

COPY

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February 28, 2005

Andrew Baxley, Esq.  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
Alexandria, VA 22313-1451

162498

**RE: Opposition Proceedings Against Fender Musical Instruments Corporation's  
Trademark Applications Serial Nos.: 76515828, 76516126, 76516127  
OUR FILE NUMBER: 30509**

Dear Mr. Baxley,

Pursuant to the recent correspondence from the Trademark Trial and Appeal Board ("the Board") dated January 27, 2005, the Board intends to consolidate as many of the pending opposition proceedings against Fender Musical Instruments Corporation (hereinafter FMIC) as possible. The Board has allowed thirty (30) days for all parties opposing the above-referenced applications to choose a mutually acceptable lead counsel for the proceedings. It is noted by the Board, in footnote two of the January 27<sup>th</sup> correspondence, that our firm represents 18 of the 22 parties. Therefore, with the additional consent of two more parties, we have assumed the role of lead counsel.

As lead counsel Bienstock & Michael P.C. represents the following twenty (20) opposers:

- 1) U.S. Music Corp.
- 2) Peavey Electronics Corporation
- 3) The ESP Guitar Company
- 4) Schecter Guitar Research, Inc.
- 5) Tradition Guitars Inc.
- 6) Sadowsky Guitars Ltd.
- 7) Saga Musical Instruments

- 8) Warmoth Guitar Products Inc.
- 9) W D Music Products, Inc.
- 10) Michael Tobias Design, LLC
- 11) Stuart Spector Designs, Ltd.
- 12) JS Technologies, Inc.
- 13) Levinson Musical Products Ltd.
- 14) James Triggs Guitars
- 15) Raise Praise d/b/a Tom Anderson Guitar Works
- 16) Lakland Musical Instruments, LLC
- 17) Indoor Storm, Ltd.
- 18) MBT International, Inc.
- 19) First Act Inc.
- 20) Hoshino Gakki Co., Ltd and Hoshino USA

The following parties remain outside of the intended consolidation and correspondence will remain with their respective authorized representative or through their attorney:

- 1) Jason Lollar d/b/a Lollar Guitars
- 2) DeTemple Guitars

Finally, please send all correspondence on behalf of the twenty (20) parties aforementioned to the address referenced below. Thank you for your time and consideration in this matter and we invite you to contact us with any questions, comments or concerns that you may have regarding this matter.

By email:  
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Very truly yours,



Daniel S. Schuman

RSB/dss  
cc: Opposers Group

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**F A X C O V E R S H E E T**

**DATE: MARCH 22, 2005**

**RE: FENDER OPPOSITION**

**OUR FILE NO.: 30509**

**TO: Mr. Andrew Baxley, ESQ.**

**FAX: (571) 273-4253**

**FROM: Daniel Schuman, ESQ.**

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Mr. Baxley,

Pursuant to your request, please find attached a copy of the lead counsel/consolidation letter dated February 28, 2005. If you have any questions or concerns please let us know.

Respectfully,

Daniel Schuman