

BULKY DOCUMENT

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Proceeding No.	91217630
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Filing Date	7/22/2016
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Part	1	of	1
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91217630

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TM



July 18, 2016



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

Via Fed-Ex

Re: *Sturgis Motorcycle Rally, Inc. v. Gary St. Martin Hansen* – Opposition
Proceeding 91217630 – 86 112 261

Dear Sir or Madam:

Opposer, Sturgis Motorcycle Rally, Inc., submits of record in connection with this opposition proceeding the original certified transcript of the testimonial deposition of Gary St. Martin Hansen, taken on June 29, 2016.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan E. Sorokes'.

Megan E. Sorokes, Esq.



STURGIS MOTORCYCLE RALLY, INC. V. GARY ST. MARTIN HANSEN
Gary St. Martin Hansen on 06/29/2016

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

3 In the matter of Trademark Application Serial No.
4 86/112,261

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

7 Filed: November 6, 2013

ORIGINAL

8 Published: April 1, 2014

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10 STURGIS MOTORCYCLE RALLY, INC.,)
11 Opposer,)
12) OPPOSITION NO.
13) 91217630
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D E P O S I T I O N

- of -

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GARY ST. MARTIN HANSEN

16

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taken on behalf of the Opposer on Wednesday,
June 29, 2016, at Johnson State College, Dewey
18 1867, 337 College Hill, Johnson, Vermont,
19 commencing at 10:02 AM.

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COURT REPORTER: JOHANNA MASSÉ, RMR, CRR

23

24

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9

ALSO PRESENT: WENDY EDELSON

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1 I N D E X

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3 GARY ST. MARTIN HANSEN PAGE
4 EXAMINATION BY MR. SNEED 5

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6

7

E X H I B I T S

8

9	NUMBER	DESCRIPTION	I.D.	OFFERED
10	No.27	Black Hills Registration Certificate, No. 4,301,562	57	93
11	No.29	Black Hills Registration Certificate, No. 3,955,170	54	93
12	No.31	It's a Black Hills Thing Trademark Application	30	93
13	No.32	Screen Captures from Website	82	93
14	No.33	Screen Capture from iTunes	87	93
15	No.34	Amended Notice of Deposition 4/11/16	27	93
16	No.35	Answers to Interrogatories	70	93
17	No.36	Requests for Admission/ Admissions	73	93
18	No.37	7/30/14 Letter - Sneed to Hansen	43	93
19	No.38	Applicant's Rule 26(a)(1) Initial Disclosures	58	93
20	No.47	Notice of Opposition	48	93
21	No.48	Answer to Notice of Opposition	50	93
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25				

1	E X H I B I T S			
2	(Continued)			
3	NUMBER	DESCRIPTION	I.D.	OFFERED
4	No. 49	Amendment of Goods and Services	65	93
5	No. 50	Revised Motion to Amend Goods and Services	67	93
6	No. 51	Motion to Amend Goods and Services	68	93
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8	No. 52	Notice of Deposition, 6/15/16	28	93
9				
10	No. 53	Photograph of Applicant	88	93
11	No. 54	Photograph of Applicant	90	93
12	No. 55	Photograph of Applicant and Granddaughter	89	93

13 (The original exhibits were included
14 with the original transcript.)
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1 WEDNESDAY, JUNE 29, 2016

2 10:02 AM

3 -----

4 GARY ST. MARTIN HANSEN,

5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. SNEED:

8 Q. Mr. Hansen, my name is Jason Sneed. I'm here
9 on behalf of Sturgis Motorcycle Rally, Inc. Can you
10 hear me fine?

11 A. I can. But please --

12 Q. Okay.

13 A. -- call me Gary St. Martin.

14 Q. Okay. I'll --

15 A. Mr. St. Martin.

16 Q. I'll call you by -- by the name in which you
17 filed the application, which is Mr. Hansen, and we'll
18 proceed on that basis.

19 This is Megan Sorokes, an associate in my
20 office. She also represents SMri.

21 And you're here --

22 THE WITNESS: What should I do here? Should I
23 just leave?

24 MS. EDELSON: Well, that's not really going to
25 be helpful.

1 THE WITNESS: I think it's -- I think it's
2 wrong.

3 A. Listen, here's -- here's my -- here's the
4 reason, Jason. Ahmad Jamal, the piano player, is named
5 Fritz Jones. Tony Curtis' name is Bernard Schwartz.
6 Cary Grant's name was Archibald Leach. I go by the
7 name of Gary St. Martin, and people that depose these
8 people and so forth don't call them by their legal name
9 but by their professional name, and I really want you
10 to do that.

11 Q. What is your official legal name, sir?

12 A. Martin Gary Hansen.

13 Q. On your birth certificate what is your -- what
14 is your name?

15 A. That's it.

16 Q. Okay. On your birth certificate, your first
17 name is Martin --

18 A. It is.

19 Q. -- and your middle name is Gary and your last
20 name is Hansen?

21 A. That's right.

22 Q. Okay. And is that what's on your driver's
23 license?

24 A. No. It's Gary M. Hansen on my driver's
25 license.

1 Q. Okay.

2 A. And then on all my PR and everything that I do
3 and since I was a child, they've been calling me Gary
4 St. Martin.

5 Q. And have you ever had your -- your name
6 legally changed from Martin Gary Hansen to something
7 else?

8 A. No.

9 Q. Okay. I'll refer to you as Mr. Hansen as we
10 go forward today.

11 A. Well, Jason, what are you going to do if I
12 just walk -- walk? I mean, are you guys going to go
13 back to Charlotte with no deposition? Because this is
14 stupid. I mean, it really is. It's really a matter of
15 me and you doing what we've been doing all along with
16 you insisting that I quit my -- my trademark and me
17 insisting that I'm never going to do it, so I'm serious
18 about this and I'm not going to -- I swear to God I'll
19 walk right out now.

20 Q. I also note that you have with you Miss Wendy
21 Edelson --

22 A. Yes.

23 Q. -- is that correct?

24 A. That's true.

25 Q. And her last name is E-D-E-L-S-O-N?

1 A. That's right.

2 Q. And you've identified Ms. Edelson as a witness
3 in your initial disclosures, correct?

4 A. I don't believe that I did that, but -- oh,
5 wait a minute. I did remember -- yes. I said could
6 she come along.

7 Q. Okay. Then --

8 A. Yeah. She can -- she can do that.

9 Q. Then -- then we are going to move to sequester
10 Ms. Edelson so that she shouldn't be here today if she
11 will be a witness later in this proceeding.

12 A. Then she won't be a witness.

13 Q. You're withdrawing Ms. Edelson --

14 A. Yes, I will.

15 Q. -- as a witness in the proceeding?

16 A. Yes, I will. Yes.

17 Q. She -- is Ms. Edelson an attorney?

18 A. No.

19 Q. Okay. Then we also will insist that a
20 nonattorney, someone not representing you, not be
21 present in this deposition going forward today.

22 A. Then I go.

23 Q. You're leaving this deposition?

24 MS. EDELSON: Why?

25 A. Yes, I am.

1 Q. All right.

2 A. You know, I'm not going to do this. I'm not
3 going to have you --

4 Q. Let me also -- let me also --

5 A. I'm not going to have you muscle me, Jason,
6 because I know your tactics. You're well known for it.
7 So I'm not going to do this. I'm not going to do this.

8 Q. Mr. Hansen, I also note that Ms. Edelson is
9 holding a video camera that is through a telephone,
10 correct?

11 A. Yes.

12 Q. And that video is on?

13 A. Yes.

14 Q. Okay. We move -- we object and we move to
15 strike any video that is taken, and it's not
16 appropriate to have a video going in this proceeding
17 unless arranged through --

18 A. I called my lawyer and he said there shouldn't
19 be a problem with that, but --

20 Q. You've not retained a videographer to record
21 this officially for any purpose, right?

22 A. No.

23 Q. Okay. We object and we will not proceed with
24 the deposition as long as there is a video -- hand-held
25 video running being held by your -- your colleague, Ms.

1 Edelson.

2 A. Okay. Okay. This is what I'll do. I'll not
3 run the video if you stop calling me Mr. Hansen.

4 Q. Mr. Hansen, I'm calling you what your name is
5 in your application, what your legal name is, and we'll
6 proceed on that basis.

7 A. You'll proceed nowhere, buddy. I'm not going
8 to do it. I'm not going to do it unless you -- unless
9 you at least treat me with the respect that I'm due.

10 Q. I've called you sir and I called you Mr.
11 Hansen, which is your legal name. I'm not playing some
12 game about using some name that's not your legal name.
13 This is a legal proceeding, sir.

14 A. It's up to you. I don't care.

15 Q. No. I'm not the one leaving.

16 A. Look it, I don't care. I don't care.

17 Q. Do what you want to do. We're going to
18 proceed. I'll call you your legal name and we'll
19 proceed with the questioning pursuant to the rules and
20 the law or you -- you can do whatever you wish to do.

21 A. Okay, Jason. Let's get this over with. You
22 are a fucking asshole, though. I'll say that.

23 Q. I also will note for the record that you have
24 your laptop and other cellular devices present?

25 A. I just -- the only reason I've got the laptop

1 here is if we get into a discussion and you want to see
2 the cover of my book, et cetera, that's all -- that's
3 all it's here for. What I did was I came here to
4 cooperate, and -- and you and your general -- you're --
5 you're known for this. Tom Griffith from the Rapid
6 City Journal told me all about you and your -- and your
7 encounter with him in the -- in the canyons and so
8 forth and so on, and -- and your reputation goes before
9 you. I have a really good reputation. People call me
10 Gary St. Martin, and -- and that's -- and if it was --
11 if I was Cary Grant, you sure wouldn't be calling me
12 Mr. Leach. You know, it's just -- I think it's just a
13 matter of you -- I know damn well that there's nothing
14 legal about whether I use that name or if I use
15 whatever name, and you know what my legal name is
16 because I just told you what it was, so I would
17 appreciate it if you call me Mr. St. Martin. Then we
18 can -- then we can go -- and if you're going to do this
19 again, I'm going to walk, I'm telling you. I don't
20 want to do this. I want to be treated with the proper
21 respect.

22 Q. Mr. Hansen, can you confirm that you have no
23 audio or video recording running at this moment?

24 A. Yes, sir.

25 Q. Okay. And that you won't run any more audio

1 or video recordings during the duration of this
2 deposition?

3 A. No.

4 Q. Okay. Do you understand that you're here to
5 testify in support of -- in -- in a Trademark Trial and
6 Appeal Board cancel- -- or opposition proceeding?

7 A. I certainly do. Two and a half years of -- of
8 you wasting the charity money of the -- of SMRi on --
9 on me, and -- I mean, I'm nobody. I have -- I play
10 no -- no role in Sturgis Motorcycle Rally, Inc., or
11 Sturgis or anything. In my entire book there isn't
12 even a mention of Sturgis. I've been playing in the
13 Black Hills for 50 years off and on. Everybody knows
14 me. Everybody -- I'm ...

15 Q. Do you have a passport, sir?

16 A. Yes, I do.

17 Q. And what is the legal name on your passport?

18 A. Same as I've told you.

19 Q. Okay. And that would be Martin Gary Hansen?

20 A. That's right.

21 Q. Okay. You are a musician by trade?

22 A. That's right.

23 Q. Okay. You're a drummer?

24 A. Yes, that's true.

25 Q. Okay. And is Gary St. Martin Hansen the stage

1 name that you use?

2 A. No. I use Gary St. Martin, damn it. No one
3 even knows me by that last name, Jason. Nobody.

4 Q. Okay. What is your address, sir?

5 A. 399 Lower Main West, Johnson, Vermont 05656.

6 Q. How long have you lived at that address?

7 A. Two and a half years while I've been doing
8 this opposition with you.

9 Q. Have you lived at that -- that address during
10 the entirety of this opposition proceeding?

11 A. Yes, I have.

12 Q. Okay.

13 A. Well, actually, I got wind of it when I was at
14 my daughter's in -- in Burlington, but that wasn't my
15 residence. I just happened to open my computer and see
16 that I was being opposed and made a mistake and
17 thought -- thought that you were interested in -- that
18 Sturgis Motorcycle Rally, Inc., was interested in -- in
19 It's a Black Hills Thing, so I called Dean Kinney, thus
20 he called you. Then you looked at your computer and
21 said, Oh, the T-shirt you have on really bothers me.

22 Q. Mr. --

23 A. And that started it all.

24 Q. All right. Mr. Hansen, you do not have
25 counsel here today, correct?

1 A. No.

2 Q. Okay.

3 A. Do you see anybody here, Jason?

4 Q. I do not see anyone here.

5 A. Okay.

6 Q. But I'm reflecting this for the record so that
7 we can get a clear record of today's proceedings, sir.

8 A. Okay.

9 Q. Okay? And are you represented currently by an
10 attorney with respect to this legal matter?

11 A. No.

12 Q. Okay. Have you been represented by an
13 attorney at any time with respect to this trademark
14 opposition proceeding?

15 A. Only for the short period of time that I had
16 Robert Powers and -- for a paid consultation and it
17 said I had him retained on a video, which I have a copy
18 of here in the computer if you want to see it.

19 Q. You say you retained on a video?

20 A. On a -- on a picture of what was on his
21 website. Virtually says retained.

22 Q. Okay. You took a screenshot of his website
23 that said you --

24 A. We did. We did.

25 Q. He --

1 A. And I have it in the computer here.

2 Q. And when did you retain Mr. Powers?

3 A. Datewise?

4 Q. Approximate date is fine.

5 A. I'm going to say eight weeks ago.

6 Q. And how long did he represent you?

7 A. Just for that consultation until I was -- was
8 unable to get the \$600 necessary for him to handle the
9 case.

10 Q. Have you been represented by any other
11 attorneys with respect to this trademark opposition
12 proceeding?

13 A. No. No. Everything I've done has been pro
14 se.

15 Q. Okay. And have you been represented by an
16 attorney at any time with respect to your trademark
17 application other than briefly by Mr. Powers?

18 A. Oh, yes. Well, no. I -- I spoke
19 unofficially, basically, with Phil Hampton from
20 Stur- -- from Concerned Citizens of Sturgis.

21 Q. And you say unofficially. What does that
22 mean?

23 A. Well, I didn't have him retained, and -- and
24 he listened to what I had to say. I had written him
25 some e-mails, and -- and he -- he certainly knows

1 what's going on. I'm sure you know.

2 Q. But -- but he --

3 A. I'm just one of many that -- that you oppose.

4 Q. You did not retain Mr. Hampton's firm?

5 A. What?

6 Q. You did not retain Mr. Hampton or his law
7 firm, right, to represent you?

8 A. Who is Mr. Hamson?

9 MS. EDELSON: Hampton.

10 Q. I said Hampton.

11 A. Hampton. Okay. Hampton.

12 Q. Correct?

13 A. No.

14 Q. Okay.

15 A. I got a little hearing from --

16 Q. Okay.

17 A. -- playing drums all my life.

18 Q. I'll do my best to speak up so that you can
19 hear me, but if at any time --

20 A. No, no.

21 Q. -- you can't hear me --

22 A. You don't have to do that. It's fine. Just
23 sometimes I don't hear a syllable.

24 Q. Okay. If at any time you don't hear me --

25 A. I'll let you know.

1 Q. -- just say so.

2 A. I sure will, Jason.

3 Q. Okay. Now, is there any physical or mental or
4 emotional limitation that would prevent you from giving
5 complete and truthful testimony today?

6 A. No.

7 Q. Okay. Is there any substance, prescription or
8 otherwise, that you have taken that would prevent you
9 from giving complete and truthful testimony today?

10 A. Nothing. I don't use drugs. I don't drink.

11 Q. Okay. This is my client, Sturgis Motorcycle
12 Rally, Inc.'s trial deposition of you, the applicant,
13 for the trademark It's a Black Hills Thing ! You
14 wouldn't understand , 'Till you been here !

15 A. That's true.

16 Q. Okay. For purposes of brevity today, can we
17 refer to your trademark application and your trademark
18 as It's a Black Hills Thing?

19 A. Please do.

20 Q. Okay. Thank you. This is our -- my client's
21 opportunity to ask you questions as if we are in court
22 today.

23 A. Yes.

24 Q. Do you understand that?

25 A. Oh, I sure do.

1 Q. Okay. You understand that you're under oath
2 today?

3 A. I do.

4 Q. Okay. The court reporter here will transcribe
5 everything that I say and everything that you say and
6 everything anyone else in the room says on the record.

7 A. That's fine.

8 Q. Okay. A copy of what is said today will go to
9 the Trademark Trial and Appeal Board.

10 A. That's fine.

11 Q. Today's trial deposition is not your
12 opportunity to -- to give your direct testimony at
13 trial, so to speak. You will have an opportunity to
14 put on your own testimony later in this case.

15 A. Okay.

16 Q. Okay? Most of my questions today will be able
17 to be answered with a simple "yes" or "no" or perhaps
18 an occasional "I don't know."

19 A. Okay.

20 Q. If I ask you to elaborate, please feel free to
21 do so when asked, but as if we were in trial, mostly
22 I'll be asking you yes-or-no questions, questions that
23 can be answered briefly, sometimes with a single word
24 or sentence. Okay?

25 A. Agree.

1 Q. Okay. If -- if I feel your answer goes
2 outside the scope of my question or does not answer my
3 question, I may move to strike your answer as not
4 responsive.

5 A. That's fine.

6 Q. Okay. I'm doing that for the record. I'm
7 making a motion effectively with the board to exclude
8 what you said that was not an answer to my question.

9 A. That's fine, Jason.

10 Q. Okay? My objection will be made -- objections
11 will be made for the TTAB if I make them and really
12 aren't any of your concern.

13 I'm -- I'm not going to try to confuse you or
14 mislead you today. If you don't understand a question
15 I've asked, let me know and we'll do our best to
16 clarify or rephrase it.

17 A. That's fine.

18 Q. Okay. The court reporter needs to be able
19 to -- to transcribe everything that we say today, and
20 so there are some things you and I can do to work
21 together to make this go more smoothly. First, it
22 would help greatly if we answer audibly and not with
23 nods of the head. Correct?

24 A. Yes, sir.

25 Q. Okay. The court reporter can't transcribe

1 nods as easily as a "yes" or a "no" or an answer.

2 A. I understand.

3 Q. Okay. Also when we're -- when we're talking,
4 we should not use grunts or "uh-huhs" or "uh-uhs" --

5 A. No. I'm very articulate. I don't need to do
6 that.

7 Q. Okay. Good.

8 A. Five years of college.

9 Q. And then the last thing I'll say that I expect
10 might be a challenge for us, let's try not to talk over
11 each other.

12 A. I'll try that.

13 Q. I'll try that as well, and I'll -- I'll let
14 you finish an answer before I start my next question,
15 and I will ask you to let me finish a question before
16 you start answering.

17 A. Yes.

18 Q. Okay. Thank you. I will show you a number of
19 exhibits today and ask you questions about them. Each
20 exhibit will have a number and a cover page. I won't
21 show them to you in order, necessarily. They're kind
22 of mixed up in the order that I want to use them --

23 A. I know what they are anyway. I saw your
24 deposition from Rapid City.

25 Q. Okay. I might use some of those exhibits. I

1 might use some different ones.

2 A. Sure.

3 Q. And finally, if you need a break at any time,
4 such as to use the rest room or get a drink of water or
5 coffee, just say so and I will look for a good stopping
6 point to take a break.

7 A. All right. Thank you.

8 Q. Okay? We renew our objection to having
9 nonattorneys present that have been designated as
10 witnesses even if withdrawn and find that to be
11 contrary to the rules, and we will -- while we're here,
12 we will proceed over our objection, but we are standing
13 on our objection and -- that it's not appropriate to
14 have nonwitnesses -- or nonlawyers here --

15 A. That's fine.

16 Q. -- with you.

17 A. That's fine with me, Jason.

18 Q. And we'll let the record reflect that Ms.
19 Edelson remains in the room.

20 A. Yes. Thank you.

21 Q. Mr. Hansen, where were you born?

22 A. Anchorage, Alaska.

23 Q. Okay. What -- what was the date of your
24 birth?

25 A. 4/29/41.

1 Q. Okay. Does that make you 75 years old?

2 A. It certainly does.

3 Q. Okay. And -- and what would you say your
4 occupation is?

5 A. I'm a professional drummer, world-class
6 touring drummer. Studio musician. Composer.
7 Published composer.

8 Q. Are you currently a part of any musical groups
9 that you tour with?

10 A. I play with people from the Black Hills off
11 and on.

12 Q. Okay. Do you have a high school degree?

13 A. Yes.

14 Q. Okay. From what high school?

15 A. Lincoln.

16 Q. And where is that located?

17 A. Tacoma.

18 Q. Tacoma, Washington?

19 A. Yes.

20 Q. Do you have a college degree?

21 A. I do.

22 Q. From what college?

23 A. Orange Coast College. Costa Mesa, California.

24 Q. And what year?

25 A. '74. I wasn't sure if it was '73 or '74.

1 Q. Are you -- do you have any other educational
2 degrees beyond a college degree?

3 A. I went to Chico State for -- all the way up
4 and to two weeks before my -- before my last classes
5 for my bachelor's and my mother died, and so I left
6 and -- and they wouldn't allow me to take the finals,
7 and then I had engagements and I went to South Dakota,
8 Deadwood --

9 Q. Okay.

10 A. -- to play with Kenny Miller.

11 Q. Just so that I understand your -- your
12 educational background, you indicated you had a 1974
13 degree from Costa Mes- --

14 A. Orange Coast College.

15 Q. Orange Coast College. And what was your
16 degree in?

17 A. Archaeology/anthropology.

18 Q. Okay. And you were working on an additional
19 degree but didn't complete the additional degree?

20 A. Two weeks short of a bachelor's.

21 Q. So that would have been a second bachelor's
22 degree?

23 A. No. That would have been my first. The first
24 one was an AA.

25 Q. Got it. Okay.

1 A. But I taught there at Orange Coast College as
2 well, so --

3 Q. And what did you teach?

4 A. Archaeology.

5 Q. Okay. What -- during what period of time?

6 A. '72, '73.

7 Q. Do you have any other teaching professional
8 experience?

9 A. I've done a lot of subbing when -- when I
10 wasn't busy playing, yeah. That's about it. Usually
11 music, band.

12 Q. Music teaching?

13 A. Yes.

14 Q. Okay.

15 A. Band.

16 Q. Mr. Hansen, are you an owner or partner in any
17 business?

18 A. Business. Can I ask her if I have a business?
19 I don't understand. I don't -- no. I would say no, I
20 don't have any kind of a business.

21 Q. And are you -- do you hold a title in any
22 company or business, like a secretary, treasurer, vice
23 president?

24 A. No.

25 Q. Okay. And you say you don't own or operate

1 any -- any businesses --

2 A. No.

3 Q. -- fair?

4 Okay. How do you -- how do you make a living?

5 A. I play drums and -- and of course I get a
6 Social Security check.

7 Q. Mr. Hansen, have you had a practice of
8 recording phone calls that you have had with me or my
9 colleagues?

10 A. Never.

11 Q. You've never recorded a phone call you've --
12 you've had with -- with me?

13 A. Never. This was my witness to anything that
14 you said because it was on speakerphone.

15 Q. Okay.

16 A. That's why I wanted her to be a witness.

17 Q. Okay.

18 A. But being that she can't be there ...

19 Q. And have you -- have you recorded any phone
20 calls you've had with any of my colleagues, Mr. Landrum
21 or Ms. Hsia or Ms. Sorokes?

22 A. Nothing. Nothing.

23 Q. Ms. Iacona?

24 A. No, no, because I understand that it's against
25 the law, and I wouldn't have done it.

1 Q. Okay. And so your -- your method of
2 recording, in a sense, or taking notes of what was in
3 the calls was through Ms. Edelson?

4 A. Yes.

5 Q. Who would take notes of everything said?

6 A. Yes.

7 Q. Okay. Now, do you understand this is the
8 third time we've tried to take your testimony -- your
9 trial testimony deposition in this case?

10 A. Yes, I do. And I -- can I elaborate a little?

11 Q. Well, I'll show you some depo notices and
12 we'll get to the one that we're here on today.

13 A. Okay.

14 Q. How's that?

15 A. But that -- that doesn't let me say what I
16 want to say here.

17 Q. Go ahead and say what you want to say on that.

18 A. It's brief. It's brief. Okay. Any of the
19 depositions short of the one where -- where I was
20 unable to make it, and you -- and you canceled two of
21 them on me, which Mr. Landrum apparently disagrees
22 about, but I would have been up here in -- in a minute.
23 I -- I haven't -- I haven't tried to avoid a deposition
24 with you. In fact, I've been looking forward to it.

25 Q. All right. Well, let me hand you an exhibit.

1 (Opposer Exhibit No. 34 was
2 marked for identification.)

3 THE WITNESS: And which one is this?

4 BY MR. SNEED:

5 Q. I've handed you what's been marked as Exhibit
6 34.

7 A. Okay.

8 Q. And you can see the cover page, it has a case
9 caption for our case and an exhibit number on the cover
10 page. Do you see that?

11 A. I do.

12 Q. Okay. And then on the next page is -- is an
13 amended notice of testimonial deposition of Gary Hansen
14 upon oral examination. Do you see that?

15 A. Yes.

16 Q. Okay. Did you ever receive this deposition
17 notice on or around April 11 notifying you of an April
18 22, 2016, deposition?

19 A. No.

20 Q. You -- you claim not to have received the
21 first -- this amended deposition notice, Exhibit 34?

22 A. I don't recall this. What I recall is that --
23 that you tried to serve me and that the letter went
24 back to -- to your office, and so I went to the post
25 office and I went to the sheriff's department, not

1 knowing exactly how you were serving me, and that was
2 the first -- the first time I ever heard of anything
3 was when you said -- told me, I believe it was Charles
4 Landrum maybe told me, that I had missed the deposition
5 or something.

6 Q. And --

7 A. And that was because you failed to serve me.
8 It wasn't my fault.

9 Q. And you testified earlier that your address is
10 399 Lower Main West in Johnson?

11 A. That's right.

12 Q. Okay.

13 A. Yeah. See, let me -- let me elaborate a teeny
14 bit there. This is a very long, old building, house.
15 And the front of it has a very small apartment. They
16 have the same address on their door as I have on my
17 door. There's no B; there's no anything. But because
18 everyone knows me here, generally it would have been
19 delivered, but it was -- obviously was -- they
20 attempted to deliver it to the -- to the front door and
21 there was no occupancy there, so --

22 Q. Okay.

23 (Opposer Exhibit No. 52 was
24 marked for identification.)

25 / / /

1 BY MR. SNEED:

2 Q. Now I'm handing you what's been marked as
3 Exhibit 52. And if you look at the -- the second page,
4 it says "Notice of Testimonial Deposition of Gary
5 Hansen Upon Oral Examination," and it's dated June 15,
6 2016. Do you see that?

7 A. Um-hum.

8 Q. Do you see that it's dated June 15?

9 A. Yes, I do.

10 Q. Okay. And is this the depo -- deposition
11 notice that you received from my office notifying you
12 to be here today?

13 A. Yes.

14 Q. And you can confirm that you did receive this?

15 A. Yes. It came as e-mail.

16 Q. Okay. It came with an e-mail attachment from
17 Ms. Hsia in my office?

18 A. That's right.

19 Q. Okay. And you have agreed previously with my
20 firm that we can trade e-mails and that constitutes
21 good service, correct?

22 A. That would have been wonderful.

23 Q. Okay. That's an agreement that we've -- we've
24 made?

25 A. Yes, it is. I'm sorry. Yes. Yes.

1 Q. Okay. Let's talk a little bit about your
2 trademark application for It's a Black Hills Thing !
3 You wouldn't understand , 'Till you been here !

4 A. Yes.

5 Q. Okay. And we've agreed to call that the It's
6 a Black Hills Thing --

7 A. Yes.

8 Q. -- trademark for --

9 A. Yes. Yes.

10 Q. Okay. Very good.

11 (Opposer Exhibit No. 31 was
12 marked for identification.)

13 BY MR. SNEED:

14 Q. All right. I'm handing you what we've marked
15 as Exhibit 31.

16 A. It's a big one.

17 Q. It is. You can take a minute to look through
18 it. If ever I give you an exhibit and you need a few
19 minutes to scan through it, you're welcome to do so.

20 A. No, I don't. I can see now that it's the
21 information that was on my application and then it's
22 the prosecution history. I understand all that. No, I
23 don't see anything in here I wouldn't understand just
24 by --

25 Q. Okay. Do you recognize this as a record from

1 the Patent and Trademark Office records pertaining to
2 your It's a Black Hills Thing trademark?

3 A. I do.

4 Q. Okay. Let's take a look at some of the
5 information in this Exhibit 31.

6 A. Okay.

7 Q. On the first -- the first page is the cover
8 page, but let's go to the next page. There's an
9 application filing date. Do you see that?

10 A. Yes.

11 Q. And what was the date that you filed the It's
12 a Black Hills Thing application?

13 A. Let's see. I think I'm looking at the wrong
14 thing.

15 Q. Well, it's after the cover page. It's the
16 first page after the cover page.

17 A. Okay.

18 Q. It will be top right column.

19 A. November 6, 2013.

20 Q. Okay. And the goods and services that you're
21 applying to register the mark on are what?

22 A. What are you asking me, Jason?

23 Q. Yeah. Do you see the section titled "Goods
24 and Services"?

25 A. I do.

1 Q. And let me ask the question. So --

2 A. Oh, I see it. Okay. So "Custom imprinting of
3 T-shirts," that -- that part?

4 Q. Yes.

5 A. Okay. Yes, I see that.

6 Q. So you're seeking to register the It's a Black
7 Hills Thing mark as a registered trademark in
8 connection with custom imprinting of T-shirts, custom
9 imprinting of bumper sticker with decorative designs,
10 custom imprinting of slogan with messages, imprinting
11 messages on T-shirts, imprinting messages on wearing
12 apparel and mugs, imprinting of decorative designs on
13 T-shirts, silk-screen printing, and T-shirt
14 embroidering services, correct?

15 A. Yes.

16 Q. It's a mouthful, right?

17 A. Yes. Now, let me -- let me elaborate on that.
18 May I?

19 Q. Yes.

20 A. Okay. When I wrote the song "It's a Black
21 Hills Thing!," it was before I wrote the book. When I
22 spoke with people who were rather knowledgeable about
23 slogans and so forth, I was advised to get a trademark
24 as opposed to a copyright to protect It's a Black Hills
25 Thing ! You wouldn't understand , 'Till you been here !

1 because they thought it was a very valuable piece of --
2 of intellectual property. When I was filling out the
3 application, I really didn't -- I really didn't care
4 what the goods and services were going to be. I just
5 looked at it and I said, That sounds great, clicked the
6 thing, and that was it. And I have to say here that
7 was the -- the mistake that I made filing this
8 application.

9 Q. The -- the mistake was which part?

10 A. The mistake was -- was choosing goods and
11 services to print T-shirts because it was never my
12 intention. I only thought to myself, like anybody --
13 in having spoke to -- spoken with Robert Powers, he
14 said that he has defended a hundred people who have
15 done the same thing, because when you apply and then
16 you see the goods and services, anybody with any
17 entrepreneurial sense is going to say, Oh, I should
18 click that just in case, and that's basically what I
19 did, and -- and then after that I tried to change it to
20 Bentonite and I tried to change it to musical
21 instruments, and -- and everybody objected, including
22 apparently the board.

23 Q. So -- so if I'm understanding your testimony
24 correctly, you didn't -- when you submitted the
25 application, you didn't intend to use the mark for

1 custom imprinting services?

2 A. No.

3 Q. Okay. And that's cus- -- whether it's custom
4 imprinting of T-shirts or bumper stickers or coffee
5 mugs?

6 A. Nothing. Nothing. I -- I don't want to sell
7 anything and I don't care about that stuff.

8 Q. Okay. And -- and you weren't intending to --
9 to imprint slogans on T-shirts that you would sell?

10 A. No.

11 Q. Okay.

12 A. No. As a matter of fact, let me -- just let
13 me -- the reason I wore this was for this very reason,
14 and I'll walk up close to you where you can --

15 Q. I can see it from there. You're fine.

16 MS. EDELSON: No.

17 A. Can you read this?

18 Q. Yeah. You're showing me your T-shirt that
19 you're wearing.

20 A. I'm showing you --

21 Q. And it says --

22 A. -- on the muffler of the motorcycle.

23 Q. It says "Not For Sale" on the muffler of the
24 motorcycle.

25 A. Thank you. These -- there were 24 made. They

1 were all given as gifts, not one sold.

2 Q. So -- so if you don't mind standing for just a
3 minute since you're -- since you're modeling the
4 T-shirt there for us, that you're wearing a black
5 T-shirt today that says across the chest "It's a Black
6 Hills Thing!"

7 A. Yes.

8 Q. And there's a little R in a circle next to
9 that.

10 A. Yes.

11 Q. Okay. And -- and this is not a registered
12 mark yet, though, right?

13 A. Well, at the time when the shirts were made,
14 we certainly thought it was.

15 Q. Okay. But -- but it's never been a regis- --
16 you've never had a registration in hand to It's a Black
17 Hills Thing, right?

18 A. No. No.

19 Q. But you put the little R in a circle on that?

20 A. Now -- well, I -- I didn't put the little
21 circle on there. The guy that printed the thing,
22 knowing that I had -- I told him I had a trademark
23 application, put the little thing there. He said to
24 me, This will protect it; is that okay? I said, That's
25 fine with me. What do I care? I didn't expect -- I

1 certainly didn't expect to encounter you.

2 Q. Okay. Then there's a picture of Mt. Rushmore
3 with a man in front of it riding a motorcycle, correct?

4 A. Yes. Yes.

5 Q. So there's an image of a motorcycle on your
6 shirt.

7 A. Yeah. This -- this picture here of -- of this
8 person here --

9 Q. Yup.

10 A. -- this is Singlejim Fredrickson, one of the
11 biggest legends in -- in -- in -- in the -- well,
12 he's -- he lived in -- between Deadwood and Rapid City.

13 Q. Okay.

14 A. He's -- he's hugely known. He just died six
15 months ago. No, I guess it's been a year.

16 Q. Okay. And under his picture on the
17 motorcycle, then you see the words "You wouldn't
18 understand... 'Til you been here!"

19 A. Yes.

20 Q. And under that in large print is the word
21 "Sturgis."

22 A. Yes.

23 Q. And under that is "South Dakota," right?

24 A. Yes.

25 Q. And what's the biggest word on the T-shirt?

1 A. "Sturgis."

2 Q. "Sturgis." Okay. Under that is there
3 something else under "South Dakota"?

4 A. It says "Made in Deadwood, South Dakota."

5 Q. Okay. Okay. Is there anything on the back of
6 that shirt?

7 A. There's a logo on the back of it from -- from
8 Rod Woodruff.

9 Q. Is it a Buffalo Chip logo on the back?

10 A. Yes. Yeah. From Rod Woodruff with -- he's
11 the one that sent me the graphics and he's also the one
12 that sent me this graphic, and this one was sent by
13 Black Hills Harley-Davidson.

14 Q. So you --

15 A. Both have endorsed my --

16 Q. You got permission from -- from Mr. Woodruff
17 to use Buffalo Chip logo on the shirt as well?

18 A. He sent me -- he sent me the -- The graphics
19 you're looking at are the graphics he sent me.

20 Q. And so if I understood you -- your testimony
21 as we were talking, you said you made 24 of those black
22 T-shirts?

23 A. Twenty-four.

24 Q. Twenty-four. And you didn't sell any of them?

25 A. None.

1 Q. And you gave some away?

2 A. I did.

3 Q. Do you still have some?

4 A. Only the ones that I kept to wear for myself.

5 A few.

6 Q. Okay.

7 A. And unfortunately, I wish I had not given so
8 many away, but I did.

9 Q. And do you plan to sell those shirts in the
10 future?

11 A. No.

12 Q. Okay. Okay. And do you -- do you plan to do
13 embroidery services?

14 A. No.

15 Q. Okay. Are you planning to do silk-screen
16 printing?

17 A. No. I plan to do nothing with -- with any of
18 this except my music and my book and that's it.

19 Q. Okay. We'll -- we'll get to your -- your
20 music and your book in a little bit.

21 A. Yeah.

22 Q. Okay. So if we get back to Exhibit 31, Mr.
23 Hansen, there's also an AKA name you listed on -- on
24 the exhibit. It's Gary Kimble St. Martin?

25 A. That's right.

1 Q. What's the Kimble for?

2 A. The Kimble was a first professional name that
3 I used when I -- when I first got to the Black Hills in
4 '65 coming from California, and --

5 Q. Okay. So Kimble is also not your -- part of
6 your real name?

7 A. No. It's a professional name.

8 Q. Okay.

9 A. Because I don't -- I don't like the last name
10 of Hansen. I've had a lot of -- a lot of family
11 problems with that name, not myself personally, but
12 I -- but I just don't -- I just -- it doesn't work for
13 me.

14 Q. So if I could just clarify under the "Goods
15 and Services" section, I think you've already said, but
16 will you confirm that you didn't -- you do not have
17 plans or intents to use the It's a Black Hills Thing
18 mark with any of those services listed on your
19 application?

20 A. No. And when I -- and when you asked me that
21 question on the phone, I told you that I would sign an
22 agreement saying I would never make T-shirts or any
23 other memorabilia from Sturgis or anything else or ever
24 sell anything there, but I don't know what happened to
25 that idea, but -- but it didn't happen.

1 Q. And when you -- when you submitted the
2 application, you didn't plan -- have those plans then,
3 did you, either?

4 A. No. In -- in the beginning, when I -- when I
5 filled out the application, like I said, the little
6 entrepreneurial thing in my mind went, Oh, maybe I
7 should do that. But it sure as hell was not my
8 intention to -- to go into the business -- I'm a
9 professional musician. I've been doing it since I was
10 four. That's 71 years. I've been all over the world.
11 Everybody knows who I am. I'm on hundreds of records
12 and studio work and so forth. I have no intention of
13 making T-shirts.

14 Q. Okay.

15 A. And if it comes to that, by God, I'll kill
16 myself.

17 Q. And on November 6, 2013, when you submitted
18 this, you didn't intend to -- to do custom imprinting
19 and silk-screen printing and those other services then,
20 either?

21 A. It never -- it never even crossed my mind. I
22 just pushed the button, and by God, I wish I would have
23 pushed it for -- for -- I don't know, for musical
24 instruments like I tried -- or Bentonite would have
25 been a wonderful one.

1 Q. So --

2 A. I didn't know. I was --

3 Q. Okay.

4 A. -- naive.

5 Q. So -- so your -- so just so I understand your
6 testimony, your testimony is that as of today you don't
7 intend to use the It's a Black Hills Thing mark for the
8 services listed in your application and you didn't
9 intend to use the mark for those services at the time
10 you filed it, either?

11 A. No, I did not.

12 Q. Okay.

13 A. I felt like -- I felt like two -- there was
14 two things that were in my mind. One was money, oh,
15 boy. That was the first thing that I thought of if it
16 should come to that. And the other thing was that it
17 wouldn't allow me not to choose goods and services on
18 the application. I couldn't have just said nothing.

19 Q. Now, you got to the declaration page, and
20 that's -- if you want to look at this Exhibit 31,
21 there's a declaration towards the end that says, you
22 know, you're warned that false statements are -- are
23 punishable but that you just kind of blew through that,
24 I take it?

25 A. Well, what -- I'm not quite -- I don't

1 understand what you're exactly saying.

2 Q. Well, if you --

3 A. Like if I said that I was -- that I chose
4 those goods and services, I would be held accountable
5 for saying that's what I intended to do?

6 Q. Sure. Well, or -- or that you -- that you --
7 you know, this application then makes you fill out an
8 oath that says, yeah, I promise this is all true, and
9 yet I think I've heard you say you didn't -- you didn't
10 understand it to be true at the time.

11 A. No, I didn't. I thought that it was -- in
12 fact, it would not allow me to fill out the application
13 unless I chose goods and services.

14 Q. Okay. And so you felt like you were forced to
15 fill -- to add some goods and services that you didn't
16 plan to use the mark on?

17 A. I have to -- the part that I admit to is the
18 fact that I -- I thought if -- if I'm going to have a
19 trademark and I have to choose it, this is what I would
20 choose. Mistake of -- of the entire situation. That's
21 what brought us together.

22 Q. Well, and then -- and then the next few
23 documents I want to look at are -- are documents about
24 you tried to change your application several times.

25 A. Yes.

1 Q. So we'll -- we'll go through --

2 A. And why wouldn't you -- why wouldn't you agree
3 to that? Because you wanted to oppose me?

4 Q. Well, let's -- let's kind of walk through this
5 process, if we could.

6 A. Okay. Because I don't understand that.

7 (Opposer Exhibit No. 37 was
8 marked for identification.)

9 BY MR. SNEED:

10 Q. Well, I've handed you now what has been marked
11 as Exhibit 37. And I'll ask -- take a look at 37 and
12 ask if you recognize it.

13 A. Yes, I do.

14 Q. Okay. Is this a copy of a letter you received
15 from me around July 30th, 2014?

16 A. Yes. This is where you were asking me to give
17 up my mark.

18 Q. Correct. And -- and we also were asking you
19 to remove from your website references that we had seen
20 where on your website you -- you had made statements
21 associating yourself with the Sturgis Motorcycle Rally.
22 Do you -- do you remember what your website used to
23 look like?

24 A. I remember everything. I have a photographic
25 memory. I really do.

1 Q. And it may have been that you had the image
2 that's on this T-shirt you're wearing on --

3 A. It is because you said to me on the phone,
4 Jason, you said, Oh, I'm really bothered by this.

5 Q. Correct. So -- so I told you we objected to
6 your use of that on a website.

7 A. I was so naive and innocent that I virtually
8 said to you when I called you the first time, Look at
9 my website.

10 Q. And we asked you to change your website,
11 right?

12 A. Not that I know of. I don't remember --

13 Q. Well --

14 A. -- you telling me to do that. I wouldn't have
15 done it anyway.

16 Q. Yeah. If you look at Exhibit 37, in the next
17 to last paragraph, I state in -- in the third sentence,
18 "We also ask that you remove from your website and any
19 promotional materials all references and any
20 connotation of any affiliation with the Sturgis
21 Motorcycle Rally event."

22 Do you remember us making that request to you?

23 A. No.

24 Q. But you received this letter, Exhibit 37?

25 A. You know, it may have been that I -- that

1 somewhere down the line I just stopped reading it,
2 Jason, because I would have recalled that if that
3 were -- if that were the case.

4 Q. Okay.

5 A. And I have to admit that I wouldn't have done
6 that anyway because I was in the Marine Corps and I
7 fought for -- and I fought for -- for my -- my First
8 Amendment rights, and I -- and I understand what you're
9 telling me about trademarked words, but I don't believe
10 in your -- in your word war with people.

11 Q. So -- so -- well, you would agree that we
12 asked you to withdraw your application?

13 A. Well, I agree that you -- you -- yes.

14 Q. We asked.

15 A. That part I remember vividly, yes.

16 Q. Okay.

17 A. Yeah.

18 Q. And you don't remember me asking you, either
19 in writing or on the phone, to change your website?

20 A. No.

21 Q. Okay. But you recognize that it's here in
22 Exhibit 37; there's that request?

23 A. I'll take your word for it, because I believe
24 you.

25 Q. Yeah. And you're welcome to look at it if you

1 like.

2 A. I don't care about it.

3 Q. Okay.

4 A. I understand that you --

5 Q. Okay.

6 A. -- you probably did that. If you're saying
7 that. I mean, I wouldn't imagine you're saying that
8 and it isn't there, you know.

9 Q. All right. But you did -- of course, did not
10 agree to withdraw your application at the PTO?

11 A. I -- I wouldn't do that over my dead body.

12 Q. Okay. You also had a conversation with Dean
13 Kinney at some point?

14 A. I did.

15 Q. And -- and describe your conversation with Mr.
16 Kinney.

17 A. My -- my conversation with -- with Mr. Kinney
18 was that he -- when I called him, I said, I had called
19 you about my cliché It's a Black Hills Thing, and I was
20 wondering if you are interested in that because I knew
21 that it was a -- I know everything about Sturgis just
22 from my connection to all of the people, especially
23 Singlejim, who's on the picture on the motorcycle here.
24 I pretty well understand what's going on and I know
25 Woody at the -- at the Buffalo Chip and a lot of

1 people, and --

2 Q. Well, did Mr. Kinney eventually tell you in
3 your conversation with him to -- to talk to me?

4 A. No.

5 Q. To talk to counsel?

6 A. No. What he said to me was -- this is an
7 interesting part. He said to me, We are a nonprofit
8 organization, and -- and we wouldn't -- you know, we're
9 not interested in -- in whatever you're doing except --
10 and I said, Well, I would -- for the drive, for the
11 charity drive, I would give it to you free. I mean,
12 you don't have to pay me anything, because he said, you
13 know, basically -- he gave me the impression that I was
14 trying to sell something to him when I really wasn't
15 even trying to do that.

16 Q. You offered to -- to give the trademark to --

17 A. No.

18 Q. -- SMRi?

19 A. To allow them to use It's a Black Hills Thing
20 on their -- on their merchandise, but this is long
21 before I understood what was going on with Jerry
22 Berkowitz and the whole thing.

23 Q. Eventually did Mr. Kinney just say, Well, you
24 should talk to legal counsel, or me, my firm?

25 A. He did.

1 Q. Okay.

2 A. And -- and within five minutes I called you
3 and -- and started the whole damn thing.

4 Q. Okay.

5 A. Because I'm too honest for my own good.

6 (Opposer Exhibit No. 47 was
7 marked for identification.)

8 BY MR. SNEED:

9 Q. I'm handing you now what's been marked as
10 Exhibit 47. And I'll ask if -- and you're welcome to
11 look through it, but I'll ask if you recognize 47.

12 A. Um-hum.

13 Q. And is this the notice of opposition that
14 Sturgis Motorcycle Rally, Inc., filed opposing your
15 It's a Black Hills Thing trademark application?

16 A. Appears to be.

17 Q. And in this notice of opposition SMRi, my
18 client, outlines what it -- what its rights are with
19 respect to the Black Hills mark, correct?

20 A. Well, I didn't read this right now, but -- but
21 if that's what -- if that's what you say, I believe
22 you.

23 Q. Okay. All right. So -- so you would agree
24 that this -- this notice of opposition outlines what my
25 client's rights are in the Black Hills mark?

1 A. I agree that -- that they have a trademark
2 called Black Hills. Now, there was -- at the time,
3 when I -- when I applied for the -- when I -- when I
4 began to search to apply for the trademark, I -- I
5 assumed that when I entered It's a Black Hills Thing !
6 You Wouldn't Understand , 'Till You Been There [sic] !
7 and there was no conflict of anything or anything else
8 that came up, I -- I had no idea that if these two
9 words were included in anything, especially in that
10 area, that you were going to oppose me, because
11 obviously you didn't oppose Amcol with their -- who has
12 the oldest live trademark for Bentonite, and I spoke
13 with them, too, and you never sent them an opposition
14 because they had Black Hills as their trademark.
15 That's because it was in 1955. Probably before you
16 were born.

17 MR. SNEED: Motion to strike as nonresponsive.

18 Q. Mr. Hansen, my next question is, Do you recall
19 filing an answer to the claims we asserted in the
20 notice of opposition? Do you remember filing an answer
21 in the TTAB proceeding?

22 A. I'm not sure, Jason --

23 Q. Okay.

24 A. -- if I understand what you're talking --

25 Q. Let me -- let me help. I'll show you -- I'll

1 show you the next document. I'm just trying to --

2 A. Was it the one where you said admit, admit,
3 admit?

4 Q. Not -- not that one. Those would be requests
5 for admissions.

6 A. Okay.

7 Q. Okay?

8 (Opposer Exhibit No. 48 was
9 marked for identification.)

10 BY MR. SNEED:

11 Q. This is -- take -- take a look at Exhibit 48,
12 which I've just handed to you.

13 A. Oh, it is the admits one. "Applicant
14 admits" --

15 Q. It does have some admissions or denials.

16 A. Yeah.

17 Q. Would you agree this is the answer to the
18 notice of opposition that you filed?

19 A. Well, I didn't -- I didn't file an opposition.

20 Q. Let me -- let me rephrase my question.

21 A. Okay.

22 Q. It wasn't clear. Would you agree that this is
23 the answer you filed to my client's notice of
24 opposition?

25 A. Yes.

1 Q. Okay. Good. And in my client's notice of
2 opposition, we -- we number our paragraphs, and there
3 are, I think, 14 numbered paragraphs.

4 A. Um-hum.

5 Q. And you have, I believe, 14 numbered
6 responsive paragraphs, right, in your answer?

7 A. Yes.

8 Q. Okay. So if we look at the first paragraph of
9 the notice of opposition, one of the -- one of the
10 things claimed by SMRi is that it owns a Black Hill --
11 Black Hills trademark. Right? So far, so good?

12 A. That I admitted that they owned the trademark
13 Black Hills?

14 Q. Yeah. And if we look at your answer to the
15 notice of opposition, in your paragraph 1 you state,
16 "Applicant admits that Opposed owns U.S. Trademark
17 Registration No. 37955170 for Black Hills."

18 A. Sure. Sure. I knew that.

19 Q. Okay. Good.

20 A. I didn't know it at the time, but I do now.

21 Q. Okay. And you -- you drafted this answer to
22 notice of opposition yourself, correct?

23 A. Yes.

24 Q. Okay. And did you have the help of an
25 attorney, or did you just do that yourself?

1 A. No. I've done all my motions myself.

2 Q. Okay. Another thing that SMRi does in its
3 notice of opposition is in -- such as in paragraphs 5
4 and 6, SMRi identifies all of the types of goods and
5 services that its Black Hills mark and registration
6 cover, right?

7 A. Yes. Yes.

8 Q. Okay. And then you came in in your paragraphs
9 5 and 6 and you made some -- you repeated the same
10 statement a number of times.

11 A. I'm not going to sell anything but my book and
12 my -- yeah.

13 Q. Yeah. You state, "I am not going to be
14 selling anything except my book."

15 A. Yeah.

16 Q. Okay. Now, you have a book of some sort?

17 A. I do.

18 Q. And have you published a book?

19 A. It's not published yet. It's finished and --
20 but it soon will be.

21 Q. Okay. And is -- is the title of the book
22 "It's a Black Hills Thing! You wouldn't understand,
23 'Till you been here!"?

24 A. It is.

25 Q. Okay. When do you expect to publish that

1 book?

2 A. Well, I'm hoping that -- that I can have it
3 ready within probably the next 12 months.

4 Q. What's -- what's the subject matter of the
5 book, if I may?

6 A. The subject matter of the book is about my
7 musical experiences in the Black Hills, period. That's
8 all it deals with.

9 Q. Okay.

10 A. It never mentions in the entire book -- which
11 is the reason I brought the computer, one of the
12 reasons. If you do a word search on the book, I don't
13 mention Sturgis in the book.

14 Q. Okay.

15 A. I really have very -- very little to do with
16 Sturgis short of the fact that I -- that I played there
17 many times, but that's it.

18 Q. And you would agree, I think, wouldn't you,
19 that my client owns the Black Hills trademark as
20 pertains to the use of Black Hills on bumper stickers,
21 right?

22 A. No, I -- no, I didn't know that they had
23 bumper stickers that said Black Hills, but -- but --
24 go -- go ahead.

25 Q. But if you look at the registration that my

1 client has, you would see --

2 A. And if I looked at the goods and services, I
3 would see that they're exactly the same thing as I
4 pushed on my button.

5 Q. Yeah.

6 A. Class 040.

7 Q. Well, yours was the printing services for
8 printing of those kinds of things, and my client owns
9 the registration for Black Hills for bumper stickers,
10 glassware, mugs, T-shirts, et cetera.

11 A. No, I didn't notice that, but I did notice in
12 your deposition all of the various merchandise that
13 Jerry Berkowitz has made in China.

14 (Opposer Exhibit No. 29 was
15 marked for identification.)

16 BY MR. SNEED:

17 Q. Okay. I'm handing you what has been marked as
18 Exhibit 29. Do you recognize Exhibit 29?

19 A. Well, I don't think I've seen this before.
20 Not in this -- not in this way.

21 Q. Yeah. This is -- this was one of the exhibits
22 to one of the depositions I took of my client's
23 representatives, Mr. Kinney or Brengle or Ms. Shadden
24 [sic].

25 A. Well, then I couldn't recognize it, then.

1 Because I have to say that -- that even though you sent
2 me the -- the transcript of the depositions taken in
3 Rapid City, I really didn't go through them very
4 carefully. I just -- I went through them only to look
5 for what you were looking at about me, like pictures of
6 my website and so forth and so on, so no, I -- I didn't
7 see that. I -- I really have to admit I didn't look
8 very well.

9 Q. Okay. Well, do you recognize Exhibit 29 to be
10 my client's registration certificate for the mark Black
11 Hills, Registration No. 3,955,170?

12 A. Sure.

13 Q. Okay. And you see in there that some of the
14 goods covered include in Class 16 bumper stickers and
15 in Class 21 drinking mugs, for example?

16 A. Yeah.

17 Q. Okay. And in Class 25 clothing, namely
18 T-shirts, long-sleeved T-shirts, sleeveless T-shirts,
19 et cetera?

20 A. Yes.

21 Q. Okay. And in Class 26 my client's
22 registration covers cloth and embroidered patches for
23 clothing, et cetera?

24 A. Right.

25 Q. Okay. And then in your Class 40 application

1 we are looking at similar services --

2 A. A terrible coincidence because I had no idea
3 when I did that what -- what who had. I didn't even
4 know that Sturgis -- I -- I didn't know that Sturgis
5 Motorcycle Rally, Inc., had a trademark in the world,
6 nor did I know anything about trademarks, and had I
7 known anything about trademarks, we would not be
8 sitting here. I understand it now.

9 Q. And -- and so you -- you would agree, I take
10 it, that, you know, the print -- printing of -- of your
11 mark on mugs or printing of your mark on T-shirts or
12 printing of your mark on patches is -- would be similar
13 services to the actual making of those items with Black
14 Hills on it?

15 A. Unfortunately, yes.

16 Q. Yeah. Okay. But as you've testified, you
17 don't plan to do those things?

18 A. In the name of Jesus Christ, a practicing
19 Catholic since I was born, I do not intend to print any
20 damn T-shirts or sell any memorabilia from Sturgis or
21 anything to do with SMRi's conflict of -- of goods and
22 services.

23 Q. Well, in North Carolina when -- when we take
24 the oath before a deposition, we swear on the Bible.
25 Effectively that sounds like what you're doing today.

1 A. I would. I would. I lived in Charlotte for
2 quite a long time.

3 Q. All right. Okay.

4 (Opposer Exhibit No. 27 was
5 marked for identification.)

6 BY MR. SNEED:

7 Q. And now I'm handing you what has been marked
8 as Exhibit 27. Would you agree that this is another of
9 my client's registration certificates for the Black
10 Hills mark, Registration No. 4,301,562?

11 A. Yes.

12 Q. Okay. And this --

13 A. I knew they had it because I had gone in and
14 researched it after the fact and saw every single
15 trademark application that they've ever had and which
16 ones were dead and which ones are alive and so forth.

17 Q. Okay.

18 A. I also know, as -- as I said before, that
19 Amcol has the trademark for, since 1955, Black Hills.

20 MR. SNEED: Motion to strike as nonresponsive.

21 THE WITNESS: Wouldn't want to get that in
22 there, would they?

23 A. Why didn't you oppose them?

24 MR. SNEED: Motion to strike as nonresponsive.

25 (Interruption by the reporter.)

1 THE WITNESS: Never mind. I'm just grunting,
2 as Jason asked me not to do.

3 BY MR. SNEED:

4 Q. And -- and just to be clear, Mr. Hansen, you
5 don't own any T-shirt printing presses, correct?

6 A. No.

7 Q. And you don't own any embroidery equipment,
8 right?

9 A. No.

10 Q. Okay. You don't own any logo embossing
11 equipment, right?

12 A. No.

13 Q. Okay. Okay. Let's take a look at the initial
14 disclosures that you served in this case.

15 (Opposer Exhibit No. 38 was
16 marked for identification.)

17 BY MR. SNEED:

18 Q. I'm handing you now what has been marked as
19 Exhibit 38. Do you recognize Exhibit 38?

20 A. Yes.

21 Q. And are these the -- the applicant's, your,
22 Rule 26(a)(1) initial disclosures?

23 A. Okay.

24 Q. Is that what you recognize this to be?

25 A. That's what it says.

1 Q. Okay. And this is a document that you sent to
2 us, you served on my firm, pursuant to the trademark
3 rules? Is that right? This is a document you sent to
4 my firm?

5 A. Yes.

6 Q. Okay. You've identified some people in this
7 document as witnesses you intend to rely on for your
8 claims or defenses, and you've named a Gene Johnson
9 here?

10 A. Yes.

11 Q. And who is Gene Johnson?

12 A. He's just a friend of mine.

13 Q. Okay. Do you still plan to have Mr. Johnson
14 as a witness in this proceeding?

15 A. No, I don't.

16 Q. Okay.

17 A. He's -- he's about one -- one foot in the
18 grave. He's seriously ill.

19 Q. Okay. There's -- there is an identification
20 of copies "of emails to Dean Kinney of SMRi and Jerry
21 Berkowitz expressing a compromise to Resolve any
22 differences and or 'confusion' created by the
23 Applicant's trademark."

24 Have you produced in discovery those e-mails
25 that you intend to use, or do you still have them?

1 A. No, I don't believe that I ever produced
2 anything like that.

3 Q. Okay. And do you plan to use e-mails that
4 you've sent to Dean Kinney or Jerry Berkowitz in
5 putting on your case?

6 A. I -- I don't believe that I'm going to do
7 that, Jason. I would really like to basically make
8 some kind of settlement and -- and get out of this,
9 because I'm quite tired of it.

10 Q. Do you plan to introduce a phone log showing
11 calls from SMRi, Dean Kinney, and Jerry Berkowitz to
12 you?

13 A. No.

14 Q. Okay. And do you have such a phone log?

15 A. I'm sure I do. I've had the same number and
16 the same company forever. I've got everything.

17 Q. And have you produced a phone log to us in
18 discovery?

19 A. No.

20 Q. Okay. You identify a "Confidential Witness
21 from Black Hills State University Spearfish to testify
22 concerning the public domain names of such cities and
23 regions of South Dakota."

24 Who is your confidential witness?

25 A. Well, he's -- he's -- he's a professor at --

1 at Black Hills State University, but I agreed not to --
2 not to -- not to use his name because he doesn't want
3 to be involved.

4 Q. Okay. So you're refusing --

5 A. So I don't -- yeah, I'm not going to use him,
6 either.

7 Q. Okay. You're not going to use that -- that
8 witness?

9 A. No. I don't need to. And if I can elaborate
10 a little bit here.

11 Q. Well, all I need to know is if you plan to
12 introduce a witness, this Black Hills State
13 University --

14 A. No. I won't do that, no. And -- and
15 furthermore, I'm not going to travel out to -- to the
16 Black Hills to do this, so --

17 Q. Okay. Let's try to do a good job of not
18 talking over each other, if we could, Mr. Hansen.

19 A. Mr. Hansen.

20 Q. All right.

21 A. Mr. Sneed.

22 Q. What did you say?

23 A. I said Mr. Sneed.

24 Q. Okay. We have next identified "Witnesses from
25 Rapid City Journal journalists and citizens of South

1 Dakota involved in several news articles."

2 Do you have -- who -- who are your witnesses
3 going to be, if any, from Rapid City Journal and
4 citizens of South Dakota?

5 A. I'm not exactly sure what -- what I was
6 getting at there, to tell you the truth.

7 Q. Okay. Do you plan to call any witnesses in
8 support of your case from --

9 A. Nothing more than -- no. No. I don't think
10 so.

11 Q. Okay. And who is Amanda Friar?

12 A. Amanda Friar?

13 Q. F-R-I-A-R.

14 A. I don't know. What does it say in connection
15 to?

16 Q. Well, it seems incomplete. If you want to
17 look at it yourself on Exhibit 38 on the next to last
18 page, Amanda Friar is -- about two-thirds of the way
19 down, there's this name Amanda Friar, comma, but
20 there's nothing after the comma. It doesn't say who
21 she is.

22 A. Oh, I see it. "Witnesses from Rapid City
23 Journal" -- Amanda Friar was somebody that -- that took
24 care of the comments from -- that were written to the
25 Rapid City Journal and other papers concerning the

1 lawsuit that -- that you apparently won with Rushmore
2 Photo and -- and Walmart.

3 Q. And do you still plan to call Ms. Friar as a
4 witness in this proceeding?

5 A. No. There's no need to do that now.

6 Q. Okay. And does that -- is the next line after
7 Amanda Friar's name, does that have to do with --

8 A. Well, Amcol --

9 Q. -- Ms. Friar?

10 A. No.

11 Q. What's the -- what's the Amcol reference?

12 A. Amcol is -- is the -- is the company that owns
13 the oldest Black Hills trademark, which is called Black
14 Hills, and it's -- it's alive, and I spoke to them.

15 Q. Is that for Bentonite?

16 A. It is for Bentonite.

17 Q. And --

18 A. And they had no problem with me -- you know,
19 they -- they thought it was funny.

20 Q. Do you plan to call Amcol as a witness in this
21 proceeding?

22 A. I don't know what I would ask them to do short
23 of the fact that I called and said did you have this,
24 you know, did they oppose you or did you oppose them.
25 Nothing.

1 Q. Do you plan to call any people who've
2 commented to the Rapid City Journal about Rushmore
3 Photo litigation?

4 A. No.

5 Q. Okay.

6 A. No.

7 Q. And then --

8 A. I spoke with Aaron Davis. I'm sure it says in
9 here that I did, so --

10 Q. We'll get to that.

11 A. Yeah.

12 Q. Next you list Ms. Edelson as a witness, but do
13 I understand correctly you don't plan to call her as a
14 witness?

15 A. No.

16 Q. That's correct, you don't plan --

17 A. No, I won't. Yes. No.

18 Q. Okay. You say "Statements by Aaron Davis
19 Attorney."

20 Do you plan to call Mr. Davis as a witness?

21 A. No. Mr. Davis won't even talk to me anymore.

22 Q. Okay. All right.

23 A. He said because there's a -- an appeal or
24 something.

25 Q. Okay.

1 A. Although I really like him a lot.

2 Q. Okay. Okay. Now let's talk about your
3 attempts to amend your application.

4 A. Yes.

5 (Opposer Exhibit No. 49 was
6 marked for identification.)

7 BY MR. SNEED:

8 Q. First I'm going to hand you Exhibit 49. And
9 this is titled "Amendment of Goods and Services," and
10 it's dated September 30, 2014. Do you see that?

11 A. I do.

12 Q. And this is a document you signed, correct?

13 A. Yes.

14 Q. And you submitted it to the Patent and
15 Trademark Office, right?

16 A. I did.

17 Q. Okay. And you're in this amendment of goods
18 and services amending your goods and services on-line
19 with this submission from the Class 40 products to
20 Class 1, Bentonite --

21 A. Yes.

22 Q. -- right?

23 A. Yes.

24 Q. And were you deleting just the T-shirts from
25 the application or all the --

1 A. No. I wanted to change the entire goods and
2 services just to that one thing, Bentonite, and -- and
3 the reason I called them was I wanted to make sure
4 there would be no conflict of interest if I did that,
5 and they said they didn't -- they didn't care.

6 Q. Now -- now, what is Bentonite?

7 A. Bentonite is a mineral that is -- was
8 discovered in Deadwood, South Dakota, and they use it
9 in the process of -- of gold mining.

10 Q. And have you ever used Bentonite for anything?

11 A. No.

12 Q. Okay. Have you ever sold any of it?

13 A. No.

14 Q. Did you ever plan to sell any of it?

15 A. No.

16 Q. Okay. So why -- you picked Bentonite because
17 you thought that that -- that was something that my
18 client didn't protect?

19 A. Yes. And not only that, I -- I was -- I was
20 certain that it would be something that -- that --
21 yeah, that you didn't give a damn about.

22 Q. Okay. And you didn't plan to use your It's a
23 Black Hills Thing mark on Bentonite, did you?

24 A. No.

25 Q. Okay. But that amendment request was not

1 accepted by the Patent and Trademark Office?

2 A. That's true, yeah.

3 (Opposer Exhibit No. 50 was
4 marked for identification.)

5 BY MR. SNEED:

6 Q. Okay. Now I'm going to hand you what's been
7 marked as Exhibit 50. And if you'll take a look at
8 this one, this is titled "A Revised Motion to Amend
9 Goods and Services," and it's dated November 21, 2014,
10 correct?

11 A. Um-hum.

12 Q. Okay. And you signed this one when you
13 submitted it as well, right?

14 A. Yes.

15 Q. Okay. And here you've -- to my eyes it looks
16 like you've changed the deleted goods and services and
17 you've just cut and pasted a whole class of goods and
18 services there, right?

19 A. Yes.

20 Q. Yes. So now you're -- you're specifying all
21 the goods and services that would be deleted, and it's
22 all of them covered in your application, right?

23 A. I guess so.

24 Q. And then you're amending to Class 1,
25 Bentonite?

1 A. Yes.

2 Q. Okay.

3 A. Trying to.

4 Q. Okay. So you were seeking a second time to
5 delete your Class 40 services and add Bentonite?

6 A. Yes.

7 Q. Okay. And that amendment was refused also?

8 A. Yes.

9 Q. Okay. We have one more, I think, that you've
10 tried.

11 A. Musical instruments.

12 Q. That's right.

13 (Opposer Exhibit No. 51 was
14 marked for identification.)

15 BY MR. SNEED:

16 Q. So let me hand you Exhibit 51.

17 A. I'm so cooperative.

18 Q. And this one is titled "Motion to Amend Goods
19 and Services," and it's dated February 16 of 2015,
20 correct?

21 A. Yes.

22 Q. And you signed and submitted this one to the
23 Patent and Trademark Office as well, right?

24 A. Yes.

25 Q. And -- and in this one you sought to delete

1 all of the goods and services under Class 40, right?

2 A. Yes. Yes. Yes.

3 Q. And -- and now you sought to add services in
4 Class 15 and you've listed them there, right?

5 A. Yes.

6 Q. And it's -- it's covered musical instruments,
7 mechanical pianos and their accessories, musical boxes,
8 electrical and electronic musical instruments, right?

9 A. That's right.

10 Q. Okay.

11 A. Which is a field that I know well, so, I mean,
12 I thought that would fit me.

13 Q. And you -- you indicate in your motion that
14 you used to own a drum shop?

15 A. I did.

16 Q. Okay. And so you know musical instruments?

17 A. I do.

18 Q. But do you plan -- did you plan to use the
19 It's a Black Hills Thing ! You wouldn't understand ,
20 'Till you been here ! on the musical instruments?

21 A. No.

22 Q. Okay.

23 A. No. I was just looking for -- for a goods and
24 services that -- that would at least -- I thought it
25 was very apropos for me there, and people know me there

1 in connection to the shop and so forth.

2 Q. Okay. Do you still have the shop?

3 A. No.

4 Q. Okay. And have you ever used the It's a Black
5 Hills Thing mark on musical instruments?

6 A. No.

7 Q. Okay. Or in connection with their sale in any
8 way?

9 A. No, no.

10 Q. And was that amendment refused also?

11 A. It was.

12 Q. Okay.

13 A. Otherwise I wouldn't be here because you
14 wouldn't even care.

15 (Opposer Exhibit No. 35 was
16 marked for identification.)

17 BY MR. SNEED:

18 Q. Okay. Next I want to hand you your
19 interrogatory responses. I'm handing you what has been
20 marked as Exhibit 35. And let me -- let me introduce
21 this one. Do you recall receiving from SMRi a set of
22 interrogatories where basically --

23 A. I do. I do. Is it the one I admit, I admit,
24 that one?

25 Q. Well, there are two things that SMRi sent you.

1 There was interrogatories, which is a series of
2 questions, and then there was a request for admissions.

3 A. Oh, I remember both of those. Okay. Yes.

4 Q. We'll get to -- we'll get to the admissions
5 next.

6 A. Okay.

7 Q. Let's focus on the interrogatory responses
8 first.

9 A. Yes. Okay.

10 Q. And so you took the document that we sent you
11 and you handwrote some answers to the questions.

12 A. I did. I did.

13 Q. Okay.

14 A. Yeah.

15 Q. And would you agree that Exhibit 35 is a true
16 and correct copy of your handwritten answers to my
17 client's interrogatories to you?

18 A. It is.

19 Q. Okay. And so if we want to -- okay. And --
20 and would you agree that the -- the -- each of the
21 answers you gave to these interrogatories was true and
22 correct to the best of your knowledge and ability at
23 the time that you made these responses?

24 A. Absolutely.

25 Q. Okay. I ask you that because oftentimes a

1 witness will provide a verification page or a signed
2 verification that says I agree that these are true and
3 correct to the best of my ability.

4 A. Okay. I understand. Yeah. I wasn't exactly
5 sure how to handle that, so I -- so that's the way I
6 did it.

7 Q. So even though we don't have a signature page
8 from you for your answers, you would confirm that these
9 in fact are your answers --

10 A. Oh, yes.

11 Q. -- to the interrogatories?

12 A. Oh, sure.

13 Q. And that you made these under oath?

14 A. Yes.

15 Q. Okay. Okay. So if we look at interrogatory
16 number 5, we ask you to identify all the goods and
17 services you intend to sell, distribute, or offer in
18 the United States in connection with your mark It's a
19 Black Hills Thing ! You wouldn't understand , 'Till you
20 been here ! Right? Do you see that? Look at number 5
21 on page -- numbered page 4.

22 A. I see it.

23 Q. And -- and you state, "The book, the song."

24 A. Yes.

25 Q. Okay. And so those are -- the only two things

1 you intend to sell or offer are the book and the song
2 under this trademark?

3 A. That's right. That's right.

4 Q. Okay. And we haven't talked about the song
5 yet. We'll get to that in a little bit as well.

6 A. Sure.

7 Q. I want to know more about that when we get
8 ahead. Well, let me ask you before -- about that
9 briefly before we move on. Have you ever sold a copy
10 of the -- the song "It's a Black Hills Thing!"?

11 A. No.

12 Q. Okay.

13 A. No.

14 Q. Okay.

15 A. It's been on iTunes for, I don't know, a year,
16 and it hasn't sold anything.

17 Q. Okay.

18 (Opposer Exhibit No. 36 was
19 marked for identification.)

20 BY MR. SNEED:

21 Q. Okay. Let me hand you the next document,
22 which is Exhibit 36. And we -- we mentioned before
23 that we also served some requests for admissions on
24 you.

25 A. This is it.

1 Q. Okay. And -- and you took the request for
2 admissions that we served and then you've handwritten
3 in some answers, right?

4 A. Yes.

5 Q. Okay. And -- and is Exhibit -- what's shown
6 in Exhibit 36, are -- is this a true and correct copy
7 of the handwritten answers you made to each of the
8 requests for admissions? Is that right?

9 A. Yes, I'm sure.

10 Q. Okay. And so let's go through a few of these,
11 and -- and I -- your admissions stand here as you've
12 written them, but some of them the writing's not
13 entirely clear.

14 A. Sure. Sure. I can understand that.

15 Q. Okay. We'll just start with number 1: "Admit
16 that the City of Sturgis, South Dakota hosts the
17 Sturgis -- the Sturgis Motorcycle Rally annually."

18 A. Yes.

19 Q. And you stated "Yes." Correct?

20 A. On number 1?

21 Q. Yes.

22 A. I think it was -- I think what I said was --
23 if I'm looking at the right thing, it says that -- that
24 Jack Pine Gypsies are the ones that started the run.

25 Q. Well, are we in -- are we on the admissions?

1 Let me just see --

2 A. You gave me -- this is Exhibit 36.

3 Q. Let's make sure -- okay. In Exhibit 36, if
4 I'm looking at request for admissions number 1 --

5 A. Oh. Oh, okay.

6 Q. And in response to request for admission
7 number 1, you answered "Yes," correct?

8 A. Yes.

9 Q. Okay. Good. I asked that one. It was easy.
10 I can read your writing just fine. I just wanted to
11 make sure we were in the same place. Okay?

12 A. Yes. Okay. Thank you.

13 Q. Okay. And then in response to number 2, we --
14 we ask, "Admit that the Sturgis Motorcycle Rally is the
15 largest and most famous motorcycle enthusiast event in
16 the world," and you answer how?

17 A. I said, "I think so. If it is, I admitt it."

18 Q. Okay.

19 A. I'm no expert on the very -- you know, I'm not
20 a biker. I have nothing to do with motorcycles
21 whatsoever.

22 Q. Number 5, we say, "Admit that the Sturgis
23 Motorcycle Rally has become famous." And you say?

24 A. It's true.

25 Q. You say "True." Correct?

1 A. True enough that where I wrote the song about
2 it.

3 Q. All right. Number 6: "Admit that Opposer and
4 its Affiliates use the Black Hills Marks and Black
5 Hills Registrations in the organization, operation,
6 sponsorship, promotion and administration of the
7 Sturgis Motorcycle Rally." And you respond?

8 A. Oh, I -- yes. I believe so.

9 Q. You wrote the word "True"?

10 A. "True."

11 Q. Okay. Let's go to number 9 to make sure I can
12 read your writing correctly.

13 A. Okay. Sure.

14 Q. Number 9, we request, "Admit that the It's a
15 Black Hills Thing! You wouldn't understand, 'Till you
16 been here designation refers to the Black Hills area of
17 South Dakota, the Black Hills Motor Classic, and the
18 Sturgis Motorcycle Rally." And will you read your
19 response, sir?

20 A. Which one is it, Jason?

21 Q. Number 9. It's sandwiched in between two -- 9
22 and 10.

23 A. Oh, I see. That's -- that's true what you
24 say, but what I said was but the Black Hills area
25 actually is what that was a reference to.

1 Q. It says -- so if I'm reading your answer
2 correct, it says "True, but Black Hills area actually"?

3 A. Yes.

4 Q. Okay. Okay. So then in number 10 we ask,
5 "Admit that Applicant's goods and services are
6 identical or substantially related to the goods and
7 services offered and sold under and in connection with
8 SMRI's Black Hills Marks and Black Hills
9 Registrations." And you state, "I admitt, although I
10 had no idea and it was not purposeful."

11 A. That's true.

12 Q. Okay. Let me ask you about your response to
13 14. It's hard to read.

14 A. Okay.

15 Q. The question is, "Admit that Opposer had
16 acquired common law rights in and to the Black Hills
17 Marks and Black Hills Registrations as proprietary
18 trademarks and service marks. And you state, if I can
19 read this correctly, "Don't know, assumed so, admitt
20 anyway."

21 A. That's true. That's what I said.

22 Q. Okay. So you admit that one as well?

23 A. Yeah. I would imagine that's true.

24 Q. Okay. Number 16: "Admit that the Black Hills
25 Marks and Black Hills Registrations are famous." And

1 you state "True." Right?

2 A. Are famous. Well, I -- I did say "True," but
3 I wasn't exactly sure where -- where -- what you were
4 going for there, so --

5 Q. Okay.

6 A. I mean, obviously the Black Hills anything is
7 famous.

8 Q. Okay. Then we move to the next page. Number
9 19, we ask, "Admit that you are not in the business of
10 screen printing T-shirts and/or apparel for the
11 production to others, as indicated by your motions
12 seeking to delete," and we list the Class 40 services
13 there. Right? And in response to number 19, you say
14 "Not! Admitted." Right?

15 A. Yeah. Then I -- and I said that I -- I
16 guess -- let me -- let me read this one to make sure
17 I'm giving you the right thing.

18 Q. Yeah.

19 A. "Admit that you are not in the business" --
20 yeah. I'm admitting that I'm not in the business.
21 That's right.

22 Q. So --

23 A. That I'm not and that I'm not in the business
24 of silk-screening T-shirts and shit.

25 Q. Okay. So you're saying -- you're confirming

1 that you're not in the business?

2 A. That's right.

3 Q. Okay. And then in number 20 we ask, Admit
4 that you are not using the designation It's a Black
5 Hills Thing in the business of screen printing T-shirts
6 and/or apparel for production to others.

7 A. Yes.

8 Q. And you again state, "Not!"

9 A. Yeah.

10 Q. "Admitted."

11 A. Yeah.

12 Q. Okay. So you're confirming that you're --

13 A. I'm not and that I admit it, and I admit that
14 I'm not.

15 Q. Okay. You've confirmed that you're not using
16 the designation for screen shirt -- screen printing?

17 A. That's right.

18 Q. Okay. And then we ask in 21, Admit that you
19 are not intending to use the designation It's a Black
20 Hills Thing in the business of screen printing T-shirts
21 and/or apparel for others -- for production to others.

22 A. Yes.

23 Q. And you say "Admitted"?

24 A. Yes.

25 Q. Okay.

1 A. I am not.

2 Q. And you're confirming -- confirming there that
3 you're not intending to use the It's a Black Hills
4 Thing designation for the screen printing?

5 A. I'm not trying to sell it. Just the book and
6 the -- and the music.

7 Q. Okay. Okay. Then in 23, it's a little hard
8 to read. We say, "Admit that you stand behind the
9 statement, 'Delete Goods and Services class 040,'" and
10 it lists the goods and services.

11 What does your answer say?

12 A. My -- my answer says, "Nothing but my book and
13 music," and then I admit that, yes, what you say is
14 true but that I'm not going to use --

15 Q. Okay. I see. So it says, "Nothing but my
16 book and music. Admitted"?

17 A. Yeah.

18 Q. Okay. Got it. Okay. So if we go to 28 at
19 the bottom of the next page, Admit that you are using
20 the designation It's a Black Hills Thing in the sale of
21 songs, including your "song, which is presently on
22 iTunes," as set forth in Applicant's Answer to Notice
23 of Opposition in this proceeding, dated September 4,
24 2014.

25 And your answer is what?

1 A. "One song, one book, admitt, no sales."

2 Q. Okay. And then we ask you in 29, "Admit that
3 you are using the designation It's a Black Hills Thing!
4 You wouldn't understand, 'Till you been here in the
5 sale of t-shirts," and you state emphatically what?

6 A. "Absolutely not."

7 Q. "Absolutely not true!"?

8 A. Yeah.

9 Q. Right? "Admit that you intend" -- let me go
10 to number 30 next. "Admit that you intend to use the
11 designation It's a Black Hills Thing! You wouldn't
12 understand, 'Till you been here in the sale of
13 t-shirts." And you state again what?

14 A. "Absolutely not true!"

15 Q. Okay. Okay. I think I understand now what
16 your handwriting says. Appreciate that.

17 A. I think that when I wrote this, Jason, I was
18 really, really pissed off.

19 Q. I can probably pick up on that from some of
20 the exclamation points.

21 A. Yeah.

22 Q. Okay. We're making good progress, but we've
23 been at this for an hour and a half. Do you need a
24 break, or do you want to keep going?

25 A. No, I'm fine.

1 THE WITNESS: Do you want to go out?

2 MS. EDELSON: No, I'm just --

3 THE WITNESS: I'm just asking.

4 MS. EDELSON: No. I want it to be over, so --

5 Q. Okay. Well, let me hand you what we've marked
6 as Exhibit 32.

7 (Opposer Exhibit No. 32 was
8 marked for identification.)

9 THE WITNESS: Oh, this is the stuff from
10 the -- okay. I got it.

11 BY MR. SNEED:

12 Q. You've probably seen this because we've used
13 this in other depositions, Mr. Hansen. What is Exhibit
14 32?

15 A. They're not -- they're not numbered, but I
16 assume it's -- these are pictures of my website.

17 Q. Okay. And are they -- does your website still
18 have these pictures on it?

19 A. Well, the center where it says "It's a Black
20 Hills Thing!" and then it says "Visit Mount Rushmore,"
21 that's been changed to a dedicated picture of Danny
22 Island, who owns the B & B and The Back Porch in
23 Spearfish, where I've played a lot with all kinds of
24 people, and -- and he's dying, and so I put a picture
25 of him there and it says Danny Island is a Black Hills

1 legend, and so that's what exists now there.

2 Going down, everything is the same.

3 Q. And are the four pictures shown here, the
4 images on the website, are those pictures of you?

5 A. This is -- this is the guy on the motorcycle.
6 This is -- this guy's name, and you ought to keep this
7 in mind, his name is Singlejim Fredrickson. He's
8 probably the most famous Black Hills legend person
9 there, and he just died a year ago.

10 Q. All four of those pictures on -- on the first
11 page of Exhibit 32 are of Danny Ice?

12 A. No, no. This is Singlejim Fredrickson.

13 Q. I'm sorry. Singlejim Fredrickson.

14 A. Yes.

15 Q. I'm not in -- I'm not in your world, so you
16 have to correct me on these names.

17 A. Yeah. That's okay. That's -- I mean, his
18 name is really James Fredrickson but known by everyone
19 as Singlejim.

20 Q. Okay. And so all four of those pictures are
21 of Singlejim?

22 A. Yeah, they are.

23 Q. Okay.

24 A. And Shep the Wonderdog, which is the parrot,
25 who died two months -- I found the parrot for him. He

1 had it for 50 years. It died two months before he
2 died.

3 Q. Okay.

4 A. He was my closest friend.

5 Q. And then in the Mt. Rushmore image on the next
6 page, who are the faces in the -- on Mt. Rushmore?

7 A. Okay. From left to right, Kenny Miller, Terry
8 Ree, Bruce Williams, and Singlejim Fredrickson, and
9 then that's me down there in the -- in the --

10 Q. With the drums?

11 A. -- in the rubble.

12 Q. That's you on the drum set?

13 A. It is.

14 Q. Okay. Okay. And then did you write the text
15 and the story that shows up on the next few pages --

16 A. Yes.

17 Q. -- about Singlejim Fredrickson and Shep the
18 Wonderdog?

19 A. I did.

20 Q. Okay. And then what about -- and I see your
21 name under -- under that, Gary Kimble St. Martin there.

22 A. Where is it?

23 Q. Well, my pages aren't numbered.

24 A. Oh, I see. Okay. I got it.

25 Q. Okay. And then the -- the content below that,

1 did you write that as well?

2 A. Yes.

3 Q. Okay. And I see that with respect to the It's
4 a Black Hills Thing -- I'm referring now to the -- the
5 content on this page I'm showing you here, if you can
6 recognize that.

7 A. Yes.

8 Q. Down towards the bottom, there's this comment
9 that the "It's a Black Hills Thing!" song was
10 intended -- is intended to be offered to hundreds of
11 thousands of bikers who will attend the Sturgis
12 Motorcycle Rally.

13 A. Where is that?

14 Q. Kind of towards the last few lines, before it
15 gets cut off. And then that's repeated on the next
16 page where it's not cut off. Just a function of how it
17 prints. You see that?

18 A. I do.

19 Q. And is that the target audience for the song
20 "It's a Black Hills Thing!" are people who attend the
21 rally?

22 A. I think it's -- I think that that's going to
23 be the -- probably the only market that -- that anyone
24 would be interested in, but -- but, you know, it's a --
25 the song in itself is -- is another one of -- like, you

1 know, several hundreds of songs that I've written.

2 Q. And -- and how long has the "It's a Black
3 Hills Thing!" song been offered on iTunes?

4 A. A year and a half, something like that.

5 Q. Okay. And then if we go to the next -- let's
6 just go to the last page. There's this "The Truth
7 About Sturgis Motorcycle Rally, Inc."

8 A. Okay. That was a -- a -- the button above
9 there that says "Rapid City Journal," this was in
10 reference to -- well, there's a couple things in here.
11 If I -- if -- I can't see it.

12 Q. Well, I'll tell you, it looks to me like some
13 sort of a disclaimer there that you typed.

14 A. Disclaiming that I have anything to do with
15 SMRI.

16 Q. I see that.

17 A. Yeah.

18 Q. But you also have this button --

19 A. And that goes --

20 Q. -- labeled "The Truth About Sturgis Motorcycle
21 Rally, Inc."

22 A. Now, that -- above that -- are you talking
23 about where it says "Rapid City Journal"?

24 Q. Correct.

25 A. Those are just the comments that I had made

1 reference to with Amanda Friar.

2 Q. And is that still up on your website?

3 A. No. Maybe -- wait a minute, Jason. I think
4 that that still is on there, but the button is gone, I
5 believe.

6 Q. Okay.

7 A. So they -- there's no way they can go to that
8 page.

9 (Opposer Exhibit No. 33 was
10 marked for identification.)

11 BY MR. SNEED:

12 Q. All right. Let me hand you what's been marked
13 as Exhibit 33. Okay. On -- Exhibit 33 looks to be an
14 iTunes advertisement; is that right?

15 A. Um-hum.

16 Q. Is this an advertisement for your "It's a
17 Black Hills Thing!" song?

18 A. It is.

19 Q. And is that a picture of you wearing the very
20 T-shirt you wore here today?

21 A. It is. It was a -- it was a photo op for
22 the -- for the music done at the Harley-Davidson shop.

23 Q. And the most prominent word on that T-shirt as
24 we can see it on the picture on Exhibit 33 is
25 "Sturgis," right?

1 A. Sure.

2 Q. Yeah. And -- and that's still advertised for
3 sale on iTunes today?

4 A. Sure.

5 (Opposer Exhibit No. 53 was
6 marked for identification.)

7 BY MR. SNEED:

8 Q. I'm handing you what's been marked as Exhibit
9 53. And do you recognize Exhibit 53?

10 A. I do.

11 Q. And that's a picture of you again, correct?

12 A. It is.

13 Q. And there you're wearing again the same
14 T-shirt you came wearing here today, right?

15 A. It is. It is.

16 Q. And is that your drum set?

17 A. It is.

18 Q. Okay. And that's a picture you've put on
19 Facebook, right?

20 A. I just got a Facebook page a little -- you
21 know, most recently, but I don't think this is on
22 there. I believe this was -- it's probably -- I don't
23 know. It could be on the -- could be on the website.
24 I don't know which. Maybe -- maybe it's nowhere.

25 Q. Okay.

1 (Opposer Exhibit No. 55 was
2 marked for identification.)

3 BY MR. SNEED:

4 Q. I'm handing you now what's been marked as
5 Exhibit 55. And what is shown in Exhibit 55?

6 A. A picture of me and my granddaughter.

7 Q. Okay. So that young lady is your
8 granddaughter there?

9 A. It is.

10 Q. Okay. And again, you're wearing the same
11 T-shirt that you came wearing here today?

12 A. I am.

13 Q. The one that you had 24 copies printed of and
14 didn't sell any of them?

15 A. That's right.

16 Q. Okay. And the biggest word on the T-shirt is
17 the word "Sturgis," right?

18 A. That's true.

19 Q. Okay. And this is a picture you posted on
20 Facebook?

21 A. No.

22 Q. Well, if you look at the bottom of the -- of
23 the page, it says "www.facebook.com/photo." It says
24 "Gary St. Martin - Gary's Featured Photos."

25 A. Oh, okay. There are so many photographs on

1 there, I guess I didn't remember that that one was
2 up there. I know that I had it on the -- on the
3 website for a while, so --

4 Q. Okay. So you have put that on -- on Facebook?

5 A. Sure, yeah, I've put it on-line.

6 Q. All right.

7 (Opposer Exhibit No. 54 was
8 marked for identification.)

9 BY MR. SNEED:

10 Q. All right. Handing you now what's been marked
11 as Exhibit 54. Now, here's another -- will you confirm
12 that this is another Facebook photo that you've posted?

13 A. I think I had it on there for a minute and
14 took it off because I didn't like it.

15 Q. Okay. Well, I'm mostly interested not -- not
16 in the muscle flex there but in the -- in the T-shirt.
17 What --

18 A. Yeah. There is no T-shirt. It's a -- I'm
19 a -- I'm a Photoshop master.

20 Q. Okay.

21 A. And -- and so what -- what has happened there
22 is I've simply taken a picture of Singlejim and put it
23 on a white circle and -- and created what appears to be
24 a real T-shirt, but it's not.

25 Q. So -- okay. So that's a Photoshop image that

1 you created?

2 A. Yes.

3 Q. Okay. So it's a picture of you with part of
4 the T-shirt you're wearing --

5 A. Yes.

6 Q. -- shown, but instead of the Mt. Rushmore and
7 motorcycle in the middle, you've -- you've put a white
8 circle with a picture of Singlejim in it?

9 A. That's right.

10 Q. What is Singlejim holding there?

11 A. He's holding Shep the Wonderdog, the parrot
12 that I found for him that he had for 50 years.

13 Q. That's the parrot picture.

14 A. It is.

15 Q. Okay. And, now, have you Photoshopped the
16 bottom of the picture as well, because it says "Black
17 Hills."

18 A. I did, because -- because I didn't -- I was
19 getting -- what I -- my fear was that the next thing
20 you were going to do was say you're using Sturgis,
21 you're using Sturgis, and -- and so advice from my
22 record producer, he says, Take "Sturgis" off, and so I
23 put "Black Hills."

24 Q. Okay. And have you -- have you sold any
25 T-shirts that look like the one --

1 A. No.

2 Q. -- shown?

3 A. There's never been any that -- produced like
4 this, and there never will be.

5 Q. You've never produced or sold any T-shirts
6 that look like the one shown in Exhibit 54?

7 A. No. I've never sold a T-shirt in my life.

8 Q. Okay. Okay. Let me take a five- or
9 ten-minute break. I want to look through -- I have a
10 few other exhibits I may or may not want to use based
11 on your testimony, and I want to look through my notes
12 and talk to my colleague, and then we'll -- and then
13 we'll come back and see if we can be really brief in
14 what's left. Okay? Can we take a short break?

15 A. Yes, sir.

16 Q. Okay.

17 (A recess was taken.)

18 BY MR. SNEED:

19 Q. Just a few more questions, Mr. Hansen, now
20 that we're back from a break.

21 First of all, we've talked about this a few
22 times. I just want to make sure the testimony is
23 clear. You don't have plans to use the It's a Black
24 Hills Thing ! You wouldn't understand , 'Till you been
25 here ! mark on any of the services listed in Class 40

1 in your application, right?

2 A. Never. I swear to God.

3 Q. You said never, right?

4 A. Never.

5 Q. Okay. Do you have any other applications
6 pending at the USPTO?

7 A. No.

8 Q. Have you ever filed any other trademark
9 applications --

10 A. No.

11 Q. -- at the PTO?

12 A. No.

13 MR. SNEED: Okay. At this time I'm going to
14 move for the admission of all the exhibits that we've
15 used today in the -- in the trial testimony of -- of
16 Mr. Hansen, ask that they be admitted of record.

17 Q. And are there any objections? There's no
18 counsel here to object, but do you have any objections?

19 A. I don't have any problem.

20 Q. Okay. Mr. Hansen, there's also an issue that
21 the court reporter now will take the transcript -- or
22 her -- her stenography notes and turn it into a written
23 transcript, and you've seen written transcripts of Mr.
24 Kinney and Ms. Shadden and Mr. Brengle.

25 A. Sure. Sure.

1 Q. And so she'll put that into written form.
2 There is an opportunity for it to be sent to you to
3 review for typographical errors and the like, and then
4 you would have to send it back to her, but a lot of
5 times witnesses will just waive their ability to read
6 and sign, if you will, so that they don't have to go
7 through that process of reading it in detail, signing
8 it, and sending it --

9 A. Sure.

10 Q. -- back.

11 A. No. I remember everything that was said here.

12 Q. Okay. So do you agree to waive your signature
13 so that she doesn't have to send that to you to have it
14 signed and then sent back to her?

15 A. No. I wouldn't mind having a copy of it,
16 that's for sure, but --

17 Q. Okay.

18 A. -- but I don't need to send it back to her.

19 Q. Okay. So we will send you -- we have a duty
20 under the rules to send you a copy of the transcript
21 with all the exhibits once it's complete, but what
22 we're -- what will help streamline things is if you
23 agree to waive your signature, then it can get
24 completed expeditiously and then we can get it sent to
25 you with all the exhibits like we have to do under the

1 rules.

2 A. That's fine.

3 Q. Is that fine?

4 A. That's fine with me.

5 Q. Okay. So just to make sure, you're agreeing
6 to waive signature, but you will get a copy from us at
7 the end.

8 A. Yeah. That's all I want.

9 Q. Okay. Very good.

10 MR. SNEED: Okay. I think that will conclude
11 our testimonial deposition of Mr. Hansen today. Thank
12 you.

13 THE WITNESS: Thank you.

14 (The deposition concluded at 11:55 AM.)

15 (Signature waived.)

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1 C E R T I F I C A T E

2

3 I, Johanna Massé, RMR, CRR, Court Reporter and
4 Notary Public, do hereby certify that the foregoing
5 pages, numbered 5 through 95, inclusive, are a true and
6 accurate transcription of my stenographic notes of the
7 Deposition of Gary St. Martin Hansen, who was first
8 duly sworn by me, taken before me on Wednesday,
9 June 29, 2016, commencing at 10:02 AM, in the matter of
10 Sturgis Motorcycle Rally, Inc. v. Gary St. Martin
11 Hansen, Opposition No. 91217630, as to which a
12 transcript was duly ordered. All parties and/or their
13 counsel were present at the deposition.

14 I further certify that I am neither attorney
15 nor counsel for, nor related to or employed by any of
16 the parties to the action in which this transcript was
17 produced, and further that I am not a relative or
18 employee of any attorney or counsel employed in this
19 case, nor am I financially interested in this action.

20

21

22

23



24

25

JOHANNA MASSÉ, RMR, CRR
Comm. expires: 2/10/19

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STURGIS MOTORCYCLE RALLY, INC. V. GARY ST. MARTIN HANSEN

Gary St. Martin Hansen on 06/29/2016

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Yup 36:9

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.



Lisa Street
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 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. Kappas

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

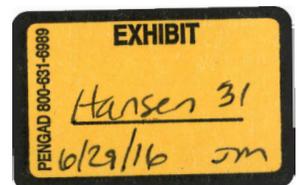
In the matter of Trademark Application Serial No. 86/112,261
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU
BEEN HERE!
Filed: November 6, 2013
Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally, Inc.,)	
)	
Opposer,)	
	)	Opposition No. 91217630
v.)	
)	
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 Assigned: LAW OFFICE 103

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 I YOU WOULDN'T UNDERSTAND	Opposition Pending	86112261	

Potential Opposer(s)

Name: Sturgis Motorcycle Rally, Inc.

Correspondent Jason Sneed; Gina Iacona

Address: 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 TMPostPubQuery@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: TMOfficialNotices@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.
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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

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=1 ADJ 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	<u>It's a Black Hills Thing ! You wouldn't understand , Till you been here !</u>
*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.om
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.om
* 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,)	
	)	Opposition No. 91217630
v.)	
)	
Gary St. Martin Hansen,)	
)	
Applicant.)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 32



<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



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

<http://blackhillslegend.com>

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



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



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!



← *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 Hill Thing" It was written by Gary St. Martin World class Drummer who has played with all the legends in music, poets, comedians and stars of the Black Hills of South Dakota at one time or another through out the years since his first visit it brought him to Rapid City in the summer of 1967. After several years of playing in a union band 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 seek his fortune as a drummer in the Black Hills. Soon after his arrival he met Kenny Miller who knocked on his door

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 through out 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 this year with the hope that it will



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 form, related to Sturgis Motorcycle Rally

Rapid City Journal

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

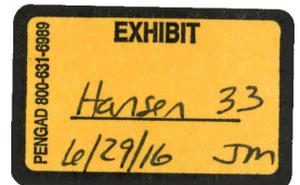
In the matter of Trademark Application Serial No. 86/112,261
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU
BEEN HERE!
Filed: November 6, 2013
Published: April 1, 2014

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 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

Released Jul 30, 2014
© 2014 Saint Dawg Publishing

Apple Music
3-Month Trial
Beats 1

Explore
Music
Movies
TV Shows
App Store
Books
Podcasts
Audiobooks
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Features
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Purchased
iTunes Match

Help
Support
iTunes Tutorials
In-App Purchases
System Status

Manage
Account
Redeem
My Wish List
Change Country



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

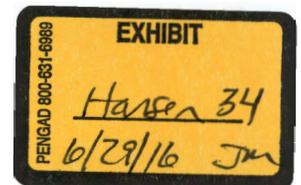
In the matter of Trademark Application Serial No. 86/112,261
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU
BEEN HERE!
Filed: November 6, 2013
Published: April 1, 2014

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 34



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

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

**AMENDED NOTICE OF TESTIMONIAL DEPOSITION OF
GARY HANSEN UPON ORAL EXAMINATION**

YOU ARE HEREBY NOTIFIED THAT pursuant to 37 C.F.R. § 2.123 and TBMP 703.01, Opposer Sturgis Motorcycle Rally, Inc. ("SMRi" or "Opposer"), by and through its counsel, will take the testimonial deposition upon oral examination of Gary Hansen, Applicant, 399 Lower Main West, Johnson, VT 98110. The examination will take place at Johnson State College, 337 College Hill Rd., Martinetti Freda Hebb Conference Room, Johnson, VT 05656 on April 22, 2016 at 9:00 a.m. The examination shall take place before a certified court reporter, shall be recorded by stenographic and/or video means, and shall continue from day to day until completed. Should Applicant retain counsel, counsel is invited to attend and cross-examine.

Dated: April 11, 2016

Respectfully Submitted,

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

*Attorneys for Opposer, Sturgis
Motorcycle Rally, Inc.*

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,)	
	)	Opposition No. 91217630
v.)	
)	
Gary St. Martin Hansen,)	
)	
Applicant.)	
_____)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 35



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

Sturgis Motorcycle Rally, Inc.,

Opposer,

v.

Gary St. Martin Hansen

Applicant.

Opposition No. 91217630

**FIRST SET OF INTERROGATORIES OF SMRI TO
APPLICANT GARY ST. MARTIN HANSEN**

Opposer Sturgis Motorcycle Rally, Inc. ("SMRi" or "Opposer"), pursuant to Rules 26 and 33, Federal Rules of Civil Procedure ("FRCP"), requests that Applicant, Gary St. Martin Hansen ("Mr. Hansen" or "Applicant") answer the following interrogatories, which are to be answered under oath within thirty (30) days of service. The FRCP and the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), and the definitions and instructions contained therein, apply to the interpretation of these requests.

Instructions

When asked to "Identify" a person, state the person's name, residential address, phone number, employer and address of employment. When asked to "Identify" an entity, state the entity's legal name, any d/b/a or trade name used by the entity, the address of the principal place of business of the entity, and the phone number of the entity. When asked to "Identify" a document, state the title of the document, identify all author(s) of the document, identify all recipient(s) of the document, and state the date of the document, or, if all of the foregoing

information is shown or described or shown in the document, you may produce a copy of the document in lieu of identifying it.

A "document" includes all documents, records, files, memoranda, contracts, agreements, notes, work papers, work flow diagrams, preliminary materials, drafts, summaries, drawings, graphics, e-mail, voice mail, and data compilations of any kind, whether in tangible, electronic, mechanical, electrical, digital, or any other form, and any other retrievable information stored on the defendant's computer systems, hard drives, tapes, disks, backup devices and systems, laptops, tablets, PDAs, cellular telephones, and pagers, and any other electronic devices and systems, both on-site and off-site, that can store information. A draft of a document or non-identical copy of a document is a separate document. A document includes all deleted or erased files on a computer or any other storage device.

Definitions

1. "SMRF" and "Opposer" shall refer to the Opposer, Sturgis Motorcycle Rally, Inc., and any predecessors-in-interest and related persons and companies sharing common ownership.
2. "Mr. Hansen" and "Applicant" shall refer to the Applicant, Mr. Gary St. Martin Hansen, and any predecessors-in-interest and related persons and companies sharing common ownership.
3. "BLACK HILLS Marks" shall refer to Opposer's marks BLACK HILLS MOTOR CLASSIC and BLACK HILLS®.
4. "BLACK HILLS Registrations" shall refer to the following:
 - a. Opposer's U.S. Reg. No. 3,955,170 for the mark BLACK HILLS® covering goods and services in International Classes 16, 25, 26, 35, and 41.

b. Opposer's U.S. Reg. No. 4,301,562 for the mark BLACK HILLS® covering goods and services in International Classes 06, 09, 18, and 35.

5. "Applicant's Trademark Application" shall refer to the following: U.S. Appl. Serial No. 86/112,261 of Mr. Hansen for the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! in conjunction with "Custom imprinting of T-shirts; Custom imprinting of bumper stickers with decorate designs; Custom imprinting of slogan messages; Imprinting messages on wearing apparel and mugs; Imprinting of decorative designs on T-shirts; Silk screen printing; T-shirt embroidering services" in International Class 40.

Interrogatories

1. Identify the date the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation was created, the person(s) who created the designation, and explain the circumstances behind the creation of the designation.

ANSWER: It is the title of my Book... The Book is about THE BLACK HILLS & MY MUSIC CAREER. The book DOES NOT MENTION SMART OR THE RUN!

2. Identify the date of first use in commerce of the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation and the time period in which the designation has been used in commerce in the United States (noting any period of non-use).

ANSWER: It has never been used in any commercial endeavour (THE BOOK) THE SONG, IS ON ITUNES but has never generated a cent!

3. Identify all goods and services on or in connection with which the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation

my Book, my SONG, my website, NONE OF WHICH HAVE EVER MADE A CENT!

has been used.

ANSWER:

4. For each good and service listed in your answer to Interrogatory No. 3, provide the following information, if applicable:

- a. The number of units sold or distributed in the United States;
- b. The gross revenues received from the sale or distribution in the United States;
- c. The sales price; and
- d. The channels of trade through which each good or service is or has been sold or distributed in the United States.

ANSWER:

5. Identify all goods and services you intend to sell, distribute or offer in the United States in connection with the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation.

ANSWER:

THE BOOK, THE SONG.

6. Identify each and every customer to whom goods bearing the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation have been sold, and for each customer, state, on an annual basis, the amount of sales of goods bearing or sold in conjunction with the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation.

ANSWER:

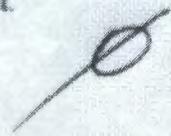
7. Identify each and every license or permission, whether verbal or written, granted by Applicant to another party to use the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation.

ANSWER:



8. Identify and describe each and every instance known to Applicant in which any person has inquired about or expressed confusion or mistake about: (a) on the one hand, SMRI, SMRI's BLACK HILLS Marks, or SMRI's BLACK HILLS Registrations; and (b) on the other hand, Applicant or the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! designation. For each such instance, identify the person making the inquiry or expression, the person to whom the inquiry or expression was made, and the date and circumstances of the event.

ANSWER:



9. Identify each of the witnesses Applicant intends to call as witnesses in this matter, and, for each such witness, state the nature of the expected testimony and identify the documents and materials Applicant expects to be referenced in such testimony.

ANSWER:

*I did several months ago list as a discloser - witnesses that would testify that the term BLACK HILLS etc. is common law.**

10. Identify each person Applicant intends to call to provide expert testimony in this matter and, for each such witness, describe the qualifications of the witness, state and describe all opinions rendered and expected to be rendered by each such person, identify each document

* HE DIED LAST YEAR.

reviewed and relied upon by the witness, and identify all related documents pertaining to the expert testimony and its formation.

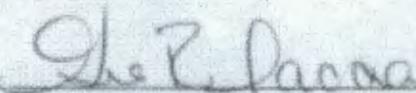
ANSWER:

11. If you failed to admit any Request for Admission, as set forth in *First Request for Admissions of SMRI to Applicant Gary St. Martin Hansen*, served contemporaneously with this request:

- a. State the facts on which you base your denial;
- b. Identify all documents that support your denial;
- c. Identify each person that has information that supports your denial.

ANSWER:

Respectfully submitted this 4th day of December, 2015.



Jason M. Sneed, Esq.
Gina R. Iacona, Esq.
SNEED PLLC
610 Jetton St.
Suite 120-107
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844-763-3347 (tel)
JSneed@SneedLegal.com
GIacona@SneedLegal.com

Attorneys for Opposer, Sturgis Motorcycle Rally, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the *First Set of Interrogatories of SMRI* to Applicant *Gary St. Martin Hansen* has been served upon Applicant by placing a copy in U.S. Mail, postage prepaid, and addressed to the following:

Gary St. Martin Hansen
399 Lower Main West
Johnson, VT 98110-4309
Applicant

This the 4th day of December, 2015.

Glenn P. Jasso
An Attorney for Opposer, SMRI

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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v.)	
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Gary St. Martin Hansen,)	
)	
Applicant.)	
_____)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 36



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

Sturgis Motorcycle Rally, Inc.,

Opposer,

v.

Gary St. Martin Hansen

Applicant.

Opposition No. 91217630

**FIRST REQUEST FOR ADMISSIONS OF OPPOSER SMRI TO APPLICANT
GARY ST. MARTIN HANSEN**

Opposer Sturgis Motorcycle Rally, Inc. ("SMRI" or "Opposer"), pursuant to Rules 26 and 36, Federal Rules of Civil Procedure ("FRCP"), requests that Applicant Gary St. Martin Hansen ("Mr. Hansen" or "Applicant") make the following admissions within thirty (30) days of service of this request. The Federal Rules of Civil Procedure and the Trademark Board Manual of Procedure, and the definitions and instructions contained therein, apply to the interpretations of these requests. Opposer incorporates by reference herein the Definitions and Instructions set forth in the *First Set of Interrogatories of SMRI to Applicant Gary St. Martin Hansen*, served contemporaneously with these requests.

Requests for Admission

1. Admit that the City of Sturgis, South Dakota hosts the STURGIS Motorcycle Rally annually.
2. Admit that the STURGIS Motorcycle Rally is the largest and most famous motorcycle enthusiast event in the world.

*I think so
of it is, I admit it.*

3. Admit that the STURGIS Motorcycle Rally was once known as the BLACK HILLS MOTOR CLASSIC!! *Back when Jack Pine Cup was started*

4. Admit that the STURGIS Motorcycle Rally annually draws approximately half a million motorcycle enthusiasts and tourists to the City of Sturgis, South Dakota and surrounding Black Hills region of South Dakota and Wyoming. *I pay closer to 1 million or so my song says*

5. Admit that the STURGIS Motorcycle Rally has become famous. *true*

6. Admit that Opposer and its Affiliates use the BLACK HILLS Marks and BLACK HILLS Registrations in the organization, operation, sponsorship, promotion and administration of the STURGIS Motorcycle Rally. *true*

7. Admit that the City of Sturgis, South Dakota is a licensee of Opposer. *true, I assume,*

8. Admit that, on November 6, 2013, Applicant filed the intent-to-use application at issue to register the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in International Class 040 for "Custom imprinting of T-Shirts; Custom imprinting of bumper stickers with decorative designs; Custom imprinting of slogan with messages; Imprinting of 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." *admitted but on several occasions stated NO TEE SHIRTS etc,*

9. Admit that the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE designation refers to the BLACK HILLS area of South Dakota, the BLACK HILLS MOTOR CLASSIC, and the STURGIS Motorcycle Rally. *true, but Black Hills area*

10. Admit that Applicant's goods and services are identical or substantially related to the goods and services offered and sold under and in connection with SMRI's BLACK HILLS Marks and BLACK HILLS Registrations. *I admit, although I had no idea and it was not purposeful.*

11. Admit that Opposer, its predecessors, related companies and licensees have been in the business in this country of offering for sale and selling a wide variety of products and services in conjunction with the BLACK HILLS Marks and BLACK HILLS Registrations long prior to November 6, 2013. *I assume so, yes*

12. Admit that SMRI's BLACK HILLS Marks and BLACK HILLS REGISTRATIONS have a distinctive quality. *I would know, but admit it*

13. Admit that SMRI's BLACK HILLS Marks and BLACK HILLS REGISTRATIONS have acquired special and particular significance and very valuable goodwill as identifying Opposer and its goods and services. *admittedly*

14. Admit that Opposer has acquired common law rights in and to the BLACK HILLS Marks and BLACK HILLS Registrations as proprietary trademarks and service marks.

15. Admit that Opposer's common law rights extend, without limitation, to the exclusive right to use such designations nationwide in conjunction with Opposer's goods and services offered and sold under the BLACK HILLS Marks and BLACK HILLS Registrations. *don't know, assumed so, admitted anyway*

16. Admit that the BLACK HILLS Marks and BLACK HILLS Registrations are famous. *true*

17. Admit that the BLACK HILLS Marks and BLACK HILLS Registrations are distinctive, inherently or through acquired distinctiveness, in conjunction with, *inter alia*, clothing products, namely t-shirts, relating to the STURGIS Motorcycle Rally.

18. Admit that you are selling, marketing and advertising products or services using the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, TILL YOU BEEN HERE. *yes, BUT Many other "BLACK HILLS" prods are too*

It's the title of my Book and song on iTunes. The Song is on iTunes sales. THE BOOK HAS NOT BEEN PUBLISHED.

19. Admit that you are not in the business of screen printing t-shirts and/or apparel for the production to others, as indicated by your motions seeking to delete "Custom imprinting of T-shirts; Custom imprinting of bumper stickers with decorative designs; Custom imprinting of slogan with 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." *NOT! admit*

20. Admit that you are not using the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in the business of screen-printing t-shirts and/or apparel for production to others. *NOT admit*

21. Admit that you are not intending to use the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in the business of screen-printing t-shirts and/or apparel for production to others. *admit!*

22. Admit that you stand behind the statement, "Delete Goods and Services class 040 tee shirts, and amend to class 001 Bentonite", as set forth in Applicant's Amendment of Goods and Services dated September 30, 2014. *anything but what SMRI*

23. Admit that you stand behind the statement, "Delete Goods and Services class 046 IC 040. US 100 103 106. G & S: Custom imprinting of T-Shirts; Custom imprinting of bumper stickers with decorative designs; Custom imprinting of slogan with messages; Imprinting of 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, and amend to class 001 Bentonite", as set forth in Applicant's Revised Motion to Amend Goods and Services dated November 21, 2014. *sells - a mouse trap what we admit*

nothing but my Book and music
admit!

24. Admit that you stand behind the statement, "Delete all material goods items under Goods and Services: class 040 IC 040. US 100 103 106. G & S: Custom imprinting of T-Shirts, Custom imprinting of bumper stickers with decorative designs, Custom imprinting of slogan with messages; Imprinting of 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 and all material retail, wholesale and marketable items for sale ie key chains,.... etc. and any T-shirt, and all garment embroidering services. Amend to: Services, Class 15, Musical Instruments: mechanical pianos and their accessories; musical boxes; electrical and electronic musical instruments", as set forth in Applicant's Motion to Amend Goods and Services dated February 16, 2015.

I trust anything as to satisfy SMRI whatever I admit

25. Admit that you stand behind the statement, "I AM NOT GOING TO SELL ANYTHING EXCEPT MY BOOK", as set forth in Applicant's Answer to Notice of Opposition in this proceeding, dated September 4, 2014.

Dr Sturgis

26. Admit that you stand behind the statement, "It may be that I clicked the goods and services buttons for reasons of the chance that should in the future become a demand, I might prosper", as set forth in Applicant's Answer to Notice of Opposition in this proceeding, dated September 4, 2014.

a passing thought at the time I HAVE NO INTENTION OF SELLING 200PC, TEE SHIRTS

27. Admit that you are using the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in the sale of books, including "my book... by the same title as my trademark available soon on Amazon", as set forth in Applicant's Answer to Notice of Opposition in this proceeding, dated September 4, 2014.

BOOK NOT PUBLISHED

28. Admit that you are using the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in the sale of songs, including your

"song, which is presently on iTunes," as set forth in Applicant's Answer to Notice of Opposition in this proceeding, dated September 4, 2014

one song, one body, admit NO SALES!

29. Admit that you are using the designation IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in the sale of t-shirts

absolutely not true!

30. Admit that you intend to use the designation IT'S A BLACK HILLS THING!

YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE in the sale of t-shirts.

absolutely not true!

Respectfully submitted this 4th day of December, 2015.

Gina R. Iacona

Jason M. Sneed, Esq.
Gina R. Iacona, Esq.
SNEED PLLC
610 Jetton St.
Suite 120-107
Davidson, North Carolina 28036
844-763-3347 (tel)
JSneed@SneedLegal.com
Glacona@SneedLegal.com

Attorneys for Opposer, Sturgis Motorcycle Rally, Inc.

July 30, 2014

via U.S. Mail

Gary St. Martin Hansen
10079 Valley Rd. NE
Bainbridge Island, WA 98110

Re: Sturgis Motorcycle Rally, Inc. Potential Opposition Regarding U.S. Application No. 86/112,261 for IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! in Class 40

Dear Mr. Hansen:

It was my pleasure to chat with you a few weeks ago about your music career. As we discussed, this law firm represents Sturgis Motorcycle Rally, Inc. ("SMRI") in its intellectual property matters. SMRI owns and vigorously protects its trademarks and other rights pertaining to the STURGIS MOTORCYCLE RALLY™, including its federally-registered BLACK HILLS® mark, and it is a non-profit entity devoted to community development in and around Sturgis, SD. While we remain interested in finding some common ground with you, we are unable to allow your registration or use of the term IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! on any goods and services, including clothing products, as that would connote an affiliation with SMRI, the STURGIS MOTORCYCLE RALLY™ event and/or SMRI's goods, services and commercial activities. Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), prohibits such false affiliation without proper endorsement, which SMRI is not inclined to provide at this time.

To resolve this issue, we ask you to withdraw your application. We also note that you are not in the business of Class 40 printing services. We also ask that you remove from your website and any promotional materials all references and any connotation of any affiliation with the STURGIS MOTORCYCLE RALLY™ event. In particular, please avoid in the future any use of your mark or any other words or images, including for example motorcycles, in such a way to convey an affiliation with SMRI, the STURGIS MOTORCYCLE RALLY™, the BLACK HILLS® mark, and/or SMRI's goods, services, and commercial activities.

Given the opposition deadline of July 30th, we have filed a Notice of Opposition against your application. We look forward to hearing from you if you wish to discuss this further.

Sincerely,



Jason M. Sneed

cc: Gina Iacona, Esq. (GIacona@SneedLegal.com)

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

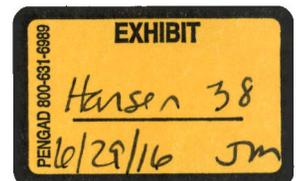
In the matter of Trademark Application Serial No. 86/112,261
Trademark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU
BEEN HERE!
Filed: November 6, 2013
Published: April 1, 2014

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

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 38



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

In the matter of U.S. Trademark Application

Serial No. 86/112,261

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

Filed: November 6, 2013

Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally Inc.)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91217630 _____
)	
Gary St. Martin Hansen	)	Application No.: 86112261 _____
)	
Applicant,)	
_____)	

Registration No.:861122

Mark:

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

APPLICANT'S RULE 26 (A)(1) INITIAL DISCLOSURES

Applicant 86112261 hereby submits it's initial disclosers as required by Rule 26(a)(1).
Following

is a list of persons who are likely to have discoverable non-privileged information that Applicant
may use to support its claims, unless solely for impeachment:

Applicant: Gary St. Martin Hansen, representing self

Subject: Initial disclosers to SMRi, to the Oposition No.: 91217630 by SMRi

Applicant's mark: Business: recorded music, and authored book, " IT'S A BLACK
HILLS

THING! YOU WOULDN'T UNDERSTAND, 'TIL YOU BEEN HERE! "

Applicant's trademark application: As to facts and defenses alleged in the Notice of Opposition and Answer thereto:

Amendment to change Goods and Services filed September 30, 2014 .

Changes to website removing words "Sturgis Motorcycle Rally Tune" from Home page.

Changes to graphics from motorcycle photo to "Bentonite" on home page to avoid, "confusion " with Goods and Services.

Addition of a disclaimer on all pages of website acknowledging Applicant's trademark etc, has NO AFFILIATION WITH SMRi . and has no intentions of selling tee shirts as was indicated in the application in the Goods and Services originally, and Amended to Bentonite, class 001.

No logo development

Applicant is a professional musician, and writer .

Address of Applicant: Gary St. Martin 399 lower Main West, Johnson Vt. 05656

There was no logo upon signage

SMRi is the Opposer. City of Sturgis South Dakota

Represented by Sneed Law firm.

B. In accordance with Rule 26 (a)(1) (B) a copy of or description by category of all documents

And things now in the Applicant's possession, custody or control that might it may use to support

it's claims or defenses, unless solely for impeachment:

Witness: Gene Johnson PO box 2361 Rapid City, South Dakota, substantiate that Tee shirts for Promotion of Applicant's book and music were "NOT FOR SALE" Witness is a vendor who was offering to manufacture and sell the Applicant's promotional only tee shirts, and will testify

that the Applicant refused his offer.

Copy of emails to Dean Kinney of SMRi and Jerry Berkowitz expressing a compromise to Resolve any differences and or “confusion” created by the Applicant’s trademark, and the offer to file an Amendment to Application concerning Goods and Services, and alter the website to reflect no affiliation with SMRi. All these changes were implemented.

Phone log to reflect calls from SMRi, Dean Kinney, and Jerry Berkowitz to Applicant, as well as

emails to inquire information about the Applicant’s trademark, and Goods and Services.

Confidential Witness from Black Hills State University Spearfish to testify concerning the public domain names of such cities and regions of South Dakota, ie “ Black Hills,” “ Sturgis” and other words which by US Trademark law cannot be trademarked in and of themselves, ie Black Hills, Sturgis etc.

Witnesses from Rapid City Journal journalists and citizens of South Dakota involved in several news articles pertaining to law suits and oppositions etc brought forth by SMRi

Amanda Friar,

Black Hills mark owned, and live by Amcol, a 1955 mark “Black Hills” and their view on SMRi’s opposition to their mark “ Black Hills”.

20 comments from Rapid City Journal concerning the law suit they brought forth against Rushmore Photo etc.

Witness Wendy Edelson 399 lower Main West Johnson Vt 05656 to the Discovery Conference between Applicant and Jason Sneed, Attorney for SMRi.

Document of offc Action outgoing from SMRi proceedings and application for Sturgis 75th Trademark and it’s relationship to geographic location and the trademark of such, and US

Trademark law.

Statements by Aaron Davis Attorney concerning trademarks of public domain names of
Geographical locations and city and state names appearing in Rapid City Journal and elsewhere.

Dated November 4,, 2014

Respectfully Submitted,


Gary St. Martin Hansen

Certificate of Service

I hereby certify that a true and accurate copy of Applicant's Rule 26(A)(1)Initial Disclosure has
Been served on the following by delivering said copy on November 4,2014 via First Class Mail,
to counsel for Opposer at the following address:

Jason Sneed
Sneed PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina, 28036
704-779-3611
Attorney for Opposer,
Sturgis Motorcycle Rally Inc .

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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Applicant.)	
_____)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 47



ESTTA Tracking number: **ESTTA618543**

Filing date: **07/30/2014**

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

Notice of Opposition

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

Opposer Information

Name	Sturgis Motorcycle Rally, Inc.
Granted to Date of previous extension	07/30/2014
Address	1612 Junction Ave., Suite 4 Sturgis, SD 57785 UNITED STATES

Attorney information	Jason M Sneed; Gina R Iacona SNEED PLLC 610 Jetton Street, Suite 120-107 Davidson, NC 28036 UNITED STATES JSneed@SneedLegal.com, Glacona@SneedLegal.com, litigation@SneedLegal.com
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Applicant Information

Application No	86112261	Publication date	04/01/2014
Opposition Filing Date	07/30/2014	Opposition Period Ends	07/30/2014
Applicant	Hansen, Gary, St. Martin 10079 Valley Rd. NE Bainbridge Island, WA 98110 UNITED STATES		

Goods/Services Affected by Opposition

Class 040. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: 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

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3955170	Application Date	01/30/2001
Registration Date	05/03/2011	Foreign Priority	NONE

	Date
Word Mark	BLACK HILLS
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 2006/08/31 First Use In Commerce: 2006/08/31 Metal key rings, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 009. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31 Sunglasses, magnets and protective helmets, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 013. First use: First Use: 1998/06/30 First Use In Commerce: 1998/06/30 Firearms, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 014. First use: First Use: 2010/06/30 First Use In Commerce: 2010/06/30 Jewelry and clocks, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 016. First use: First Use: 1987/08/31 First Use In Commerce: 1987/08/31 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</p> <p>Class 020. First use: First Use: 2002/08/31 First Use In Commerce: 2002/08/31 Non-metal key rings and jewelry boxes not of metal, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 021. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31 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</p> <p>Class 024. First use: First Use: 2004/08/30 First Use In Commerce: 2004/08/30 Cloth flags and quilts, all of the aforementioned goods relating to the STURGIS-motorcycle rally</p> <p>Class 025. First use: First Use: 1986/08/31 First Use In Commerce: 1986/08/31 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</p> <p>Class 026. First use: First Use: 1986/08/31 First Use In Commerce: 1986/08/31</p>

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

Class 028. First use: First Use: 2001/06/30 First Use In Commerce: 2001/06/30 Christmas tree ornaments and gaming chips, all of the aforementioned goods relating to the STURGIS motorcycle rally

Class 032. First use: First Use: 2005/06/30 First Use In Commerce: 2005/06/30 Bottled water and beer, all of the aforementioned goods relating to the STURGIS motorcycle rally

Class 033. First use: First Use: 2002/06/30 First Use In Commerce: 2002/06/30 Distilled liquor, all of the aforementioned goods relating to the STURGIS motorcycle rally

Class 034. First use: First Use: 2007/06/30 First Use In Commerce: 2007/06/30 Ashtrays not of precious metal and cigarette lighters not of precious metal, all of the aforementioned goods relating to the STURGIS motorcycle rally

Class 035. First use: First Use: 2002/06/30 First Use In Commerce: 2002/06/30 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

Class 041. First use: First Use: 2002/06/30 First Use In Commerce: 2002/06/30 Entertainment services in the nature of organizing, sponsoring, and conducting a motorcycle and vehicle exhibitions and rallies

U.S. Registration No.	4301562	Application Date	01/30/2001
Registration Date	03/12/2013	Foreign Priority Date	NONE
Word Mark	BLACK HILLS		
Design Mark	BLACK HILLS		
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1996/05/31 First Use In Commerce: 1996/05/31 Metal license plates, non-luminous and non-mechanical metal signs, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 008. First use: First Use: 1990/05/31 First Use In Commerce: 1990/05/31 Hand tools, namely, sidearm knives, and knives made of precious metal, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 009. First use: First Use: 2012/05/31 First Use In Commerce: 2012/05/31 Computer mouse pads, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 014. First use: First Use: 2002/04/30 First Use In Commerce: 2002/04/30</p>		

	<p>Non-monetary coins, medallions, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 016. First use: First Use: 2005/08/31 First Use In Commerce: 2005/08/31 Paper and plastic gift bags; all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 018. First use: First Use: 2012/05/31 First Use In Commerce: 2012/05/31 Book bags, shoulder bags, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 025. First use: First Use: 2010/06/30 First Use In Commerce: 2010/06/30 Head bands, all of the aforementioned goods relating to the STURGIS motorcycle rally</p> <p>Class 035. First use: First Use: 2010/06/30 First Use In Commerce: 2010/06/30 Catalog, retail store, wholesale store services featuring a variety of general merchandise and products</p>
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Attachments	<p>76979109#TMSN.png(bytes)</p> <p>76979154#TMSN.png(bytes)</p> <p>2014-07-30 Notice of Opposition.pdf(300497 bytes)</p>
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Certificate of Service

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

Signature	/Jason M. Sneed/
Name	Jason M Sneed; Gina R lacona
Date	07/30/2014

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

In the matter of U.S. Trademark Application

Serial No. 86/112,261

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

Filed: November 6, 2013

Published: April 1, 2014

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

NOTICE OF OPPOSITION

Sturgis Motorcycle Rally, Inc., a South Dakota not-for-profit company having a principal place of business at 1612 Junction Ave., Suite 4, Sturgis, South Dakota 57785 ("Opposer" or "SMRI"), believes that it will be damaged by the mark shown in Application Serial No. 86/112,261, filed November 6, 2013, by Gary St. Martin Hansen, an individual having an address of 10079 Valley Road NE, Bainbridge Island, Washington 98110 ("Applicant"), and hereby opposes the registration of said mark.

As grounds for the opposition, SMRI alleges that:

1. Since long prior to the earlier of November 6, 2013, the date on which the subject intent-to-use application was filed by Applicant, or the actual date of first use of the IT'S A BLACK HILLS THINGS! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! mark by Applicant, Opposer, its predecessors, related companies and licenses ("Opposer and its Affiliates")

continuously have been in the business in this country of offering for sale and selling a wide variety of products and services in conjunction with the marks BLACK HILLS® and BLACK HILLS MOTOR CLASSIC (collectively, the “BLACK HILLS Marks”).

2. By reason of the adoption and continuous use of the BLACK HILLS Marks, these designations have a distinctive quality and have acquired special and particular significance and very valuable goodwill as identifying Opposer and its goods and services.

3. Opposer and its licensee, the City of Sturgis, South Dakota, are the official organizers and promoters for the STURGIS Motorcycle Rally which is the largest and most famous motorcycle enthusiast event in the world, and which annually draws approximately half a million motorcycle enthusiasts and tourists to the City of Sturgis, South Dakota and surrounding Black Hills region of South Dakota and Wyoming. Opposer and its Affiliates use the BLACK HILLS Marks in the organization, operation, sponsorship, promotion and administration of the STURGIS Motorcycle Rally.

4. Consequently, through such usage and recognition, Opposer has acquired common law rights in and to the BLACK HILLS Marks as proprietary trademarks, which rights extend, without limitation, to the exclusive right to use such designations nationwide in conjunction with Opposer’s goods and services offered and sold under the BLACK HILLS Marks, and so as to prevent the use of confusingly similar marks in conjunction with related goods and services.

5. Opposer owns U.S. Reg. No. 3,955,170 for the mark BLACK HILLS®, covering goods and services in sixteen (16) classes, including, without limitation, the following:

- a. **International Class 16**, in connection with, *inter alia*, “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”, with use as early as 1987;

- b. **International Class 25**, in connection with, *inter alia*, “Clothing, namely, 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”, with use as early as 1986;
- c. **International Class 26**, in connection with, *inter alia*, “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”, with use as early as 1986;
- d. **International Class 35**, in connection with, *inter alia*, “Promoting sports and 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, all of the aforementioned goods relating to the STURGIS motorcycle rally”, with use as early as 2002;
- e. **International Class 41**, in connection with, *inter alia*, “Entertainment services in the nature of organizing, sponsoring, and conducting a motorcycle and vehicle exhibitions and rallies, all of the aforementioned goods relating to the STURGIS motorcycle rally”, with use as early as 2002.

6. Opposer also owns U.S. Reg. No. 4,301,562 for the mark BLACK HILLS®, covering goods and services in eight (8) classes, including, without limitation, the following:

- a. **International Class 06**, in connection with, *inter alia*, “Metal license plates, non-luminous and non-mechanical metal signs, all of the aforementioned goods relating to the STURGIS motorcycle rally”, with use as early as 1996;
- b. **International Class 09**, in connection with, *inter alia*, “Computer mouse pads, all of the aforementioned goods relating to the STURGIS motorcycle Rally”, with use as early as 2012;
- c. **International Class 18**, in connection with, *inter alia*, “Book bags, shoulder bags, all of the aforementioned goods relating to the STURGIS motorcycle rally”, with use as early as 2012;
- d. **International Class 35**, in connection with, *inter alia*, “Catalog, retail store, wholesale store services featuring a variety of general merchandise and products”, with use as early as 2010.

(all the above-listed registrations shall be referred to herein as “Opposer’s BLACK HILLS Registrations.”)

7. Opposer’s BLACK HILLS Registrations are valid, substituting and in full force and effect.

8. On November 6, 2013, Applicant filed the intent-to-use application at issue to register the term IT’S A BLACK HILLS THING! YOU WOULDN’T UNDERSTAND, ‘TILL YOU BEEN HERE! in connection with “Custom imprinting of T-shirts; Custom imprinting of bumper sticker with decorate designs; Custom imprinting of slogan 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” in International Class 40.

9. Applicant’s mark contains many words, the most prominent of which is identical to Opposer’s BLACK HILLS® mark and the first two words of Opposer’s BLACK HILLS MOTOR CLASSIC. The characteristics of Applicant’s mark create a false impression or connotation that Applicant and its services are associated, affiliated, approved, connected or sponsored by Opposer and/or the STURGIS Motorcycle Rally, and, moreover, these characteristics create a likelihood of confusion with Opposer and its BLACK HILLS Marks and the goods and services offered and sold thereunder.

10. Applicant’s goods and services are identical or substantially related to the goods and services offered and sold under and in connection with Opposer’s BLACK HILLS Marks and described in Opposer’s BLACK HILLS Registrations.

11. Accordingly, the Applicant’s mark, when used in connection with the goods and services listed in the application at issue, is likely to deceive or cause consumer confusion or mistake among members of the public and potential purchasers of the parties’ respective goods and services

as to the source or sponsorship of Applicant's goods and services in relation to Opposer and its goods and services.

12. Applicant's application for registration should be refused on the basis that it creates, in violation of 15 U.S.C. § 1125(a), a false designation of origin, or a false or misleading description of fact, or a false or misleading representation of fact, which is likely to cause mistake, or to deceive as to the affiliation, connection or association of the Applicant with the Opposer, the STURGIS Motorcycle Rally and Opposer's goods, services and commercial activities.

13. Applicant's application for registration should be refused on the basis that it consists of or comprises, in violation of 15 U.S.C. § 1052(d):

A mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive.

14. Opposer asserts, pursuant to 15 U.S.C. § 1063, that it will be damaged by the issuance of a registration for the IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU BEEN HERE! mark to Applicant as sought in U.S. Application Serial No. 86/112,261.

WHEREFORE, Opposer, Sturgis Motorcycle Rally, Inc., requests that the application for registration of Applicant's mark be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Dated: July 30, 2014

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jason M. Sneed", written over a horizontal line.

Jason M. Sneed, Esq.

Gina R. Iacona, Esq.
SNEED PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina 28036
Tel: 704-779-3611
JSneed@SneedLegal.com
Glacona@SneedLegal.com

*Attorney for Opposer, Sturgis Motorcycle
Rally, Inc.*

Certificate of Filing

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



An Attorney for Opposer

Date of Signature: July 30, 2014

Certificate of Service

The undersigned counsel of record hereby certifies that a copy of the foregoing *Notice of Opposition* was served by placing a copy in U.S. Mail, postage, prepaid, this 30th day of July, 2014 and addressed to the following:

Gary St. Martin Hansen
10079 Valley Rd. NE
Bainbridge Island, Washington 98110
Applicant



An Attorney for Opposer

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 48



ESTTA Tracking number: **ESTTA625180**

Filing date: **09/04/2014**

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

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	HANSEN, GARY, ST. MARTIN 10079 NE VALLEY RD BAINBRIDGE ISLAND, WA 98110-4309 stdrumr@Gmail.om
Submission	Answer
Filer's Name	Gary St. Martin Hansen
Filer's e-mail	stdrums@gmail.com
Signature	/Gary St. Martin Hansen/
Date	09/04/2014
Attachments	Answer to OppositionX-signed.pdf(116324 bytes)

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

In the matter of U.S. Trademark Application

Serial No. 86/112,261

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

Filed: November 6, 2013

Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally Inc.)	
)	
Opposer,)	
)	
v.	)	<u>Opposition No.: 91217630</u>
)	
Gary St. Martin Hansen	)	<u>Application No.: 86112261</u>
)	
Applicant,)	
_____)	

Registration No.:861122

Mark:

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

ANSWER TO NOTICE OF OPPOSITION

OPPOSER'S REGISTRATION NO. 3955170

Gary St. Martin Hansen ("Applicant") answers Sturgis Motorcycle Rally Inc. ("Opposer")

Notice of Opposition as follows:

I. Applicant admits that Opposer owns U.S. Trademark Registration No. 3955170

for Black Hills, in connection with The " Sturgis Motorcycle Rally ". the yearly
event held in Sturgis, South Dakota.

But, also admits that, on record, a previous Mark found in the USPTO TSDR

Trademark search engine : Black Hills, registered November 29, 1955, U.S Reg. 0616703, that is live, it's present owner being Amcol International Corp, Chicago Ill. in addition to some 34 other various Black Hills trademarks registered as "Black Hills" , or " Black Hills," included in their trademark names as well. Pending litigation, there is also a scheduled cancellation on the trademark "Black Hills," owned by Sturgis Motorcycle Rally Inc.

2. The allegation is denied. While Sturgis Motorcycle Rally Inc. has used the words Black Hills, a Lakota Sioux Nation name long established in their oral tradition and the Lakota Sioux language, the name "Black Hills," " Paha' Sa'pa, " and in the Cheyenne language " Mo' onta-vo' hana' aeva " translates " Black Hills." as documented in the 1868 U. S. Fort Laramie Treaty with the Cheyenne Nation.

The allegations of adoption and continual use are further denied in light that the trademark "Black Hills," was not registered, having been filed January 20, 2001, opposed September 3, 2002, and not receive U. S. Trademark Registration until March 12, 2013. The name in question, "Black Hills," of course, has been public domain used on maps, books, music and local businesses etc since the early 1800's.

3. The allegation is denied where as the Opposer, and it's licensee, the City of Sturgis, South Dakota, have any special rights to " The Sturgis Motorcycle Rally," which was started by the Jackpine Gypsies Motorcycle Club in 1938," because of their goodwill, and philanthropic work, and their relationship with the City of Sturgis, does not bestow Sturgis Motorcycle Rally Inc. the right to exclude product sales and oppose dozens of trademarks, and bring law suits against those who use the words "Black Hills" in their Mark, or, in their businesses etc. this, being unconstitutional, 1st Amendment etc, and the second being the existence the previous mention of the 1955 Mark, U.S Reg. 0616703, "Black Hills" live to date.

4. The allegation that Sturgis Motorcycle Rally Inc. has gained common law rights to the name Black Hills is only liken unto one who would somehow be granted the trademark “The United States of America.” and thus, gained the common law rights from having used, written, lived with, and done great things with that trademark. If “That is absurd”, is acceptable in the process of responding to the filed opposition, then that shall be my answer.

5. It may be that I clicked the goods and services buttons for reasons of the chance that should in the future there became a demand, I might prosper. Sturgis Motorcycle Rally Inc. is a non profit organization, as Dean Kinney explained to me when he spoke to me on the phone, a non- profit. Organization, which generally implies that they can sue you, but you can not sue them. I told Dean Kinney, that because they were non-profit organization, they could freely use my trademark free of licensing fee., which of course, would give credence to my book, and song, which is presently on iTunes, the book by the same title as my trademark available soon on Amazon, etc. A few days later Sturgis Motorcycle Rally Inc. attorney, Jason Sneed, filed their first “ext time to oppose,” of which they filed three, then the “opposition” was ultimately filed. I called Jason Sneed twice today. 9/2/2014, and said on his voice mail that I would agree to amending my Goods and Services to NO GOODS AND SERVICES, and would have told Jason Sneed this with the exception that I would reserve the right to sell my book anywhere in South Dakota, or where ever.

I have not receive a return call from Jason Sneed.

I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5. a I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.b I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.c I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.d I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.c I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6. Let me respond to the Goods and Services , International Class etc.

I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.a I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.b I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.c I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.d I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

And so, if Jason Sneed, or, Sturgis Motorcycle Rally Inc. would have agreed to withdrawing the Opposition to my trademark, I would have amended the goods and services accordingly, thus allowing my trademark to go forth, as I do fully realize that “It’s a Black hills Thing!” is a very catchy and marketable slogan, and this was the reason for the trademark, to protect the phrase, “ IT’S A BLACK HILLS THING! YOU WOULDN’T UNDERSTAND, ‘TILL YOU BEEN HERE! ... not so I could sell tee shirts in Sturgis.

7. I believe this allegation may be true for the time being, but the trademark should not have been registered to Sturgis Motorcycle Rally Inc because of the existing Black Hills trademark held by U.S Reg. No. 0616703 that was then and is still live to this date, and in effect since November 29, 1955, owned at the time by Alcom International when somehow Sturgis Motorcycle Rally Inc. received their trademark of the same name by the USPTO in 2013.

8. This allegation of “slogan messages” , and “imprinting messages”, is so far reaching that it, once again, can only be described as absurd and ludicrous.

9. This allegation is really the pot calling the kettle black. Opposer lists his trademark, and the words that are contained ... I see in the USPTO search these words over and over, Black Hills, Classic, Motor, etc. I only see two words contained in my trademark that is contained in their they have in their trademarks including the "Black Hills" Mark ... which could not cause any more than an inter-state sign that says "BLACK HILLS" is going to be confused with a biker style "Black Hills" tee shirt from Surgis.

10. I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

11. I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

12. I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

13. If my answers seem redundant, it is because the Opposer's assertions are thus.

14. It has never been in my master plan, including the filing of my trademark, to confuse, deceive, send messages, or damage, directly or indirectly, Sturgis Motorcycle Rally Inc., a non-profit organization, directly or indirectly, through the sale of merchandise, or otherwise.

WHEREFORE, the Applicant's "It's a Black Hills Thing ... you wouldn't understand til you been here," requests that you reject Sturgis Motorcycle Rally Inc. filed Opposition to the Applicants filed trademark, "It's a Black Hills Thing ... you wouldn't understand til you been here." And that this Applicant's Answer be found in favor of the Applicant.

Dated September 2, 2014

Respectfully Submitted,

Gary St. Martin Hunter

Gary St. Martin Hansen

Gary St. Martin Hansen
399 Lower Main West
Johnson, Vermont 05656
Tel: 206-319-8158
stdrumr@gmail.com
Representing the Applicant.

CERTIFICATE of FILING

The undersigned certifies that this correspondence is being filed via electronic means by filing with the Electronic System for Trademark Trials and Appeals.

Representing the Applicant

Date of Signature: September 4, 2014

CERTIFICATE of SERVICE

The undersigned representative and Applicant certifies that a copy of the foregoing Answer to Notice of Opposition was served by placing a copy in U.S Mail, postage, prepaid, this day of September 4, 2014 and addressed to the following:

Jason Sneed Esq.
610 Jetton Suit 120-107
Davidson, North Carolina, 28036
Tel: 704-779-3611
JSneed@SneedLegal.com
Attorney for Opposer, Sturgis Motorcycle
Rally Inc.

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 49



ESTTA Tracking number: **ESTTA630235**

Filing date: **10/01/2014**

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

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	GARY ST MARTIN HANSEN 399 LOWER MAIN WEST JOHNSON, VT 98110-4309 UNITED STATES stdrumr@Gmail.om
Submission	Motion to Amend Application
Filer's Name	Gary St. Martin Hansen
Filer's e-mail	stdrumr@gmail.com
Signature	/Gary St. Martin Hansen/
Date	10/01/2014
Attachments	G&S Amendment.pdf(63585 bytes)

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

In the matter of U.S. Trademark Application

Serial No. 86/112,261

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

Filed: November 6, 2013

Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally Inc.)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91217630 _____
)	
Gary St. Martin Hansen	)	Application No.: 86112261 _____
)	
Applicant,)	
_____)	

Registration No.:861122

Mark:

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

AMENDMENT OF GOODS AND SERVICES

1. Gary St. Martin Hansen ("Applicant") Amending Goods and Services via Essta online
September 30, 2014 This amendment is voluntary as agreed upon during the Discovery
Conference with Jason Sneed Attorney for Opposition 9/26/2014. Amend the Goods and
Services as follows;

Delete Goods and Services class 040 tee shirts, and amend to class 001 Bentonite.

Dated September 30, 2014

Respectfully Submitted,

Gary St. Martin Hansen
Gary St. Martin Hansen

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 50



ESTTA Tracking number: **ESTTA640606**

Filing date: **11/21/2014**

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

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	GARY ST MARTIN HANSEN 399 LOWER MAIN WEST JOHNSON, VT 98110-4309 UNITED STATES stdrumr@Gmail.om
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Gary St.Martin Hansen
Filer's e-mail	stdrumr@gmail.com
Signature	/Gary St. Martin Hansen/
Date	11/21/2014
Attachments	Amendment to Goods and Services RED-signed.pdf(81831 bytes)

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

In the matter of U.S. Trademark Application

Serial No. 86/112,261

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

Filed: November 6, 2013

Published: April 1, 2014

_____)	
Sturgis Motorcycle Rally Inc.)	
)	
Opposer,)	
)	
v.	)	Opposition No.: 91217630 _____
)	
Gary St. Martin Hansen	)	Application No.: 86112261_____
)	
Applicant,)	
_____)	

Registration No.:861122

Mark:

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

A REVISED MOTION TO AMEND GOODS AND SERVICES

1. Gary St. Martin Hansen ("Applicant") Amending Goods and Services via Essta online
November 21, 2014. This amendment is voluntary as agreed upon during the Discovery
Conference with Jason Sneed Attorney for Opposition 9/26/2014.

Amend the Goods and Services as follows;

Delete Goods and Services class 040 IC 040. US 100 103 106. G & S: 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,

and amend to:

class 001 Bentonite.

Dated November 21, 2014

Respectfully Submitted,
Gary St. Martin Hansen
Gary St. Martin Hansen

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
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v.)	Opposition No. 91217630
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Gary St. Martin Hansen,)	
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Applicant.)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 51



ESTTA Tracking number: **ESTTA656071**

Filing date: **02/16/2015**

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

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	GARY ST MARTIN HANSEN 399 LOWER MAIN WEST JOHNSON, VT 98110-4309 UNITED STATES stdrumr@Gmail.om
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Gary St.Martin Hansen
Filer's e-mail	stdrumr@gmail.com
Signature	/Gary St. Martin Hansen/
Date	02/16/2015
Attachments	Amend to Goods and Services 15-5Zpdf.pdf(105038 bytes)

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

In the matter of U.S. Trademark Application

Serial No. 86112261

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

Filed: November 6, 2013

Published: April 1, 2014

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Sturgis Motorcycle Rally Inc.)	
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v.)	Opposition No.: 91217630 _____
)	
Gary St. Martin Hansen)	Application No.: 86112261 _____
)	
Applicant,)	
_____)	

Registration No.:861122

Mark:

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

MOTION TO AMEND GOODS AND SERVICES :

1. Gary St. Martin Hansen ("Applicant") Amending Goods and Services via Essta online
February 16, 2015.

Amend the Goods and Services as follows;

Delete all material goods items under Goods and Services: class 040 IC 040. US

100 103 106. G & S: 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 and all material retail, wholesale and marketable items for sale ie key chains,... etc. and any T- shirt, and all garment embroidering services.

Amend to:

Services, Class 15,

Musical instruments:

- mechanical pianos and their accessories;
- musical boxes;
- electrical and electronic musical instruments.

2. The Applicant, previous owner of Jambo Drum Shop 710 Main Street, Rapid City, So Dak. ,57701 and St. Martin Music Main Street, Morrisville, .Vt 05656 . IN YET ANOTHER EFFORT TO APPEASE JASON SNEED, ATTORNEY FOR SMRI, and SMRI's many Opposition's to Goods and Services etc, thus, files this Motion to Amend Goods and Services to Services Class 15 (ONLY.)

3. The Applicant implores the Trial and Appeal Board to investigate the MANY Oppositions filed by SMRI and their attorney Jason Sneed, against some trademark applications, such as the Applicant's, and NOT others, for example, "Full Throttle Saloon ..."

4. This is Not an Abandonment of The Applicant's Application.

Respectfully Submitted by

Gary St.Martin Hansen

February 16, 2015

Certificate of Filing

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

Gary St. Martin Hansen

Date of Signature: February 16, 2015

Certificate of Service

I hereby certify that a true and accurate copy of Applicant's MOTION TO AMEND GOODS AND SERVICES has been served on the following by delivering said copy February 16, 2015, via First Class Mail, to counsel for Opposition at the following address:

Jason Sneed
Sneed PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina, 28036
704-779-3611
Attorney for Sturgis Motorcycle Rally Inc

Gary St. Martin Hansen

Date of Signature: February 16, 2015

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

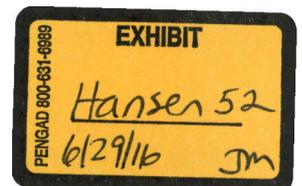
In the matter of Trademark Application Serial No. 86/112,261
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Gary St. Martin Hansen,)	
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Applicant.)	
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OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 52



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
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Gary St. Martin Hansen,)	
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Applicant.)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 53





IT'S A BLACK HILLS THING



YOU WOULDN'T UNDERSTAND... THE LINE BETWEEN...

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
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Applicant.)	
_____)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 54





Gary St. Martin · Photos in Cover Photos

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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
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Applicant.)	

OPPOSER

Sturgis Motorcycle Rally, Inc.

EXHIBIT 55





Gary St. Martin · Gary's Featured Photos

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