

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: July 27, 2004

161,411

Opposition No. 91160180

Red Planet Management
Corporation d/b/a DeTemple
Guitars

v.

Fender Musical Instruments
Corporation

Opposition No. 91160351

Jason Lollar d/b/a Lollar
Guitars

v.

Fender Musical Instruments
Corporation

Opposition No. 91161267

Opposition No. 91161300

Opposition No. 91161329

Behringer USA, Inc.

v.

Fender Musical Instruments
Corporation

(as consolidated)

Opposition No. 91161269

First Act, Inc.

v.

Fender Musical Instruments
Corporation

Opposition No. 91161403

Stuart Spector Designs, Ltd.

v.

Fender Musical Instruments
Corporation

Opposition No. 91161405

U.S. Music Corporation

v.

Fender Musical Instruments
Corporation

Opposition No. 91161406

Warmoth Guitar Products, Inc.

v.

Fender Musical Instruments
Corporation

Opposition No. 91161411

Indoor Storm, Ltd.

v.

Fender Musical Instruments
Corporation

Opposition No. 91161413

Tradition Guitars, Inc.

v.

Fender Musical Instruments
Corporation

Opposition No. 91161420

Raise Praise, Inc., d/b/a Tom
Anderson Guitar Works

v.

Fender Musical Instruments
Corporation

Opposition No. 91161422

Schecter Guitar Research, Inc.

v.

Fender Musical Instruments
Corporation

Andrew P. Baxley, Interlocutory Attorney:

Fender Musical Instruments Corporation ("applicant")
seeks to register the following miscellaneous designs for
"guitar bodies" in International Class 15:

Application Serial No. 76515928, filed April 25, 2003, based on
use in commerce under Trademark Act Section 1(a), 15 U.S.C.
Section 1051(a), alleging 1949 as the date of first use and 1950
as the date of first use in commerce. The application includes a
claim of acquired distinctiveness under Trademark Act Section
2(f), 15 U.S.C. Section 1052(f), and a statement that "[t]he mark
consists of a fancifully shaped configuration of the body portion
of a guitar."

Application Serial No. 76516126, filed April 25, 2003, based on
use in commerce under Trademark Act Section 1(a), 15 U.S.C.
Section 1051(a), alleging 1954 as the date of first use and date

The thirteen above-captioned proceedings, in which there are eleven different opposers, have been instituted against one or more of applicant's involved applications.⁴

In view of the substantial number of oppositions based on essentially similar claims that have been brought against the involved applications,⁵ the Board, flowing from its inherent authority to control the scheduling of cases on its docket, finds that any and all issues relating to the pleadings in these proceedings and any proceedings based on essentially similar claims that may yet be commenced against the involved applications should be resolved before the

of first use in commerce. The application includes a claim of acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. Section 1052(f), and a statement that "[t]he mark consists of a fancifully shaped configuration of the body portion of a guitar."

⁴ Application Serial No. 76516127, filed April 25, 2003, based on use in commerce under Trademark Act Section 1(a), 15 U.S.C. Section 1051(a), alleging 1951 as the date of first use and 1957 as the date of first use in commerce. The application includes a claim of acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. Section 1052(f), and a statement that "[t]he mark consists of a fancifully shaped configuration of the body portion of a guitar."

⁵ Stuart Spector Designs, Ltd., the opposer in Opposition No. 91161403, has opposed registration of the proposed mark in application Serial No. 91516127. Raise Praise, Inc. d/b/a Tom Anderson Guitar Works, the opposer in Opposition No. 91161420, has opposed registration of the proposed marks in application Serial Nos. 76515928 and 76516126 only. The nine remaining opposers have opposed registration of the proposed marks in all three of the involved applications.

Any of the nineteen remaining potential opposers that have sought to extend their time to oppose registration of the proposed marks could receive extensions of time to oppose until September 13, 2004. See Trademark Rule 2.102(c)(3).

proceedings move any further forward. Accordingly, the above-captioned proceedings are hereby **suspended**, except for purposes of filing answers and motions related to the pleadings in these proceedings and any proceedings yet to be instituted against the involved applications.

Once answers are filed and issues related to the pleadings are resolved in all of the proceedings at issue, the Board will resume proceedings, commencing with discovery, and consider questions of consolidation and/or continued suspension of the proceedings. See Fed. R. Civ. P. 42(a); Trademark Rule 2.117(a); and TBMP Sections 510.02(a) and 511.