

# BIENSTOCK & MICHAEL, P.C.

-COUNSELORS AT LAW-

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May 18, 2006

## TTAB

**BY FACSIMILE (571) 273-4253  
AND REGULAR MAIL**

Andrew Baxley, Esq.  
Interlocutory Attorney  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

RE: Opposition No. 91162498 - Fender Musical Instruments Corporations'  
Trademark Application Serial Nos. 76515,928, 76/516,126, 76,516,127  
OUR FILE NO.: 30509

Dear Mr. Baxley:

Through a review of the attached TARR status sheets of the above-referenced trademark applications, which are the subjects of Opposition No. 91162498 currently pending before the TTAB, we see that the USPTO has once again registered these opposed marks in error. For your convenience, we have attached your letter dated May 27, 2005 advising us of the inadvertent registrations of these marks that took place last year.

We are hopeful that you may be able to expeditiously effectuate the correction and public notice of these registrations so that we may move forward without any further prejudice.

Thank you for your anticipated assistance in this matter.

Very truly yours,

Ronald S. Bienstock

RSB/nm

Enclosures

cc: Daniel A. Crowe, Esq. (by fax and mail)  
Randall S.D. Jacobs, Esq. (by fax)  
Opposers Group (by email)



05-22-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

Latest Status Info

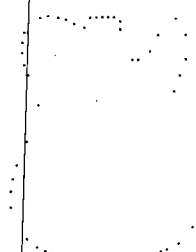
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-05-18 12:25:51 ET

Serial Number: 76515928 Assignment Information

Registration Number: 3091857 Assignment Information

Mark



Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-05-16

Filing Date: 2003-04-25

Transformed into a National Application: No

Registration Date: 2006-05-16

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-16

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Fender Musical Instruments Corporation

**Address:**

Fender Musical Instruments Corporation  
8860 E. Chaparral Road, Suite 100  
Scottsdale, AZ 85250  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 015**Class Status:** Active

Guitar bodies

**Basis:** 1(a)**First Use Date:** 1949-00-00**First Use in Commerce Date:** 1950-00-00

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**ADDITIONAL INFORMATION**

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**Description of Mark:** The mark consists of a fancifully shaped configuration of the body portion of a guitar.**Section 2(f)****Design Search Code(s):**

22.01.06 - Banjos; Guitars; Ukuleles

**Prior Registration Number(s):**

2051790

2053805

2100486

2215791

2531393

2534993

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2006-05-16 - Registered - Principal Register

2006-03-31 - Opposition terminated for Proceeding

2005-11-23 - Opposition dismissed for Proceeding

2005-11-23 - Opposition terminated for Proceeding

2005-11-23 - Opposition dismissed for Proceeding

2005-09-09 - Opposition dismissed for Proceeding

2005-08-03 - Registration canceled - Restored to pendency

2005-07-05 - FAX RECEIVED

2005-05-24 - Registered - Principal Register

## Latest Status Info

2005-03-22 - Opposition terminated for Proceeding  
2005-03-22 - Opposition dismissed for Proceeding  
2004-10-14 - Opposition instituted for Proceeding  
2004-10-14 - Opposition instituted for Proceeding  
2004-10-14 - Opposition instituted for Proceeding  
2004-10-14 - Opposition instituted for Proceeding  
2004-10-14 - Opposition instituted for Proceeding  
2004-09-24 - Opposition instituted for Proceeding  
2004-08-25 - Opposition terminated for Proceeding  
2004-08-25 - Opposition terminated for Proceeding  
2004-08-25 - Opposition dismissed for Proceeding  
2004-07-30 - Opposition instituted for Proceeding  
2004-07-30 - Opposition instituted for Proceeding  
2004-07-30 - Opposition instituted for Proceeding  
2004-07-28 - Opposition instituted for Proceeding  
2004-07-23 - Opposition instituted for Proceeding  
2004-07-23 - Opposition instituted for Proceeding  
2004-07-23 - Opposition instituted for Proceeding  
2004-07-23 - Opposition instituted for Proceeding  
2004-07-23 - Opposition instituted for Proceeding  
2004-07-23 - Opposition instituted for Proceeding  
2004-07-15 - Opposition instituted for Proceeding  
2004-07-15 - Opposition instituted for Proceeding  
2004-07-15 - Opposition instituted for Proceeding  
2004-07-15 - Opposition instituted for Proceeding  
2004-05-03 - PAPER RECEIVED  
2004-04-30 - Opposition instituted for Proceeding

Latest Status Info

- 2004-04-23 - TEAS Change of Correspondence Received
- 2004-04-16 - Opposition instituted for Proceeding
- 2004-04-09 - Extension Of Time To Oppose Received
- 2004-03-16 - Published for opposition
- 2004-02-25 - Notice of publication
- 2004-01-07 - Approved for Pub - Principal Register (Initial exam)
- 2004-01-07 - EXAMINERS AMENDMENT E-MAILED
- 2003-12-02 - Case file assigned to examining attorney
- 2003-10-31 - Communication received from applicant
- 2003-11-03 - Email Received
- 2003-10-14 - Non-final action e-mailed
- 2003-10-03 - Case file assigned to examining attorney

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**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Michael N. Levy (Attorney of record)

DANIEL A. CROWE  
BRYAN CAVE LLP  
211 NORTH BROADWAY, SUITE 3600  
ST. LOUIS, MO 63108

**Phone Number:** (314) 259-2000

**Fax Number:** (314) 259-2020

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Latest Status Info

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-05-18 12:27:16 ET

Serial Number: 76516126 Assignment Information

Registration Number: 3091858 Assignment Information

Mark

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-05-16

Filing Date: 2003-04-25

Transformed into a National Application: No

Registration Date: 2006-05-16

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-16

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Fender Musical Instruments Corporation

**Address:**

Fender Musical Instruments Corporation  
8860 E. Chaparral Road, Suite 100  
Scottsdale, AZ 85250  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 015**Class Status:** Active

Guitar bodies

**Basis:** 1(a)**First Use Date:** 1954-00-00**First Use in Commerce Date:** 1954-00-00

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**ADDITIONAL INFORMATION**

---

**Description of Mark:** The mark consists of a fancifully shaped configuration of the body portion of a guitar.**Section 2(f)****Design Search Code(s):**

22.01.06 - Banjos; Guitars; Ukuleles

**Prior Registration Number(s):**

2051790

2053805

2100486

2215791

2531393

2534993

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

2006-05-16 - Registered - Principal Register

2006-03-31 - Opposition terminated for Proceeding

2005-11-23 - Opposition dismissed for Proceeding

2005-11-23 - Opposition terminated for Proceeding

2005-11-23 - Opposition dismissed for Proceeding

2005-09-09 - Opposition dismissed for Proceeding

2005-08-03 - Registration canceled - Restored to pendency

2005-05-24 - Registered - Principal Register

2005-03-22 - Opposition terminated for Proceeding

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Latest Status Info

- 2005-03-22 - Opposition dismissed for Proceeding
- 2004-11-15 - Opposition instituted for Proceeding
- 2004-10-14 - Opposition instituted for Proceeding
- 2004-10-14 - Opposition instituted for Proceeding
- 2004-10-14 - Opposition instituted for Proceeding
- 2004-10-14 - Opposition instituted for Proceeding
- 2004-10-14 - Opposition instituted for Proceeding
- 2004-10-14 - Opposition instituted for Proceeding
- 2004-08-25 - Opposition terminated for Proceeding
- 2004-07-30 - Opposition instituted for Proceeding
- 2004-07-30 - Opposition instituted for Proceeding
- 2004-07-30 - Opposition instituted for Proceeding
- 2004-07-28 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-23 - Opposition instituted for Proceeding
- 2004-07-19 - Opposition instituted for Proceeding
- 2004-07-15 - Opposition instituted for Proceeding
- 2004-07-15 - Opposition instituted for Proceeding
- 2004-05-03 - PAPER RECEIVED
- 2004-04-30 - Opposition instituted for Proceeding
- 2004-04-23 - TEAS Change of Correspondence Received
- 2004-04-16 - Opposition instituted for Proceeding
- 2004-04-09 - Extension Of Time To Oppose Received
- 2004-03-16 - Published for opposition



Latest Status Info

- 2004-02-25 - Notice of publication
- 2004-01-07 - Approved for Pub - Principal Register (Initial exam)
- 2004-01-07 - EXAMINERS AMENDMENT E-MAILED
- 2003-11-18 - Case file assigned to examining attorney
- 2003-10-31 - Communication received from applicant
- 2003-11-03 - Email Received
- 2003-10-14 - Non-final action e-mailed
- 2003-10-03 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Michael N. Levy (Attorney of record)

DANIEL A. CROWE  
BRYAN CAVE LLP  
211 NORTH BROADWAY, SUITE 3600  
ST. LOUIS, M, 63108

**Phone Number:** (314) 259-2000

**Fax Number:** (314) 259-2020

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Latest Status Info

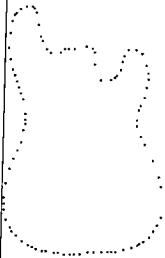
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-05-18 12:27:30 ET

Serial Number: 76516127 Assignment Information

Registration Number: 3091859 Assignment Information

Mark



Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-05-16

Filing Date: 2003-04-25

Transformed into a National Application: No

Registration Date: 2006-05-16

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-16

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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**Address:**

Fender Musical Instruments Corporation  
8860 E. Chaparral Road Suite 100  
Scottsdale, AZ 85250  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

---

**International Class:** 015**Class Status:** Active

Guitar bodies

**Basis:** 1(a)**First Use Date:** 1951-00-00**First Use in Commerce Date:** 1957-00-00

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**ADDITIONAL INFORMATION**

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**Description of Mark:** The mark consists of a fancifully shaped configuration of the body portion of a guitar.**Section 2(f)****Design Search Code(s):**

22.01.06 - Banjos; Guitars; Ukuleles

**Prior Registration Number(s):**

2051790

2053805

2100486

2215791

2531393

2534993

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2006-05-16 - Registered - Principal Register

2006-03-31 - Opposition terminated for Proceeding

2005-12-19 - FAX RECEIVED

2005-11-23 - Opposition dismissed for Proceeding

2005-11-23 - Opposition dismissed for Proceeding

2005-11-23 - Opposition terminated for Proceeding

2005-11-23 - Opposition dismissed for Proceeding

2005-09-09 - Opposition dismissed for Proceeding

2005-08-03 - Registration canceled - Restored to pendency

Latest Status Info

2005-01-25 - FAX RECEIVED

2005-05-24 - Registered - Principal Register

2005-03-22 - Opposition terminated for Proceeding

2005-03-22 - Opposition dismissed for Proceeding

2004-10-14 - Opposition instituted for Proceeding

2004-10-14 - Opposition instituted for Proceeding

2004-10-14 - Opposition instituted for Proceeding

2004-10-14 - Opposition instituted for Proceeding

2004-09-29 - Opposition instituted for Proceeding

2004-09-29 - Opposition instituted for Proceeding

2004-09-24 - Opposition instituted for Proceeding

2004-09-13 - Opposition terminated for Proceeding

2004-08-25 - Opposition terminated for Proceeding

2004-07-30 - Opposition instituted for Proceeding

2004-07-30 - Opposition instituted for Proceeding

2004-07-30 - Opposition instituted for Proceeding

2004-07-28 - Opposition instituted for Proceeding

2004-07-23 - Opposition instituted for Proceeding

2004-07-23 - Opposition instituted for Proceeding

2004-07-23 - Opposition instituted for Proceeding

2004-07-23 - Opposition instituted for Proceeding

2004-07-23 - Opposition instituted for Proceeding

2004-07-23 - Opposition instituted for Proceeding

2004-07-20 - Opposition instituted for Proceeding

2004-07-15 - Opposition instituted for Proceeding

2004-05-03 - PAPER RECEIVED

2004-04-30 - Opposition instituted for Proceeding

Latest Status Info

- 2004-04-23 - TEAS Change of Correspondence Received
- 2004-04-16 - Opposition instituted for Proceeding
- 2004-04-09 - Extension Of Time To Oppose Received
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- 2003-11-03 - Email Received
- 2003-10-14 - Non-final action e-mailed
- 2003-10-03 - Case file assigned to examining attorney

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**CORRESPONDENCE INFORMATION**

---

**Correspondent**

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**Fax Number:** (314) 259-2020

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COPY

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Baxley

Mailed: May 27, 2005

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

Opposition No. 91161486

JS Technologies, Inc.

v.

Fender Musical Instruments  
Corporation

COPY

Opposition No. 91161518

W D Music Products, Inc.

v.

Fender Musical Instruments  
Corporation

Opposition No. 91161519

Sadowsky Guitars Ltd.

v.

Fender Musical Instruments  
Corporation

Opposition No. 91161520

The ESP Guitar Company

v.

Fender Musical Instruments  
Corporation

Opposition No. 91162245

Opposition No. 91162246

Opposition No. 91162923

Hoshino Gakki Co., Ltd. and  
Hoshino USA, Inc.

v.

Fender Musical Instruments  
Corporation

Opposition No. 91162312

Lakland Musical Instruments,  
LLC

v.

Fender Musical Instruments  
Corporation



Opposition No. 91162313

Michael Tobias

v.

Fender Musical Instruments  
Corporation

Opposition No. 91162483

Richard Keldsen

v.

Fender Musical Instruments  
Corporation

Opposition No. 91162484

MBT International, Inc.

v.

Fender Musical Instruments  
Corporation

Opposition No. 91162485

Levinson Music Products Ltd.

v.

Fender Musical Instruments  
Corporation

Opposition No. 91162497

James Triggs

v.

Fender Musical Instruments  
Corporation

COPY

Opposition No. 91162498

Peavey Electronics Corporation

v.

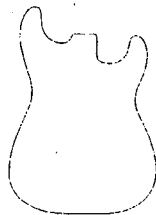
Fender Musical Instruments  
Corporation

**Andrew P. Baxley, Interlocutory Attorney:**

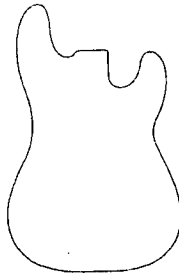
It has come to the attention of the Board that, due to a clerical error by the Patent and Trademark Office, Trademark Registration No. 2954226 (application Serial No. 76515928), for the following mark



Trademark Registration No. 2954228 (application Serial No. 76516126), for the following mark



and Trademark Registration No. 2954229 (application Serial No. 76516127), for the mark



were inadvertently issued on May 24, 2005. The registrations issued inadvertently after notices of opposition had been timely filed with the Trademark Trial and Appeal Board.

Accordingly, the above-identified applications will be forwarded to the Office of the Commissioner for Trademarks for appropriate action.

The parties are advised, however, that the opposition proceeding will go forward in the usual manner and in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations.

Dates remain as last reset by way of the Board's March 25, 2005 order.