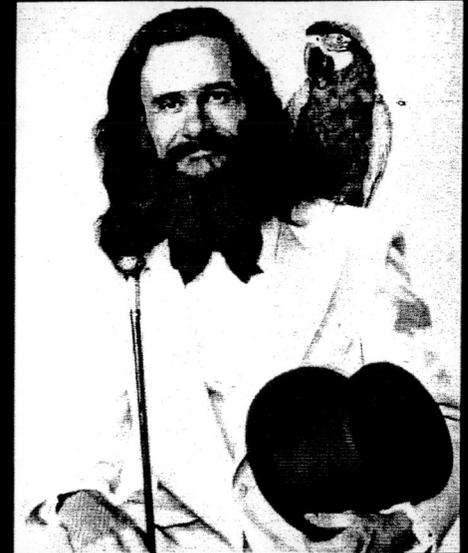
The Black Hills Jukebox Music Submission Page

Shep the Wonderdog's Page!



Press the Shep Button!

on Letterman, talks about his first
gig at the Buffalo Bar in Deadwood!



Singlejim News:



Singlejim & Shep:

MY BLACK HILLS!

YOUR BLACK HILLS!

OUR BLACK HILLS!

MY BLACK HILLS!

YOUR BLACK HILLS!

OUR BLACK HILLS!

Singlejim Fredrickson & Shep the Wonderdog

In the Spring of '65, I was playing drums 6 nights a week in a Rapid City night club called Bob's Modern Bar down on the 700 block of Main Street. Soon after being booked into Bob's on yet another Midwestern road tour, I met a musician working a few doors down, in another club on Main Street, and over time, we became very close friends. He was a barber, and he had his own shop over by Canyon Lake. As it so happened, I was living in a cabin at The Canyon Lake Guest Ranch, and thus I had him regularly trim my hair. Down on Main Street, on any given night, one of us would come by during our 15 minute break, and listen to one another play, or, if we were both on break, we'd talk about how Bob Henning watered down his whisky, or maybe we'd just check out the new "go go dancer" who was booked in to Bob's that week ... whatever .. Of course, that musician those 50 years ago, was Singlejim Fredrickson ... and I, of course, was that drummer, and my name is Gary Kimble St.Martin.

Now, one day I was in old Donaldson's Dept Store, just looking around, when I happen to see a photographer's booth set up by the escalator upstairs and parents were having their children's pictures taken for Easter ... something colorful caught my eye over by the camera, and I noticed that the photographer had a live "parrot", a prop, so to speak, that was meant, I deduced, to stand on it's perch behind the child while the picture was being taken ... but, each time the photographer went to snap the picture, the bird would fall off it's perch ... the vision of the poor old bird remained in my mind all day. That night as I stood at the bar still thinking about the "parrot", in walks Singlejim, he orders a whisky, tells me once again, that "it's watered down," ... then, I remember the "parrot

Now, one day I was in old Donaldson's Dept Store, just looking around, when I happen to see a photographer's booth set up by the escalator upstairs and parents were having their children's pictures taken for Easter ... something colorful caught my eye over by the camera, and I noticed that the photographer had a live "parrot", a prop, so to speak, that was meant, I deduced, to stand on it's perch behind the child while the picture was being taken ... but, each time the photographer went to snap the picture, the bird would fall off it's perch ... the vision of the poor old bird remained in my mind all day. That night as I stood at the bar still thinking about the "parrot", in walks Singlejim, he orders a whisky, tells me once again, that "it's watered down," ... then, I remember the "parrot" ... I never even thought about telling Singlejim about the bird, but it just crossed my mind, so I said,

" Jim, I saw this "parrot" today at Donaldson's Dept Store ... " and then, in great detail, I described how sick the poor bird looked, and I told Jim that I truly believed that the "parrot" was on it's last leg ... Jim said he'd take a look at the "parrot" the following day ... and ... well the rest is history, as they say, because the very next day Singlejim became the proud owner of the "parrot" and for the next 50 years Singlejim and the bird were inseparable ... Jim named him " Shep the Wonderdog," and he told me all about it that next night at Bob's. Oh, and he told me too, specifically, that Shep was not a "parrot", and that "Sheppie," as Singlejim called him, was a "Macaw" parrot !

And so, throughout the next half century, when ever I was in the Black Hills, touring, or just passing through, I always tried to spend some time with Jim and Shep ...

And back when Singlejim and I played in Kenny Miller's band in '77-'78, Jim would often have Shep with him, and he'd do his "break time show" with Shep hanging from an "S" hook which was hooked through Jim's .44 caliber sized piercing in his left ear, and Shep, swinging like the daring young man on the flying trapeze, back and forth, stole the show, and this being only one of some 38 or more tricks that Singlejim taught "Sheppie", over those 50 plus years ...

I have often referred to myself as Shep the Wonderdog's God Father ... There is a deep connection between Shep, Jim and myself, and it made us all cry when we found out that Shep had passed away last February in the cold of winter . The last time I was in the Black Hills I played a concert with Kenny Miller, Gary Mule Deer, and Williams and Ree, at Black Hills State University Spearfish, I spent the night up at Jim's place, just me, Jim, and Shep, and we drank some whisky, talked all

I have often referred to myself as Shep the Wonderdog's God Father ... There is a deep connection between Shep, Jim and myself, and it made us all cry when we found out that Shep had passed away last February in the cold of winter . The last time I was in the Black Hills I played a concert with Kenny Miller, Gary Mule Deer, and Williams and Ree, at Black Hills State University Spearfish, I spent the night up at Jim's place, just me, Jim, and Shep, and we drank some whisky, talked all night, the next day I attended a wedding that Singlejim officiated across the way from his house at the camp grounds. It was a wonderful, and enduring memory for me ... a very touching, and, of course, entertaining moment ... I played the concert that night, and left for the west coast the next day, not knowing that I was never to see Shep the Wonderdog alive again.

Thanks to all who have been so kind and appreciative to have found it in their hearts to organize this benefit event to support a couple of true Black Hills Legends, Singlejim Fredrickson, and his late partner of 50 years, Shep the Wonderdog. God Bless.

Gary Kimble St.Martin

This website is dedicated to the song of the same title, "It's a Black Hills Thing!" It was written by Gary St. Martin, World class Drummer who has played with all the legendary musicians, comedians, and stars of the Black Hills of South Dakota at one time or another through out the years since his first gig that brought him to Rapid City in the summer of '66. After several years of playing as a union musician in the Black Hills he moved to Southern California and attended college for five years then returned to Deadwood, South Dakota during the winter of '77 seeking to rekindle his tenure as a drummer in the Black Hills. Soon after his arrival he met Kenny Miller who knocked on his door one winter's day where he was staying in Deadwood.

California and attended college for five years then returned to Deadwood, South Dakota during the winter of '77 seeking to rekindle his tenure as a drummer in the Black Hills. Soon after his arrival he met Kenny Miller who knocked on his door one winter's day where he was staying in Deadwood at the old Martin Mason Hotel and he was offered a gig playing with Kenny Miller and Dean Hultberg to open for the Amazing Rhythm Aces concert a few days later in Spearfish. This was an opportunity that led to many gigs playing in Kenny's band throughout the coming year. Staying in touch with Kenny Miller it was another opportunity to do a concert with Williams and Ree, Gary Mule Deer, and Kenny while passing through Deadwood in June of '09 while returning from a gig in Phoenix, Arizona where Kenny was coincidentally playing in the same resort area. It was after that he wrote the song, "It's a Black Hills Thing!" in the "Outlaw Country" style that he had learned during those days back when Kenny and he had played together in Deadwood years before. He wrote the song with Kenny Miller in mind, and the song itself was inspired by the days during the Sturgis Motorcycle Rally that he had played with Kenny Miller, Dean Hultberg, and Single Jim Fredrickson in '77. The song is about a couple who are riding their bike through the Black Hills on their way to the Sturgis Motorcycle Rally. And after attempting to entice Kenny into singing other original compositions that he had written in the past, Kenny finally accepted the offer to record his version of "It's a Black Hills Thing!". The version you will hear on this website now is the "demo" version recorded by Gary St. Martin last year. It is thus the aim of this website to promote the song, and Kenny Miller's new version of the tune, and to offer the song on iTunes to especially those hundreds of thousands of bikers who will attend the Sturgis Motorcycle Rally.



of "It's a Black Hills Thing." The version you will hear on this website now is the "demo" version recorded by Gary St. Martin last year. It is thus the aim of this website to promote the song, and Kenny Miller's new version of the tune, and to offer the song on iTunes to especially those hundreds of thousands of bikers who will attend the Sturgis Motorcycle Rally this year, with the hopes that it will become an anthem and testament to this annual event that all began when the Jackpine Gypsies held their first rally in '38. The event, as the song says, now brings a million bikers a year to Sturgis and the Black Hills of South Dakota "and they keep comin' ... to the Sturgis Buffalo Chip, and all the many venues each year. So press the door bell here on the home page of the website, and hear the original recording of the tune, and read about the history of the "Sturgis Run," the Sturgis Buffalo Chip and the musicians that live and play there in the Black Hills of South Dakota.

Sturgis

Hill City

000012654





1936 - 2015

Sadly, James Singlejim Fredrickson passed away May 20, 2015.

He will be greatly missed ... a very close friend, of more than
50 years , he was an amazing artist, musician, intellect, and virtual
Black Hills Legend in his own time. Rest in Peace Jim.

Gary Kimble St. Martin

Rapid City Journal

THE TRUTH ABOUT STURGIS MOTORCYCLE RALLY INC. !

It's a Black Hills Thing . com is in no way
affiliated, associated, or in competition with, as to
any merchandise, goods and services or in anyway
there, or term, related to Sturgis Motorcycle Rally

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It's a Black Hills Thing . com is in no way affiliated, associated, or in competition with, as to any merchandise, goods and services or in anyway shape, or form, related to Sturgis Motorcycle Rally Inc., nor does, It's a Black Hills Thing . com desire to give the impression in any way that it ever was associated with Sturgis Motorcycle Rally Inc.

Gary Kimble St. Martin

The website, It's a Black Hills Thing . com

The book, "It's a Black Hills Thing,
you wouldn't understand... 'til you been here !"

Black Hills Legends of Music

Composer of, " It's a Black Hills Thing " on iTunes

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
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Filed: November 6, 2013
Published: April 1, 2014

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 33



Music > Country > Black Hills Legend Band



It's a Black Hills Thing ! (feat. Gary St.Martin) - Single

Black Hills Legend Band >

Songs Ratings and Reviews Related

NAME	ARTIST	TIME	POPULARITY	PRICE
1. It's a Black Hills Thing ! (feat. Gary St.Martin)	Black Hills Legend Band	3:44		\$0.99
TOTAL: 1 ITEM				

\$0.99 Buy

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FAX: (605)342-0554

June 28, 2016

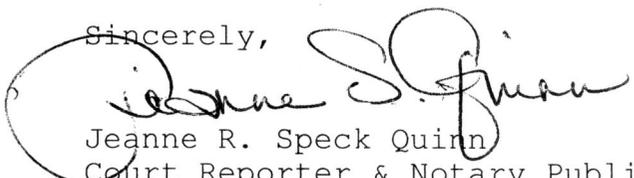
MR. JASON M. SNEED
Sneed PLLC
610 Jetton Street
Suite 120-107
Davidson, North Carolina

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