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Filing date: **07/01/2013**

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

Proceeding	92057242
Party	Defendant Bruce Odiorne II dba Elite Motorcycle Tours
Correspondence Address	BRUCE ODIORNE II DBA ELITE MOTORCYCLE TOURS 2788 COUNTY ROAD 302 DURANGO, CO 81301 UNITED STATES tau4969@yahoo.com
Submission	Motion to Dismiss - Rule 12(b)
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Date	07/01/2013
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Colorado Secretary of State
 Date and Time: 04/27/2012 04:01 AM
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Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Elite Motorcycle Tours LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

2788 County Road 228

(Street number and name)

Durango

(City)

CO

(State)

81301

(ZIP/Postal Code)

United States

(Province - if applicable)

(Country)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province - if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

United States Corporation Agents, Inc.

Street address

2 North Cascade, Suite 1100

(Street number and name)

Colorado Springs

(City)

CO

(State)

80903

(ZIP Code)

M&G 40896.0001 USTA TRADEMARK
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
Elite Motorcycle Tours)

Cancellation No. 92057242

Petitioner,)

Mark: **ELITE MOTORCYCLE TOURS**

v.

Reg. No.: 4,278,733

Bruce Odiorne II,)

d/b/a Elite Motorcycle Tours) Reg. Date: January 22, 2013

Registrant

MOTION TO Dismiss case #92057242 with Prejudice

Petitioner, Elite Motorcycle Tours, (“Petitioner”) is not the registered owner of the business name in the state of Colorado (see attached)

The Registrant has had this trademark in place since 1-22-2013 and originally filed in 5-08-2012. *Instruments SA Inc. v. ASI Instruments Inc.*, 53 USPQ2d

1925, 1927 (TTAB 1999) (cursory or conclusory allegations that were denied unequivocally by

the nonmovant and were not otherwise supported by the record did not constitute a showing of

good cause); *Luemme, Inc. v. D. B. Plus Inc.*, 53 USPQ2d 1758, 1760-61 (TTAB 1999)

In light of the above, Registrant requests that the Board deny Petitioners #92057242 claim and order Default Judgment in favor of Registrant.

Respectfully submitted,

Bruce Odiorne II

Owner – Operator of Elite Motorcycle Tours Inc.

2788 County Road 228

Durango, CO 81301

970-769-3478

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO OPPOSE REGISTRANT’S MOTION FOR EXTENSION OF TIME was served upon Registrant and the

following attorney of record for Registrant by electronic mail, this 1st day of July, 2013:

Respectfully submitted,

ELITE MOTORCYCLE TOURS

Date: July 1, 2013 /s/ *Dana P. Jozefczyk*
Dana P. Jozefczyk
MERCHANT & GOULD P.C.
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